

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING**

JUNE 4, 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 4, 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:

Regular Council Minutes of May 21, 2001

motion by Borocz to accept, 2nd by Swindig

President Brown: Any discussion? Any corrections?

Council Member Butkowski: Yes. Page 16, down at the bottom, the motion was by Minnick and I seconded it. She couldn't make the motion and second it.

Council Clerk White: So noted.

President Brown: Any other corrections? Any other discussion? Please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

COMMITTEE REPORTS

Council Clerk White:

1) ADMINISTRATIVE COMMITTEE REPORT #6614 We have considered the matter of the general maintenance operations of the City and recommend that they be combined under North Ridgeville Codified Ordinance Number 242.05 number one and number two, and that the necessary appropriations be reclassified accordingly and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Bernadine Butkowski, Gail Minnick and Allen Swindig.

motion by Swindig to accept, 2nd by Overby

President Brown: Discussion? None, take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

MAYORS REPORT

Mayor Hill: The North Ridgeville City Jail was inspected again this year by the Ohio Department of Rehabilitation and Correction. The group of standards reviewed focused on security and prisoner discipline. The inspection process consisted of requested materials, a tour of the facility and interviews with officers. We have since received a commendation for achieving full compliance.

We have two officers with us tonight who have recently completed their basic training at the Ohio Peace Officer Training Academy and I have Proclamations. Patrolman Thomas Kogelman distinguished himself by winning the coveted Top Gun award. You want to signify which one it is? The Top Gun Award for excellence in marksmanship, as well as by attaining the highest score on the state certification examination. Additionally, he was second in his class overall academically and we have a proclamation for you.

Patrolman George Ruple achieved the highest cumulative academic score in the academy class and the second highest score on the state certification examination. Both men represented themselves, the North Ridgeville Police Department and our City in an exceptional fashion. They are to be commended for their hard work, dedication and extra effort put forth while obtaining peace officer state certification and welcome to our family of the Police Department. I think it is true. They look younger every year.

We have finally received an update from NOPEC, the Public Energy Council. NOPEC is the largest aggregation in the United States that our voters elected to join as one of 94 communities. For a few short facts, the difference between NOPEC and private for-profit operators is that NOPEC has no profit motive. The private companies that you may be hearing from offer short-term savings, but no guarantees against higher rates later, similar to variable rate credit cards with special short-term interest rates then a high rate after an introductory period. With NOPEC, rates for standard service offer savings between one and three percent on your electric generation charges in addition to five percent rate reduction as mandated by the State deregulation. That means a total savings with aggregation and deregulation between six and eight percent for generation. The savings continue until December, 2006 per contract. Repairs, transmission and billing will still be done through your present electric company. Opting Out. Opt-out notices will go to North Ridgeville and Elyria customers between June 11th and June 16th. If you wish to opt-out, that means remain with your present electric company for generation or choose another besides NOPEC, you must return the card with your signature. Otherwise, you are automatically a member with service to begin in September for Ohio Edison customers and November for CEI customers. If you do not receive an opt-out notice or you have other questions, after June 6th you may call Customer Service at 1-877-682-7794. Again that's 1-877-

682-7794. First Energy is permitted to charge a five dollar switching fee, but Green Mountain will pay that fee for opting out. There will be three chances to opt-out without paying a fee. One, during the initial 21 day opt-out period which will be in June. Two, at the second year anniversary, and three, at the four year anniversary. If you choose to opt-out at any other time, there will be a 25 dollar exit fee. If you have an all electric home and some people don't know that if you have an all electric home, through your current electric company you can get a reduced rate, if you have an all electric home with the rate that goes down the more electricity you use, you should probably opt-out. But, you'll want to check with your electric company. Thank you, that concludes my report.

President Brown: Thank you Mayor Hill. Does anyone have any questions of the Mayor's oral report? None, moving on to the 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 Woodlawn, Dodge, Garrett, Bender, Broad and Olive.

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

The sewer vac was used on storm cleaning Wil-Lou, Wallace, Cornell and Cross. Sanitary sewers were cleaned on Ridgeview.

Concrete pads were poured on Luanne and Meadow Moss.

The Island Road paving project was completed.

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

Two storm drain problems were corrected this past week on Wil-Lou and Main and that concludes my report,

President Brown: Thank you Mr. Johnson. Does anyone have any questions of the Safety-Service Director's oral report? Seeing none, moving on to Mr. Costin, the Auditor's report. Engineer, sorry Mr. Lovece.

ENGINEER'S REPORT

Engineer Lovece: Thank you. The new water tower is about 50 percent complete, the construction. I just want to summerize a few things and what it means for the City as I see it. It should give the residents some peace of mind that we'll have an adequate supply of water during

peak demands for now and for the future. In fact, the way the tower, the old tower was undersized even for today. Even five years ago it was undersized, by the way. If you look at the State of California and the problems they're experiencing, due to what is apparently poor planning with electricity, that's something you don't want to do with any utility and staying ahead of the game is the thing to do. Certain portions of the City, especially Bainbridge, West Point homes area, and some of the Pitts Blvd. area, experience marginal water pressure and I've received several complaints over the years in these areas. The new tower and associated pressure regulators that are being installed will help boost pressure in these areas. The new water tower does not rely on electricity to operate. Once it's filled, it works by gravity and in the event of a power outage and that would be highly unlikely talking to utility companies that would affect the whole area or possibly pump failures or a number of reasons, we have enough water for 24 hours in that tower on a typical days usage and I believe that once the tower is constructed and the new transmission main that Avon Lake is completing, that our City will be the envy of most cities when it comes to the water distribution system. Most cities don't have the adequate storage or the transmission facilities like we do.

Race Road and Shady Drive will be paved at the end of, they'll start paving tentatively, the end of this week. The road was torn up due to the installation of that 42 inch high pressure water main going from Avon Lake to Medina. We're sending out letters to the citizens in that area so that they can address any complaints through my office, we'll forward them to the City of Avon Lake and we'll make sure that everything that they're responsible for, they correct. I realize there was a question, while the sewers are going to be installed shortly, the sewer will be installed on the other side of Race Road and we will disrupt the pavement. Most of it being the old pavement and that will be replaced accordingly. I know it's very hard to coordinate these two projects done by two different municipalities, but it'll all work out in the end. Thank you very much.

President Brown: Thank you Mr. Lovece. Anyone have any questions regarding the Engineer's report? Mr. Gillock?

Council Member Gillock: Stewart, I know that the contractors also caused some damage on Line Drive and they have totally destroyed diamond five, what's the possibility, what's going on with having them do something in those two areas?

Engineer Lovece: Line Drive, they'll have to correct any damage areas, that was the agreement between the contractor and the City. Actually, he was not even suppose to use Line Drive for heavy trucks. So, we will get, at their expense, pavement repairs. The diamonds will have to be corrected to. We'll look into that on the schedule. The weather hasn't been too cooperative in the last couple of weeks but, they should do that shortly.

Council Member Butkowski: Mr. Lovece, I've had a lot of questions. What color are you going to paint the water tower? I've really had a lot of questions about that.

Engineer Lovece: We're going to paint it light blue. That's what it looks like. We're going to

select the color shortly. We didn't know to paint it gray or blue because it's usually a gray sky in the Cleveland area, but, somewhere in the middle, maybe we'll mix the two colors, I don't know. Put some clouds on it or something.

President Brown: Any other questions? Moving on to, now, our Auditor's report, Mr. Costin.

AUDITOR'S REPORT

Auditor Costin: Thank you Madame Chairman. There's no report schedule for this meeting.

President Brown: Alrighty, thank you. Moving on to Mr. Zagrans, our Law Director's report.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you. The day after our last Council meeting the Supreme Court of Ohio handed the City a significant victory. The lawyer STAMP and a number of his clients had filed a suit in the Ohio Supreme Court against the Waterbury and Meadow Lakes PCD's. The Supreme Court decision threw that case out and dismissed it saying that it had no merit. The Supreme Court decision vindicated the City's legal position on two important issues. First, the Court confirmed that the City and Mr. White, the Council Clerk, had no duty to remove the PCD classification from the North Ridgeville Zoning Map after City Council adopted and voted to approve the preliminary PCD plans for Waterbury and Meadow Lakes. Second, contrary to the position that STAMP's lawyer has made, the Supreme Court confirmed that its decision last year in the Kingston Place PCD case had absolutely nothing to do with the issues presented in the Waterbury and the Meadow Lakes PCD applications. Therefore, the case in the Ohio Supreme Court is gone and the case that has been pending since December, since before this Supreme Court lawsuit was filed, here in the Lorain County Court of Common Pleas for a declaratory judgement, that case remains pending. That is the status of that litigation and that concludes my report.

President Brown: Thank you Mr. Zagrans. Any questions of his oral report? No, moving on, other reports.

OTHER REPORTS

Parks & Recreation Commission Liaison Report:

Council Member Overby: The Parks & Recreation Commission approved expenditures of 20,000 dollars to go along with that grant we received for restrooms and concession stand at Shady Drive. I'd like to make a motion that Council approve that.

motion by Overby to approve expenditures of 20,000 dollars to go along with that grant we received for restrooms and concession stand at Shady Drive, 2nd by Borocz

President Brown: Is there any discussion? Mr. Gillock?

Council Member Gillock: Yes, I have some questions about this and I called the Auditor and I

also talked to the Director of Parks & Recreation and correct me if I'm wrong, but this verbal approval, well, let me back up. We got a letter from Parks & Rec. A one sentence letter saying, please approve the expenditure of twenty thousand dollars. We're not spending this twenty thousand dollars. We are basically making a verbal commitment to do so in the future.

Council Member Overby: Right. They've got to get plans put together and everything before they can even build the concession stand.

Council Member Gillock: This is because, to receive the Ohio State Grant, we have to match a certain portion and that's what this twenty thousand is for?

Council Member Overby: Right. We have to at least match it. Not match it, but, I think it's 25 percent.

Council Member Gillock: This memo doesn't mention anything about the grant and even knowing about the grant, fifty thousand plus twenty thousand, seventy thousand, you're still not going to build much of a concession stand and restroom facility. So, I just want to make it clear, and I'd like the Auditor to, again, assure me that this is just a commitment, we're not authorizing actually spending the money. We'll have to go out for bids, get contracts, the normal procedure for an ordinance to spend the money. Correct?

Auditor Costin: Well I can rephrase that or I can answer that if you rephrase that properly.

Council's free to do as they wish. So, what you are probably suggesting that you want to do is making a commitment for those monies. What we were talking about in a telephone conversation is Council's probably aware that Parks & Rec Improvement Fund is to be spent at the discretion of Council. It does require Council manic action, but not necessary in writing. So, in the past we have had verbal approval by Council similar to the motion that you are making. However, to expend monies on a subject such as this, because it would be in excess of fifteen thousand dollars, you now require written ordinance that would allow the administration to enter into a contract to construct that building. There in lies the confusion. So, you have the authority to spend the money at your discretion out of that fund. But, there's also other charter provisions and Ohio Revised Code provisions that come into play. So what you probably might want to do to avoid that confusion that he's speaking about is commitment of the funds as opposed to authorizing the expenditure of them or to authorize the expenditure of those funds subject to the other provisions of the City Charter and Ohio Revised Code. Does that explain in? Have I thoroughly confused everybody? Questions?

Council Member Butkowski: Madame President, so am I to understand that we should go back to the table and start all over with this and come with a formal ordinance?

Auditor Costin: You don't need a formal ordinance at this time. You can commit the money or approve the expenditure of the monies from that fund or as Councilman Gillock said, you can't approve the expenditure for the project yet. That would require a written ordinance because of the magnitude of the project. So, it's kind of an overlapping situation for which you're approving. I believe, and your Law Director should correct me if I'm incorrect, this is more his territory, but I believe you can and perhaps you consider as I said in my second suggestion, approving the expenditure of the money, the twenty thousand dollars, subject to the other

provisions of the Charter and Ohio Revised Code. That way we can spend it as long as we ultimately do the other things that are required.

Mayor Hill: Madame President, basically this is what we've done numerable times when it's a grant and when it's a grant the funding agency, when we're providing a match, wants a commitment from the City that those funds will be expended following all pertinent laws. But, we have to tell them by a commitment, by a vote of Council, and like I say, we've done this a number of times so that we can submit that and in this case to the Ohio Department of Natural Resources saying Council has made a decision as well as Parks & Rec Board to commit these funds, otherwise the grant goes away.

Council Member Gillock: I don't have a problem making the commitment. Everybody knows we need substantial improvements at the Shady Drive Complex, it's getting better, but I was out there tonight and there's a lot of work that still needs to be done and maybe some of our new developers can help out in that area down the road. But normally, when we give verbal approval for expenditures in the Parks & Rec Improvement Fund, it's below fifteen thousand which is our ceiling for requiring written ordinance. This is twenty thousand and that's where my original concern came from. I'm certainly, I understand that the grant is a reimbursement. We will still have to first spend the money and then they will reimburse us that fifty thousand, so, I don't have a problem making a commitment. I don't want to approve the expenditure the way it's worded in this letter. So, if we can make an amendment to reword the motion.

Council Member Overby: I'll withdraw my motion and Mr. Gillock will you make it how you want it.

motion withdrawn by Overby

Council Member Borocz: I'll withdraw my second.

2nd withdrawn by Borocz

motion by Gillock that we approve the commitment of twenty thousand dollars from the Parks & Recreation Improvement Fund for the construction of the stand and restroom as required by the grant, 2nd by Overby

President Brown: Do we have discussion?

Council Clerk White: I have a question? Does that sound fine with Mr. Costin and Mr. Zagrans? There's no sense in doing this if we're not in bed with each other.

Auditor Costin: What I'm inquiring is what their requirement is of the grant from the Mayor. I don't have a problem of what you just did because you're ultimately going to have to come back again for the appropriations or I should say for the authorization to let the contract.

President Brown: Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Council Member Overby: That's all I have.

Senior Citizens Advisory Board Liaison Report:

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President Brown: I have nothing.

Planning Commission Liaison Report:

Council Member Gillock: Planning will be meeting a week from tomorrow, Tuesday.

OLD BUSINESS

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

NEW BUSINESS

Council Clerk White:

T 89-2001 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? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 89-2001 to have first reading tonight.

T 90-2001 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 2001/2002 winter season, pursuant to Resolution No. 693-90.

motion by Borocz to give this a first reading this evening, 2nd by Swindig

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 90-2001 to have first reading tonight.

CORRESPONDENCE

1) Received a letter from Joan Lowry, Corporate Affairs Manager from AT&T Broadband alerting Council that AT&T Broadband will be dropping Weatherscan from their digital lineup in mid June.

2) Received a letter from the 2003 IIMC Conference Planning Commission inviting municipalities or regions in Ohio to be included in the Welcome Book for the International Institute of Municipal Clerks Conference that will be held in Columbus in 2003.

3) Received a letter from Parks Director Jim Spaulding announcing the Parks & Recreation Commission's approval of \$20,000 from the Parks & Recreation Improvement Fund for the construction of a new concession stand and restroom facility at the Shady Drive Baseball Complex.

4) Received the Certificate of Result of Election of Question or Issue from the Lorain

County Board of Elections in regard to the ordinance providing for an increase of .4% on income for a Community Center. Votes for the issue were 1,213. Votes against the issue were 3,709.

5) Received a certified letter from AT&T Broadband informing that AT&T Broadband will be implementing a new price structure effective July 1, 2001.

President Brown: Moving on to the Lobby. I will allow you two minutes after you give your name and your address. Please fill out one of the forms that we have in the back of the room and leave it on the podium as you get done speaking. Thank you. Anyone wishing to speak?

LOBBY

1) Joe Antush of 38500 Otten Road recommend that everyone read the article on urban sprawl in Sunday's and Monday's Plain Dealer. Read excerpts from this article. Asked that Council learn from problems other cities have encountered.

2) Josephine Perryman of 38565 Sugar Ridge spoke in regard to the proposed ordinance regulating parking in residential districts. Noted that the state allows an individual to sell four vehicles per year and no permit is required. Stated that the proposed ordinance is requiring a permit and can only sell two per year. Spoke about a prior ordinance in 1999 proposing a limit of 48 hours in a seven day period for parking a vehicle in front or side yards in a residential area received many negative comments and was sent back to Buildings and Lands. Asked that since this is essentially the same ordinance, what did Buildings & Lands Committee do and why is it being brought up again without change.

3) John Prajzner of 35140 Mildred Street commented on Mr. Zagrans comments about the Supreme Court decision. Stated that the Supreme Court ruled, when they dismissed the case, that the Common Pleas Court is hearing that case and that it shouldn't be heard in both the courts so they dismissed their case in the Supreme Court and they want it to precede in the Common Pleas Court.

4) Gerald Warner of 33770 Floraline Avenue stated that he strongly opposes the proposed parking regulation ordinance. Stated that there are a few people who are discontent with some situations that exist somewhere in the City and have enlisted the help of the administration and the Council to pass an ordinance that affects everyone in the City. Spoke about parking in the front yard. Spoke about construction traffic on Floraline tearing up the road. Stated that the specific problem should be addressed with cars continually parking on lawns for extended period of times.

5) Pat Ladrach of 34924 Chestnut Ridge Road spoke his opposition to the parking regulation ordinance and the requirement to obtain permits to sell a car. Stated that there already is state

and local laws covering this. Stated that what concerns him is taking the rights away of people living here seven, eight, ten, thirty years. Doesn't have a problem with ordinances being passed for the new home developments so that those people buying homes know what they're getting.

6) William Reinhart of 5977 Wallace Blvd. spoke about the railroad crossing on Center Ridge at the City limits. Stated that a different administration brought up the fact of trying to have that railroad crossing fixed. Sheffield Village, on Route 254, has had theirs fixed and is in excellent condition. Asked that it be fixed.

7) Dave Cribbs of 5844 Ridgeview Blvd spoke about land owners property next to him removing dead trees that are coming down on his house. Stated that he has approached them and they do not want to speak with anybody. Stated that he inquired with the City for help about two months ago with no reply. Asked if he is pursuing this wrong or needs to pursue a different avenue.

8) Chris Rangus of 9132 Reed Road asked if we have a liaison between the City and the cable company on rate increases and quality. Asked if there is someone he can talk to on his concerns.

President Brown: Would you like to reply to that Mayor Hill?

Mayor Hill: Yes I would. I know it's one minute, but there were several of them.

Council Clerk White: You get one minute for each one.

President Brown: You get one minute for each one.

Mayor Hill: Okay, real quickly. The cable, the pricing is controlled by the FCC. A couple of years ago we tried to appeal through the FCC and we were straightened out real quickly about who controls that and as long as they meet the formula determined by the FCC, they're within those bounds. The community relations person at the cable company is Joan Lowry and you can call there and talk with her.

Mr. Rangus: We don't have one in our City?

Mayor Hill: No. Second one, the railroad crossing. The railroad crossing on Center Ridge is in Elyria. We have no authority or control and no actual input. When I first came on board, we did contact Elyria about what they can do to work with the railroads to fix that track, and certainly within their control, and all we can do is, we would like you to do something about it. But then, the railroad doesn't have to do it for Elyria either.

Third subject, the parking ordinance, we did gather materials. We are one of the few, if any, cities in the area that do not have regulations and most cities actually have a parking ban for yards, for cars and it was stated that the state says that you're allowed four per year, no, what the state says is that you're allowed four per year before you are considered a dealer. Unfortunately we do have several people in town who make it a habit, parking on their front lawns for extended periods of time, we have a few people in town who, we haven't been able to prove it, but it

seems that they are . . . I'm on my third subject.

President Brown: Yes, I know. I'm setting the timer.

Mayor Hill: Okay, it's confusing. We had people who continually sell cars on their front lawn, pickup trucks, whatever. I'm not sure anybody would like that in their neighborhood, especially with some, and you always have abusers. The current ordinance is a replacement from one that was stricter before and then a few years ago it was changed and it gives the number of hours it can remain in one spot in the yard. It's virtually unenforceable because we can't have people sitting there 24 hours a day from the Building Department to time exactly what time it was put out, has it changed position, has it been moved, has it been put in the driveway, and we do have people that play that game; well, I moved it, I moved it in the middle of the night so my hours start all over again. That's the problem with the current ordinance.

Lastly, the articles in the Plain Dealer about urban sprawl, yes I did read those. I read them with great interest. It does not parrot PCD opponents. What it's talking about is urban sprawl and that is the lose of life in the inner cities and people moving out to the suburbs. What they recommended was smart growth. Smart growth is exactly what the PCD's are and you need to read all of the information and included in that article were statements supporting smart growth with high density, small lots and open spaces which is what the PCD is. It also does not talk about, it says abatement is no good. It's exactly what we've been saying all along. A necessary evil. It says that it has become a bidding war and it would be fine, I'm sure, with everybody if it were outlawed. The problem is, when I worked for Congressman Sherrod Brown he investigated whether that was possible and it is not. It is not controlled by Congress. It would have to be nation wide.

President Brown: Your time is up. Anyone else on Council what to answer anyone? Dave Gillock?

Council Member Gillock: Just real quickly since some of you indicated you probably haven't seen this new ordinance and it doesn't say anything about how many vehicles you can park in your yard or anything like that. What this ordinance says has two parts. You cannot park a vehicle in your front or side yard except for special occasions such as birthdays, anniversaries and several others, for which no permission is required or other exceptions, that's part one. Part two says, vehicles for sale, you can do this, you can get two permits a year. The permits cost two bucks. That's all this ordinance says. All it's trying to do is exactly what this gentleman says is to stop those that continually park in the yard and or run used car lots. That's all that's in this ordinance is those two items.

President Brown: Just a minute Mr. Johnson until a set my timer. Okay.

Safety-Service Director Johnson: The trees on Ridgeview, the Building Department is working on that and it is an out of town owner, vacant lot, and there's a process that you go through and they are working on it. They have been since the day you called. Thank you.

Council Member Minnick: Mrs. Brown?

President Brown: Just a minute, let me set my timer again. Go.

Council Member Minnick: Also the article in the Plain Dealer addressed the disappearance of

farmlands and that farmland was being bought up by land speculators and that the cost to commute from 20 to 30 miles away was very high compared to living closer in town and they were suggesting that in the cities that the properties be rezoned to have clusters in the cities and so in that way it would preserve the farmland. So, I wanted to make that clear to.

President Brown: Thank you. Is that it? I would like to say just on thing, wait till I set my timer. I have gotten several calls regarding grass being so long that it looks like a hay field. It's the persons responsibility that owns the property to get that grass cut so that your neighbors are not being pestered by all kinds of rodents and insects and so forth. If there is a house that's been, perhaps, lost by the people that live there and reposessed, if you want to be a nice neighbor, perhaps you can cut the front lawn for them. That would be very nice. The people have gone through enough losing their house. But, if a company has it, a mortgage company or something, they should be able to keep it up so that it's half way decent in the neighborhood. I have gotten quite a few calls about these homes and the City department, the Building Department is working on it and God bless them because they don't have that many people that's doing it and it's a big job. Okay, I'm done. Mr. Johnson?

Safety-Service Director Johnson: Just to add to what you were saying. The grass and overgrowth, an adjoining property owner has to make the complaint or the Fire Chief, either or. Or the City's hands are tied as to who does it. If it's two doors down, that person can complain all day and our ordinance doesn't give us the right to go out. The adjacent property owner has to be the complaint.

Council Member Butkowski: Since we're talking about grass. I've gotten a lot of complaints about the mowing of the grass along Bainbridge Road and being thrown into the street and all over the sidewalks.

President Brown: I've noticed that too.

Council Member Butkowski: It's clogging up the storm sewers.

President Brown: Anyone else have anything to say? We'll adjourn till 8:30 P.M.

RECESS from 8:22 P.M. to 8:30 P.M.

FIRST 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.

First Reading

T 89-2001 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

935-2001 First Reading
motion by Swindig to suspend second and third readings, 2nd by Butkowski

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.
motion by Swindig to adopt, 2nd by Butkowski

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 89-2001 becomes Resolution No. 935-2001.

Permanent Resolution No. 935-2001

T 90-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3697-2001 RIDGEVILLE, OHIO, TO ENTER INTO A PARTICIPATION AGREEMENT
WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE
PURCHASE OF SODIUM CHLORIDE FOR THE 2001/2002 WINTER
SEASON, PURSUANT TO RESOLUTION NO. 693-90.

First Reading

motion by Borocz to suspend second and third readings, 2nd by Swindig

President Brown: Any discussion? Roll.

Yes, 7 No, 0

motion by Swindig to adopt, 2nd by Borocz

motion by Swindig to add the emergency due to the July 16 time frame, 2nd by
Overby

President Brown: Discussion? Roll please.

Council Clerk White: On the emergency

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on the emergency. For the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 90-2001 becomes Ordinance Number 3697-2001 with emergency.

Permanent Ordinance No. 3697-2001

SECOND READINGS

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

Second Reading

T 79-2001 AN ORDINANCE AMENDING CODIFIED ORDINANCE § 451.125(B)
ESTABLISHING CERTAIN PARKING REGULATIONS WITHIN
RESIDENTIAL DISTRICTS.

Second Reading

Council Member Gillock: Can we refer this to Buildings & Lands?

President Brown: Yes, we can do that.

T 81-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3698-2001 RIDGEVILLE, OHIO, TO PURCHASE TWO 4X4 SNOW PLOW READY
TRUCKS FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND
ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING
TO LAW AND IN MANNER PRESCRIBED BY LAW, NOT TO EXCEED
\$60,000.00.

Second Reading

motion by Swindig to suspend third reading, 2nd by Borocz

President Brown: Any discussion? None, take roll on the suspension.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.

motion to adopt by Swindig, 2nd by Overby

President Brown: Discussion? None, take roll please on the adoption.

Yes, 7 No, 0

Council Clerk White: Motion passes seven, zero. T 81-2001 becomes Ordinance Number
3698-2001.

Permanent Ordinance No. 3698-2001

T 82-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3699-2001 RIDGEVILLE, OHIO, TO PURCHASE A MEDIUM DUTY, SNOW PLOW
READY TRUCK, FROM THE STATE CO-OP, OR TO ADVERTISE FOR
BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR
ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT
TO EXCEED \$85,000.00.

Second Reading

motion by Swindig to suspend third reading, 2nd by Overby

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend third readings.

motion by Swindig to adopt, 2nd by Overby

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 82-2001 becomes Ordinance Number

3699-2001.

Permanent Ordinance No. 3699-2001

T 87-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3700-2001 RIDGEVILLE, OHIO, TO NEGOTIATE AND TO ENTER INTO A LEASE
AGREEMENT WITH THE BOARD OF LIBRARY TRUSTEES OF THE
LORAIN PUBLIC LIBRARY, AN OHIO FREE PUBLIC LIBRARY,
ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR
THE LEASE OF REAL PROPERTY FOR THE CONSTRUCTION OF A
PUBLIC LIBRARY, IN A FORM SUBSTANTIALLY SIMILAR TO THE
AGREEMENT ATTACHED HERETO.

Second Reading

motion by Borocz to suspend third reading, 2nd by Swindig

President Brown: Discussion? Please take roll on the suspension

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend third reading.

motion by Borocz to adopt, 2nd by Swindig

motion by Borocz to add the emergency because of the June 15th date that the
Library Board is running on

President Brown: June 15th, okay.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Law Director Zagrans: Point of order. We need to have a second to the, before discussion.
2nd by Overby

President Brown: Now discussion.

Council Member Gillock: We need a couple of amendments to this agreement. Is this the
appropriate time to do this on the amendments? We were going so fast there. For example, the
first one, the contract says by June 1st date which is obviously impossible.

Law Director Zagrans: Right. I think this is the right time to do amendments so that people can
know what, finally, they are voting on when they vote on the emergency and then on the motion
to adopt.

motion by Gillock to amend, in the first paragraph, Premises, to change the
execution date of the lease from June 1st to June 21st at the request of the Library,
2nd by Overby

Law Director Zagrans: Madame President, may I point out that the language of the ordinance is
in a form substantially similar to the agreement attached hereto and the reason for that language
in the ordinance is to try to account for things such as Mr. Gillock is correctly pointing out. But,
I don't think that it is necessary to amend the ordinance that you're adopting in order to
accomplish what you need to do because, as long as the final lease agreement is substantially in
the form of the draft lease that you're looking at that's attached to it, that will satisfy the terms of

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the ordinance.

Council Member Gillock: June 21st is not June 1st.

Council Member Minnick: That's what we had the first reading on.

President Brown: Right.

Council Member Gillock: This is just as simple to do the amendment.

Law Director Zagrans: Fine.

Council Member Gillock: So, we have a motion and a second on the amendment changing the date.

President Brown: Any more discussion? Take roll please, on the amendment.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Council Member Gillock: I would also make a motion by that Section 8, Insurance, be replaced with the language provided. This language is substantially the same. The old language was obsolete. This is just bringing it up to current insurance language with the new forms and the new terminology that's used today

motion by Gillock that the insurance paragraph be replaced, 2nd by Overby

President Brown: Discussion? Take roll on the amendment.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. Could I have a moment please?

President Brown: Um huh.

Council Clerk White: I would like to have a copy of what your. . .

President Brown: Changes.

Council Clerk White: Yes.

Council Member Gillock: You didn't get this? I'll give it to you.

Council Clerk White: Do I have it? I personally do not have it. It may be in my office. But, if I'm writing right her I want to know what I'm writing. Thank you. We're voting on the emergency now with the amendments.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on the emergency. Now for the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 87-2001 becomes Ordinance Number 3700-2001 with the emergency.

Permanent Ordinance No. 3700-2001

THIRD READINGS

T 24-2001 AN ORDINANCE ESTABLISHING THE SATELLITE SEWER DISCHARGE
3701-2001 CONTROL PROGRAM (SSDCP) MANDATED BY THE ENVIRONMENTAL
PROTECTION AGENCY (EPA) BY THE DISCHARGE PERMIT ISSUED TO
THE FRENCH CREEK REGIONAL WASTEWATER TREATMENT WORKS
BY THE OHIO EPA.

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Third Reading

motion by Gillock to adopt, 2nd by Swindig

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 24-2001 becomes Ordinance Number 3701-2001.

Permanent Ordinance No. 3701-2001

T 77-2001 AN ORDINANCE VACATING A PORTION OF BRECK COURT,
FORMERLY KNOWN AS EAST STREET.

Third Reading

Council Member Gillock: Could we have this referred to Buildings & Lands?

President Brown: Yes we can. Buildings & Lands.

Council Clerk White: We will note that this had its third reading.

REFERRED TO BUILDINGS & LANDS COMMITTEE.

UNFINISHED BUSINESS None

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

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White:

Finance Committee meeting tomorrow, June 5th at 3:45 P.M. in the Conference Room.

The next Regular Council meeting will be held Monday, June 18, 2001 at 7:30 P.M.

ADJOURNMENT

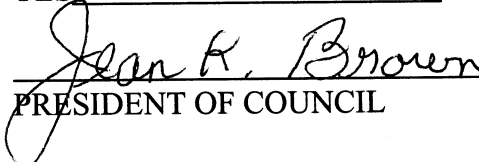
motion to adjourn by Swindig, 2nd by Borocz

President Brown: Meeting adjourned.

Meeting adjourned at 8:45 P.M.

MOTION _____ Swindig _____ 2ND _____ Butkowski _____ DATE _____ June 18, 2001

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



PRESIDENT OF COUNCIL

CLERK OF COUNCIL