

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JUNE 18, 2001**

CALL TO ORDER 7:30 P.M.

President of Council Jean Brown: I would like to call the Regular meeting of the North Ridgeville Municipal Council to order for June 18, 2001. Please stand for the Invocation and the Pledge of Allegiance.

INVOCATION by Council President Brown.

PLEDGE OF ALLEGIANCE by all.

ROLL CALL

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

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

MINUTES

President Brown: Please note the:

Public Hearing Minutes of June 4, 2001 on T 77-2001

motion by Swindig to accept, 2nd by Borocz

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Regular Council Minutes of June 4, 2001

motion by Borocz to accept, 2nd by Butkowski

President Brown: Discussion? Corrections? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Please note:

Planning Commission and Board of Zoning & Building Appeals Work Session of May 24, 2001; Board of Zoning & Building Appeals Minutes of May 24, 2001; and Board of Drainage & Flood Control Minutes of May 23, 2001.

COMMITTEE REPORTS

Council Clerk White:

1) **FINANCE COMMITTEE REPORT #7087** We have considered the matter of the pay rate for Park Program Supervisor and recommend that this request be approved and proper legislation be drawn authorizing the starting rate at \$20,400 and adjust rate schedule accordingly.
Signed: Allen Swindig, Bernadine Butkowski and Larry Overby.

motion by Swindig to accept, 2nd by Butkowski

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

2) **BUILDINGS & LANDS COMMITTEE REPORT #7088** We have considered the matter of North Ridgeville Carstar and recommend that this request be approved as per Planning Commission.

Signed: Larry Overby, Allen Swindig, Dave Gillock

motion by Gillock to accept, 2nd by Overby

President Brown: Discussion? Mrs. Minnick?

Council Member Minnick: The committee report gives no details on the zoning. It's a mixed zoning there. Could someone please explain the reasoning for allowing commercial in RS-2 without having it rezoned?

Council Member Gillock: All the building is in B-3. The only part that's in residential is a little bit of the parking lot that extends over into, I believe it's RS-2. None of the building does and we also discussed that he should probably apply to have that rezoned but, we didn't feel, we've had zoning before on issues like this with Community Care and others. Since it was just a parking lot, we didn't figure it was an issue.

Council Member Minnick: Madame President, the parking lot will be used to store vehicles while they're under repair. I'm going to assume and that would be commercial use so, why would there be an objection to applying for the rezoning?

Council Member Gillock: I don't think there's an objection. I don't know if they'd be used to store cars there or not.

Council Member Minnick: It's a parking lot for a car repair shop, right?

Council Member Gillock: It's a parking lot.

President Brown: Any other discussion? Please take roll.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two.

Council Clerk White:

3) **BUILDINGS & LANDS COMMITTEE REPORT #7089** We have considered the matter of T 79-2001 and recommend that this request be approved.

Signed: Larry Overby, Dave Gillock and Allen Swindig

motion by Overby to accept, 2nd by Swindig

President Brown: Discussion?

Council Member Butkowski: Madame President, there were some people at the last Council

meeting that had some concerns about this, whether they could drive their car on the lawn to wash their car and things like that. Was that taken into consideration? Because, it is not allowable in the way this is written.

Council Member Overby: I don't believe it's mentioned in there at all the way it's written.

Council Member Butkowski: The only reason you should park on your lawn is if they have a birthday, anniversary, graduation, reunion, holiday gathering. Otherwise, you have to have, it says, for which no permission is required or exceptions granted by the Mayor, in writing, upon written request. It doesn't say anything about just parking on the lawn. Once they drive it on the lawn, it's parked. I understand why we need this, but I wish we could some how address that so people aren't getting tickets. If the neighbor doesn't like it, as soon as they pull it on the grass and start washing their car, they could call the police.

Council Member Gillock: Madame President, I understand what Mrs. Butkowski is talking about. We discussed this. In the ordinance itself it does not mention that. We talked about enforcement and felt there really is not a way to enforce that aspect if someone is parking on their lawn for a short period of time. Also, from a common sense standpoint, getting the police out there when somebody's parking on the yard for an hour is probably not going to get practical from a common sense standpoint. If there was a way we could put something in to allow short term use, I wouldn't object to discussing it, reviewing it. We didn't feel that wasn't it.

President Brown: Any other discussion? Mr. Zagrans, do you have anything you'd like to say about this.

Law Director Zagrans: No, thank you.

President Brown: Please take roll.

Yes, 6 No, 0 Abstain, 1 (Minnick)

Council Clerk White: Motion carries six, zero, one.

MAYORS REPORT

Mayor Hill: Yes, Madame President. The Charter Review Committee has been appointed and will be working through July, or later if necessary, to place Charter alterations, revisions or amendments before the voters in November. The Committee has established June 25th at 7:00 P.M. in these chambers for their next meeting. The number of meetings will be determined by that committee. They have asked that if citizens have suggestions or recommendations, they contact members of the Committee. Their names and telephone numbers are listed on the Government Access Channel. The Chairperson is former Mayor Dick Noll and he may be reached at 327-4584. Other members in alphabetical order are: Jerry Canterbury, Bill Comerford, Click Davis, Wilber Grentzer, Tom Lavelle, Edie Lovell, Rev. Bill Shomo and June Yost.

The Independence Day celebration will be held on Wednesday, July 4th at South Central Park. I know we have one more Council meeting before that date, but this is just to give you a heads up. Once again, the Patriot Community Band will perform at approximately 8:00 P.M. with the fireworks display to begin at approximately 9:45 and it depends on how soon it gets dark.

Sometimes people get real anxious for it to begin and when we're back there where they light the fireworks, you can hear people anticipating, clapping and waiting but, they have to wait until it's a certain darkness. The Fire Department is still taking donations to defray the cost of the fireworks. You may make those donations at Fire Station Number 1 on Avon Belden Road.

Thank you. That concludes my report.

President Brown: Any questions of the Mayor's oral report?

Council Member Butkowski: Madame President, what time is that meeting for the Charter Review?

Mayor Hill: Seven o'clock.

President Brown: Mayor, are they all going to be at 7:00 P.M.

Mayor Hill: That's up to the committee.

President Brown: Safety-Service Director Mr. Johnson.

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Johnson: Thank you, Madame President. Ditch cleaning and piping was performed on Davis, Garrett, Mills, Glendale, Case and Otten Road.

Two water problems were worked on in the last two weeks.

Concrete pads and drive aprons were poured on Meadow Moss, Emerald and Leafy Mill.

Partial and full depth repairs are completed in the Monica, Luanne and Carolyn area. All that remains to be done is the two cul-de-sacs and the intersection of Monica and Carolyn, which will be contracted out.

Spot berming, roadside patching, roadside mowing, landscaping and weed whipping took place as manpower and time allowed.

On Sunday, I received a call from Council Member Borocz about Westfield Drive buckling. I notified the Police Department. They went out and set up barricades for the traffic and the Service Department went over today and they cut it out. It will be totally finished tomorrow.

Thank you. That concludes my report.

President Brown: Thank you Mr. Johnson. Any questions of the oral report for Safety-Service Director?

Council Member Borocz: Madame President, it's not so much a question but more or less a thank you to the Service Department and to Mr. Johnson for getting this expedient process going.

The residents down there were very concerned. There were large pieces of concrete that had really just buckled up from the heat and it caused a little traffic problem. Thank you very much to the Service Department.

President Brown: Moving on to Stewart Lovece, the Engineer's report.

ENGINEER'S REPORT

Engineer Lovece: Thank you, Madame President. Bainbridge Road, on the north side sod was planted over a month ago and we sent notices out and there's something on the government access channel and I just want to reemphasize it's now the homeowners' responsibility to water the sod. This is a state specification. The contractor's responsible for one month after it's planted and beyond that is the homeowners' responsibility and with the excessive heat it could die very easily. We managed to get them to water a couple extra times. But, that's about it and when they mow it, if they could mow it at the highest setting, that'll also help the sod to survive and thrive.

On June 12, 2001, ODOT opened bids for the paving of State Route 10 that was mentioned at the previous Council meeting. The apparent low bidder is Kenmore Construction from Akron. The price was three million three hundred thirty-eight thousand seven hundred seventy-two dollars. That's a big number. Once again the State, actually the Federal government pays for 100 percent of that project. That will include paving of State Route 10 in North Ridgeville, the four lane freeway from where it joins up to 480 and actually it will go through in Eaton and where they left off several years ago when they paved. There's a little extra bonus. They will pave Lorain Road from the Cuyahoga County line to the Lorain Road bridge where they left off when we had that bridge replaced back in 98, I think it was. So, that's a nice little bonus and a pretty hefty project that the Mayor, Engineer, Service Director, we've all been working on this for years.

Barres Road was paved from Otten to Stoney Ridge Road. Now it was paved with two inches of asphalt, minimum thickness. It's not a cadillac job, but it's something we negotiated with the City of Avon Lake before they installed the water line. The 42 inch water transmission main and actually, the developer, Frank Dettore helped out too in getting a little piece of that paved beyond the original contract. So, that's something the City didn't have to pay for and it's a bonus for us. They also paved Shady Drive, full width, from the entrance on Sugar Ridge Road to the Baseball Complex. That was another negotiated thing between the City of Avon Lake and this City. Thank you.

President Brown: Thank you Mr. Lovece. Does anyone have any questions of the oral report? Mr. Gillock?

Council Member Gillock: Are we still negotiating with them as far as the hole on Line Drive, what we might get there?

Engineer Lovece: Originally they were not suppose to use Line Drive and they had used it and

now we expect compensation. So, I mean, it made the job easier to use Line Drive and now we expect some repairs done. We're negotiating with the contractor about that.

Council Member Butkowski: Stewart, I noticed that the grass is not doing real well on parts of Bainbridge where this, in the City property. Is there a possibility that we can water our north side too?

Engineer Lovece: Sure.

Council Member Butkowski: Towards 83, it was not looking real good this morning.

Engineer Lovece: We'll look into that. Thank you.

President Brown: Any other questions? Moving on to the Auditor, Mr. Costin.

AUDITOR'S REPORT

Auditor Costin: Madame Chairman, you have received our May monthly report.

Auditor's Written Financial Report for May 2001

motion by Swindig to accept, 2nd by Butkowski

President Brown: Any discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Auditor Costin: No comments.

President Brown: Any questions of the written report? Going on to the Law Director, Mr. Zagrans.

LAW DIRECTOR'S REPORT

Law Director Zagrans: There's no report tonight. Thank you.

OTHER REPORTS

President Brown: Please note:

Mayor's Court Operating Trust Fund/Bail Trust Fund Report for May 2001;

Water System Operation Report for May 2001;

Police Department Support Car Report for May 2001; and

Fire Department Report for May 2001.

Parks & Recreation Commission Liaison Report:

Council Member Overby: No report.

Senior Citizens Advisory Board Liaison Report:

President Brown: I have just one thing to mention. The Senior Center is a very, very nice place

to rent if you're having graduation parties, showers, family reunions, class reunions. A very inexpensive and a very nice place and I am telling you that you'll have to get in touch with them very, very soon because they are getting booked up for graduation parties.

Planning Commission Liaison Report:

Council Member Gillock: For all of you that did not have a report, I am going to make up for that. I have several of them.

Applicant: Dale R. Haywood, PE, Bramhall Engineering, 37307 Harvest Dr., Avon 44011; Joseph A. Marsico, 102 Canterbury Road, Elyria
Owner: Joseph A. Marsico, 102 Canterbury Road, Elyria 44035
Request: Case Road sanitary sewer extension
Location: Case Road (west side), Permanent Parcel No. 07-00-043-000-061

Planning Commission, and I might say reluctantly, approved upon the basis that if all the efforts to take the sewer down Case Road are exhausted and if it is proven that the support is not there, we recommended that we give temporary approval for connection across Case Road contingent upon Mr. Marsico abandoning the connection when sewers are brought down Case Road and paying his proportionate share. This originally came to Planning and we, Mr. Marsico wanted to connect directly across Case. We really would like that sewer line to go up Case Road where we can remove several septic systems that are there now, which is the purpose of the sewer system. On a head count basis, petitions were taken out and it appeared there's about 59 percent. On a front footage basis, the engineer recommended that 60 percent support was not there. Kind of left Planning between a rock and a hard place, which is why the recommendation is worded as it was and subsequent to the meeting I also found that some owners had not been contacted. So, we really want to stress, and it's kind of dumped in Stewart's lap, that we really would like that to go up Case Road. We really want the effort made to try to get the support to take the sewer up Case Road, rather than going straight across. If that can't be done then, reluctantly, we would rather have sewer, he has the right to develop his property. So, that's why we made it contingent. I would recommend that be approved.

motion by Gillock to approve, 2nd by Overby

President Brown: Discussion? Mrs. Minnick?

Council Member Minnick: Mr. Gillock, is there reason why it could not be put on hold until things were more firm?

President Brown: You're going to have to speak up folks because with the air conditioner going and the fan and so forth, it's hard for people to hear.

Council Member Minnick: Did you hear me?

Council Member Gillock: Yeah.

Council Member Minnick: There seems like there's a lot of loose ends here.

Council Member Gillock: There is loose ends and that's why we made it contingent. We had delayed the action before Planning. Planning has to make a decision one way or another. They can't just table it. So, that's why we made it contingent upon this being done that way. I know

that's a poor answer, but it's the best answer I can give you. We had to make, we felt we had to make some kind of decision. Either tell him no or get the sewer up Case Road, make a good effort to get it up Case Road.

Council Member Butkowski: Did you give him any time line that, it says, it doesn't have any time line that he has to try to get everybody to approve the sewers or else he can go across?

Council Member Gillock: No, because when we made the decision we were, we thought all the land owners had been contacted. Subsequently, I found out that they have not all been contacted. At the meeting that evening we thought they all had been contacted. As I said, one person circulated petitions, said 59 percent of the people he contacted were in favor, yet the engineer from Bramhall indicated that the support was not there at all and I believe the Charter says the support should be based on a front footage basis rather than a head count.

Council Member Butkowski: So, in other words you saying that he's probably going to just be able to put it across the street.

Council Member Gillock: No, because as I said, we dumped it right into the engineer's lap who I know feels strongly the same way and we'll be looking for better documentation and numbers of who was contacted, what the percentage of frontage footage is and getting a much better idea of what kind of effort is really made and could then send it back to Planning based on his findings.

President Brown: Stewart, do you have anything that you would like to say regarding this?

Engineer Lovece: I concur that we have to make every effort to try to get Case Road sewered. I think it's important.

President Brown: May I ask a question then? Is it possible, perhaps, that we don't table this but just postpone the vote until we make sure that all the people on Case Road has had the opportunity to sign up if they want to have sewers to put into their fronts or back or whatever it is? I mean, I don't think we should try and go ahead and do something if we don't have the approval of most of the people, the 60 percent.

Law Director Zagrans: Point of order. Now that there's been a motion that's been seconded and there's discussion on it, there would have to be a formal motion to table with a second to that and that motion would have to be passed in order to table this.

Council Member Butkowski: So moved. I think we should have a time line here.

President Brown: Is there a second?

motion by Butkowski, 2nd by Minnick

President Brown: Is there discussion?

Council Member Butkowski: Madame President, the reason I would like a time line here, this man probably wants to get going and the people on Case, we've got to have some kind of a plan here because this is a very important thing and just to let it open, I mean, I don't know who this Dale Haywood is and Joseph Marsico, but I'm sure they want to get going. It's summer time and I don't say we have to hurry this but, let's give them some kind of a time line to be working on.

President Brown: Any other discussion?

Council Member Gillock: Madame President, my question is, the original motion was just to, was to approve the actions of Planning. Would be better to table that because the motions been

made or would we be better to table it when, oh we don't get a subdividers agreement on this, do we or don't?

Engineer Lovece: Madame President? Thank you. One concern is if we table it our time limitations may expire. I'd refer that to the Law Director. We have to act within a certain time period or it becomes approved.

Law Director Zagrans: That's correct. Stewart has a good point.

Council Member Gillock: Madame President, well, Planning has to take action within 60 days which Planning has done. I don't know that Council has a 60 day requirement.

Law Director Zagrans: Yes. Council has a time period if it does not take action then the Planning Commission determination is automatically adopted.

Council Member Butkowski: So, what's the time limit for Council?

Law Director Zagrans: My best recollection is 60 days.

Council Member Butkowski: Another 60 days?

Law Director Zagrans: Sixty days from when Planning Commission gave it to us.

Council Member Butkowski: Well then, we have a little bit of time here because we just got it.

Law Director Zagrans: Right. June 12th, 60 days from June the 12th.

Council Member Butkowski: June 12th, okay.

Law Director Zagrans: And that's August and there are no Council meetings in August.

Council Member Butkowski: Well, we still have July.

Law Director Zagrans: You do.

Council Member Butkowski: I think we just can't be rushing into this because we're not giving anybody a time line to get anything done.

Council Member Gillock: Madame President, I wasn't aware that Council has a 60 day. I don't know where it says that.

Council Clerk White: You have a time limit as a Council on your committee reports, to take some sort of action.

Council Member Gillock: Well, now you've got to understand where Planning is at.

Law Director Zagrans: I believe that's right. I will double check that at the recess, but I believe that's correct.

President Brown: Well then we should take a vote.

Law Director Zagrans: You have to vote on the motion to table.

President Brown: This is a vote on the motion to table.

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

Council Clerk White: Four, there is enough to table.

Law Director Zagrans: That's correct.

Council Member Gillock: Don't we need to say when were tabling it too?

Law Director Zagrans: No, there has to be a motion to take it off the table at some point. That can be at any time or never.

Council Clerk White: Right now it is tabled.

Law Director Zagrans: That's correct.

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Council Member Gillock:

Applicant: Russell Preferred Properties, 36178 Center Ridge Road
Owner: Russell Preferred Properties, 36178 Center Ridge Road
Request: Preliminary Subdivision approval to develop land in R-1
Location: Stoney Ridge Road, Permanent Parcel No. 07-00-032-000-051

This was a request for preliminary subdivision approval of some land on Stoney Ridge Road for a new subdivision to be named Stone Creek Subdivision. This is to be developed under the R-1 zoning under a cluster subdivision paragraph. I will make a motion to approve.

President Brown: I would like to refer this to Buildings & Lands please.

Council Member Gillock: Madame President, don't we still need to approve the actions of Planning?

President Brown: Okay.

motion by Gillock to approve the Planning recommendation, 2nd by Overby

President Brown: Discussion? None? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Now I'll refer it to Buildings & Lands.

REFERRED TO BUILDINGS & LANDS COMMITTEE.

Council Member Gillock:

Applicant: Forest City Land Group, Edward W. Surovi, 50 Public Square,
Suite 1050, Cleveland, 44113
Owner: Joan Junglas, Helen J. Barnard, Elenore Sowders & Sally
Defibaugh
Request: Final Plan approval for the Avalon Subdivision, Phase 1
Location: 4901 Case Road in R-1.
Permanent Parcel Nos. 07-00-042-000-004 & 07-00-043-000-012

This request is for final plan approval for the Avalon Subdivision Phase I which was known as Shawville, which was part of the original Kingston Place. This is an R-1 development. They recommended that final approval be granted. I would make a motion to approve.

motion to approve by Gillock, 2nd by Overby

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero

President Brown: I would like to refer this to Buildings & Lands also.

REFERRED TO BUILDINGS & LANDS COMMITTEE.

Council Member Gillock:

APPLICANT: Forest City Land Group, Edward W. Surovi, 50 Public Square,
Suite 1050, Cleveland, 44113
OWNER: Sunrise Development Co., 50 Public Square, Cleveland, 44113

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REQUEST: Final Approval for Phase 1, Waterbury PCD
LOCATION: Chestnut Ridge Road, Permanent Parcel No. 07-00-036-000-003
and -004, and 11-00-070-000-002, zoning PCD

Final approval of Phase 1 of the Waterbury Planned Community Development. Planning recommended that approval be granted contingent upon agreement with the County and Eaton Township be worked out in regards to the water line and easements of that particular corner of the Planning Community Development. Just the entrance. It's actually in Eaton Township and I believe water lines would be run through there and an easement would be needed. I would make a motion to approve.

motion by Gillock to approve, 2nd by Overby

President Brown: Discussion? Take roll please.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Member Gillock:

APPLICANT: All Purpose Construction, Inc., 37000 Center Ridge Road
OWNER: All Purpose Construction, Inc., 37000 Center Ridge Road
REQUEST: Preliminary Plan Approval, Phase II of Meadow Lakes PCD
LOCATION: east of Meadow Lakes PCD; Phase I, north of Barres Road and
West of Stoney Ridge Road, zoning PCD

That Application was withdrawn by the applicant. So, no action is needed. Thank you.

Law Director Zagrans: Madame President, just to conclude our discussion of the time requirements. Our Charter imposes a time requirement on Council's review of action by the Planning Commission that would disapprove an application. Since this is a report approving the application there is in fact no time limitation in the Charter. The time limitation applies only to disapprovals of an application.

President Brown: Thank you.

OLD BUSINESS

President Brown: I have no old business. Going into new business, Mr. White.

NEW BUSINESS

Council Clerk White:

Petition to vacate Elmer Avenue west of Dyke Avenue from Eugene Kleinholz of 7324 Dyke Avenue

President Brown: I would like to refer this to Buildings & Lands and Planning Commission.
REFERRED TO BUILDINGS & LANDS COMMITTEE AND PLANNING COMMISSION.

Council Clerk White:

T 94-2001 An ordinance authorizing the Mayor to advertise for bids and negotiate and enter

into a contract according to law and in a manner prescribed by law for the resurfacing and repair for approximately 3,000 feet of roadway from Abbe Road west to the end of the French Creek Wastewater Treatment Plant and around the Sludge Press Building, and to negotiate and enter into a contract with a consulting engineering firm for plans, specifications, and construction phase services for same not to exceed \$150,000.

motion by Swindig to suspend By-Laws to give this a first reading, 2nd by Butkowski

President Brown: Any discussion? None? Please take roll

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 94-2001 to have a first reading tonight.

T 95-2001 A resolution authorizing the Mayor of the City of North Ridgeville, Ohio, to apply to the Ohio Department of Development for funding under the Community Development Block Grant Small Cities Program for Fiscal Year 2001.

motion by Swindig to suspend By-Laws to give this a first reading, 2nd by Borocz

President Brown: Discussion? Please take roll

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 95-2001 to have first reading tonight.

T 96-2001 A resolution to approve the expenditure of funds.

motion by Swindig to suspend By-Laws to give this a first reading tonight, 2nd by Borocz

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 96-2001 to have first reading tonight.
That's all the new business that I have.

CORRESPONDENCE

Received a letter from Ohio State Representative Jeffrey Manning announcing that the State of Ohio has earmarked funds from the State's budget during the next biennium to the North Ridgeville Historical Society in the amount of \$150,000 and to the North Ridgeville Senior Center in the amount of \$10,000.

President Brown: Thank you. Going in to the Lobby. I will allow you two minutes to speak. The time starts when you get done giving your name and your address. Anyone wishing to speak? No one? Moving on we'll have our recess. We'll have to quarter after. It is now almost ten after.

LOBBY None

RECESS from 8:09 P.M. to 8:15 P.M.

FIRST READINGS

Council Clerk White:

- T 91-2001 AN ORDINANCE AMENDING SECTION 242.05(B)(1) AND SECTION 242.05(B)(2) OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO BY COMBINING CERTAIN DIVISIONS OF THE SERVICE DEPARTMENT.
First Reading
- T 92-2001 AN ORDINANCE AMENDING ORDINANCE NO. 2725-93 TO DELETE THE POSITION OF FULL-TIME SEXTON/MAINTENANCE SUPERVISOR AND TO REPLACE IT WITH MAINTENANCE SUPERVISOR FOR PUBLIC GROUNDS AND CEMETERY.
First Reading
- T 93-2001 AN ORDINANCE AMENDING ORDINANCE NO. 3268-97, THEREBY ALSO AMENDING ORDINANCE NO. 2725-93, TO CHANGE THE DESIGNATION OF PARK AND RECREATION DEPARTMENT MAINTENANCE SUPERVISOR TO GROUNDS MAINTENANCE MANAGER.
First Reading
- T 94-2001 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE RESURFACING AND REPAIR FOR APPROXIMATELY 3,000 FEET OF ROADWAY FROM ABBE ROAD WEST TO THE END OF THE FRENCH CREEK WASTEWATER TREATMENT PLANT AND AROUND THE SLUDGE PRESS BUILDING, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME NOT TO EXCEED \$150,000.
First Reading
- T 95-2001 A RESOLUTION AUTHORIZING THE MAYOR FO THE CITY OF NORTH RIDGEVILLE, OHIO, TO APPLY TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR FUNDING UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM FOR FISCAL YEAR 2001.
First Reading
- T 96-2001 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

First Reading

Council Member Gillock: Madame President, I have a couple of questions on this if I could? This is for services rendered from the period November 1, 1998 through this year, a three year period. Is that fairly standard on a particular project that it would go three years and then we get billed at the end of it, or is there a way that maybe annually, we'd have some idea where we're at?

President Brown: Mr. Zagrans.

Law Director Zagrans: Thank you. This is for the westerly sewer project. The work that was done by our outside bond counsel in connection with that. Obviously, that was a project that lasted far longer in duration than is the norm for work that's done for the City and the bond counsel. I had an understanding at the time they began working on it that they would submit the bill at the conclusion of the project because their fees were rolled up into the bond anticipation notes and ultimately the bonds that are being issued. Their fees are being paid out of the project, so to speak. So, while I think you're correct that it would not be a normal thing to have a bill submitted after three years, this certainly was not a normal or usual kind of project.

Council Member Gillock: Thank you. My second question is, do we get an itemized statement or billing with this that, perhaps, the Auditor looks at to verify these types of things?

Law Director Zagrans: Yes.

Council Member Gillock: Can we get a copy of that so, if we're authorizing expenditures of this money, I'd like to have some support with it?

Law Director Zagrans: The problem is that the billing statement from counsel as oppose to all other professionals contains information that is attorney client privileged in many instances. So, with a bill of this size, I would almost guarantee that there are going to be attorney client privileged matters that are going to be reflected on the bill.

Council Member Gillock: Meaning what? Black those parts out, or are we suppose to approve it the way it is? That's Council, the only power we have is the power of purse strings. We're getting a one page ordinance to spend a lot of money without any documentation or support. I would just like, I'm sure it's right but, I'd like some support. Maybe it's just something for the press or Auditor. That's a reasonable request.

President Brown: Mr. Costin would you like to answer us?

Auditor Costin: This issue has come up before. I certainly have no issue with any public records, whatever. Except for the fact that because we're accountants in our office and not attorneys, what we typically do is pass on the detail back to the Law office and let them decide the issue of what's open for public view and what is not. So, I think that your request is certainly with merit, but I would have to defer to his office to give you the details because I don't want to step across that line in terms of legality. I would like to also mention though, as the Law Director did say, the project comes with extensive dollars. The costs, while they look large and in fact are large, were a part of the project cost that we did receive note issue proceeds for that are going to be repaid out of the special assessments from the property owners over due time. So, keep that in proper perspective. It's not really General Fund monies that are going to be spent. With that said, in terms of the detail invoice, again, what I would suggest is, the Law Director would, I'm

sure, make it available to you, that detail invoice.

Council Member Gillock: Over a three year period I don't feel that the bill is probably excessive, but, I don't know.

Law Director Zagrans: Mr. Gillock, two things. First of all, just to amplify what Mr. Costin said, not only are the monies being paid from the deal, but this was part of what the, as Mr. Costin said, what the property owners are reimbursing the City for, is for all of the City's legal cost associated with doing this project. That was one of the special concessions that the Mayor negotiated as part of this deal. Second of all, I'll take a look at the detail invoice with an eye to your question and will get right back to you if I feel that, certainly I don't think your request is unreasonable at all, if we can accommodate you.

Council Member Gillock: Thank you.

Auditor Costin: The reason these pop up from time to time, these resolutions for payment, is because, due to a change in Ohio Revised Code with regard to issuance of purchase orders that occurred last year, our office is given authority to approve invoices after the fact if a purchase order hasn't been written up to a thousand dollars. So, if there is an invoice that's incurred or an obligation incurred by the City of a thousand dollars or more, then, it's required that it go to, in our case, City Council for approval. I have to warrant to you that the expenditure is an otherwise legitimate expenditure. The monies are probably appropriated. The language that's in these resolutions, however, that's the extent to my authority and now it's up to Council to visit these and approve them because that purchase order wasn't issued on a timely fashion. There is a question as to whether or not there are certain areas of expenditures such as legal expenditures for attorneys, that that even applies to, we're not sure, gray area. However, as a matter of conservatism, I think it's always safe to bring these things to Council if we're not sure and that's why these come before you.

Law Director Zagrans: Right. It's the philosophy of both the Auditor's office and the Law Department that we should not push the possible exception in the statute that Mr. Costin was referring to even though it may in fact exist as legal exception. But, rather should take the, be careful and cautious approach of coming to Council for everything.

SECOND READINGS

Council Clerk White:

T 88-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO RENEW AND CONTINUE THE CONTRACT FOR MAINTENANCE SERVICES FOR CERTAIN PROFESSIONAL AND TECHNICAL SERVICES REGARDING THE MAINTENANCE OF THE ADS FLOW MONITORING SYSTEM FOR THE CITY AS PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 2612-92.

Second Reading

THIRD READINGS

T 62-2001 A RESOLUTION ACCEPTING THE CITY ENGINEER'S FINDINGS AND

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
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REVISED DIRECTING ODOT (OHIO DEPARTMENT OF TRANSPORTATION) TO
RESCIND THE DIRECTOR'S JOURNAL ENTRY THEREBY REINSTATING
A 35 M.P.H. SPEED LIMIT TO THE HEREIN DESCRIBED PORTION OF
CENTER RIDGE ROAD.

Third Reading

motion by Minnick to adopt, 2nd by Swindig

President Brown: Is there discussion? Please take roll.

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

Council Clerk White: Motion fails three to four. It is not adopted.

UNFINISHED BUSINESS None

President Brown: I have no unfinished business. Committee meeting announcements.

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White:

The next Regular Council meeting will be held Monday, July 2, 2001 at 7:30 P.M.

There will be a Public Hearing Monday, July 16, 2001 at 7:20 P.M. regarding Waterbury PCD
Phase I final approval.

ADJOURNMENT

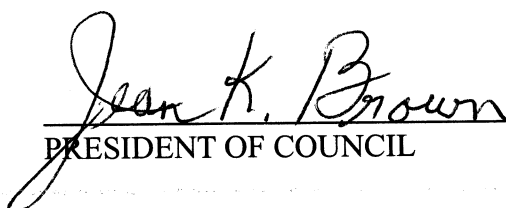
motion to adjourn by Swindig, 2nd by Borocz

President Brown: Meeting adjourned.

Meeting adjourned at 8:30 P.M.

MOTION _____ Overby _____ 2ND _____ Butkowski _____ DATE _____ July 2, 2001 _____

YES _____ 7 _____ NO _____ 0 _____ ABSTAIN _____ 0 _____



PRESIDENT OF COUNCIL



CLERK OF COUNCIL