

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MAY 21, 2001**

CALL TO ORDER 7:30 P.M.

President of Council Jean Brown: I'd like to call the North Ridgeville Regular Council meeting to order for May 21, 2001 and as we stand for the Invocation, please remember our men and women who fought for our freedom in this world. It will be a silent Invocation.

INVOCATION

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, Engineer Stewart Lovece, Auditor Chris Costin and Clerk of Council Jim White.

Law Director Eric Zagrans arrived at 7:37 P.M.

Council Clerk White: The Law Director is on his way. He is in a traffic jam with water right now. We wouldn't know about that in Ridgeville.

MINUTES

President Brown:

Public Hearing Minutes of April 16, 2001 on Berlovan Agricultural District
motion by Borocz to accept, 2nd by Gillock

President Brown: Discussion? None, take roll please.

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

Council Clerk White: Motion carries six, zero, one

Regular Council Minutes of May 7, 2001

motion by Borocz to approve, 2nd by Butkowski

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Please note:

Board of Drainage & Flood Control Minutes of April 25, 2001;

Planning Commission Minutes of May 8, 2001;

Civil Service Commission Minutes of May 15, 2001; and

Parks & Recreation Commission Minutes of April 25, 2001.

COMMITTEE REPORTS

Council Clerk White:

1) ADMINISTRATIVE COMMITTEE REPORT #6614 Members of Council: We have considered the matter of the general maintenance operations of the City be combined under a newly established maintenance department under the General Fund and 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, Allen Swindig.

President Brown: Is there a motion to accept?

Council Member Butkowski: Madame President, before you do that, we've gotten a memo from the Law Director and I would like to amend that. I have checked with all the Members about this and they have approved it.

motion by Butkowski to amend to read as follows: 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;

President Brown: Do I need a motion now on the amendment?

Council Member Gillock: That was a motion.

Council Clerk White: That was what she was doing

2nd by Swindig

President Brown: Discussion? Anyone? Please take roll, Mr. White.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

MAYORS REPORT

Mayor Hill: Thank you, Madame President. Following application we've been notified that we've been approved for the 2001 Bullet Proof vest Partnership Grant Program in the amount of nine hundred seventy-nine dollars and 72 cents for our Police Department. This amount is the maximum federal funds available.

Last year we applied for funds from the Ohio Department of Natural Resources for a new refreshment stand at the Shady Drive Baseball Complex. We will receive fifty thousand nine hundred forty-four dollars from the State funding agency. The grant will require a match of approximately seventeen thousand to twenty thousand dollars depending on final plans and drawings. The request for appropriation of funds will be presented to the Parks & Recreation Board at their meeting this week.

We wish to thank the Members of both the Police Department and the Parks Department for their efforts to secure State funding for local needs. And we thank all the community organizations and individuals who participated in our annual Pride Day activities last Saturday.

Madame President, that concludes my report.

President Brown: Anyone have any questions of the Mayor's oral report? Moving on, 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 Dodge, Avon Belden, Island, Lear Nagle, Lee and the Davis ditch in the Fairacres development.

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

The sewer vac was used for storm cleaning Fairacres, Avon Belden, Sullivan and Lear Nagle.

Sanitary sewers were cleaned on Main, Ridgeview and Woodbine.

Concrete pads were poured on Luanne, Fern Tree, Meadow Moss and a small job on Davis Drive.

Island Road was pulverized graded and received the bottom coat of asphalt last week. The topcoat should be applied this week, weather permitting.

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

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

ENGINEER'S REPORT

Engineer Lovece: Thank you, Madame President. Earlier this year, legislation was passed for the repaving of State Route 10. That's the four lane freeway that runs east and west throughout the City. I'm pleased to announce that ODOT is advertising, has already sent the project out to bid. The bids are due June 12, 2001. This is a project at no cost to the City. It's funded by the federal government. The project is schedule to be complete seven, thirty-one of next year and it should start this summer. This is something the administration, Mayor, myself, Service Director have

been working on, working with ODOT for years to get this project done. It's a very good thing that we don't have to do it because it involves quite a bit of material. I'll give you an example. It'll include over fifty-three thousand tons of asphalt, over twelve thousand feet of new guardrail, they'll be repairing various bridges. It's more than just a paving job. That's one of the issues that we were concerned about. Hey, if you're going to pave it, do it right and I think they are spending a considerable amount of money, millions of dollars to do it right. That's all I have this evening. Thank you.

President Brown: Thank you. Any questions of the Engineer's oral report? I would just like to comment that it certainly is a pleasure going across the Bainbridge bridge. I've done it a couple of times just to make up for lost time and so did Mr. White. Moving on to the Auditor, Mr. Costin.

AUDITOR'S REPORT

Auditor Costin: Madame Chairman, the April City internal report has been disseminated to Council Members and other than that, I have no further comments tonight.

Auditor's Written Financial Report for April 2001
motion by Swindig to accept, 2nd by Overby

President Brown: Any discussion on the report? Roll please on accepting.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Any questions of Mr. Costin, on his oral report? Moving on, Mr. Zagrans. Very nice that you could drop in.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you. Like the wicked witch of the west, out of a funnel cloud no doubt. I have just a very brief report this evening. Members of Council will notice that one of the items on for third reading tonight is the approval, pursuant to the order of the Ohio Supreme Court, of the payment of a portion of the attorneys fees requested by counsel for the petitioners in the Kingston Place PCD litigation. I would ask that Council give favorable consideration and approve that request so that we can comply with the order of the Ohio Supreme Court. I think it is ironic that there are those who would want us to circumvent or ignore the normal legislative process for approval of this which is how we got into dutch with the Ohio Supreme Court in the first place. So that's the reason why we put it through the normal legislative process. Thank you, Madame President.

President Brown: Thank you, Mr. Zagrans. Any questions of the Law Director's oral report? Seeing none, other reports.

OTHER REPORTS

Please note:

Water System Operations Report for April 2001;
Police Department Support Car Report for April 2001;
Police Department Report for April 2001;
Mayor's Court Case Report for March and April 2001; and
Fire Department Report for April 2001.

Senior Citizens Advisory Board Liaison Report:

President Brown: I have nothing to report for the Senior Citizens Advisory Board. Moving on to the Planning Commission Liaison, Mr. Gillock.

Planning Commission Liaison Report:

Council Member Gillock: We have three reports from Planning Commission. The first one from Dale Haywood, Professional Engineer from Bramhall Engineering for Joseph A. Marsico who is requesting a sanitary sewer extension on Case Road. They ask for a delay in this. They ask that it be tabled until the June 12th meeting. I would make a motion that this be approved.

motion by Gillock to approve, 2nd by Overby

President Brown: Is there any discussion? Does this go in with the Westerly Sewer or is this something different?

Council Member Gillock: It will connect to that sewer line. The original request was, there's 30 acres involved that he wanted to put a sewer directly across Case and the Engineer's request, basically, we would like him to take the sewer from his location, basically from Otten Road up Case so those properties that are there can be sewerred, which is the point of the westerly sewers, to get rid of septic systems and sewer the properties that are there. So, that's what, I believe, they are trying to do is petition the land owners on Case in that area.

President Brown: Any other discussion? Please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Council Member Gillock: The second application is for Thomas Kelly. North Ridgeville Carstar is requesting approval of a 7,624 square foot building and parking extension at his property down on Center Ridge Road and Planning recommended that the application approved as submitted and I would make a motion to approve.

motion by Gillock to approve, 2nd by Swindig

President Brown: Any discussion?

Council Member Minnick: I would like to refer this to Buildings & Lands because of the commercial use in a RS-2.

President Brown: Would you please repeat that Mrs. Minnick?

Council Member Minnick: I would like to refer this to Buildings & Lands because of the commercial use in RS-2.

President Brown: I will refer that then, to Buildings & Lands.

REFERRED TO BUILDINGS & LANDS.

Council Member Gillock: The third application is from Bucky's. Mark Mintz is the Manager of Ridgeview Center and they requested approval to construct an outdoor concrete patio. Planning Commission, again, recommended approval as submitted and I make a motion that Council approve Planning's actions.

motion by Gillock to approve, 2nd by Overby

President Brown: Discussion? Roll please.

Yes, 7 No, 0

OLD BUSINESS

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

NEW BUSINESS

Council Clerk White:

Request for a D5 liquor permit transfer from Give N Get Inc., 38929 Center Ridge Road to 3441 Inc., DBA Buckys at 38929 Center Ridge Road

T 87-2001 An ordinance authorizing the Mayor of the City of North 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.

motion by Gillock to suspend By-Laws so that this can have a first reading this evening, 2nd by Overby

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 87-2001 to have first reading tonight.

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.

CORRESPONDENCE

1) Received a letter from Rebecca Gray, Coordinator of Lorain County Community Alliance, announcing their website on the internet this June that will provide a valuable resource

of information concerning the Alliance, its membership and issues of importance on a countywide level.

2) Received a memo from Kenneth G. Pearce, Health Commissioner, notifying North Ridgeville of their local contribution for the Health District's 2002 Budget, to be apportioned, will be \$368,889.00.

3) Received a letter from Fire Chief Richard E. Miller requesting financial support in the amount of \$4,000.00 for this years' Fourth of July fireworks and explaining the increase in donations due to the expense of liability insurance, increase for fireworks and less donations from private businesses.

4) Received a letter from Joan Lowry, Corporate Affairs Manager for AT&T Broadband announcing upgrades to the AT&T Road Runner.

motion by Swindig that Council expend \$4,000 for the fireworks, 2nd by Overby
motion by Borocz to amend in lieu of the fact that this is reflecting a fifteen hundred dollar increase from previous years and the fact that now the Fire Department has to pay for their own insurance which costs about five hundred seventy-five dollars, move this up to \$5,000, 2nd by Overby

President Brown: Is there any other discussion? Does the Public understand that the Fire Department has to pay that amount of money for insurance for the one evening so that we can all enjoy the fire works that are put on by them every year and the price keeps going up? Is there any other discussion?

Council Member Butkowski: I would just like to make a comment to the public that over the years they've done such a wonderful job, it would be nice if each of us, maybe at the festival, if they took up a donation and everybody contributed just a little bit. If you can't contribute, that's just fine. But, if you enjoy the fire works as they get better every year, maybe we can take up a donation because in the past they've always relied on, not that the City can't pay for it, but they've relied on public donations and always been able to do it. This insurance I think, has really put them behind the eight ball on it. But it would be nice if everybody just gave a little bit. With all the people that are there, a couple dollars would certainly pay what they put on for us.

President Brown: An evening of enjoyment. Take roll on the amendment to the five thousand dollars from the four thousand dollars.

Council Clerk White: Overby?

Council Member Overby: Yes.

Council Clerk White: Swindig?

Council Member Swindig: Yes

Council Clerk White: Borocz?

Council Member Borocz: Yes

Council Clerk White: Minnick?

Council Member Minnick: Yes.

Council Clerk White: Butkowski?

Council Member Butkowski: Yes. I'm just wondering, that's all that Rick asked for was four thousand dollars, I think that's all they needed. I thought that was all he needed in his budget.

President Brown: If I may speak. When I talked to him the other day, he said that he was asking for four but he would really enjoy five because they are going to improve the fire works that's on the ground.

Council Member Butkowski: Okay, he didn't, that isn't what he told me. He just told me four that's why I was wondering what the five was from. I don't have a problem with it.

Council Clerk White: Okay, Mrs. Butkowski, you're voting yes on five thousand?

Council Member Butkowski: Yes.

Council Clerk White: Thank you. Mr. Gillock?

Council Member Gillock: Yes.

Council Clerk White: Mrs. Brown?

President Brown: Yes.

Yes, 7 No, 0

Council Clerk White: Motion carries, on the amendment to five thousand, seven, zero. We're now voting on the total motion.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Moving into Lobby, I will allow you two minutes to speak. Please state your name and address and leave the flyer at the podium when you're done speaking.

LOBBY

1) Joe Antush of 38500 Otten Road, reminded Council that the bill for Mr. Phillips was for denying their right to vote. Noted that Mr. Zagrans was paid also. Stated that if PCD's are on the ballot, the attorney fees will go away.

2) Josephine Perryman of 38565 Sugar Ridge Road spoke about the Ohio Supreme Court ruling that attorney Gerald Phillips expenses be paid by the City. Asked, since when is a decision by the Ohio Supreme Court subject to debate. Stated that the Supreme Court ruling is an order to comply and Mr. Phillips should be paid as of the day they ruled it so. Asked why this Council is being advised by their Attorney, Mr. Zagrans, that there should be another delay in this payment. Noted that Mr. Zagrans has requested thirty thousand for his services in answering the Ohio Supreme Court in this matter. Asked if Mr. Zagrans has been paid. Stated that the City needs an attorney who is responsive to all the Citizens, not just the Mayor.

3) Maryann Miles of 34582 Lorain Road, stated that Mr. Zagrans agrees with the Ohio

Revised Code as it relates to the emergency clause and would not allow any resolution or ordinance that contains the emergency clause to be voted on by Council unless the ordinance or resolution constitutes a risk to the health, safety and welfare of the community. Asked what the emergency was on Meadow Lakes and Forest City.

4) Lois Sullivan of 5880 Jaycox Road stated that the Fire Department is accepting donations now for fireworks. You don't have to wait until they take up a collection that night.

President Brown: Does the administration have anything they'd like to say back? Mr. Zagrans, wait until I set my timer.

Law Director Zagrans: It's not that I mind it being open season on me, that we've had a little hiatus and now it's back to that and that's fine. But, I do wish that people would get their facts straight and I know people are probably sick of hearing me say it, but, I'll try it one more time. Mr. Antush, Mrs. Perryman, are just flat out wrong when they say that the Supreme Court ruled that North Ridgeville Citizens were denied their right to vote. That is no part of what the Supreme Court said. The Supreme Court said that Council didn't use the right legislative process to repeal the Kingston Place ordinance in the first place. Had Council used the right process there would of been no need to vote because it would have been repealed. The consequence of Council not utilizing the correct process, as The Supreme Court saw it, was to put it on the ballot because the repeal was voided as being ineffective. That's what happened. There was no ruling that anyone was denied their right to vote. Thank you.

President Brown: Anyone else wishing to answer anyone? I will call for a five minute recess. Eight o'clock we will reconvene.

RECESS from 7:55 P.M. to 8:00 P.M.

FIRST READINGS

Council Clerk White:

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.

First Reading

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

First Reading

- T 81-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH 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.

First Reading

- T 82-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH 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.

First Reading

- T 86-2001 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
3690-2001 \$500,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE CITY'S SERVICE GARAGE COMPLEX BY RENOVATING, REMODELING AND ADDING TO THE EXISTING SERVICE GARAGE AND CONSTRUCTING A SALT STORAGE SHED, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

First Reading

motion by Mayor Hill to dispense with second and third, 2nd by Swindig

President Brown: Discussion?

Council Member Minnick: Can I ask a reason?

Mayor Hill: Yes and I think probably Mr. Costin is qualified to answer that, if you would.

Auditor Costin: There's another ordinance to follow, T 72 and T 73. If it's Council's wish to pass those tonight, they authorize the Mayor to enter into a contract for those two subject matters and our Charter provides that you cannot give her that authority unless the financing is in place. When we issue bond anticipation notes, what that means is, the money has to be available and as a result we need at least a minimum commitment from whoever we sell our notes to so that we can proceed with the entering into the contracts. So, if you intend on passing those tonight, even if they don't have the emergency, there will be a bid and there will be a time period that we go through to accept those bids. But, you cannot, technically, authorize her to do that until the funding is in place. The request would be, let me back up a step, she can bid at any time she wants under our Charter, she just can't enter into the contract and your ordinances are giving her

the authority to enter into a contract. Technically, you can't pass those unless this first one is already in place. That's why you would need the emergency to give us time to have the funding in place to allow it to be perfected before you authorize T 72 and T 73.

President Brown: After it goes into effect, there's a thirty day waiting period or can they enter into it right away.

Auditor Costin: If you pass that with the emergency tonight, I have actually the bonding company sitting by. They've already given me a verbal commitment that they would buy our notes. That's good enough for me.

President Brown: Any other discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third reading.
motion by Overby to adopt, 2nd by Swindig
motion by Overby to add the emergency as per Mr. Costin's reason, 2nd by Swindig

President Brown: Discussion? Take roll please.

Council Clerk White: On the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. On the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 86-2001 becomes Ordinance Number 3690-2001 with emergency.

Permanent Ordinance No. 3690-2001

T 87-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH 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.

First Reading

SECOND READINGS

T 24-2001 AN ORDINANCE ESTABLISHING THE SATELLITE SEWER DISCHARGE 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.

Second Reading

T 68-2001 A RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH
REVISED RIDGEVILLE CONSENTING TO AN ENTERPRISE ZONE ABATEMENT
933-2001 AGREEMENT BETWEEN THE CITY OF NORTH RIDGEVILLE, OHIO, AND
 R.W. BECKETT CORPORATION AND BECKETT AIR, INC.,
 CORPORATIONS ORGANIZED AND EXISTING UNDER THE LAWS OF
 THE STATE OF OHIO; AND AUTHORIZING AND DIRECTING THE
 MAYOR OF THE CITY OF NORTH RIDGEVILLE TO EXECUTE THE
 AFOREMENTIONED AGREEMENTS ON BEHALF OF THE CITY OF
 NORTH RIDGEVILLE; AUTHORIZING AND DIRECTING THE CLERK OF
 THIS COUNCIL TO TRANSMIT A CERTIFIED COPY OF THIS
 RESOLUTION ALONG WITH THE ENTERPRISE ZONE AGREEMENT TO
 THE BOARD OF LORAIN COUNTY COMMISSIONERS FOR FURTHER
 CONSIDERATION BY THE BOARD.

Second Reading

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

President Brown: Discussion?

Council Member Minnick: Before we take a vote, I think the Council needs to have some statistics that I found this week. Nineteen Ninety-eight through 2007, R.W. Beckett and Beckett Gas had a tax abatement, 100 percent tax abatement on tangible personal property in the amount of six million five hundred fifty thousand dollars and 100 percent abatement for personal property improvement for five million. Total abated, eleven million five hundred fifty thousand dollars. Payment to the North Ridgeville Schools is twenty-five thousand dollars beginning in the year 1999, that's a year after the abatement started and remains through the 100 percent real estate, remains through the entire abatement period or two hundred twenty-five thousand dollars for a period of nine years. Total savings to Beckett was eleven million dollars, eleven million three hundred twenty-five thousand dollars over the ten year period. Then, in 1993 through 2002, Beckett Air and R.W. Beckett received a 100 percent abatement on real and personal property for three million four hundred thousand dollars and 100 percent on tangible real property on two million four hundred thousand dollars. Payment to North Ridgeville Schools for two abatements given in 1993 was six thousand a year or sixty thousand for the total ten year period. Total abatement given for years 1993 to 2002 was five million eight hundred thousand dollars. Total abated for the three abatements, I just gave you, is seventeen million three hundred fifty thousand dollars. Grand total given to the schools for three abatements was two-hundred eighty-five thousand dollars. Grand total savings to Beckett was seventeen million sixty-five thousand dollars. We don't have to give abatements anymore. We're told the westerly sewer will attract more industry and business. That North Ridgeville will be more desirable. The only way that I would approve this abatement is if it went to the voters, the taxpayers. We are already the highest taxed community in Lorain County and I don't believe the taxpayers would want the City subsidizing Beckett with any additional abatements.

President Brown: Any other discussion?

Council Member Butkowski: Madame President, we had a new business, Dobie Pallets, come into this City and clean up the unoccupied building of Tobin. They have done a good job and so far, they have not asked for any abatement from the City. Why was it on the Beckett tour, Mr. Cook stated that they were not going to extend Taylor Woods Parkway because Beckett wanted a campus styled industrial park at that location. He said there was land available at the Bender Road and Sugar Ridge site for the City to finish the road for the access. Taylor Woods must be extended to Race Road for the health and welfare for all the employees on Taylor Woods that are in North Ridgeville. Our emergency vehicles must go to Elyria in order to service these industries on Taylor Woods. Why are we giving abatement to Beckett when they will not follow our master plan? Beckett agreed in 1997 to give the schools twenty-five thousand dollars a year for ten years. Now they will only give the schools seventeen thousand five hundred dollars a year. Why the decrease? The dollar's not worth as much now as it was in 1997 and now we get less for our Schools. This new abatement is a declining abatement, but only declines to 80 percent. Why not continue to go down to zero at the ten year period? This is a good deal for Beckett, but my taxes never go down.

President Brown: Thank you. Mr. Gillock?

Council Member Gillock: Madame President, in these abatements, first the seventeen thousand five hundred is not a reduction, it's an additional payment that Beckett will be making on top of the twenty-five thousand. Although these are large numbers and they are very valuable to Beckett, these are not dollars directly out of our taxpayers pockets. These are not costing an individual family three hundred dollars a year. There are new taxes that we are basically foregoing collecting to get Beckett to build here. They've built two new buildings out there that if we did not do some type of abatement they probably wouldn't have built the buildings there so we wouldn't get anything, yet we're going to collect this money from the Schools now and at the end of the abatement period will pick up the full taxes. I think that's the cost of competing with other cities around here that we have to look at. Hopefully with the sewer in the future we don't have to do this. But, to me it's a necessary evil. But, the thing that we have to remember, this is not money that we are paying out. This isn't coming out of our general fund. This is money that we are agreeing that we are not going to collect at this time until some point in the future when we'll start collecting the taxes.

President Brown: Thank you Mr. Gillock. Any other discussion?

Council Member Minnick: Madame President, the voters would like a pool, but they don't want to pay a 40 percent increase in their taxes. They told us that last week or whenever the election was. Our roads are in terrible condition. We need money to repair the roads. So, to say that this money is not coming out of our pockets is misleading. We could do a lot of good in this town with that extra money. Seventeen million dollars, we could of done a lot with that. Instead, the voters are continually asked to dig deeper in their pockets. Maybe we'll even have another school levy in the future, in the near future. I don't like abatements. Sometimes they are necessary, but I don't believe in this case that they are. Thank you.

Mayor Hill: Madame President, it is an incredibly misleading conclusion to tell people that the

tax abatement means that we get fewer taxes. As a matter of fact, without expansion of business and industry, without new buildings, you do not have new jobs, you do not have income tax that is shared equally between the City and schools according to this agreement. In other words, you have nothing but vacant land that is not productive, that does not bring in any tax dollars, it does not provide any opportunity for employment. So, how are you ahead? You are not. As far as the schools receiving seventeen thousand five hundred, it certainly is not a decrease. It is on a proportionate basis and if the time had been taken as we did when we negotiated this, you could figure out that it's on a proportionate basis. The abatement that is being requested and the funds donated to the schools, which they appreciate, actually more than the tax dollars, because, let me explain, when there are tax dollars that go to the schools, the State pays less to the schools to supplement what they bring in. The direct donation is not listed as income for the schools in that case. Therefore, they have no cut in State funding. So, it is a valuable asset to the schools to get these direct donations. In that case and also because with State funds comes State mandates. State mandates are more than the tax dollars that they get through the State. Our taxes go to the State, come back to the schools. But, there are always attachments. This way, with a direct donation to the schools, the schools can locally determine what the best use of those funds would be rather than the State attachments and the State mandates. Thank you.

President Brown: Any other discussion? Mr. Gillock?

Council Member Gillock: Just one final point on abatement. To me, I would rather collect the taxes ten years from now then not get it at all. That's the way I view the decision. If you do not work with industry, they may choose not to build here at all. You would never get any taxes. This way, they build these nice buildings. They're not going to leave them vacant in ten years. Ten years from now we'll start getting the taxes, at the end of the abatements.

Mayor Hill: And one closing remark, Madame President, if I may. Please understand the history of Beckett. They have been here for over 40 years. For every tax abatement that they have applied for and been granted, under several administrations, they have far exceeded the projections that are reviewed each year by a County board as well as the school and the City to see if they met their projections of jobs, square feet expansion or new building equipment, everything that they invest and they have always exceeded the projections and the expectations. Let us not forget the lesson that we might have learned from Boeing in Seattle. Seattle thought they had Boeing forever and like Beckett, but of course on a different proportion or on a larger scale, they were the main employer, the biggest employer. Beckett is the biggest employer here and they just thought, well, they'll always stay after all they have a huge investment, they have a lot of buildings, they have a lot of employees. No, they got a better offer from Chicago and they left, on abatement.

President Brown: Please take roll.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two to suspend third reading.
motion by Overby to adopt, 2nd by Swindig

President Brown: Discussion? Take roll please.

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Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two. T 68-2001 becomes Resolution Number 933-2001.

Permanent Resolution No. 933-2001

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

T 83-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3691-2001 RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO.

Second Reading

motion by Mayor to dispense with third reading, 2nd by Overby

President Brown: Discussion? Seeing none, please take roll on the dispensing of the third reading.

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

Council Clerk White: Motion carries six, zero, one to dispense with third reading.

motion by Overby to adopt, 2nd by Borocz

President Brown: Discussion? Take roll.

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

Council Clerk White: Motion carries six, zero, one. T 83-2001 becomes Ordinance Number 3691-2001.

Permanent Ordinance No. 3691-2001

T 84-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3692-2001 RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2129, AFL-
CIO.

Second Reading

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

President Brown: Discussion? Take roll on the suspension.

Yes, 7 No, 0

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

motion by Swindig to adopt, 2nd by Borocz

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 84-2001 becomes Ordinance Number 3692-2001.

T 85-2001 AN ORDINANCE PROVIDING FOR WAGE INCREASES AND CHANGES
3693-2001 IN FRINGE BENEFITS FOR THE POLICE CHIEF AND NON-BARGAINING
UNIT CAPTAINS.

Second Reading

motion by Swindig to suspend third readings

President Brown: Discussion? Take roll on the suspension please.

Yes, 7 No, 0

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

motion by Swindig to adopt, 2nd by Borocz

President Brown: Discussion? May I ask a question? Does this go retroactive back to January 1st for all of them? Okay. Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 85-2001 becomes Ordinance Number 3693-2001.

Permanent Ordinance No. 3693-2001

THIRD READINGS

T 7-2001 AN ORDINANCE AMENDING SECTIONS 880.01, 880.03, 880.04, 880.06,
880.14 AND 880.15 OF THE CODIFIED ORDINANCES OF THE CITY OF
NORTH RIDGEVILLE, OHIO, IN ORDER TO INCREASE THE MUNICIPAL
INCOME TAX RATE FROM ONE PERCENT TO ONE AND FOUR-TENTHS
PERCENT BEGINNING JANUARY 1, 2002, FOR THE PURPOSE OF
PROVIDING FUNDS TO PAY COSTS OF CONSTRUCTING, FURNISHING,
EQUIPPING, OPERATING, MAINTAINING AND IMPROVING MUNICIPAL
PARK AND RECREATIONAL FACILITIES, INCLUDING A NEW MULTI-
PURPOSE COMMUNITY CENTER COMPLEX WITH RECREATION
ACTIVITY AND MEETING SPACES AND RELATED AND SUPPORTING
FACILITIES FOR SENIOR CITIZENS AND ALL OTHER CITY RESIDENTS,
AND PRINCIPAL OF AND INTEREST OF SECURITIES ISSUED AND
PUBLIC OBLIGATIONS INCURRED TO PAY COSTS OF THAT COMPLEX
AND OTHER PARK AND RECREATIONAL FACILITIES.

Third Reading

T 67-2001 A RESOLUTION AUTHORIZING THE PAYMENT OF \$22,356.25 TO
934-2001 GERALD PHILLIPS PLUS REIMBURSEMENT OF \$140.00 IN COURT
COSTS AS REQUIRED BY THE ORDER OF THE SUPREME COURT OF
OHIO ENTERED ON MARCH 7, 2001.

Third Reading

motion by Minnick to adopt, 2nd by ~~Minnick~~ Butkowski

President Brown: Discussion? Take roll please.

Council Clerk White: Overby?

Council Member Overby: Yes.

Council Clerk White: Swindig?

Council Member Swindig: Yes, but I really think that this should not be passed with the emergency because the emergency clause is what got us in to trouble with Mr. Phillips.

President Brown: This is not being passed by emergency.

Council Clerk White: We haven't gotten there yet.

President Brown: Okay. Go ahead Mr. Swindig, I'm sorry.

Council Member Swindig: And Mr. Phillips's thing is everything should go to the vote of the people. I personally think this should go to the vote of the people, too.

Council Clerk White: Borocz?

Council Member Borocz: Yes.

Council Clerk White: Minnick?

Council Member Minnick: Yes.

Council Clerk White: Butkowski?

Council Member Butkowski: Yes.

Council Clerk White: Gillock?

Council Member Gillock: Yes.

Council Clerk White: Brown?

President Brown: Yes.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 67-2001 becomes Resolution Number 934-2001.

Permanent Resolution No. 934-2001

T 72-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3694-2001 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE AND
ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER
PRESCRIBED BY LAW FOR THE EXPANSION/RENOVATION OF THE
SERVICE GARAGE, NOT TO EXCEED \$425,000.00.

Third Reading

motion by Borocz to adopt, 2nd by Overby

President Brown: Discussion? Rake roll please on the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 72-2001 becomes Ordinance 3594-2001.

Permanent Ordinance No. 3594-2001

T 73-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3695-2001 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE AND
ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER

PREScribed BY LAW, FOR THE CONSTRUCTION OF A SALT SHED
FOR THE SERVICE DEPARTMENT, NOT TO EXCEED \$115,000.00.

Third Reading

motion by Butkowski to adopt, 2nd by Gillock

President Brown: Discussion? Please take roll on the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 73-2001 becomes Ordinance Number 3695-2001.

Permanent Ordinance No. 3695-2001

T 74-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3696-2001 RIDGEVILLE TO PURCHASE A THERMAL IMAGING CAMERA FOR THE
FIRE DEPARTMENT, NOT TO EXCEED \$15,000.00.

Third Reading

motion by Gillock to adopt, 2nd by Overby

President Brown: In the discussion I would like to say one thing regarding this. Talking to Chief Miller, he said that this is going to be something that we really can use when we need it and we hope that we never need it. It's to see through smoke when a house is burning to find children or grownups that they can't see with their regular eyes when it's smokey. So, this is something that I think we need. Any other discussion? Please take roll on the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 74-2001 becomes Ordinance Number 3696-2001.

Permanent Ordinance Number 3696-2001

UNFINISHED BUSINESS None

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

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White:

There will be a Public Hearing Monday, June 4, 2001 at 7:25 P.M. on T 77-2001.

The next Regular Council meeting will be held Monday, June 4, 2001 at 7:30 P.M.

Council Member Swindig: Madame Chairman, I think we need the fiscal officer's certificate read.

Auditor Costin: My understanding, speaking with our outside legal counsel on these matters, that if the fiscal certificate was indeed attached to the ordinance when it was given to Council, made a

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matter of public record, then you no longer have to go through the formality of reading it at Council.

Council Member Swindig: Thank you.

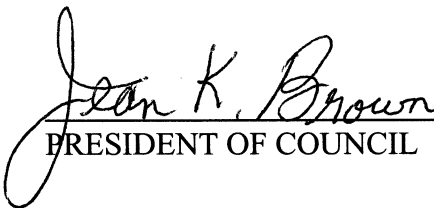
ADJOURNMENT

motion to adjourn by Swindig, 2nd by Overby
President Brown: Meeting adjourned.

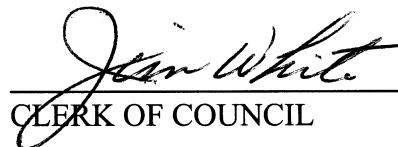
Meeting adjourned at 9:32 P.M.

MOTION Borocz 2ND Swindig DATE June 4, 2001
(Accepted as corrected on Page 16)

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL