

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MAY 19, 2003**

CALL TO ORDER: 8:00 P.M.

President of Council David Gillock: I would like to call this regular meeting of the North Ridgeville City Council to order. Would you please stand for the Invocation and Pledge of Allegiance.

INVOCATION: lead by Council Member Bob Olesen.

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 President of Council David Gillock.

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

MINUTES - Corrections and Approval:

President Gillock: Regular Council Minutes of May 5, 2003

motion to approve by Butkowski, 2nd by Johnson

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

Yes, 7 No, 0

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

COMMITTEE REPORTS:

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

President Gillock: We have no written reports from the administration this evening. Auditor's written financial report.

AUDITOR'S REPORT:

Auditor's Written Financial Report for April 2003

motion to approve by Butkowski, 2nd by Pagel

President Gillock: Is there any discussion in regards to the Auditor's written report? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Report is approved by a vote of seven to zero.

Auditor Costin: No further comments.

OTHER REPORTS:

President Gillock: Please note:

Mayor's Court Operating Trust Fund/Bail Trust Fund Report for April 2003;

Water System Operation Report for April 2003;

Service Department Activity Report for April 14, 2003 through May 11, 2003;

Police Department Support Car Report for April 2003; and

Police Department Activity Report for 2003.

Senior Citizens Advisory Report:

Council Member Butkowski: The senior citizens met last Thursday and they want to announce that they're having a spaghetti dinner Friday, from five to seven and there are take outs available. The dinner will be on May 30.

President Gillock: Thank you. Are there any questions of Mrs. Butkowski on the Senior Report? Planning Commission Liaison Report.

Planning Commission Liaison Report for Regular Meeting May 13, 2003.

Clerk of Council Norris:

APPLICANT: BPJ Investment Co., Inc., 25300 Lorain Road, Suite 4B, North Olmsted 44070

OWNER: Same

REQUEST: To build 22 single family homes in R-1, Chapter 1282

LOCATION: Vacant land on Jaycox Road, north of Downing Avenue, south of Greenwich Avenue

Permanent Parcel No. 07-00-019-000-012

PC ACTION: Approved

motion to postpone discussion until the next meeting, 2nd by Buescher

Council Member Pagel: Mr. President, there seems to be an error in the Clerk's office as far as what kind of material we have on this and I would just feel more comfortable if we made a decision on this at the next meeting.

President Gillock: I would like to have the minutes myself. Mr. Olesen?

Council Member Olesen: Mr. President, I don't have a problem with that being liaison to the Planning Commission. I think we have a good project here, but I understand the caution that Council has. We just have to get the minutes of this meeting before we can logically make a decision on some of these matters.

President Gillock: Anyone else? If not, please call the roll on postponing BPJ Investment.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero.

APPLICANT: Robert E. Robbins, Agent; 2367 Candlewood Drive, Avon, 44011

OWNER: Estes Express Lines, P. O. Box 25612, Richmond, VA 23260-5612

REQUEST: Expand parking areas including lighting; abandon existing

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LOCATION: wastewater treatment facility when gravity sewers are available
38495 Center Ridge Road in I-2 and B-3
Permanent Parcel No. 07-00-039-000-022 and 07-00-039-000-023

PC ACTION: Approved
motion to approve by Olesen, 2nd by Swindig

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero.

APPLICANT: Stone River Condo Properties, LLC, P. O. Box 39668

OWNER: Same

REQUEST: Build multi-family condominium units with an option to construct an 8
space visitor parking area within the side yard setback

LOCATION: Forest Park Drive (southeast)
Permanent Parcel No. 07-00-021-116-030

PC ACTION: Approved
motion by Pagel to postpone until the next meeting, 2nd by Buescher

President Gillock: So that we can have the minutes and other backup documentation.

Council Member Pagel: Yes sir and I believe the discussion seemed to have a negative tone to it
from different ownerships and I raise questions in my mind and I think we can get a lot more
information on this and possibly move forward.

President Gillock: Would we want to refer this to a committee for discussion, in the mean time?

Council Member Johnson: Mr. President, I would like to see something done about the option on
the parking. Get it part of the proposal rather than just the word of mouth. Therefore, I would
like to see it go to a committee myself.

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero.

President Gillock: I WILL REFER THIS TO BUILDINGS AND LANDS provided they can
meet prior to the June 2nd meeting for when this will be brought back up for discussion.

Clerk of Council Norris:

APPLICANT: Stone River Condo Properties, LLC, P. O. Box 39668

OWNER: same

REQUEST: Build multi-family condominium units with an option to construct an 8
space visitor parking area to the north of the duplex

LOCATION: Forest Park Drive (northwest)
Permanent Parcel No. 07-00-020-138-039

PC ACTION: Approved
motion by Pagel to postpone until the next meeting, 2nd by Buescher

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

Council Member Olesen: I just would like to add, I have no problem with postponing this either. This is one of the reasons I invited participants to talk to you about coming to our meeting tonight to talk because I knew the minutes wouldn't be available and we wouldn't be able to cover ourselves on the minutes. There's a problem here with Planning Commission's approval, approving the mechanics of a project and that's what they are required to do and they do it. They have no jurisdiction on the condition of road ways. That's the City's responsibility. When Planning Commission approves a project of this nature, they do it on the mechanics of their project. That's their job. Thank you.

President Gillock: I think Planning has a little more latitude then just meeting the mechanics or the strict wording of the ordinance but, in this case they have no jurisdiction over the road. It's a private road. This is a little different situation anyway. Any other discussion on the postponement? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion to postpone is approved by a vote of seven to zero.

President Gillock: I will also REFER THIS TO BUILDINGS AND LANDS COMMITTEE to be discussed at the same time as the prior one.

OLD BUSINESS:

President Gillock: We have no old business. New business.

NEW BUSINESS:

Clerk of Council Norris: New business before the Council this evening.

T 59-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 436.11, STOPPING AFTER ACCIDENT UPON
STREETS; COLLISION WITH UNATTENDED VEHICLE.

motion by Swindig, 2nd by Buescher 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 is approved by a vote of seven to zero.

CORRESPONDENCE:

Clerk of Council Norris: There is no correspondence for Council this evening.

LOBBY:

President Gillock: We now come to the lobby portion of our Council meeting. Anyone is welcome to address Council. You will be given three minutes. You can speak on any subject that you desire. Please use the sign in sheets in the back. Give us your name and address in case a response is necessary. If you wish to speak on another subject, you are welcome to do that but, wait until everybody has a chance to speak the first time through. Is there anyone who wishes to address Council?

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- 1) Lois Sullivan of 5880 Jaycox Road announced that the Lorain County Historical Society and the Lorain County Metropolitan Parks has an Ohio Bicentennial Exhibit at the French Creek Nature Center on State Route 611 opened daily from 10:00 A.M. to 4:30 P.M. Explained exhibits and programs from 7:00 P.M. to 8:30 P.M. in the evening.
- 2) Lois Sullivan of 5880 Jaycox Road spoke in regard to her inquiry last June about North Ridgeville needing more cemetery land and asked if any consideration has been given towards looking for land.
- 3) John Taylor of 6324 Forest Park Drive spoke in regard to Forest Park being a private street and the City saying that they have to keep an access to other streets and arteries. Asked if the City feels any sense of responsibility with the rules on what to do with their street. Asked why they don't get help from the City on repairs to that street.

President Gillock: I would defer to the Law Director but, I would say, from the standpoint it's a private street and it's never been dedicated, the City has no responsibility to maintain the street, but we do have a responsibility to provide safety services, police and fire, which is why we're making whatever requirements we are and how that's legally accomplished, I will let the Law Director respond.

Law Director Zagrans: The Council President is exactly correct. Those are the legal requirements that the City has and those are the ones that the City fulfills. Beyond that is a private street the City does not provide services.

Mr. Taylor stated that they are not allowed to seal it off or gate it.

Law Director Zagrans: That's right

President Gillock: Does anyone else wish to address Council? Mrs. Pagel?

motion by Pagel to suspend By-Laws to dispense with the recess, 2nd by Butkowski

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved seven to zero. There will be no recess this evening.

RECESS: dispensed with.

FIRST READINGS:

Clerk of Council Norris:

T 54-2003 AN ORDINANCE FOR MAINTENANCE AND COSTS ASSOCIATED
3905-2003 WITH THE CONSTRUCTION OF THE SEWER CROSSING ON WEST
 CENTER RIDGE ROAD.

First Reading

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

President Gillock: Is there any discussion?

Mayor Hill: I will refer to our City Engineer to explain the need. We don't need the emergency but, we need to get it passed.

City Engineer Griffith: We are attempting to attain the right to pass underneath the Turnpike bridge on Center Ridge and the Turnpike will not even begin to process our request until Council passes this ordinance.

Council Member Johnson: Mr. President, is this a Turnpike requirement or ODOT requirement?

City Engineer Griffith: Turnpike.

Council Member Pagel: Mr. President, would it not behoove us then to add the emergency so that we could just move on it or is it just enough that we would have it passed tonight even though it wouldn't take affect for 30 days?

City Engineer Griffith: The 30 days is fine.

President Gillock: Our Charter allows us, once we pass it, even without the emergency, we can still forward paper work on an issue like this. We don't have to wait 30 days to send it in. Any other discussion? If not, please call the roll on dispensing with second and third readings.

Yes, 7 No, 0

Council Clerk Norris: Motion is approved by a vote of seven to zero.

motion by Swindig, 2nd by Butkowski to adopt

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

Yes, 7 No, 0

Council Clerk Norris: Motion is approved by a vote of seven to zero. T 54 becomes permanent ordinance number 3905-2003.

Permanent Ordinance No. 3905-2003

T 55-2003 AN ORDINANCE AMENDING ORDINANCE NO. 3575-2000, BY
INCREASING THE AMOUNT PAID TO THE PLANS EXAMINER.
First Reading

T 60-2003 AN ORDINANCE ACCEPTING THE FINAL PLAT OF WINDSOR POINT
SUBDIVISION I FOR APPROVAL AND FOR RECORDING PURPOSES.
First Reading

T 59-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 436.11, STOPPING AFTER ACCIDENT UPON
STREETS; COLLISION WITH UNATTENDED VEHICLE.
First Reading

President Gillock: Second readings.

SECOND READINGS:

Clerk of Council Norris: Second readings, T 48-2003. . .

Council Member Pagel: Mr. President, request to return to T 59-2003.

President Gillock: We have a motion to reconsider T 59-2003 by Mrs. Pagel. Is there a second?
motion by Pagel, 2nd by Swindig to reconsider T 59-2003

President Gillock: Is there any discussion on the reconsideration?

Council Member Pagel: I think it would behoove us if we passed this tonight for the Police Department.

President Gillock: Any other discussion? Please call the roll on revisiting T 59-2003.

Yes, 7 No, 0

Council Clerk Norris: Motion to reconsider is approved by a vote of seven to zero.

T 59-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
3906-2003 ORDINANCE SECTION 436.11, STOPPING AFTER ACCIDENT UPON
STREETS; COLLISION WITH UNATTENDED VEHICLE.

First Reading

motion by Pagel, 2nd by Swindig to dispense with second and third readings

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

Council Member Johnson: I apologize, I haven't gotten the chance to really review this very well, looking at the current ordinances. I didn't realize it was going to be pushed through tonight. The question I have, it talks about giving the name and address to a responding officer. We're talking about somebody running into a hedge or a telephone pole or inanimate object, not another vehicle or a person. If he leaves the scene to go and make out a police report, is this going to get him cited for leaving the scene before he has given both name and address to a responding police officer?

President Gillock: When I read this also, it said to a responding police officer, which to me then, someone had to have called the police. I kind of agree, if you have a single vehicle accident with no injury.

Council Member Johnson: I understand a report has to be given.

President Gillock: I'm not sure a report always has to be given.

Council Member Pagel: From my perspective as Chair of the Safety Committee, I believe it would be a matter of liability and maybe the cost of what that car has run into. It's not so much the personal liability of the driver and then that person, someone would call and that person would be taken care of. If he's running on personal property, if he's turving something, if he's running into a light pole that the City would then be responsible for, I think we're looking at the liability issue of what the cost of repair would be.

Mayor Hill: Mr. President, Councilwoman Pagel is correct.

Council Member Butkowski: Mr. Chairman, I had the same question. If this accident would happen at night and you would do this and you were there, you were not injured, your car was still drivable, if I was by myself, I don't know how I would get a hold of a policeman in the middle of the night. You can drive to the Police Department and report that you had that

accident. It would be a lot safer than possibly going up to somebody's door, if there's a house around. I don't think that's safe for anybody to do and I'm not sure that people would answer the door. You can have an accident, I understand where you want people responsible, you want to know who does it but, to require, if they drove to the Police Department, would they then be leaving the scene of an accident with this ordinance in place?

Council Member Buescher: Mr. President, I think the tendency would be to leave the scene and not report it to anyone and that's where the problem exists.

Mayor Hill: Mr. President, if you reread it, it's only one sentence and it does say, name and address to a responding police officer. In other words, if there's a police officer there.

President Gillock: That's the point that I had made with this. It does say to a responding police officer so, someone would have had to of call the police.

Council Member Butkowski: So, if there's no police officer around, you can leave and report it.

President Gillock: Okay.

Council Member Butkowski: I just want to be sure because I can understand a police officer arrives, yes, you do have to give him that information.

President Gillock: Anyone else? Please call the roll on the motion to dispense with second and third readings.

Yes, 7 No, 0

Council Clerk Norris: Motion is approved by a vote of seven to zero.

motion by Pagel, 2nd by Swindig to adopt

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero and T 59 becomes permanent ordinance number 3906-2003.

Permanent Ordinance No. 3906-2003

SECOND READINGS:

T 48-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE A PICKUP 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 \$19,500.00.

Second Reading

T 49-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE A UTILITY VEHICLE 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 \$28,500.00.

Second Reading

T 50-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE A ONE-TON DUMP 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 \$34,500.00.
Second Reading

T 52-2003 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND NEGOTIATE AND ENTER INTO A CONTRACT(S) ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE PURCHASE OF A CENTRIFUGE FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$405,000.00.
Second Reading

THIRD READINGS:

T 41-2003 AN ORDINANCE CREATING THE POSITION OF SAFETY COORDINATOR
3907-2003 AND SETTING THE COMPENSATION THEREFORE.

Third Reading

motion by Swindig, 2nd by Olesen to adopt

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

Yes, 7 No, 0

Council Clerk Norris: Motion is approved by a vote of seven to zero and T 41 becomes permanent ordinance number 3907-2003.

Permanent Ordinance No. 3907-2003

T 43-2003 AN ORDINANCE TO APPROVE THE EXPENDITURE OF FUNDS.

3908-2003 Third Reading

motion by Swindig to approve, 2nd by Mrs. Pagel

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

Auditor Costin: I don't recall and I didn't notice in my minutes, but I had intended to bring to Council's attention that the first two paragraphs that begin with WHEREAS, be eliminated from this ordinance. They refer to 5705.41 which do not apply and I don't recall if we've already done that or not, but we have not, I would request that paragraphs one and two be eliminated prior to passage.

motion by Swindig, 2nd by Butkowski to amend T 43 by deleting the first two WHEREAS paragraphs.

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

Yes, 7 No, 0

Council Clerk Norris: The amendment is approved by a vote of seven to zero.

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

Yes, 7 No, 0

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Council Clerk Norris: T 43 is adopted by a vote of seven to zero, becoming permanent ordinance number 3908-2003.

Permanent Ordinance No. 3908-2003

T 44-2003 AN ORDINANCE ACCEPTING THE FINAL PLAT OF WATERBURY PCD
3909-2003 PHASE 3 FOR APPROVAL AND FOR RECORDING PURPOSES.

Third Reading

motion by Olesen, 2nd by Swindig to adopt

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

Yes, 7 No, 0

Council Clerk Norris: T 44 is adopted by a vote of seven to zero and becomes permanent ordinance number 3909-2003.

Permanent Ordinance No. 3909-2003

T 45-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
3910-2003 ORDINANCE SECTION 232.07(F), FUNDS TO INCLUDE STORM WATER
MANAGEMENT AND RELATED ISSUES.

Third Reading

motion by Butkowski, 2nd by Swindig to adopt

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

Yes, 7 No, 0

Council Clerk Norris: T 45 is adopted by a vote of seven to zero and becomes permanent ordinance number 3910-2003.

Permanent Ordinance No. 3910-2003

UNFINISHED BUSINESS:

President Gillock: We have no unfinished business. Would the Clerk please read the Committee Meeting announcements.

COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Utilities Committee to meet Thursday, May 29, 2003 at 6:00 P.M. in Council Chambers

Next Council Work Session Monday, June 2, 2003 at 7:30 P.M.

Next Regular Council Meeting Monday, June 2, 2003 at 8:00 P.M.

Public Hearing Monday, June 16, 2003 at 7:20 P.M. regarding Fairfield Lane Condominium within Phase 1 of Waterbury PCD

President Gillock: Are there any other Committee Meeting announcements?

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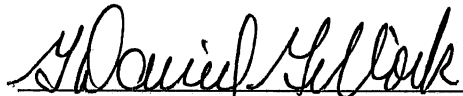
ADJOURNMENT:

motion to adjourn by Swindig
President Gillock: Meeting adjourned.

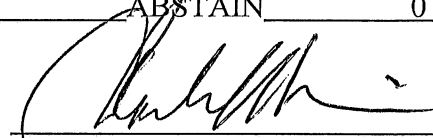
Meeting adjourned at 8:37 P.M.

MOTION Butkowski 2ND Page1 DATE June 2, 2003

YES 6 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL