

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
MINUTES OF  
REGULAR MEETING                      JUNE 3, 2002**

**CALL TO ORDER:** 8:00 P.M.

President of Council David Gillock: I would like to call this Regular meeting of the North Ridgeville Municipal Council to order. Please stand for the Invocation and the Pledge of Allegiance.

**INVOCATION:** lead by President of Council David Gillock.

**PLEDGE OF ALLEGIANCE:** by all.

**CALLING OF THE ROLL - ROLL CALL:**

Present were Council Members Nancy Buescher, Allen Swindig, Josanne Pagel, Bob Olesen, Bernadine Butkowski, Denny Johnson and David Gillock.

Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Engineer Tom Beutler, Auditor Chris Costin and Clerk of Council Chuck Norris.

**MINUTES - Corrections and Approval:**

Special Council Minutes of May 17, 2002.

motion by Butkowski to approve, 2<sup>nd</sup> by Johnson

President Gillock: Is there any discussion, corrections or additions? If not, please call the roll.

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

Clerk of Council Norris: Minutes are approved by a vote of six, zero, one.

Regular Council Minutes of May 20, 2002

motion by Butkowski to approve, 2<sup>nd</sup> by Olesen

President Gillock: Are there any corrections or additions? Seeing none, please call the roll.

Yes, 7                      No, 0

Clerk of Council Norris: Minutes are approved by a vote of seven, zero.

President Gillock: Please note:

Planning Commission Minutes of regular meeting May 14, 2002 and  
special meeting May 14, 2002;

Board of Zoning and Building Appeals Minutes of May 23, 2002;

Civil Service Commission Minutes of May 21, 2002;

Parks and Recreation Minutes of regular meeting April 24, 2002 and  
special meeting May 9, 2002

**COMMITTEE REPORTS:**

Clerk of Council Norris:

1) UTILITIES COMMITTEE REPORT #7162 Members of Council: We have considered the matter of amending T 57-2002 and recommend that this request be approved and legislation with the following changes: delete paragraph 4, add Veterinarians and Animal Hospitals: 10 per run 0.25 per run; 10 per cage 0.25 per cage; 20 per employee .05 per employee.

Signed: Chairperson Denny Johnson, Nancy Buescher, Bernadine Butkowski and G. David Gillock

motion by Butkowski to accept, 2<sup>nd</sup> by Buescher

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                  No, 0

Clerk of Council Norris: Motion carries by a vote of seven, zero.

2) BUILDINGS & LANDS COMMITTEE REPORT #7165 Members of Council: We have considered the matter of deleting reference of the Regional House Code in Section 1282.11(b)(3) and place in Chapter 1480 as a new section and recommend that this request be approved and proper legislation be drawn authorizing the above. This committee to study minimum dwelling sizes at a later date.

Signed: Chairperson Robert Olesen and Nancy Buescher

motion to accept by Olesen, 2<sup>nd</sup> by Johnson

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                  No, 0

Council Clerk Norris: Motion carries by a vote of seven, zero.

3) BUILDINGS & LANDS COMMITTEE REPORT #7166 Members of Council: We have considered the matter of Codified Ordinance Section 1284.02 (j) and recommend that this request be approved and proper legislation be drawn amending the first sentence to read as follows: Additional off street parking and loading regulations for commercial and industrial districts in residential district parking lots of a commercial type are as follows.

Signed: Chairperson Robert Olesen and Nancy Buescher

motion by Olesen to accept, 2<sup>nd</sup> by Johnson

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                  No, 0

Council Clerk Norris: Motion carries by a vote of seven, zero.

4) BUILDINGS & LANDS COMMITTEE REPORT #7167 Members of Council: We have considered the matter of Codified Ordinances Chapter 1288 and recommend that this request be approved and proper legislation be drawn authorizing the addition of a new provision as follows: Any building not covered under the provisions of Chapter 1288 on the sale or change of use or upon substantial exterior alterations and, or additions, as determined by the Planning Commission, shall as of the effective date of this Ordinance comply with the provisions of Chapter 1288.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
REGULAR MEETING**

**JUNE 3, 2002**

**Page 3**

Signed: Chairperson Robert Olesen and Nancy Buescher.

motion by Butkowski to approve, 2<sup>nd</sup> by Olesen

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                      No, 0

Council Clerk Norris: Motion carries by a vote of seven, zero.

5) BUILDINGS & LANDS COMMITTEE REPORT #7168 Members of Council: We have considered the matter of Codified Ordinances Section 1288.07 and recommend that this request be approved and proper legislation be drawn amending to 30 feet to read: In no case shall the growth in the buffer strip grow closer than 30 feet from the right-of-way line of the street or road.

Signed: Chairperson Robert Olesen and Nancy Buescher.

motion to accept by Johnson, 2<sup>nd</sup> by Butkowski

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                      No, 0

Council Clerk Norris: Number 07168 passes by a vote of seven, zero.

6) BUILDINGS & LANDS COMMITTEE REPORT #7169 Members of Council: We have considered the matter of Codified Ordinances section 1294.01 (h) and recommend that this request be approved and proper legislation be drawn authorizing the addition of the following provisions: Fence height shall be measured from a point not more than four inches from the grade. It shall follow grade contours as far as practical.

Signed: Chairperson Robert Olesen and Nancy Buescher.

motion to accept by Butkowski, 2<sup>nd</sup> by Olesen

President Gillock: Is there any discussion? Please call the roll.

Yes, 7                      No, 0

Council Clerk Norris: Motion carries by a vote of seven, zero.

7) BUILDINGS & LANDS COMMITTEE REPORT #7170 Members of Council: We have considered the matter of Codified Ordinances Section 1294.01 (h)(4) and recommend that this request be approved and proper legislation be drawn authorizing in B and I districts, fences shall be not greater than eight feet in height and shall be set back not less than 12 feet from the right-of-way.

Signed: Chairperson Robert Olesen and Nancy Buescher.

motion to accept by Butkowski, 2<sup>nd</sup> by Buescher

President Gillock: Is there any discussion? Please call the roll.

Yes, 7                      No, 0

Council Clerk Norris: Motion carries by a vote of seven, zero.

8) BUILDINGS & LANDS COMMITTEE REPORT #7171 Members of Council: We have considered the matter of Codified Ordinances Section 1294.02 entitled, Parking and Storage of Recreational Equipment on Residential Property and recommend amending the title to read,

Parking and Storage of Recreational Equipment and Trailers on Residential Property and recommend that this request be approved and proper legislation be drawn authorizing the addition to Section 1294.02 (a), a new sub-section (6) to read, Trailers, not addressed elsewhere in this zoning code. 1294.02(b) to amend a new sub-section (1) through (6) to include, Trailers, not addressed elsewhere in this zoning code.

Signed: Chairperson Robert Olesen and Nancy Buescher.

motion to accept by Olesen, 2<sup>nd</sup> by Butkowski

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                      No, 0

Council Clerk Norris: Number 07171 carries by a vote of seven, zero.

President Gillock: We need a suspension of By-Laws for 07163. Is there a motion?

motion by Johnson to suspend By-Laws to introduce Utilities Committee Report #7163,  
2<sup>nd</sup> by Buescher

President Gillock: Is there any discussion? If not, please call the roll.

Council Clerk Norris: On the motion to suspend By-Laws.

Yes, 6                      No, 1 (Swindig)

Council Clerk Norris: Suspension of By-Laws carries by a vote of six to one.

President Gillock: Would you please read 07163.

Council Clerk Norris:

9) UTILITIES COMMITTEE REPORT #7163 Members of Council: We have considered the matter of telephone recording usage policy and recommend that this request be approved and proper legislation attached be adopted.

President Gillock: Is there a motion to accept?

motion by Butkowski to accept, 2<sup>nd</sup> by Johnson

President Gillock: Is there any discussion?

Mayor Hill: Yes, Mr. President.

President Gillock: Mayor Hill

Mayor Hill: I would like this referred to the Law Director.

President Gillock: We can't really refer it to you. Is there anything you want to speak to?

Law Director Zagrans: I don't know if this is the right time. All we're doing right now, as I understand it, is voting on whether or not to accept the report.

President Gillock: Correct.

Law Director Zagrans: This is not yet a consideration of the ordinance.

President Gillock: Correct.

Law Director Zagrans: No, I don't have anything to say at this point.

President Gillock: Is there any other discussion? If not, please call the roll on accepting 07163.

Yes, 6                      No, 1 (Swindig)

Council Clerk Norris: Motion to accept carries by a vote of six to one.

President Gillock: Is there a motion to suspend By-Laws to introduce 07164 this evening?  
motion by Johnson to suspend By-Laws to introduce #7164, 2<sup>nd</sup> by Buescher

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                      No, 0

Council Clerk Norris: Motion to suspend By-Laws carries by a vote of seven, zero.

President Gillock: Would the Clerk please read report #07164.

Clerk of Council Norris:

10) UTILITIES COMMITTEE REPORT #7164 Members of Council: We have considered the matter of cell tower moratorium and recommend that this request be approved and proper legislation attached be adopted.

Signed: Chairperson Dennis Johnson and Bernadine Butkowski and Nancy Buescher.

motion by Butkowski to accept, 2<sup>nd</sup> by Johnson

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                      No, 0

Council Clerk Norris: Motion to accept Committee Report 07164 carries by a vote of seven, zero.

Council Member Butkowski: Mr. Chairman, I'd like to make a motion to give this its first reading tonight and give it a T number.

President Gillock: Okay, what would be the T number. We can just assign that.

Council Clerk Norris: The first temporary number is 78-2002.

motion by Butkowski to suspend By-Laws to give this its first reading this evening, 2<sup>nd</sup> by  
Pagel

President Gillock: Now I have a motion to suspend By-Laws to give this a first reading tonight.  
Is there any discussion on the suspension? Yes, Mayor.

Mayor Hill: Yes, Mr. President. I don't know if this is the proper time, but we have no copies of these.

President Gillock: These were passed out this evening.

Council Member Johnson: Didn't we get over there? They were passed out during the Work Session.

Mayor Hill: Well, Mr. Johnson was here and he didn't get a copy. By Charter, the Mayor is entitled to discuss all matters coming before Council but it's kind of difficult because we don't always get copies to discuss or look at.

President Gillock: We just got these this evening ourselves. These are being introduced by the Utilities Committee. That's why we suspended By-Laws. So, there will be three readings on this.

Mayor Hill: Mr. President, we don't even have the temporary numbers so we have nothing. I don't know which one you're on.

President Gillock: We just assigned Temporary No. T 78-2002 to Utilities Committee Report 07164.

Safety-Service Director Johnson: Mr. President, all we have copies of is 07163.

Mayor Hill: No, there's one before that. Okay, what was that again?

President Gillock: 07164 is the Utilities Committee Report number and we assigned temporary number T 78-2002.

Mayor Hill: Okay.

President Gillock: We currently have a motion to suspend By-Laws to give this its first reading this evening.

Mayor Hill: Okay.

President Gillock: Any further discussion? If not, please call the roll on the suspension to allow it to have its first reading?

Yes, 7                      No, 0

Council Clerk Norris: Motion carries by a vote of seven, zero.

President Gillock: That is all the Committee Reports.

**QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:**

President Gillock: There are no written reports from the Mayor, Safety-Service Director, Engineer or Law Director. Auditor's Report.

**Mayor:**                                      None

**Safety-Service Director:**              None

**Engineer:**                                      None

**Law Director:**                              None

**AUDITOR'S REPORT:**

Auditor Costin: None scheduled.

**OTHER REPORTS:**

President Gillock: Please note:

Mayor's Court Case Report for March and April 2002 and

Service Department Activity Report for May 14 through May 27, 2002

**OLD BUSINESS:**

President Gillock: There is no old business. We will go right into new business.

**NEW BUSINESS:**

Clerk of Council Norris:

Request for D1, D2 and D3 liquor permit transfer from Lovcen Inc., DBA Laurels, 34900 Center Ridge Road to Nela Inc. DBA Laurels, same address.

President Gillock: REFERRED TO BUILDINGS AND LANDS COMMITTEE

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
REGULAR MEETING**

**JUNE 3, 2002**

**Page 7**

Clerk of Council Norris:

T 66-2002 An ordinance transferring various funds of the City of North Ridgeville, Ohio representing reimbursement of administrative expenses or operating transfers.

President Gillock: Anything you want to add on this, Mr. Costin?

Auditor Costin: Mr. Chairman, this is an ordinance similar to those that we have passed in prior years and it represents, substantially, reimbursement of the general fund for administrative expenses to various other funds, particularly enterprise funds. It also has been appropriated and there is no particular rush. It can be passed in due time and once passed, we will begin transferring the funds.

President Gillock: Thank you.

Clerk of Council Norris:

T 67-2002 A resolution acknowledging and commending North Ridgeville High School Students Tony Tracey, Chris Boron and Neil Klima for winning the twelfth Annual County Academic Championship.

motion by Johnson, 2<sup>nd</sup> by Butkowski to suspend By-Laws for first reading

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries by a vote of seven, zero.

T 77-2002 A resolution authorizing and directing the Mayor of the City of North Ridgeville, Ohio, to issue a license to Sterling & Reid Bros., 3-Ring Circus.

motion by Gillock, 2<sup>nd</sup> by Johnson to suspend By-Laws to give this a first reading

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries by a vote of seven, zero.

**CORRESPONDENCE:**

Clerk of Council Norris:

1) Received from NOACA, an invitation to attend the region's 3<sup>rd</sup> annual Transportation Summit Friday, June 14 from 10:00 A.M. to 2:00 P.M. at Cleveland State University Convocation Center. The cost is forty dollars.

2) Received a letter from BJ Maynard, Route Coordinator for the Sterling & Reid Bros. 3-Ring Circus, requesting the possibility of their circus being allowed to play in North Ridgeville for three days on July 5, 6 and 7, 2002 at the Ridgeview Shopping Center.

**LOBBY:**

President Gillock: We now come to the lobby portion of our meeting. Anyone is welcome to speak for three minutes. We do have sign up sheets in the back that we asked you to complete

with your name and address for our records or in case we have to get back to you. Is there anyone wishing to address Council? Please come to the podium.

- 1) John Vrtachnik, 5553 Main Avenue, stated free speech is important in this country and you took away the Mayor's right to speak. Council should spend more time on getting added revenue and funds for a new fire station.

President Gillock: Thank you, Mr. Vrtachnik. Your time is up. Is there anyone who would wish to respond to Mr. Vrtachnik at this time? I would just like to point out that at the Council meeting the Mayor is an ex-officio Member of Council, has the same speaking rights and privileges as any other Member up here. As she said earlier, wants to discuss and be part of this when we consider particular ordinances and she's free to do that. We have not stifled her ability to participate in the Council meeting in any manner. I would also like to say in regards, I think you can see that by our Committee reports tonight, our Committees have been very hard at work addressing zoning issues and issues that affect the City as a whole and we've been very cognizant of the budget of the City and have tried to hold the line this year to maintain our surplus so we don't end up in the same situation as some of the other cities around here. The points that I feel you brought up are certainly very important and are things that Council are looking at. Anyone else wish to address Council?

Council Member Buescher: I just wanted to respond, Mr. President. As far as the telephone recording goes, I think that everyone here would acknowledge that they would like to know they are being recorded when they're speaking to someone at City Hall.

Council Member Johnson: Mr. Vrtachnik's last topic, the fire station, and police station actually, Council has appropriated money to get started on that project.

President Gillock: That is correct. Mayor Hill.

Mayor Hill: Mr. President. Yeah, I'd like to respond to the report issue, giving the reports. Yes, at a Council meeting I am an ex-officio Council Member with the right to speak on matters that come before Council although sometimes we don't get the information ahead of time. However, it has to be understood that although I'm an ex-officio Member of Council, I'm also the Mayor of the City of North Ridgeville. We did check with 17 other communities and in none of those is the Mayor prevented from giving an oral report. Right now, if I give a written report, it goes to the Council Clerk. That means that a member of the public who wants to know what's in that report about what's going on in the City from the Mayor's perspective, has to go to the Council Clerk's office and must pay for copies. You cannot select which people have to pay for what reports. It's three cents a page, albeit that's a small amount, but still, it's not the same as presenting to the people at a Council meeting anything from the Mayor's perspective or what's going on in the City administratively. Also, it's really not the same as other Council Members because, Mr. President and Mrs. Butkowski, you've both given oral reports as has the Auditor, on the spot, without written reports. I know that the President of Council has said, well, we'll look at the written reports and decide what will be brought forth orally. That's like judge and jury of what's contained in a report to decide if the people of the City deserve to know what's

going on. Those are my objections.

President Gillock: Mayor, I don't believe that was a response directed specifically to Mr. Vrtachnik's questions but more to my remarks. I might just say, in response, we've only ever received one written report which had to do with a thunderstorm, so we really don't know what kind of report or how it would be handled. I can assure you, a written report given to Council, and we've already assured the press that they would get a copy of that, and as part of our agenda that report would be available. I don't think that would be a problem if we ever got the reports.

Mayor Hill: Mr. President, respectfully, I don't believe it was attached to the agenda. I asked the reporters and also it's the general public that I serve, not the reporters.

President Gillock: And you can do that through your monthly report in the local paper or through the newsletter that's done quarterly. This is Council's meeting and in new business there are opportunities for you to get information across. We've looked at that. I understand what you are saying but if we ever got the written reports, then we could work out any problems that we might have.

Mayor Hill: Mr. President, just one more response to that, and that is that several of the Council Members either have been on Council before or watched Council meetings on television and I've been giving these reports for six years. So there's a record that speaks to what kind of written reports there are and I don't think it's a judgement of Council as to what the public hears and I am addressing his concerns, but I think it's to the general public.

Council Member Buescher: I think that people have lost perspective of what these Council meetings are about. Council and the Administration are separate entities and we have the right to run our Council meetings the way we see fit. I don't think that we should go on and on about this. As I was quoted in the newspapers, the Mayor runs her Departments the way she sees fit and Members of Council may not speak to Department Heads without written reports and without permission, in other words. I think that probably the 17 other cities do not allow that to take place. I think Council Members can speak freely without reporting to the Mayor. Thank you.

President Gillock: Anyone else wish to address Council?

Mayor Hill: Mr. President, that's just incorrect. It is the procedure just like if you go to the schools. You go to the Principal or you go to someone in charge of either the building or the superintendent.

President Gillock: Okay, does anyone else wish to address Council? Mr. Kane.

- 2) Larry Kane, 8044 Maddock Road, stated the transmitters and corresponding service sheds and fencing and the disclosing of work sheets disclosing power output and frequency, etc. should be filed for accountability purposes. Allowing co-locators during the moratorium sidesteps the new codes and discriminates against those who must wait for their permits and suggested Council may want eliminate Section 2 from the moratorium
- 3) Lois Sullivan, Jaycox Road, stated she feels the cemeteries are in need of more land. Where are we going to get more land for another cemetery in North Ridgeville.

President Gillock: Thank you. Anyone wish to respond?

Mayor Hill: Mr. President, I happen to agree with Mrs. Sullivan, of course, that we have an aging population and we have an increase in population and we need to make sure that we have space in our cemeteries. However, the one at Stoney Ridge and Center Ridge, I believe Mrs. Sullivan mentioned, we did add land to that because I negotiated with Mo Shave who is building the residential for senior citizens area, did negotiate with him to donate some more land to that cemetery because a resident brought it to my attention. He did donate that land, so it has been expanded, but we certainly still need more space.

President Gillock: Does anyone else wish to address Council? You can approach and address Council a second time.

- 4) Lois Sullivan stated that she realized there was some land donated, that was 25 feet behind there, and 25 foot of land isn't going to last too long with our growing population in Ridgeville.

President Gillock: Thank you. Anyone else wishing to address Council? If not, we will now take a recess until 8:50 P.M.

**RECESS:** from 8:40 P.M. until 8:50 P.M.

President Gillock: I'd like to call the meeting back to order. First Readings for this evening.

**FIRST READINGS:**

Clerk of Council Norris:

T 67-2002      A RESOLUTION ACKNOWLEDGING AND COMMENDING NORTH  
953-2002      RIDGEVILLE HIGH SCHOOL STUDENTS TONY TRACEY, CHRIS BORON  
                    AND NEIL KLIMA FOR WINNING THE TWELFTH ANNUAL COUNTY  
                    ACADEMIC CHAMPIONSHIP.

First Reading

motion by Johnson, 2<sup>nd</sup> by Butkowski to dispense with second and third

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7              No, 0

Clerk of Council Norris: Motion to suspend carries seven, zero

motion by Butkowski, 2<sup>nd</sup> by Johnson to adopt

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7              No, 0

Clerk of Council Norris: Motion to adopt carries seven, zero and becomes permanent resolution 953-2002.

Permanent Resolution No. 953-2002

President Gillock: Thank you Mr. Norris. It gives me great pleasure to be able to award this resolution this evening to several outstanding and deserving students and their advisor. Would Tony Tracey, Chris Boron, Neil Klima and their advisor, Paula Wanosky, please come up to the front please. The resolution will explain why you're getting the resolution, just as well as I could. This is a resolution acknowledging these fine students.

WHEREAS, The High School Scholastic Games of Lorain County is a weekly quiz program that features academic teams from area high schools; and

WHEREAS, The North Ridgeville High School was represented by team captain Tony Tracey, Chris Boron, Neil Klima and faculty advisor Paula Wanosky;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, OHIO:

SECTION 1. That the Council of the City of North Ridgeville, Ohio does hereby commend North Ridgeville High School student representatives Tony Tracey, Chris Boron, Neil Klima and faculty advisor Paula Wanosky on winning the twelfth annual High School Scholastic Games.

SECTION 2. That the Council of the City of North Ridgeville, Ohio hereby acknowledges the demands of dedication and commitment on these students, Tony Tracey, Chris Boron and Neil Klima and faculty advisor Paula Wanosky, necessary to win such a competitive academic championship.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

With that, I want to congratulate each of you. It's quite an honor, the twelfth annual and you won this last year? Two years ago. A little history there and you certainly deserve it. I would like to give these to you. Thank you. I should have quizzed them real quick. They would have all the answers.

Clerk of Council Norris:

T 43-2002      AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: PROPERTY LOCATED AT 31684 COOK ROAD, APPROXIMATELY 1,560 FEET EAST OF THE COOK AND LORAIN ROADS INTERSECTION, ON THE NORTH SIDE OF COOK ROAD AT THE NORTH RIDGEVILLE/OLMSTED TOWNSHIP BORDER; PERMANENT PARCEL NUMBER 07-00-004-110-037 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY

COMMERCIAL DISTRICT, AND OWNED BY THE ESTATE OF FRANK A. GUTAUCKAS, DECEASED; ROSEANN H. DEAN, EXECUTRIX.

First Reading

T 68-2002      AN ORDINANCE ACCEPTING THE LORAIN COUNTY DISTRICT  
ADVISORY COUNCIL RESOLUTIONS 2002-01, 2002-02 AND 2002-03.

First Reading

T 69-2002      AN ORDINANCE AMENDING ORDINANCE SECTION 1046.05 BY  
ELIMINATING THE AUTOMATIC WATER RATE INCREASE FOR THE  
YEAR 2002.

First Reading

T 70-2002      AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED  
ORDINANCE SECTION 1286.03(F) AND SECTION 1228.01(F) TO ADDRESS  
THE ISSUE OF DEVELOPMENT ENTRYWAY SIGNAGE AND  
ACCOMPANYING DECORATIVE AND FUNCTIONAL COMPONENTS  
AND ESTABLISHING A FEE FOR ENTRYWAY PERMITS.

First Reading

T 71-2002      AN ORDINANCE AMENDING NRCO CONDITIONAL USE LANGUAGE  
FOR BUSINESS ZONES B-1 THROUGH B-5 TO ACHIEVE UNIFORMITY IN  
THE PROCEDURAL LANGUAGE.

First Reading

President Gillock: Do we have some amendments to this one? Mrs. Buescher?

Council Member Buescher: Yes, I would like to make a motion to amend Buildings and Lands report number 7124. Section one, line one should read colon instead of semi-colon. Section one, line two, 1272.02(b) does not exist in the code book. It should be 1272.04(b). In Section one, I suggest that section be reworded to read: The following uses shall be deemed to be conditional uses in this district, subject to any listed conditions in this Chapter and shall be permitted upon approval of the Planning Commission and approval of the Board of Zoning and Building Appeals and shall be subject to any conditions as may be required by the Board of Zoning and Building Appeals.

President Gillock: We need a motion to. . .

Council Member Johnson: Mr. President, point of order. Would that be on temporary number 71-2002 or the report.

President Gillock: That's what I'm clarifying now. We're going to take them one by one and amend T 71-2002. First, I need a motion to amend T 71-2002, section one, first sentence, change the word "semi-colon" to "colon".

motion by Olesen, 2<sup>nd</sup> by Butkowski to amend T 71-2002, section one, first sentence, change the word "semi-colon" to "colon"

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                      No, 0

Clerk of Council Norris: Motion to amend section one carries by a vote of seven, zero.

President Gillock: Next, I would like a motion in the second line of section one to change "1272.02(b)" to "1272.04(b):.

motion by Butkowski, 2<sup>nd</sup> by Buescher on the amendment

President Gillock: On the amendment, is there any discussion? If not, please call the roll.

Yes, 7                      No, 0

Clerk of Council Norris: Motion to amend carries seven, zero.

President Gillock: The third amendment is to change the middle paragraph in section one to read as Mrs. Buescher read it and as described on the hand out.

motion by Butkowski, 2<sup>nd</sup> by Johnson to reword the paragraph in section one

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                      No, 0

Clerk of Council Norris: Motion to amend carries by a vote of seven, zero.

T 72-2002      AN ORDINANCE AMENDING NRCO SECTION 1288.05, BUSINESS AND  
COMMERCIAL DISTRICTS ABUTTING RESIDENTIAL DISTRICTS, BY  
ADDING B-4 AND B-5 ZONING DISTRICTS.  
First Reading

T 73-2002      AN ORDINANCE AMENDING NRCO SECTION 1286.07, HEIGHT OF  
SIGNS; DESIGN AND CONSTRUCTION STANDARD FOR FREEWAY-  
ORIENTED SIGNS.  
First Reading

T 74-2002      AN ORDINANCE AMENDING NRCO SECTIONS 1268.02, 1270.02, AND  
1272.04, PERMITTED AND CONDITIONAL USES.  
First Reading

T 75-2002      AN ORDINANCE AMENDING NRCO SECTIONS 1274.02, 1276.02, AND  
1278.02, PERMITTED USES.  
First Reading

T 76-2002      AN ORDINANCE AMENDING NRCO SECTION 1272.03(B), STREET  
LIGHTING.  
First Reading

T 78-2002      AN ORDINANCE TO ESTABLISH A MAXIMUM 180 DAY MORATORIUM  
3805-2002      ON APPROVAL OF TELECOMMUNICATION TOWERS AND/OR  
APPURTENANCES THERETO WITHIN THE CITY OF NORTH

**RIDGEVILLE.**

**First Reading**

Council Member Swindig: Mr. Chairman, I would like to make a motion to delete section two of this ordinance. Put the moratorium on cell towers, period, and the addition of other ones because I think, with this you are opening yourself up to a lawsuit of discrimination.

motion by Swindig to delete section two

President Gillock: Section two states, collocation of cell antennae will be permitted during the moratorium so long as such collocation does not alter the height of existing towers, or alter the supporting structures. We have a motion by deleting section two. Is there a second?

2<sup>nd</sup> by Pagel

President Gillock: Is there any discussion on the amendment?

Council Member Johnson: Yes, Mr. President. I have no objection to that amendment. It was put in there simply to show that we are not standing in the way of cell antennas. It is only 180 days. I think we could live with section two deleted.

President Gillock: Anyone else? Please call the roll on the amendment

Yes, 7                      No, 0

Clerk of Council Norris: The amendment carries by a vote of seven, zero.

motion by Butkowski, 2<sup>nd</sup> by Johnson to dispense with second and third

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                      No, 0

Clerk of Council Norris: Motion carries by a vote of seven, zero.

motion by Johnson, 2<sup>nd</sup> by Butkowski to adopt

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7                      No, 0

Clerk of Council Norris: Motion to adopt carries seven, zero and becomes permanent ordinance 3805-2002.

Permanent Ordinance No. 3805-2002

T 77-2002      A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE  
954-2002      CITY OF NORTH RIDGEVILLE, OHIO, TO ISSUE A LICENSE TO  
STERLING & REID BROS., 3-RING CIRCUS.

**First Reading**

motion by Gillock, to amend the ordinance by adding a second Whereas paragraph to state: Whereas, the City is authorized to negotiate for security using off duty or auxiliary police protection at the circus's expense, 2<sup>nd</sup> by Johnson

President Gillock: Is there any discussion on the amendment? If not, please call the roll.

Council Member Pagel: Could you read that again please, Mr. President.

President Gillock: Whereas, the City is authorized to negotiate for security using off duty or auxiliary police protection at the circus's expense. Any other discussion? If not, please call the roll of the amendment.

Yes, 7                      No, 0

Clerk of Council Norris: Amendment carries by a vote of seven, zero.

motion by Gillock to dispense with second and third, 2<sup>nd</sup> by Butkowski

President Gillock: Is there any discussion?

Council Member Swindig: Mr. Chairman, the one question I have on that, you are talking security, in the resolution of signing the contract with them or giving them a permit that they are responsible for the clean up.

President Gillock: Correct.

Council Member Swindig: I would like that noted.

President Gillock: You want to make an amendment or just note that you want that in the contract?

Council Member Swindig: I would just note that it goes into the contract.

Council Member Pagel: Mr. President, I believe it is in the original contract. I don't have it in front of me that they have to remove all waste materials and that from the property rented.

President Gillock: Okay, then it is in the contract and it's noted to the administration so, we'll leave it that way.

Council Member Swindig: That it's sure to be in there.

President Gillock: Any other discussion on dispensing with second and third.

Yes, 7                      No, 0

Clerk of Council Norris: Motion to dispense carries seven, zero.

motion by Olesen, 2<sup>nd</sup> by Johnson to adopt.

President Gillock: Is there any discussion?

Law Director Zagrans: Mr. President, City Council does not have the power or legal authority to do what this T 77-2002 is purporting to do. Only the Mayor has the authority under Section 816.02 of our Codified Ordinances, to have the discretion to decide whether or not to issue a permit or license. Only Council has the power to authorize by resolution that a circus be held for longer than two days. The Mayor does not have the legal power or authority to authorize a license for a circus for longer than two days. So, it takes the cooperation of both branches of government to do, what I understand, is the desired end result. This resolution as worded, goes beyond the statutory and charter powers of Council to do.

President Gillock: The first paragraph says, whereas, the City Council has received a request that the circus be allowed to play in the City for three days so, that's what we're trying to. . .

Law Director Zagrans: And if you would like, I can suggest an amendment that would fix the problem.

President Gillock: That would be appreciated.

Law Director Zagrans: If you would like. Section one should be amended to read, that in the event the Mayor decides to issue a license to the Sterling & Reid Bros. 3-ring Circus that she is authorized to issue a licence lasting for three days, July 5, 6 and 7, 2002 in accordance with and then carry on with that sentence, all provisions of North Ridgeville Codified Ordinances Chapter 816. The title of the resolution would also have to be amended to eliminate the directing the Mayor to issue a license.

President Gillock: We'll make that an amendment. Changing the title to a resolution

authorizing the Mayor to issue a licence and changing section one. . .

Law Director Zagrans: authorizing the license of three days because that's the key power that Council has under the ordinance.

President Gillock: Are you talking in the title or section one.

Law Director Zagrans: Both, but it was in the title that I thought you were reading.

President Gillock: Yes. Resolution authorizing the Mayor of the City to issue a license to Sterling & Reid Bros. 3-Ring Circus for three days.

Law Director Zagrans: Yes sir.

President Gillock: Under section one, change the initial wording to.

Law Director Zagrans: That in the event the Mayor decides to issue a license to Sterling & Reid Bros. 3 - Ring Circus that she is authorized to do so for a period of three days and then carry on the with the rest of the sentence as presently worded.

President Gillock: Okay and that's part two of the amendment which we can pick up off the tape. Is there a second to the amendments changing the wording in the title and in section one.

motion by Gillock, 2<sup>nd</sup> by Buescher amending the resolution as outlined by the  
Law Director

President Gillock: Is there any discussion. Mrs. Pagel?

Council Member Pagel: Mr President, I'm just curious why Mr. Zagrans waited until now instead of discussing this in the work session because we could of had more time in the work session to really clean it up and be crisp.

President Gillock: It's not going to change anything we're doing now so, you two can discuss that after the Council meeting, if you would. Mayor Hill?

Mayor Hill: Mr. President, I'd like to call on the Law Director to respond.

President Gillock: That is not germane to passing this ordinance. Let's just continue on and get this done and if you want to discuss that after the meeting, that's fine. Mayor Hill?

Mayor Hill: Mr. President, I will remind you of the Charter Section 2.5. It says, the Mayor may require whatever department heads or other officials or employees of the municipality, he or she has appointed or employed to attend meetings of Council and provide such advice and opinions as may be requested by the Mayor or the Council. So, I'm requesting that.

President Gillock: Mayor, may I see this please, the Charter.

Council Member Pagel: Mr. President?

President Gillock: Hang on Mrs. Pagel. I really didn't want to go here but, since we're going here and the Mayor is describing Section 2.5, attendance of Council meetings, I might also remind here that Section 2.1 requires the Mayor to prepare and submit to the Council such reports as may be requested or required by it, we're not getting those reports and we're not going to discuss other reports on an issue that isn't germane to this ordinance. Mrs. Pagel.

Council Member Pagel: I will withdraw my question of the Law Director.

President Gillock: Mayor Hill?

Mayor Hill: Yeah, I still go back to, number one, we can clarify that about the reports but, clearly, the Mayor has the ability to ask for the advise and opinions of any department head or other officials and employees.

President Gillock: Mr. Zagrans, would you like to respond?

Law Director Zagrans: My understanding was that Mrs. Pagel withdrew the question but, the fact of the matter is that I found out about this proposed ordinance at the word session. I didn't have Chapter 816 with me during the work session so, during the break I went and read 816 and that's when I first discovered this problem. That's all. Simple explanation.

President Gillock: Thank you. We'll get the circus to town yet. Is there any other discussion? Would you please call the roll on the amendment as outlined by the Law Director.

Yes, 7                      No, 0

Clerk of Council Norris: Amendment as suggested by Mr. Zagrans carries by a vote of seven, zero.

Law Director Zagrans: Mr. President, there is yet another problem with the ordinance as it was amended earlier this evening. I have concerns about requiring an ordinance for the same reasons that the City provide security to be paid by the circus. I think that can be a contractual matter that can be required by the administration in the event the Mayor decides to issue a license but, for the same reason, it's not within the power of Council to require so, I would respectfully suggest that an amendment be done to delete that provision in the proposed resolution.

President Gillock: That amendment said, whereas the City is authorized to negotiate. It doesn't say that the City has to or what they have to negotiate.

Law Director Zagrans: If that's the way it is worded then, as long as it is permissive and not mandatory, I don't think that would be a problem.

President Gillock: It is permissive.

Law Director Zagrans: In that event, that's fine. My comment is satisfied by what you've said.

President Gillock: Thank you. Are there any other comments. Mrs. Butkowski?

Council Member Butkowski: I noticed on here in this contract, it says place all waste and dumpsters after the event but, it doesn't say anything about removing the waste. I hope somebody pays attention to that because it's up at that shopping center and we would like it cleaned up too, dumpsters removed. We don't need a motion for it but, I just wanted to bring that to everyone's attention. It doesn't say anything about removing the dumpsters.

President Gillock: Thank you. Mr. Johnson?

Council Member Johnson: There's a hefty fee on the lease of a dumpster. I think they will have it removed.

President Gillock: Thank you. Any other discussion? Now on the adoption. We have a motion by Olesen, seconded by Johnson to adopt. Is there any other discussion? If not, please call the roll.

Yes, 7                      No, 0

Clerk of Council Norris: Motion to adopt carries by a vote of seven, zero and becomes permanent resolution 954-2002.

Permanent Resolution No. 954-2002.

**SECOND READINGS:**

Clerk of Council Norris:

- T 58-2002     AN ORDINANCE AMENDING NRCO SECTION 1279.23(A), AREA, YARD  
AND HEIGHT REGULATIONS.  
Second Reading
- T 59-2002     AN ORDINANCE AMENDING NRCO SECTION 1279.23(B), AREA, YARD  
AND HEIGHT REGULATIONS.  
Second Reading
- T 60-2002     AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED  
ORDINANCE SECTION 1294.01(G) AREA AND YARD REQUIREMENTS;  
PROJECTIONS.  
Second Reading
- T 61-2002     AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED  
ORDINANCE SECTION 1286.02 CLASSIFICATION OF SIGNS.  
Second Reading
- T 62-2002     AN ORDINANCE AMENDING SECTION 1286.05(C) AREA OF SIGNS.  
Second Reading

motion by Swindig, 2<sup>nd</sup> by Gillock to suspend By-Laws to give a second reading to T 57-  
2002 Revised 2<sup>nd</sup> by Gillock

President Gillock: Is there any discussion on the suspension? Please call the roll.

Yes, 7            No, 0

Clerk of Council Norris: Motion to suspend By-Laws carries by a vote of seven to zero.

President Gillock: Would you please read T 57-2002.

- T 57-2002     AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED  
Revised     ORDINANCE SECTION 1044.02.  
3806-2002     Second Reading

motion by Mayor Hill, 2<sup>nd</sup> by Swindig to dispense with second and third

President Gillock: Is there any discussion on the suspension? If not, please call the roll.

Yes, 7            No, 0

Clerk of Council Norris: Motion carries seven, zero.

motion by Pagel, 2<sup>nd</sup> by Olesen to adopt

motion by Gillock to add the emergency as this deals with the health and welfare  
of the citizens and we need to get this done as soon as we can in order to continue  
with our sewer system, 2<sup>nd</sup> by Pagel

President Gillock: Is there any discussion on the emergency? If not, please call the roll.

Yes, 7            No, 0

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
REGULAR MEETING**

**JUNE 3, 2002**

**Page 19**

Clerk of Council Norris: The emergency carries by a vote of seven to zero.

President Gillock: On the adoption, is there any further discussion? If not, please call the roll.

Yes, 7                      No, 0

Clerk of Council Norris: Motion carries by a vote of seven, zero and becomes permanent ordinance 3806-2002.

Permanent Ordinance No. 3806-2002

**THIRD READINGS:**

T 40-2002      AN. ORDINANCE AMENDING ORDINANCE NO. 3739-2001 RELATING TO  
3807-2002      OUTBUILDINGS.

Third Reading

motion by Butkowski, 2<sup>nd</sup> by Olesen to adopt

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 5                      No, 2 (Swindig, Pagel)

Clerk of Council Norris: Motion to adopt carries by a vote of five to two and becomes permanent ordinance 3807-2002

Permanent Ordinance No. 3807-2002

**UNFINISHED BUSINESS:**                      None

President Gillock: That's all the third readings. We have no unfinished business? Committee meeting announcements.

**COMMITTEE MEETING ANNOUNCEMENTS:**

President Gillock:

Next Council Work Session Monday, June 17, 2002 at 7:30 P.M.

Next Regular Council Meeting Monday, June 17, 2002 at 8:00 P.M.

Public Hearings Monday, June 17, 2002 as follows:

|           |           |
|-----------|-----------|
| 7:00 P.M. | T 58-2002 |
| 7:05 P.M. | T 59-2002 |
| 7:10 P.M. | T 60-2002 |
| 7:15 P.M. | T 61-2002 |
| 7:20 P.M. | T 62-2002 |

Public Hearing Monday, July 1, 2002 at 7:20 P.M. regarding T 43-2002

Public Hearings Monday, July 1, 2002 as follows:

|           |           |
|-----------|-----------|
| 6:45 P.M. | T 70-2002 |
| 6:50 P.M. | T 71-2002 |
| 6:55 P.M. | T 72-2002 |