

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JUNE 19, 2000**

President of Council Jean Brown called the meeting to order at 7:30 P.M. with the Invocation and the Pledge to the Flag.

President Brown: Roll call please.

ROLL CALL

Present were Council Members: Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski, David Gillock and Jean Brown.

Also, present were Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Engineer Stewart Lovece, Auditor Chris Costin and Clerk of Council Jim White.

Absent was Mayor Deanna Hill.

MINUTES

President Brown: Please note the Minutes for the June 5th Regular Council Meeting.

motion by Swindig to accept the Council Meeting Minutes of June 5, 2000, 2nd by Borocz

President Brown: Any discussion? Any corrections?

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for the Minutes of June 5th.

President Brown: Please note:

Board of Zoning and Building Appeals Minutes of May 25, 2000 and
Board of Drainage and Flood Control Minutes of May 24, 2000.

COMMITTEE REPORTS

President Brown: Committee Reports Clerk.

- 1) BUILDINGS & LANDS COMMITTEE REPORT #7020 We have considered the matter of vacating 135.61 feet, east end of Poplar to Jaycox, and recommend that this request be approved and T 70-2000 be approved by Council.

Signed: Chairman Larry Overby, G. David Gillock and Allen C. Swindig
motion by Overby to accept, 2nd by Borocz

President Brown: Discussion? None. Take roll please.

Yes, 7 No, 0

- 2) BUILDINGS & LANDS COMMITTEE REPORT #7021 We have considered the matter of T 38-2000 and recommend that this request be approved and T 38-2000 be returned to Council and receive its Third Reading as introduced.

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Signed: Chairman Larry Overby, G. David Gillock and Allen C. Swindig
motion by Gillock to accept, 2nd by Overby

President Brown: Discussion? Seeing none, roll please.

Yes, 7 No, 0

President Brown: Motion carries 7-0, therefor, T 38-2000 will receive Third Reading tonight.

- 3) BUILDINGS & LANDS COMMITTEE REPORT #7022 We have considered the matter of final plans for Deerfield Subdivision II and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairman Larry Overby, G. David Gillock and Allen C. Swindig
motion by Overby to accept, 2nd by Swindig

President Brown: Discussion? Seeing none, roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

- 4) FINANCE COMMITTEE REPORT #7023 We have considered the matter of amending Ordinance 3497-99 by adding \$400,000.00 and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairman Allen C. Swindig, Larry Overby and Bernadine Butkowski.
motion by Swindig to accept, 2nd by Overby

President Brown: Any discussion? Seeing none, roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

- 5) BUILDINGS & LANDS COMMITTEE REPORT #7024 We have considered the matter of T 82-2000 and recommend that this request be denied.

Signed: Chairman Larry Overby, G. David Gillock and Allen C. Swindig.
motion by Overby to accept, 2nd by Swindig

President Brown: Discussion? Mrs. Minnick.

Council Member Minnick: I have some comments on this. At the May 15TH Council Meeting I asked Mr. Zagrans what takes precedence, the Charter or an Ordinance? Mr. Zagan's reply was, "If there is a conflict then the Charter takes precedence." In reviewing the July 6TH 1999 Council Minutes, Mr. Zagrans stated, "I understand that there will be a question coming before Council this evening on a rezoning issue and I would like to advise and remind the Council Members of the following. Rezoning issues, as Council Members are aware, are separate and distinct issues from a development plan for a particular piece of property. I want to assure Council that Council is the ultimate authority when it comes to adopting and approving or conversely rejecting a development plan. Development plan for a piece of property would have to go to Planning Commission for approval. It would then theoretically also be submitted to the Buildings and Lands Committee by the President of Council and come to Council for a vote. The Council would pass on the report of the Buildings and Lands Committee. Council would also pass upon the plan or recommendation of the Planning Commission. So, Council is going to

get the question of how the parcel of land is going to be developed, but that is a separate issue from the issue that is presented for your consideration tonight of the rezoning. Those are two separate issues. They cannot be co-mingled together pursuant to the provisions of 3.12 of the City Charter." According to Mr. Zagrans interpretation of the Kingston Ordinance, approving the preliminary plan, the PCD ordinance automatically rezones the property from R-1 to PCD. However, it is clear that this interpretation of the Ordinance is in conflict with the Charter and according to Mr. Zagrans's May 15TH comments, the charter takes precedence. According to our By-Laws, legislation can be introduced by any Member of Council or the Mayor. Legislation from any other person shall be referred to a Committee for study. So this piece of legislation should not have had to go to Buildings and Lands because it was introduced by me, a Council Person. It should have three readings so the rest of Council can vote on it. Thank you.

President Brown: Any other discussion? Roll please.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries 5-2 that #7024 is denied. That's all the Committee Reports that I have.

President Brown: Okay.

Council Member Butkowski: Madam Chairman, the secretary said that this T 38-2000 was going to be returned to Third Reading tonight. I thought that's why you changed the Agenda to take that off.

Council Clerk White: I did, ma'am. It could not be on Third Reading unless the Committee Report was approved. Once the Committee Report approved it now goes to Third Reading. I can't put it on the agenda before you guys approve it. Okay?

Council Member Butkowski: All right.

Council Clerk White: Thank you.

MAYORS REPORT

President Brown: Mayor's Report.

Safety-Service Director Johnson: In the absence of the Mayor I will do her report.

Cleveland Magazine

Cleveland Magazine annually rates communities in the Greater Cleveland area. This year they rated 65 suburbs based on safety services, education, housing and housing appreciation, environment and recreation. We are extremely pleased to report that our City was rated # 8, the only community in Lorain County to be among those listed in the top 15! I think this speaks volumes about our community and how far we've come. Congratulations, to us.

Traffic Lights

In a recent Letter to the Editor, Mr. Chris Crobaugh accuses the Mayor of holding the City liable by permitting the traffic lights at Case and Center Ridge Road and Dyke and Center Ridge Road, to operate. Actually, Mr. Crobaugh had contacted ODOT to object to those lights and received a copy of a letter to the Mayor from ODOT dated December 28, 1999. The letter makes it quite clear, and the Mayor quotes, "Within local jurisdictions, the Ohio Revised Code assigns the

responsibility of regulating and controlling traffic through the application of traffic control devices to the local authorities.” While Mr. Crobaugh requested the Director of Transportation to remove the subject traffic signals, the Department wrote, “Ohio Revised Code states “The director of transportation may require to be removed any traffic control device that does not conform to the manual and specifications for a uniform system of traffic control devices on the extensions of the state highway systems within municipal corporations.” Since the term “may” is a permissive condition, it places no requirement upon the Director and leaves any action at his discretion. The Director of Transportation has taken the position to advise local authorities of their responsibilities in the matter, “on highways within their jurisdiction.” It is then further written that with federally funded projects, such as the Center Ridge lights on the east side of our City, then the local municipality has no option and no discretion. The letter closes with the statement, “The Ohio Department of Transportation has adopted the role of an advisor” and they offered their guidance and assistance. The traffic lights at Case and Dyke were found to be unwarranted, specifically by number of vehicles only. The high ridge and obstructions for view by automobiles and especially school buses was not part of the traffic study. Therefore, the lights will remain in the interest of the safety of the families and children who travel through both intersections.

Cavs Legends

On Saturday, the Cavs Legends, some real head liners from prior years that I have to admit I didn’t know who they were until some of them were explained to me, played our City representatives under the direction of Sonja Walden from Parks and Rec Department. The crowd wasn’t huge, but it was great fun and the Legends were pleasant gentlemen. The Mayor has asked if they will return back next year.

Road Salt

You will see T 86-2000 on your agenda tonight. It authorizes the Mayor to enter into an agreement with ODOT for the purchase of salt. We have been contracting through ODOT for two or three years now so this is a continuation. A few years ago, our purchase price was over \$38 a ton without the agreement. I am certain it has gone up since then. However, through ODOT we paid a little over \$22 a ton last year. This amounts to a huge savings for our taxpayers. The paperwork is DUE on July 16th so to guarantee adequate time, passage by emergency tonight would be appreciated.

That concludes the report.

President Brown: Are there any questions regarding the Report? Seeing none, we’ll move on to the Safety-Service Director, Mr. Johnson.

SAFETY SERVICE DIRECTOR’S REPORT

Accomplishments for two weeks ending June 18, 2000

PATCHING, PAVING & CRACK SEALING:

The streets patched with hot asphalt are: Mills Road, Fern Tree, Meadow Moss, Creekside,

White Oak Way, Mildred and side streets off Main, Broad and Pleasant.
Spot patching was performed on Barres, Rose, Shaw and Marsh Place.
Concrete pads were dug up and replaced on Ronald.
The following streets were paved the week of June 5th: Mildred and the asphalt section of Poplar.

CONSTRUCTIONS & DITCHING:

There has been a problem with the cross over pipe on Glen Drive at Lear Nagle Road contributing to the flooding of the area. This pipe has been up sized and reinstalled. Ditch cleaning and pipe installation was performed at 5443 Broad, 5241 Jaycox, 4910 Lear Nagle, 5881 Olive, 32155 Mills Road and several address on Fairacres.
There was a storm drain problem at 6381 Avon Belden. A section of pipe was missing, and this pipe was re-installed.
The school bus garage requested that the turn around at Dyke and Edwin Avenue be looked at and repaired. This has been done.

WATER BREAKS AND HYDRANT REPAIRS:

There were no water breaks in the last two weeks.

CATCH BASINS:

Catch basins were installed and repaired at 6718 Case Road.

MISCELLANEOUS:

The sewer jet was used in the following areas: Sanitary Lines: Olive, Rosebelle, Lee, Palmer Field and Bainbridge Road to Robinson ditch interceptor. Storm Lines: Bagley, Nicole, Cook, Eastview, two spots on Route 83, Maddock, Creekside, Ridgeview Boulevard and Miller at Gail. Roadside mowing and weed whipping took place throughout the city when the weather and manpower allowed.
The chipper unit was used in several areas of the City due to storm damage.
Landscaping was done at Route 83 at Lorain Road, Rosebelle, Laurel Circle and Poplar.
The newly paved streets of Hadaway and Helen have been bermed.
There were numerous calls of backyard and roadway flooding. In addition, a handful of homes reported infiltration into their residence.
The Engineer will address the problems of flooding and the procedures to correct them later today. Mid-day Friday I received a call from Dennis Boose regarding the safety issues at Shady Drive complex. Mr. Spaulding returned from vacation this morning and was informed of these issues. That concludes my report.

President Brown: Thank you, Mr. Johnson. Any questions of the Safety-Service Director's Report. Seeing none, going on to Mr. Lovece, the Engineer.

ENGINEER'S REPORT

Engineer Lovece: Thank you, Madam President. I have quite a few things this evening. Firstly, there was an article in the Plain Dealer June 7th of this year, obviously, regarding grading backlog frustrates residents. I just wanted to make a few comments on this article. It mentions there's a lot of outstanding final grades that were not completed by the builders. We researched the files. A lot of them were just missing paperwork that the builders had to get to the City. I'm pleased to say that in recent weeks there's been a flurry of final grades submitted to the City and the process has been greatly accelerated. The way the article reads is that everyone is going to flood out if the grade is not done right. Yes, in the very, very extreme, if grading is severely deficient it can contribute to flooding. That's in the very extreme and I wanted to stress that. The article makes it sound like everyone is going to flood out and that's not so. One other thing with the article, in the picture they show gravel fill going to the top of the ground. That would not be desirable to have gravel fill, this is for the footer tile around the basement. Sure, you want gravel around a pipe but you don't want gravel to come up all the way to the top. You want at least the top foot sealed off with clay and get the water away from the foundation. The footer tiles for the sub-surface water in most situations you do not want the gravel to go to the top. There's always good things that come out of these articles. Actually, the BIA, Builders Industry Association, called me up and they recommended the City have a training session for the builders. I thought that was an excellent idea where the City and the builders can get together and we can discuss, perhaps in a room like this, some of the requirements, what we're looking for. That will help make their job a little easier and make ours easier. One other thing, too, that we're going to look at is changing our ordinance for final grades. Right now there's a \$1,000.00 grading bond. I would recommend increasing that. Just like inflation eats away at everything, that \$1,000.00 grading bond may not be enough leverage. In all fairness to the builders, there has to be, perhaps, more time. When you get weather like this, certainly, you can't do the grading you want in the time frame. Right now we have a six month window but we may have to add something in there, weather permitting as decided by the Engineer or Building Official. Some good things will come out of it and obviously the first thing that came out of it is there's an increase in the amount of activity from the builders in getting the information to the City in a timely manner. I look forward to this training session. I think that's a great idea that the BIA mentioned.

Next topic, Bainbridge Road, and this is a little similar. Progress is going slow with that. The reason, rain. The contractor is trying to grade the soil under the road and every time he goes to do that, he's trying to get compaction, and bam, we get another two inches of rain. That has impacted that project. Really, there's no solution but to pray for less rain.

Next topic, Wallace Boulevard water main. We opened bids last week. The low bidder was Campbell Construction. The bid was, I believe, \$279,075.00, well within budget. We look forward to that contractor. We're going to try to get him in late this month or early next month to start the work.

Next topic, rain. We had 2 ½ to 2 ¾ inches of rain in two hours on June 12th and then it rained a little bit every day. Then it rained heavy this week on the 16th, the 17th, the 18th. I don't know what the combined rain was this weekend, maybe four inches. We had a lot of rain in a short amount of time where the ground was already saturated. You're going to have some problems. I'm going to list some of the problems and the solutions to the problems. First, the east end of Bagley Road had some back up. Bagley Road drains south to a tributary of French Creek, south of Bagley Road about 300 feet. There was a partially collapsed bridge that the Service Department has either removed all or part of it today and the homeowner was very cooperative. Thanks to the homeowner, too. And there's also some undersized and/or partially clogged pipes that drain from Bagley to the creek and we'll be cleaning those in the near future, probably this week and camera one of them. Mills Creek at south Lear Nagle. There was some backup there. That's the only major ditch in town that gave us any problem at all that I'm aware of, is that section of Mills Creek that I mentioned in the last meeting, just north of Chestnut. Every other creek worked. Every project that we worked on worked wonderfully. Mills Creek, for the most part worked well. French Creek worked excellent, no major problems. Ridgeway Ditch same thing as far as I know. That dam that we constructed several year ago, this is the highest it came. I think, it's hard to see, I was looking at it today, it may have actually topped the dam slightly this weekend. So we had a real blaster. So we have a little problem in Mills Creek at south Lear. Where's the problem? I identified it in the last meeting. It's at 6601 south Lear. There's a bridge. Now I sent a letter about two weeks ago to the homeowner. They moved out of town. They moved to Lakewood so we got it back in the mail and we sent it out again. If we don't get an answer soon we're going to have to remove the bridge. All it is, it's a bridge so they can mow the grass in the back. The bridge is going to be removed one way or another. For the sake of the people that live in the Hershey/Steinbeck/Dickens area, that will be a great help. So, the bridge is a bottleneck. I observed it backed the water up about two feet. You have a chain, a ditch is like a chain, you have one break in that chain, one weak link, it affects the whole circuit. We also, we're going to hire a contractor, I don't think we'll have to bid it, I think we'll try to keep it under \$15,000.00. We're going to cut through rock, in Mills Creek, in that area. We're probably going to hire Midview Excavating and they'll have to get a machine that we don't have, a very heavy, a huge jackhammer that you put on a backhoe, they call it a hoe ram, but that's the way to handle that. So we've got to bust through rock. What's happening with that section of Mills Creek that drains part of Hershey Circle and I think it's Dickens. What that does, when Mills Creek backs up, it backs into that neighborhood and then it starts flowing actually into the French Creek circuit, so what happens with these heavy rains, that section of Mills Creek is backing up and finding a way back through that development which ends up into Gail. You get some heavy water flowing in that direction, improving the downstream channel with Mills Creek will help and what I'm probably going to do is just add a little dirt mound to separate the two circuits. I don't want one creek to back up into another creek. I want each creek to handle its water separately.

Next topic, excessive water on Chennault. Some of that's due to the contractor. The contractor was advised, meaning the Bainbridge Road contractor. The contractor was advised to maintain

temporary drainage. It's in their contract. They have to keep all the existing drains open and functional until the new roadside drainage is functional. Right now, it won't be done until both sides of Bainbridge Road are graded and the new asphalt and curbs and gutters installed. There were some complaints about Hollywood Video. I looked at it today. Some of the swales need to be cleaned. We're advising them. There's been a problem at the intersection of Cook and Lorain Road on the southwest side. Our sewer camera found a piece of plywood blocking the pipe about 95%. Shortly we'll be removing that. We identified a lot of these problems and an economical way to solve the problems. One thing, too, and this involves Avon, some of the water that runs north along French Creek is moving very slow. We will be talking to Avon officials to find out if there's any problems in Avon. It seems to be moving slower than usual. It does move slow to begin with. I understand there's some problems on Broad and I'd like to see some of the pictures of that where we can diagnose that. Once again, I'm really pleased that the major systems work. These types of rain, in fact here's a picture of a street in Elyria that had 8 ½ inches of water and I know we did much better than our neighbors because we're better. That's my opinion.

Next topic, the new water tower. Before you tonight there is legislation for T 84-2000 amending the ordinance to raise the amount from \$2.8 to \$3.3 million. I'll be explaining that right now. First, City Hall, there's about 19,000 square foot of offices in City Hall. There's a definite need for an expansion. Just about every department is crowded and there's been new employees over the years taken on and we've renovated Council Chambers, the Clerk of Council offices and so on, so the City keeps growing but we haven't really increased our offices very much in recent years. Very little, as a matter of fact. What we're proposing is killing two birds with one stone. Okay, we're going to build a water tower but we're also proposing the possibility of adding 15,000 square feet of offices with this legislation. Now what it involves, last Council meeting I asked for \$200,000.00 extra and I explained how things went over budget with the construction of water towers in recent years so we needed \$200,000.00 extra. What I'm asking for today, which I said I would, I would separate it, we're asking for \$300,000.00 more which will include structural steel for the construction of two floors, a stiffening of the tank wall, and I'll bring this picture of a tank up, this model rather. The tank wall, this wall, has to be stiffened. We want to put structural steel in for two floors and have the building have offices in the City Hall. The foundation has to be strengthened because it has to accommodate the weight of the two additional floors, and that extra would cost \$300,000.00 more. Some good questions were raised. What would it cost to build those offices versus what does it cost to build a separate building. I have estimates for both. To finish building out offices we would need another \$1,000,000.00 which would be a total add on of \$1,300,000.00. To build a separate 15,000 square foot office with site work and land acquisition, we would need about \$2,000,000.00. So there's a savings of approximately \$700,000.00 by building offices in a water tower. I sent pictures to all the Council people here but I have some pictures of cities that have town meeting halls, pump stations, offices and storage in similar structures. So we're not the only ones doing this but I think it is something innovative. We already have the roof over our head. Why not plan ahead for offices. Just one last thing. When this City Hall was renovated, it cost us about

\$1.4 million back in 1994-1995 and we added very little office space. It's certainly something we needed but just to give you an idea of what things cost. Nothing is cheap. It takes a little bit of money to do it. That's all I have.

President Brown: Thank you, Mr. Lovece. Any questions of the Engineer's Report? Mr. Swindig.

Council Member Swindig: Yes, Mr. Lovece, would you look at that detention pond at Wildflower, please.

Engineer Lovece: Certainly.

Council Member Swindig: Thank you.

President Brown: I have a question for you Mr. Lovece. I received a call from a resident on Cornell. Can you explain, are you going to do anything about, there was quite a lot of water that backed up, not into the home but into the backyard and it was really a mess and they are really blaming it on Hollywood Video over there with that black top and stuff. Is there anything that can be done? Can the ditches be dug deeper?

Engineer Lovece: Yes, you raise a good point and we've been getting these complaints. There are many backyards where there are no drainage easements or there never was any provision for drainage when the homes were built years ago. We don't do that now. Wallace and Cornell are prime examples. The West Point Homes area is another prime example. There's no easements and there's no City ditches. With those two things in mind, it's not fair to the other taxpayers in town and neither is it appropriate for us to go in and improve drainage on private property. However, what I recommend in that situation is the homeowner install a rear yard drain out to the front. They should give us a drawing, send it to my office, I could review it, and we'll have it on file this way. Number two, we could find out where they're going to outlet, making sure they don't tie into a sanitary sewer, which is illegal, making sure that they don't damage a storm sewer. So that's how we handle private property. Hollywood Video I've looked at it, there are some things they have to do, I don't know if that caused the problem on Cornell but I know there is a lack of drainage in that neighborhood. What the City has done, especially on the north end of Cornell and Wallace, we've lowered and up sized the front yard drainage, the roadside drainage, so they can drain out to the front. That's what I recommend they do. There's houses out there. I've seen it in the middle of the summer, where it was like a swimming pool because it's private property and the City said we can't do anything while I say, let's meet them half way. You know, we can make improvements to the drainage along the roadside but then the homeowner in the case of private property has to, at their expense, run a rear yard drain out to the front. We'll be glad to help them along the way with the technical aspect. We can't go in and construct a drain or something like that.

President Brown: Thank you. You have answered my question. Mrs. Minnick.

Council Member Minnick: Mr. Lovece, was on-sight detention put in at the Hollywood Video complex?

Engineer Lovece: Yes, underground.

Council Member Minnick: Thank you.

President Brown: Any other questions? Yes, Mrs. Butkowski?

Council Member Butkowski: Madam Chairman. Mr. Lovece, what offices do you plan, who do you plan on moving over to the water tower?

Engineer Lovece: That would be up to the Mayor to decide. I don't know. It's anyone's guess. Just about any department can move over there and make more room here in City Hall. I really can't say what department would specifically move over there.

Council Member Butkowski: I just wondered because at the appropriation meeting it sounded like the Utility Department was moving over there. That's a good possibility. That's what a lot of other cities have done.

President Brown: Any other questions? Thank you, moving on to the Auditor's Report. Mr. Costin.

AUDITOR'S REPORT

Auditor Costin: Madam Chairman, Members of Council, you may already be aware that we are in the process of completion of installation of new general ledger financial software in our office. As a result of working out the quirks, the initial financial report that was disseminated to you to meet cloture was not totally complete but we wanted to get at least the actual expenses out to you. We had some budgetary problems in the conversion of data. You did receive this afternoon a revised completed report and what I'd like you to do is replace your previous report with this, if you'd be so kind. The actual information is the same and there were some budgetary things that were unfortunately out of balance in the conversion of data so the report that says revised, May 31, 2000 is the final report, fully reconciled, for your approval.

motion by Swindig to accept the Auditor's Written Financial Report for May, 2000, 2ND
by Butkowski

President Brown: Discussion? None. Roll please.

Yes, 7

No, 0

Council Clerk White: Motion carries 7-0.

Auditor Costin: No further comments.

President Brown: Thank you. Any questions of the Auditor's Report? Mr. Gillock.

Council Member Gillock: Mr. Costin, I have a question generated by the Engineer's Report, but I think you can probably answer it better. We passed bond anticipation notes at the last meeting for the water tower project for \$3 million and now we're asking for \$3.3 million.

Auditor Costin: Correct. What I explained at the last meeting was there were two reasons for the additional monies. The first amount was due to the bids coming in higher for the original base tower that he had anticipated and so the \$200,000.00, what we did was increased our bond anticipation notes. When they became due we increased the proceeds by an additional \$200,000 and that cleared that matter. The second matter he was going to address and did address tonight and that was the extension to allow us to use the tower also for offices. What we're doing there is building up the structure so that in future years we can add offices to that structure and that was an additional \$300,000. The additional \$300,000 would be coming from the water fund if

the expenditures are unique to the water tower and may have to come from other funds, i.e. general fund or capital projects funds if the space is to be used for general office space, which we wouldn't be able to charge exclusively to the water fund. Now it is my understanding, speaking with the Engineer, that what we're doing initially is just the structure itself. We actually aren't going to be doing the office space just yet. That would take additional dollars and once it is decided what offices would move in there, then we'd need to charge those dollars to the appropriate fund at that time. This second \$300,000 now is for the structure as he described to the water tower to strengthen it so that in the future we can put in additional office space.

Council Member Gillock: I understand that but I was just wondering where the \$300,000 was going to come from.

Auditor Costin: That would be coming from our water surplus fund.

Council Member Gillock: And then the additional million, we're not sure yet where it would come from.

Auditor Costin: We haven't addressed the additional million that he referred to. That's the first I heard of that.

Council Member Gillock: Okay. All right.

President Brown: Any other questions? Moving on to the Law Director, Mr. Zagrans.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you. At the last City Council Meeting I advised the Members of Council of the Ohio EPA's requirement, as a condition of renewing our National Pollutant Discharge Elimination System Permit for French Creek, that we participate with the City of Elyria, the City of Lorain and Republic Technologies International to undertake a study of the water quality of the Lower Black River and to share the cost and expense of that study equally. Tonight, on your agenda, you will find under New Business T 85-2000 which is an ordinance authorizing the City of North Ridgeville to enter into a cooperative agreement with those other three entities and to share in the cost and expense of that study of the Lower Black River, not to exceed \$100,000 over a three year period. Because our permit is conditioned upon it and because we are the last of the four entities to vote on this, I will ask a Member of Council to move that the matter be given expedited consideration under a suspension of By-Laws and enacted tonight. Thank you very much. That concludes my report.

President Brown: Any questions of the Law Director's Report? Mr. Gillock.

Council Member Gillock: Just one brief one. You said this is over a three year period but the ordinance doesn't address that. Is that a problem?

Law Director Zagrans: Actually, the ordinance does address it. You have an earlier version of the ordinance in your packet and we're going to rectify, Mr. White and I, the minute we hit a recess here.

Council Member Gillock: Okay.

President Brown: Any other questions of the Law Director?

OTHER REPORTS

Please Note:

Police Department Monthly Activity Report for May, 2000;
Police Department Support Car Report for May, 2000;
North Ridgeville Fire Department Monthly Report for May, 2000;
Water System Monthly Operation Report for May, 2000; and
Building Department Report for April, 2000.

Parks and Recreation Commission Liaison Report:

Council Member Overby: Yes, before us this evening is a Resolution authorizing the Mayor to apply for financial assistance for the concession stand and restroom facility out at the Shady Drive Complex which is T 83-2000. I'd like to make a motion to suspend the By-Laws so we can have this for First Reading this evening.

motion by Overby to suspend the By-Laws for First Reading this evening of T 83-2000,
2nd by Swindig

President Brown: Any discussion? Roll please, Mr. White.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for T 83-2000 to have First Reading tonight..

Council Member Overby: Thank you. That concludes my report.

President Brown: Anyone have any questions of Mr. Overby? Okay, moving on.

Planning Commission Liaison Report:

Council Member Gillock: You will find a complete list of the applicants and the Planning Commission decisions in this evening's Correspondence.

President Brown: Any questions of Mr. Gillock? Seeing none. Old Business.

OLD BUSINESS

President Brown: No Old Business. Moving on to New Business.

NEW BUSINESS

Council Clerk White: The first item on New Business was T 83-2000 which Council just moved to First Reading.

T 84-2000 An Ordinance amending Ordinance No. 3461-99 to an amount not to exceed \$3,300,000.00.

T 85-2000 An Ordinance authorizing the City of North Ridgeville to enter into a cooperative agreement with the City of Elyria, City of Lorain, and Republic Technologies International for the preparation of a lower Black River quality dissolved oxygen model, and to share the costs and expenses therefor, not to exceed \$100,000.00

over a three year period.

Council Member Swindig: Madam Chairman, I would like to go back one and I'll make a motion for both T 84 and T 85.

motion by Swindig for T 84 and T 85-2000 to suspend By-Laws for First Reading tonight, 2nd by Overby

President Brown: Discussion? Mr. Gillock.

Council Member Gillock: On T 84-2000, the changing of ordinance 3461 to an amount not to exceed \$3.3 million for the water tower. I understand the \$200,000.00 overage in the original bid. It's about 10% and I think that is probably fairly normal and I believe we need the water tower and I'm prepared to go ahead with that. However, the second part of it, the additional \$300,000 which I do understand is the amount needed to strengthen the water tower in anticipation of further development in the future. That further development in the future could be an additional \$1 million and I haven't seen a plan at this point that tells me if there is going to be an elevator or one stairwell or two stairwells or what it's going to be used for or where the money is going to come from. A million dollars is a lot of money and we're not sure which department it might even come out of. Without a much more concise plan, I'm not prepared to vote to spend \$1 million on this.

Engineer Lovece: Madam President, may I answer some of the questions?

President Brown: Yes, Mr. Lovece.

Engineer Lovece: There will be an elevator, there will be two stairwells. When we had this tower designed we had their architects look at it as well, in fact they are the ones that gave me the budgetary numbers and how to best utilize the space. It will be totally up to code, ADA accessible. I didn't mean to sticker shock anyone with the tower. Certainly it can be built in phases if need be later on, but I was trying to make a comparison of, and just so, even I'm sure that we're doing the right thing. Is this more economical? Yes. Okay, we already have a roof over our heads, we certainly have plenty of water for fire suppression. We've got all the utilities in the building, we've got the property, we'll have the parking and everything reconstructed, so all those things are, plus, they'll be done. Then I compared it to, with the help of these architects, what it would cost to build a stand alone separate 15,000 square foot building. It is considerably more economical to be able to upgrade the tower than to build a separate building. The other thing is, if we go with the base bid, whatever Council decides, but we cannot at a later date expand it to accommodate offices. I'm sure we could store some records on the ground floor but we cannot take the tower, I mean, yes, you can do anything. You can put a man on the moon. But you can't, it's very, very difficult to strengthen a foundation later. It's very, very difficult to strengthen the shell of the tower later. That's why, if we do it now, if we have this \$300,000 extra, we have the ability to upgrade the tower if we do not we can't use it for anything but maybe put a few boxes in the ground floor. It cannot be a habitable space. Thank you.

President Brown: Does that answer your question, Mr. Gillock? Mr. Overby.

Council Member Overby: It is my understanding that if we don't do this now. First of all, I understand if you don't put this tower itself, strengthened with the better panels in now, you can't do it later.

Engineer Lovece: Yes.

Council Member Overby: And you can't put the structural steel in later. Correct? Or, you can but it would be a lot more expensive.

Engineer Lovece: Yes. We thought we had a good price on the structural steel.

Council Member Overby: So if we don't do this \$300,000 now, all we end up with is the bottom floor?

Engineer Lovece: For storage only, and a tower.

Council Member Overby: Right.

Engineer Lovece: We'll get a tower for water storage but we can never use it for anything else.

Council Member Overby: Okay, thank you.

President Brown: Any other discussion? Mr. Gillock.

Council Member Gillock: Madam President, I understand the economics of the situation. My question, I guess, is the validation of the need. I did take a tour of City Hall, there are areas that have basically maxed out their space. I don't feel they are on top of each other but I've heard potential occupancy from Utility Department to Mrs. Minnick asking about the Fire Department at the last meeting. I've heard Police Training Rooms. As I said, this is a lot of money and to suddenly, by emergency, look at \$300,000 which actually involves another million dollars, I'd like to see some type of plan with some documentation of where we're going to get the money, how we're going to use it. If we take a million dollars out of the General Fund that's a million dollars we could have spent somewhere else. That's my concerns.

President Brown: Roll please regarding T 84 and T 85 combined.

Yes, 6 No, 1 (Gillock)

Council Clerk White: Motion carries 6-1 for T 84 and T 85 to receive First Reading tonight.

T 86-2000 An Ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to enter into a participation agreement with the Ohio Department of Transportation for the purchase of sodium chloride for the 2000/2001 winter season, pursuant to Resolution No. 693-90.

motion by Swindig to suspend By-Laws to give T 86-2000 First Reading tonight, 2nd by Overby

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for T 86-2000 to receive First Reading tonight.

T 87-2000 An Ordinance amending Ordinance No. 3380-98 and Section 634-01 (c) (7) of Chapter 634 of the Codified Ordinances of the City of North Ridgeville, entitled "Noise Control".

T 88-2000 An Ordinance amending Section 434.01 "D.U.I.; Reckless Operation; Speed" of the Codified Ordinances in order to remain consistent with the Ohio Revised Code.

Council Clerk White: That's all the New Business that I have.

Safety-Service Director Johnson: Madam President, I would like if we could have a motion to

suspend that. That is already a law so we would just be following in with the State of Ohio so we would also be consistent with the Ohio Revised Codes.

motion by Swindig to suspend By-Laws to give T 88-2000 a First Reading, 2nd by Borocz
President Brown: Is there any discussion regarding it? Vote please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for T 88-2000 to receive First Reading tonight.

President Brown: Going into Correspondence. Mr. White.

CORRESPONDENCE

- 1) Received a complete list of applicants that appeared at the June 13, 2000 Planning Commission meeting. Planning Commission's recommendations are noted after each applicant:

North Ridge Plaza, 24500 Chagrin Blvd., Beachwood, Owner; Marc Glassman, Inc., 5841 W. 130th St., Parma, Applicant; request loading dock addition in back of building and alteration of existing space for new Marc's, 34800 Center Ridge Road, in B-2 and B-3, Permanent Parcel No. 07-00-016-101-013.

Application was approved contingent upon addressing the concerns of the City Engineer with regards to drainage and the retention basin.

Starland Investment, 5111 Pearl Ave., Lorain, Owner; Bramhall Engineering & Surveying, Inc., 37307 Harvest Drive, Avon, Applicant; requests expansion of existing parking lot and modify existing detention basin, Marconi Communications, 13863 Taylor Woods Parkway, I-2, Permanent Parcel No. 07-00-047-000-092, -104, and -105.

Application was approved pending satisfaction of the Engineer's comments.

All Purpose Construction, Inc., 37000 Center Ridge Road, requests preliminary subdivision approval; east of Case Rd., north of Barres, west of Stoney Ridge Rd.; in R-1, Permanent Parcel Nos: 07-00-042-000-005 thru -009, -019 and -032 and 07-00-031-000-049 thru -057

Application was approved and same is recommended to City Council.

Council Clerk White: That's all the Correspondence that I have.

President Brown: Thank you. Does anyone on Council have any Correspondence they would like to bring up? Okay, then we're going into the Lobby.

LOBBY

I will allow you two minutes to speak and I would suggest that you say what you want to say the first important things so that you get it in.

- 1) Greg Cromwell, of 5728 Broad Boulevard, representing a majority of residents from Broad, stating over the past four weeks several of the drainage ditches that we've had piped in at our own expense, although the City did an excellent job of putting these pipes in, the west side of Broad Boulevard is only receiving about 20% water flow and the east side receiving about 80%, causing severe flooding on the east side. We would like to suggest a pipe underneath Broad from east to west because we can't handle any more water into our homes, it's costly and it's a mess.
- 2) Carol Shroyer, 6857 Stoney Ridge Road, stated she appreciated the Town Meeting but felt there were still too many unanswered questions regarding PCD's and read the hallmarks of a PCD with good community participation which she agrees with and she hopes for more Town Meetings in order to have a top notch planned community.
- 3) Joseph Antush, 38500 Otten Road, stated he was disappointed in the Town Meeting and only being allowed 60 seconds to speak and the panel talking for almost two hours, giving misleading and incorrect information.
- 4) Nancy J. Buescher, 36669 Center Ridge Road, stated Section 3.12 of our City Charter is being violated and 900 residents being denied their rights. Councilmen are sworn to uphold the Charter which has been voted into law by the people to protect us from abuse of power and it is Council's sworn duty to act accordingly.
- 5) Josephine Perryman, 38565 Sugar Ridge Road, stated the Town Meeting was a great success for the Mayor, that our Charter and Ordinances are not being followed, and asked her questions that weren't answered at the Town Meeting. What is allowed under neighborhood business in a PCD? How much land will be used? When must the developer submit the kind of business he is requesting? Who needs to approve this?
- 6) Mary-Ann Miles, 34582 Lorain Road, stated she was pleased to see the turn-out at the Town Meeting and pleased to get her announcement in the mail but wondered why the City sent two notices and who paid for the notices? She thinks it's a developer and it's a conflict of interest.
- 7) Dennis Boose, 6405 Denise Drive, urged Council's consideration and passage of T 83-2000 for financial assistance for the concession stand/restroom facility at Shady Drive Complex which has been needed for many years and whether to install the EPA approved septic system or utilize the free sewers offered by Forest City should their development go in.
- 8) Sylvia Y. Opsitnick, 5370 Cornell Boulevard, spoke regarding the flooding last Friday. When she called and got the Building Department they said, "oh well", which she felt was disrespectful of long-time residents and she has no idea who it was.

President Brown: Mr. Lovece, would you please look into that Cornell area?

Engineer Lovece: Certainly. What's your address again please?

Sylvia Opsitnick: 5370, and for your information I already have the drain and that's why it filled up.

Engineer Lovece: The City ditches probably over-loaded too, backing up into the rear drain.

Sylvia Obsitnick: It was the front yards, the roads, everything, and after it filled that up it filled up my back yard. The drain works, afterwards.

Safety-Service Director Johnson: Are you south or north of the crushed driveway tile on Cornell, the pipe under the driveway?

Sylvia Obsitnick: South, I'm about ten houses from the end. Supposedly I am phase one of lowering the ditches. They did them on the west side. Supposedly they are to do them on the east side so all the water runs west. The east side doesn't take anything. The whole road just floods. My drain does really work, but not since this deluge or whatever you want to call it. It really does need to be looked into.

Engineer Lovece: We will.

Sylvia Obsitnick: What did I hear, they have a catch basin for 90,000 gallons up there at the Hollywood Video?

Engineer Lovece: I don't know the exact storage but they have some oversize drainage in there parking lot to accommodate the water.

Sylvia Obsitnick: A swimming pool holds maybe 20,000 gallons.

Engineer Lovece: I don't know who quoted 90,000.

President Brown: But he will look into it for you.

Sylvia Obsitnick: Okay. Appreciate it.

President Brown: And I will expect an answer and we will mention this to the Building Department. Anyone else wishing to speak?

- 9) Vince Loparo, 6174 Albert Avenue, appreciated the Town Hall Meeting and asked if there was a plan to cut some of the roads through so they aren't a fire hazard any more, for instance Mildred and Denise and explained the improvements to the roads over the years in Independence, Ohio, and they pay the lowest taxes and we could do the same.
- 10) Joseph Antush, 38500 Otten Road, spoke regarding the density of the master plan, stating Kingston Place is medium density when the Master Plan calls for low density.
- 11) Dennis Boose, 6405 Denise Drive, stated the Shady Drive Complex had not been maintained or improved for many years, the safety factor is in need of work, and the current maintenance of the fields is very poor and we hope that recommendations can be implemented for improvements.

President Brown: Mr. Boose, I have a question for you regarding the Shady Drive Complex. I did go and work at the Concession Stand and I know that it's in deplorable condition. I am

hoping that we move on that before this year is up.

Council Member Gillock: Madam President, I would like to make a comment on one subject that was brought up and has been brought up a number of times in regards to the Charter in paragraph 3.12. I think sometimes it's misinterpreted or perhaps misunderstood. That paragraph says an ordinance may only address one subject, not one item, as last meeting we addressed an ordinance that purchased a number of chemicals. We don't have to have an ordinance for each chemical, it addressed one subject. Tonight's ordinance on the water tower addresses the cost of the tower, the cost of the over-run and now we're talking about the expansion of the water tower. That's still one subject matter and it's the same way, in my opinion, with the PCD. The ordinance that's in question talks about PCD's. Although there's more than one item in there, it doesn't violate 3.12. In fact, we have another ordinance we're looking at tonight, T88 in regards to the D.U.I. law. This is 42 pages long. I can guarantee you there's more than one item in here but it only addresses one subject and in my opinion, it's perfectly legal.

President Brown: And that's the D.U.I., right?

Council Member Borocz: Yes.

President Brown: Okay, five minutes to nine recess will be over

RECESS from 8:47 P.M. to 9:00 P.M.

FIRST READINGS

President Brown: We will go into First Readings, please.

Council Clerk White: I think I have it together here. I wouldn't bet on it.

T 79-2000 AN ORDINANCE AMENDING SECTION 452.04 OF THE NORTH
RIDGEVILLE CODIFIED ORDINANCES ENTITLED "MANNER OF
PARALLEL AND ANGLE PARKING; HANDICAPPED PERSONS."
First Reading

T 83-2000 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORTH
896-2000 RIDGEVILLE TO FILE AN APPLICATION WITH THE OHIO
DEPARTMENT OF NATURAL RESOURCES FOR FINANCIAL
ASSISTANCE TO CONSTRUCT A CONCESSION STAND/RESTROOM
FACILITY AT THE SHADY DRIVE COMPLEX.
First Reading
motion by Swindig to suspend By-Laws for Second and Third Readings, 2nd by
Overby.

President Brown: Any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend Second and Third Readings.
motion by Swindig to adopt, 2nd by Borocz

President Brown: Any discussion?

motion by Swindig to add the emergency due to the filing deadline, 2nd by Overby
President Brown: Discussion? Take the vote on the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to add the emergency. On the adoption itself.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 83-2000 becomes Resolution No. 896-2000 with emergency.

Permanent Resolution No. 896-2000

T 84-2000 AN ORDINANCE AMENDING ORDINANCE NO. 3461-99 TO AN AMOUNT
3586-2000 NOT TO EXCEED \$3,300,000.00.

First Reading

Council Member Swindig: Madam Chairman, can I refer to Mr. Costin?

President Brown: Mr. Costin.

Auditor Costin: Thank you, Madam Chairman. I would just like to carry on a conversation from the prior meeting. We've already let the bids and received the bids back for the water tower and previously you passed an ordinance to issue the new bond anticipation notes for \$3,000,000.00 and accordingly I indicated that it's going to be necessary also, then, to amend the construction ordinance to \$3,000,000.00. Now if it's the wishes of Council they can also increase it to \$3.3 million which encompasses the additional \$300,000.00 that Mr. Gillock was referring to earlier for the enhancement of the structure. But I would request that if you want to move forward in order to avoid to having to rebid the project for the reasons that the engineer specified at the last meeting that we pass it one way or the other, either with the \$3.3 in it or the \$3,000,000.00 so we can accept the bids at least for the basic part of the structure if not in its entirety. That would be my request for tonight that it be passed with the emergency, at least in the \$3,000,000.00 amount.

motion by Swindig to suspend Second and Third Readings, 2nd by Overby

President Brown: Any discussion? Mrs. Butkowski.

Council Member Butkowski: Madam Chairman, if we do the \$3,000,000.00 tonight, you know this thing, sometimes you should do a little more planning. I'm not saying we have to drag it out but you know, we just got this without any backup or anything to it. If we just do the \$3,000,000.00 tonight and we wait until our next meeting and maybe we can get a little more information here and a little more planning, we pass for the \$300,000.00 at the next meeting to add on to this, is that going to make a problem with the construction, hold up anything or have to be re-bid?

Engineer Lovece: We have 60 days to award it after bid opening. We opened the bids, I think it was April 27th. So we're approaching the 60 day limit. Now, having said that, it also states in the specifications that if both parties agree, the City and the contractor, it can be extended. I don't know if they're going to guarantee extending the bid beyond the 60 day. We talked to them initially but it still, and I know it's a slightly hasty decision and it took a lot of research on our end to come up to this point and discussions with Council Members and so on. I would like, one way or another, to have it pass as an emergency tonight. It's really important.

Council Member Butkowski: I have to ask another question then. If you've had that since April

why weren't you talking to us about this? Why weren't we getting bits and pieces of information or something? Why is this just phoom.

Engineer Lovece: We had evaluated it in term and we had the consulting engineer evaluate it. He wanted a breakdown of the prices. We were trying to decide what to do. Should we throw the bids out. We decided no. Should we include the alternate and we were kicking that around, back and forth and trying to understand exactly what pieces we could take out, if any, from this alternate and I found out we couldn't take anything out of it. We have to, the \$300,000.00 is necessary, every part of that is necessary, to make it so the tower can accommodate offices. It did take a little bit of research on our end and then there were some questions, Mr. Gillock had some questions about it and I thought it was an excellent question. Gee, what would it cost to build a separate building so we went back to the architects with that and came up with some preliminary numbers. And here we are.

Council Member Butkowski: Yes, but what I'm saying is, why didn't you let somebody else in on your discussions since all of us have to vote on it? Why didn't some of us get some of that information?

Engineer Lovece: We did. We did have discussions.

Council Member Butkowski: I guess you missed me.

Engineer Lovece: Sorry.

President Brown: Mr. Gillock.

Council Member Gillock: Madam President, it would seem to me if we amended this and approved \$3,000,000.00 this evening and we went to the contractor and said you've got \$3,000,000.00. We'd like another 30 days to decide on the other \$300,000.00. He's going to be reasonably cooperative I would think.

Engineer Lovece: It's possible. It's possible, I'll admit to that, we're trying to work all angles. But I do want to get started on the tower, too, that's the other problem.

Council Member Gillock: If we do that we can still start on the tower.

Engineer Lovece: Are there any questions that I could answer at this meeting perhaps? Maybe that's the way to handle it.

President Brown: Mrs. Minnick.

Council Member Minnick: Mr. Lovece, I have read in there that you have \$ 1.3 million for adding offices to City Hall or a separate office complex for \$2,000,000.00 but we don't have any figure how much it would cost to finish the offices.

Engineer Lovece: No, that's it. The \$300,000.00 would give us the stronger structure and then the architects estimate another \$1,000,000.00 would finish the offices, including floors, walls, heating/air conditioning, appropriate lighting, interior partitions and so on. They used a generous number, too, and not understated, hopefully, unless prices go crazy, but they used a conservative number.

President Brown: Mr. Gillock.

Council Member Gillock: Madam President, part of my concern is this has been discussed in Buildings and Lands. There have been discussions that I was a part of. The \$300,000.00 increase to strengthen the tower has been consistent. But in the first discussion I had, I asked how much additional would be needed to finish this and the number \$400,000.00 was given. In

the second discussion the number was \$700,000.00 and this evening it's \$1,000,000.00.

Engineer Lovece: No, the difference was \$700,000.00. I mean, there was a lot of people involved in that and I apologize for that, but we got the numbers from their architecture department and it took almost a week to get the numbers.

Council Member Gillock: That's what I'm saying. Give me something in writing that says here's our best guesstimate. Here's what we want to do. Here's where we think we can get the money and who we would move in here and what our need is. Just to say that down the road, we're going to need more space and it's economical to get it now. Well, we may need the space if the economy stays like it is. If the economy should happen to change and you don't get a lot more building in the City, we may not need that space.

Safety-Service Director Johnson: Madam President.

President Brown: Mr. Johnson.

Safety-Service Director Johnson: We also could do that in stages instead of doing the whole 15,000 square feet. We could do it floor by floor by floor, 5,000 foot stages as the City needed more office space. If you build an individual building and you need 5,000 square feet then you add another 5,000 and another. City Hall right now could be added to if the foundation was strong enough to put a second floor straight out from here. We could second floor everything that's single floor and really increase our space but it's not designed for a second floor so we would have to structurally support the outside walls and any supporting inside walls to do it which would be very costly to do. With this floor here, by putting the \$300,000.00 in we could do 5,000 this year and ten years from now another 5,000. The structure is there to do it another ten years after that or five years, as we warrant needing more office space, then we could continue. So you wouldn't see a big million dollars all at once dropping in because I don't think we need 15,000, to double our space in the next five years.

Engineer Lovece: Madam President, if I may. As part of the last Administration, I was originally hired under the tail-end of the last Administration. It was realizing that when the City Hall renovation was done that this was a plan to upgrade City Hall and the original intent was making it ADA accessible and renovating some of the offices but it was understood that would only carry you so far and it was understood back in 1995 that we needed additional space.

President Brown: You could add space here but then you would run into the problem of parking.

Engineer Lovece: Yes, parking and as the Service Director mentioned, to modify this building any more would not be economical. It would involve a separate structure, it would be too cost prohibitive to do anything with this building.

President Brown: Mrs. Butkowski.

Council Member Butkowski: So how many floors are you talking about here in this water tower?

Engineer Lovece: One on the ground and two above ground so a total of three floors at 5,000 square feet each.

Council Member Gillock: That's including square footage for two stairwells and an elevator?

Engineer Lovece: Yes, that's gross square footage and the square footage I quoted for City Hall was also gross square footage. You know, a lot of it is unuseable with a sally port, for offices that is, and hallways and so on. So things are balanced out.

Council Member Gillock: Madam Chairman, I'd like to make a motion to amend T 84-2000 to not exceed \$3,000,000.00 to give our City Engineer time to give us some more information as far as the future plan on this. That way we could approve the \$3 million, get the water tower approved by emergency tonight and I think we'll still have the opportunity to look at the additional construction.

motion by Gillock to amend T 84-2000 to not exceed \$3,000,000.00,

President Brown: Who made the motion.

Council Clerk White: To do the Second and Third Readings? Swindig, and Overby second.

President Brown: You have to agree with the amendment.

Council Member Swindig: No, can't we move to suspend the Second and Third Readings and then to amend.

Council Clerk White: Yes, you can do that.

President Brown: Okay, then we'll do that.

Council Clerk White: You are removing your?

Council Member Swindig: No.

Council Member Gillock: I will withdraw my motion at this time.

Council Clerk White: Okay.

President Brown: Roll on the Second and Third Readings.

Yes, 4 No, 3 (Minnick, Butkowski, Gillock)

Council Clerk White: Motion is 4-3.

motion by Gillock to amend T 84-2000 to not exceed \$3,000,000.00 , 2nd by
Butkowski

President Brown: Discussion?

Council Clerk White: Hold on one moment, please. Okay.

President Brown: Discussion? What's the next move on it there, please, Mr. Zagrans.

Council Clerk White: Vote on it. We have to vote.

Law Director Zagrans: Roll call.

Auditor Costin: Wait a minute. Excuse me. That was a 4-3 vote. Don't you need 5-2 to suspend Second and Third Readings?

Law Director Zagrans: That's correct.

Council Clerk White: We're not suspending Second and Third.

Law Director Zagrans: It's not suspended.

Council Clerk White: We're not suspending Second and Third. We defeated that part of the current \$3,300,000.00 we did not suspend Second and Third Readings. That went down to defeat 4-3 or 3-4, however you want to look at it. Now there's a motion on the floor which has been seconded to amend the ordinance to read \$3,000,000.00.

Safety-Service Director Johnson: Madam President.

President Brown: Yes, Mr. Johnson?

Safety-Service Director Johnson: Is it still open for discussion?

President Brown: Yes.

Safety-Service Director Johnson: When we turned this into the bidder we knew we had two bidders. One was a million dollars higher than the one we did now because of a lot of water

towers being constructed and few contractors. If we ask the contractor to wait til we are ready to determine that we might have to just go with it as it is and forget the \$300,000.00 and live with the 5,000 square foot instead of 15,000. I don't know if a contractor, when I look at only having two bids and being \$1,000,000.00 apart it scares me to want to delay passed the 60 days.

Council Member Gillock: After we consider the amendment, changing the amount, I believe I can ask for a reconsideration of the suspension which I would be willing to do at that time once we decide on whether we're going to amend it or not because I realize that we do have to do something with this tonight.

President Brown: Okay. Roll call on the motion to amend.

Yes, 3 No, 4 (Overby, Swindig, Borocz, Brown)

Council Member Gillock: Madam President.

President Brown: Yes.

motion by Gillock to reconsider the suspension of the By-Laws to have Second and Third Readings tonight and I would make the motion that we do that, 2nd by Overby

Council Member Butkowski: Madam President, Stewart, when is the 60 days up?

Engineer Lovece: The 27th of this month.

Council Member Butkowski: The 27th.

Engineer Lovece: Yes, and they can, they have every right to nullify the bid.

Council Member Butkowski: Why didn't this come to us sooner than that?

Engineer Lovece: Well, I mean, it has. It went to Finance Committee, it went to, I mean, there was discussion. It's been going on now for several weeks.

President Brown: Mrs. Butkowski, we talked about this even during the last Council.

Engineer Lovece: So, I mean, it's not . . .

(INAUDIBLE)

Council Member Butkowski: We didn't speak about it in this depth.

President Brown: We need a vote.

Council Clerk White: We need a vote.

President Brown: Yes.

Council Clerk White: Okay, we're voting now for suspending Second and Third Readings, motion by Gillock, second by Overby.

President Brown: Right.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries 5-2 to suspend Second and Third Readings.

President Brown: Emergency?

Council Clerk White: No, no.

motion by Swindig to adopt, 2nd by Overby

President Brown: Discussion?

Council Clerk White: Are you going to do emergency?

motion by Swindig to add the emergency due to the 60 day being up the 27th of this month, 2nd by Overby

President Brown: On the emergency. Roll please.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries 6-1 to add the emergency. Now, on the adoption.

Yes, 5 No, 2 (Minnick, Gillock)

Council Clerk White: Motion carries 5-2 on the adoption. T 84-2000 becomes Ordinance No. 3586-2000 with the emergency.

Permanent Ordinance No. 3586-2000

Engineer Lovece: Thank you.

Council Clerk White: Okay, next.

President Brown: Moving on.

T 85-2000 AN ORDINANCE AUTHORIZING THE CITY OF NORTH RIDGEVILLE TO
3587-2000 ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF
ELYRIA, CITY OF LORAIN, AND REPUBLIC TECHNOLOGIES
INTERNATIONAL FOR THE PREPARATION OF A LOWER BLACK RIVER
QUALITY DISSOLVED OXYGEN MODEL, AND TO SHARE THE COSTS
AND EXPENSES THEREFOR, NOT TO EXCEED \$100,000.00 OVER A
THREE YEAR PERIOD.

First Reading

motion by Borocz to suspend Second and Third Readings, 2nd by Swindig

President Brown: Discussion? Roll please.

Yes, 7 No, 0

motion by Swindig to adopt, 2nd by Borocz

Council Member Swindig: For discussion, this is for a three year period, Eric, and is there an emergency for this or can we let it go the 30 days?

Safety-Service Director Johnson: Yes, there is. I could answer that. We had a meeting last week. Elyria's adopted tonight. We had to sign the papers as a group and they have to be back by the first of next month so we should have an emergency on those. We're waiting for Elyria to give the final on theirs tonight also.

Law Director Zagrans: Mr. Swindig, in Section 2 it indicates that North Ridgeville's share shall not exceed the lesser of 25% of the total cost of the study or \$100,000.00 payable over the three year duration of the study.

Council Member Swindig: I have qualms of us paying anything for this study being that we have received so many awards with our French Creek Sewer Plant so I will move to add the emergency.

motion by Swindig to add the emergency, 2nd by Overby

President Brown: Any discussion? Mr. Costin.

Auditor Costin: Yes, Madam Chairman. So there's no confusion, albeit the language of the three year duration due to the nature and the uncertain amount we'll have to pay every year, it will be necessary to have this appropriated in full in the current year. That will be coming from our contingency in the French Creek group and moved to its own line item in its entirety.

President Brown: Mr. Zagrans.

Law Director Zagrans: It is possible that the total amount that we will have to spend for the study will be considerably less than \$100,000.00 but we won't know that until the government among others finishes doing their work and they determine how much of the study cost they are going to subsidize. So \$100,000.00 seems to be the most that we will be called upon to spend or \$400,000.00 total cost on an unsubsidized basis.

President Brown: Mr. Johnson.

Safety-Service Director Johnson: Yes, and we don't know what they will subsidize but they won't subsidize if we want to do our own plan, Elyria wants to do their own plan, everyone wants to do their own plan, you're looking at about \$300,000.00 each. By joining the group and using their studies, the EPA's and I can't remember the other, but using their studies, that will reduce our cost and there's more that they can use as a group for the four, the less money it will cost us.

President Brown: Mr. Zagrans.

Law Director Zagrans: One last point. We have added two features to protect the City of North Ridgeville not found in the ordinances passed by Elyria or Lorain. The first is that regardless if anybody else pulls out and doesn't pay for their pro rata share, our pro rata share cannot exceed 25% of the total cost, if that were to be more than \$100,000.00, that's in Section 2. And in Section 4, I wanted to make sure it was clear that just because we are agreeing to fund this study, that cannot be taken as our authorization or advance approval of paying for any remediation of the Black River that maybe found to be needed as a result of this study. We're not going to agree in advance that we're the responsible party for any problems in the Black River.

President Brown: I have a question, Mr. Zagrans, of you. Is the Republic Technologies, is that the steel company?

Law Director Zagrans: Yes.

Council Clerk White: Roll Call on the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for the emergency. For the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 85-2000 becomes Ordinance No. 3587-2000 with the emergency.

Permanent Ordinance No. 3587-2000

T 86-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3588-2000 RIDGEVILLE, OHIO, TO ENTER INTO A PARTICIPATION AGREEMENT
 WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE
 PURCHASE OF SODIUM CHLORIDE FOR THE 2000/2001 WINTER
 SEASON, PURSUANT TO RESOLUTION NO. 693-90.

First Reading

Council Member Gillock: Madam President.

President Brown: Mr. Gillock.

motion by Gillock to suspend Second and Third Readings, 2nd by Swindig

President Brown: Discussion? No discussion. Vote, please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend Second and Third Readings.
motion by Swindig to adopt, 2nd by Gillock
motion by Swindig to add the emergency due to the July 16th deadline, 2nd by
Gillock

President Brown: Discussion?

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for the emergency. On the adoption.
Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 86-2000 becomes Ordinance No. 3588-2000 with
the emergency.

Permanent Ordinance No. 3588-2000

T 88-2000 AN ORDINANCE AMENDING SECTION 434.01 "D.U.I.; RECKLESS
3589-2000 OPERATION; SPEED" OF THE CODIFIED ORDINANCES IN ORDER TO
REMAIN CONSISTENT WITH THE OHIO REVISED CODE.

First Reading

motion by Borocz to suspend Second and Third Readings, 2nd to Overby

President Brown: Is there any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend Second and Third Readings.
motion by Swindig to adopt, 2nd by Overby

President Brown: Discussion?

Council Clerk White: Are you going to emergency.

Council Member Swindig: I don't think there's really a need for the emergency on that because
they can charge under State statutes now.

Council Clerk White: Very good. For the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 88-2000 becomes Ordinance No. 3589-2000.
Permanent Ordinance No. 3589-2000

Council Clerk White: That's all of the First Readings that I have.

SECOND READINGS

Council Clerk White: Second Readings, I have none.

THIRD READINGS

T 73-2000 AN ORDINANCE SETTING THE PAY FOR CITY EMPLOYEES WHO ARE
3590-2000 MEMBERS OF THE ARMED FORCES RESERVES WHILE ON ACTIVE
DUTY.

Third Reading

motion by Swindig to adopt, 2nd by Gillock

President Brown: Discussion? Roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 73-2000 becomes Ordinance No. 3590-2000.
Permanent Ordinance No. 3590-2000

T 38-2000 AN ORDINANCE TO AMEND SECTION 1044.02 OF THE CODIFIED
3591-2000 ORDINANCES OF THE CITY OF NORTH RIDGEVILLE TO REVISE
CHARGES PAYABLE FOR CONNECTION TO THE CITY'S SANITARY
SEWER SYSTEM, AND THE TERMS UPON WHICH THOSE CHARGES
MAY BE PAID, AND TO REPEAL SECTIONS 1044.03, 1044.04, 1044.05
AND 1044.07 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH
RIDGEVILLE.

Third Reading

motion by Swindig to adopt, 2nd by Borocz

President Brown: Discussion?

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 38-2000 becomes Ordinance No. 3591-2000.
Permanent Ordinance No. 3591-2000

That's all of the Third Readings that I have.

UNFINISHED BUSINESS

President Brown: We don't have any Unfinished Business. Moving on to the Committee Meeting Announcements.

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White: The one listed that I have here is:

Streets, Sidewalks and Bridges Committee meeting on Thursday, June 29, 2000 at 6:30 P.M. in the Conference Room.

Next Regular Council Meeting is Monday, July 3, 2000, at 7:30 P.M.

President Brown: I'd like to interject something here before we close the meeting. The meeting on Thursday the 29TH for the Streets, Sidewalks and Bridges Committee is regarding Lear Nagle, the spelling of the road, and I urge anyone who has anything that they would like to say regarding that. If the crowd gets too big we'll come up to Council Chambers. Is that okay Mrs. Borocz?

Council Member Borocz: Yes.

President Brown: She's the Chairperson. It's very important.

Council Member Gillock: Madam President, I'd just like to also announce that Thursday's Zoning Meeting. Prior to the Zoning Meeting at 6:00 P.M. there will be a work session with

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

JUNE 19, 2000

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Planning and Zoning in reviewing some of our Zoning Ordinances at 6:00 P.M.

President Brown: And what is the date on that?

Council Member Gillock: Thursday of this week, the 22nd.

President Brown: Thursday of this week, the 22ND, at 6:00 P.M.. Okay.

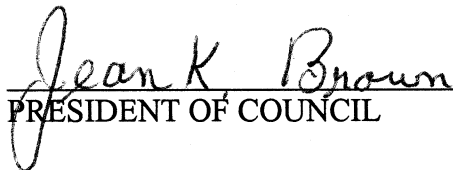
ADJOURNMENT

motion by Swindig to adjourn, 2ND by Minnick

Council Clerk White: Meeting adjourned at 9:32 P.M.

MOTION Butkowski 2ND Swindig DATE July 3, 2000

YES 6 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL