

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

MAY 6, 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 Council Member Johnson.

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 was represented by Assistant Law Director Toni Morgan, Engineer Tom Beutler, Auditor Chris Costin and Clerk of Council Chuck Norris.

Absent was Law Director Eric Zagrans.

MINUTES - Corrections and Approval:

Regular Council Minutes of April 15, 2002

motion by Butkowski to approve, 2nd by Buescher

President Gillock: Is there any discussion or corrections?

Council Member Swindig: In the corrections or discussion on the minutes, the roll call should be six, zero, one.

President Gillock: So noted. Any others?

Council Member Olesen: Mr. President, on page ten, the response by the Mayor, "before is so", about the center of the page, I think it should be, "before us". Mayor, is that right?

Mayor Hill: I'm sorry, I don't have the minutes with me.

President Gillock: We will make that correction, "We don't have the papers before us". Any others? If not, please call the roll.

Yes, 7 No, 0

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

President Gillock: Can we have a motion to suspend By-Laws to consider the minutes of the Special meeting of April 19, 2002?

motion by Butkowski, 2nd by Johnson to suspend By-Laws to consider the minutes of the April 19, 2002 meeting.

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

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Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven to zero.

Special Council Minutes of April 19, 2002

motion by Butkowski, 2nd by Buescher to approve the minutes

President Gillock: Any discussion or corrections or additions? If not, please call the roll. Mrs. Pagel?

Council Member Pagel: On page nine, I pointed this out a little earlier to our Clerk, the vote to go into Executive Session is seven to zero. That should be six, zero, one absent. I was not here to vote on that.

Clerk of Council Norris: Correction is noted.

President Gillock: Any others? If not, please call the roll.

Clerk of Council Norris: On the motion to approve.

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

Clerk of Council Norris: Motion to approve carries six, zero, one.

President Gillock: You have before you:

Planning Commission Minutes of April 9, 2002;

Civil Service Commission Minutes of April 16, 2002;

Parks and Recreation Minutes of March 27, 2002.

COMMITTEE REPORTS:

Clerk of Council Norris:

1) UTILITIES COMMITTEE REPORT #7125. Members of Council: We have considered the matter of automatic water rate increase, amend Ordinance 1046.5 by permanently eliminating the calculated water rate increase for the year 2002 and recommend that this request be approved and proper legislation be drawn authorizing the same.

Signed: Chairman Dennis L. Johnson, Members Bernadine Butkowski, Nancy J. Buescher
motion to accept by Johnson, 2nd by Butkowski

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

Council Member Johnson: For the public, this is an automatic increase that, this year, it turns out to be 2.34 percent and the committee decided that is not necessary to go along with that increase this year.

President Gillock: I'm sure the Citizens will appreciate that. Any other discussion? If not, please call the roll.

Clerk of Council Norris: On the motion to approve.

Yes, 7 No, 0

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

2) SAFETY COMMITTEE REPORT #7146. Members of Council: We have considered the matter of Lorain County Advisory Council Resolution #2002-02: 1) Number of members

appointed to Board of Health of Lorain County; 2) Term of office. And recommend that this request be denied. 1. The Committee questions why the need for increase in terms of office. 2. The Committee feels there is no need to increase the number of members appointed to the Board of Health of Lorain County. There would be no tie breaker with an even number of members.

Signed: Chairman Josanne Pagel, Members R. W. Olesen and Allen Swindig

motion to accept by Pagel, 2nd by Swindig

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

Council Member Pagel: Our Committee felt that, there was not a whole lot of information along with the resolutions that was sent to us and we questioned, first of all, why the need to increase to an eight member board and secondly, there was no information as to who would identify the tie breaker in the fact that there was an even number of persons there on the board, if there was such a tie.

President Gillock: Anyone else. Please call the roll.

Yes, 7 No, 0

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

3) SAFETY COMMITTEE REPORT #7150. Members of Council: We have considered the matter of Lorain County District Advisory Council Resolution #2002-01 and recommend that this request be approved and proper legislation be drawn authorizing.

Signed: Chairman Josanne Pagel, Members R.W. Olesen, Allen Swindig

motion by Pagel to accept, 2nd by Olesen

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

Yes, 7 No, 0

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

4) SAFETY COMMITTEE REPORT #7150. Members of Council: We have considered the matter of Lorain County Advisory Council Resolution No. 2002-03 and recommend that this request be approved.

Signed: Chairman Josanne K. Pagel, Members R.W. Olesen and Allen Swindig.

motion by Pagel to accept, 2nd by Olesen

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

Council Member Pagel: The committee felt that the appointment of Mr. William Gardner to the Licensing Council would be an asset to our City.

President Gillock: Thank you. Anyone else?

Yes, 7 No, 0

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

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

President Gillock: We now have questions of the written reports by the administration. The only report we have tonight is from the Law Director dated April 30, 2002. Ms. Morgan would you like to handle that report?

Mayor: None

Safety-Service Director: None

Engineer: None

Law Director: Dated April 30, 2002

Assistant Law Director Morgan: Mr. Chairman, do you want me to read it in its entirety?

President Gillock: It's up to you. If you want to paraphrase, that's fine.

Assistant Law Director Morgan: No. I'm going to ~~repair~~ **read** it in its entirety simply because I did not prepare this so, I haven't seen it before. This is from our Law Director, Mr. Zagrans.

At the work session before the April 1, 2002 Council meeting, Josanne Pagel brought to my attention an issue concerning the redrawing of the ward boundaries in the City in light of the 2000 population census as proclaimed by the Secretary of State. She then sent me a memorandum dated April 10, 2002, informing me that my assumption that the Secretary's proclamation had recently been received was incorrect, indicating that it had been received a year ago, and requesting a full investigation by the Law Department into what she believed to be a violation of the City Charter.

Section 3.1 of the City Charter divides the City into four wards and provides, in pertinent part, that City Council will redivide the four wards, in quotes to meet the United States Government census within 90 days after the issuance of the proclamation of the population of the City by the Secretary of State, end quote. As I am now informed, the City received the Secretary of State's proclamation dated March 30, 2001, announcing the population of North Ridgeville as a result of the 2000 census, in early April of 2001. Therefore, under our Charter, City Council should have redivided the four wards of the City not later than July 15, 2001. Obviously, the prior Council did not do so.

I point out for informational purposes that such redistricting, if it had occurred by July 2001 as required by the Charter, would have been too late in any case to apply to the November 2001 elections for City Council. The primary elections, for instance, had already taken place. The 2001 redistricting would have taken effect for the 2003 Council elections, both primary and general.

The Charter is silent regarding the procedure that should be followed in the event Council fails to redivide the City's wards within the prescribed time period.

However, the Ohio Revised Code provides such a procedure. Section 731.06(B) of the Ohio Revised Code states:

If the legislative authority fails to make such division, *i.e.*, the redivision of the City's wards in light of the decennial census within the time required, it shall be made by the director of public service.

Accordingly, since the provisions of the Ohio Revised Code apply to a charter municipality such as North Ridgeville, unless there is a specific Charter provision to the contrary, by copy of this memorandum setting forth the Report to Council of the Law Department for Council's May 6, 2002 meeting, I am informing the City's director of public service, Jim Johnson, of his responsibilities under the Ohio Revised Code to make such redivision in accordance with the 2000 census information forthwith.

I am informed that detailed census tract information has already been ordered from the U.S. Census Bureau. When received, that information should be immediately turned over to Mr. Johnson, who must use it properly to ensure equality and proportionality of population within each of the four wards drawn with boundaries that conform to the requirements of Section 3.1 of the Charter. Such redivision of the four wards shall be in effect for the 2003 primary and general elections, and for all municipal elections thereafter until the 2010 census results are proclaimed in 2011.

In the meantime, please permit me to point out that the severe practical problems with the Charter provision in Section 3.1 as it currently reads. It is extremely impractical to expect that City Council will be able to first, obtain the detailed census tract information necessary to accomplish the redivision of the wards on an equal basis, two, analyze the data sufficiently to redraw the boundaries in the manner prescribed by Section 3.1 of the Charter, and three, enact an ordinance with three readings and the opportunity for public comment and input, all within 90 days after the Secretary of State proclaims the City's population.

Indeed, in statutory municipalities that do not have Charter provisions, O.R.C. 731.06(A)(1) provides that such cities have until December 31 of the year following the census year, i.e., in the most recent example, until December 31, 2001 to complete legislation to redive the ward boundaries. That time frame makes more sense to me from a practical and policy standpoint, and creates no substantive impact on municipal elections involving ward council members which take place only in odd-numbered years. The new ward boundaries would take effect in the second odd-numbered year following the census year, just as they do under the current provisions of the Charter. Obviously, there would continue to be no impact whatsoever on city wide elections occurring in the intervening even numbered year.

Please let me know if there is any additional information you desire in connection with this matter. Eric Zagrans.

President Gillock: Do you wish to add?

Assistant Law Director Morgan: No thank you.

President Gillock: Any questions of the Assistant Law Director? Mrs. Pagel?

Council Member Pagel: I just have a comment. Mr. Zagrans did call as Ms. Morgan told me and I just did talk with him in the break after the work session and we talked about, I want to first

say, there was meant no negativity in my comments towards Mr. Zagrans or to the administration and we talked about the interpretation of the Ohio Revised Code and I had assumed in the interpretation that it was in receipt of the Council hands and basically the interpretation of the O.R.C. is that it is when it is issued. So, therefore, last year's Council was in breach, violation, whatever you want to say, of the Charter and therefore, Mr. Zagrans did say in our conversation that he would work with the President, Mr. Gillock and the SSD in trying to get this matter solved.

President Gillock: Thank you. Anyone else? Thank you. Auditor's report.

AUDITOR'S REPORT:

Auditor Costin: Mr. Chairman, there is no report scheduled for tonight. I just have one comment. You may remember a few meetings ago we passed legislation to reissue bond anticipation notes related to the westerly's sewers. The City did recently apply for a rating for Moody's Investor Services and once again, received the highest rating available of MIG 1 on the notes and Moody's also reaffirmed our bond rating of A1 for voted issues and A2 for unvoted issues. I'm not sure if I brought that to Council's attention or not but, I am right now in case I forgot previously. No further comments.

President Gillock: I appreciate that. Are there any questions of the Auditor? Other Reports.

OTHER REPORTS:

President Gillock: Please note:

Service Department Activity Report for March 24, 2002 through April 10, 2002 and for April 10, 2002 through April 29, 2002;

Police Department Activity Report for March, 2002;

Water Operations Report for March 2002;

Building Department Report for March 2002.

OLD BUSINESS:

President Gillock: I would like a motion to suspend By-Laws to allow for the reconsideration of the Voice Stream, Planning Commission approval.

motion by Pagel, 2nd by Butkowski to suspend By-Laws and reconsider the Voice Stream approval

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

Yes, 7 No, 0

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

President Gillock: We have the Planning Commission's approval of the Voice Stream, do we have a motion to approve Planning Commission's actions?

motion by Johnson to approve Planning Commission's action, 2nd by Gillock

President Gillock: Is there any discussion?

Council Member Johnson: Mr. Chairman, I am told we are out of options in this matter. We

must approve Voice Stream's request for a tower in the requested location or face a lawsuit that jeopardizes our City's well being. This situation didn't happen overnight. It took several months. Time was squandered and options were not fully investigated by the administration. Our legal department gave, what I believe, was inadequate advice to the City's boards and this Council. We need to review how a City deals with cell tower requests in the future and I respectfully request it be referred to the appropriate committee.

President Gillock: We will REFER THE ORDINANCE DEALING WITH TELECOMMUNICATIONS TOWERS TO THE UTILITIES COMMITTEE. Any other comments from Council. Mrs. Pagel?

Council Member Pagel: Since this tower is going in my ward, my concern is for the residents that live in that immediate area there, of Maddock Road. I am wondering when they will have an opportunity to speak and be heard.

President Gillock: We're going to, if Council goes along, allow as spokesman for them to speak yet this evening. I just want to finish up with Council's comments first and obviously these applications do go through Planning prior to coming to Council which they can be heard. Anyone else?

Mayor Hill: Yes, Mr. President. Mr. Johnson said in his statement something about, options were not explored by the administration. Could you clarify that please?

President Gillock: Mr. Johnson, would you care to respond?

Council Member Johnson: Yes, the wording was, time was squandered and options were not fully investigated by the administration. I understand there was an option of putting the tower on top of the water tower and there was an issue of indemnification of the City to relieve us of any insurance issues on it. Voice Stream balked with that and it was not followed through on. There were other properties around there, with a little creative thought, could have gotten the tower into other properties away from residential areas. There are others but that's enough.

Mayor Hill: Mr. President, that was fully explained to Council, that the water tower was not an option due to the warranty on the water tower. So, that was fully explored. We discussed it at length and we did some investigation on it. Pretty thorough investigation, by the way. Other properties that were available, we explored all of those, we discussed those at length. We had several meetings with Voice Stream. We tried to find any other option that we could find, as a matter of fact. Mr. President, I would also request that Mr. Johnson clarify what he said about the Law Department.

President Gillock: Mr. Johnson, do you wish to respond?

Assistant Law Director Morgan: I would like to reiterate on . . .

President Gillock: Excuse me, Mr. Johnson has the floor.

Assistant Law Director Morgan: Sorry, Mr. Chairman.

Council Member Johnson: Law Department advised Buildings and Lands Committee, as I understand it, advised them that the issue would have to go before the BZA and it turns out that was not the case. I understand there was an issue at the Buildings and Lands where they were told that they pretty much had to pass the issue and right here on Council, Mr. Zagrans told members of this Council that we could vote no on the issue, which we did and later find out that

it was not a good idea. Bad legal advice, in my opinion. Thank you.

President Gillock: Any other comments.

Council Member Pagel: I apologize, I was not able to make the Special meeting that this was discussed. I was out of town. But, my question is that, if we do approve this plan right now, then, what happens next? Does it go to zoning then? Will the people have the right to speak then or is it a done deal? If it is a done deal, then that it's a moot point, our residents, if they get to speak at forum or at lobby, they're just speaking and we've already made our decisions.

Council Member Buescher: I would like to reaffirm what Mr. Johnson and my fellow Council persons have stated concerning the Voice Stream situation and I find it necessary to add that our City Law Director, in one of the local newspapers, said something to the effect that he hopes Council's vote against Voice Stream tower was defensible. I repeat, he hoped it's defensible. What attorney would go to the media with a statement like that about the people he is being paid to represent? Mr. Zagrans is Council's legal adviser. Where was the Law Director when the Planning Commission report came before Council with a vote? Where was the Law Department when this proposal was being considered in Planning Commission and when it was before the Zoning Board of Appeals? The administration worked for months with Voice Stream. If they weren't aware of the legal ramifications of working with a public utility, in a City, after all that time, how are the boards and how is City Council suppose to know the particulars? If they did know, where was the legal advice needed to go through the process properly? This is why the City hires and defends and depends on legal advisers. Now the process has gone too far and too long to step back and reconsider any options we may have had on the placement of the tower. Council must look at the situation for what it is and reconsider its vote or face legal ramifications. But, this Council is not responsible for having turned down an almost 700 foot variance needed for this project when it turned down the Planning Commission report recommendation. Council voted in favor of concerned residents who live in the immediate area. This is why we have a Planning Commission, a Board of Zoning Appeals and a City Council. We did our jobs with the knowledge that was available to us when we voted. I also find it necessary to suggest that this Council take any necessary action to seek advice of their own attorney on a case by case basis as is provided to them by the City Charter.

Mayor Hill: Mr. President, two things. I haven't had time to digest all of Mrs. Buescher's speech, however, I think it's proper of the Law Director to say, that he hoped it was defensible because, certainly, we all do. Mr. Johnson said, that Mr. Zagrans told Council that they could vote no. Now, we have discussed this further, if you will recall. As a matter of fact, and I think Mrs. Butkowski can verify this, it was upon sitting down prior to the Council meeting of the vote when Mrs. Butkowski asked Mr. Zagrans, if they could, if Council could vote no. The answer is yes. Council can vote no. Council can always choose, just like anybody in the voting public, to vote the way that they see fit to vote. That is the absolute appropriate answer and asking as Council was convening, certainly did not give adequate time for further discussion and explanation. Also Mr. President, I would like to call on the Assistant Law Director to respond since she did, basically, handle this case with Planning Commission which she sits on.

Assistant Law Director Morgan: Mr. President, thank you, I would like to respond to that. I was

at Planning Commission when this was presented before Planning Commission, as was several Council Members and at that time the details were presented and Planning Commission chose to approve the project. At that time, no legal problem existed. It went through as planned. Everything was presented. Public comment was taken. There was no legal problem at that time. Nothing happened and no one had asked for our opinion up to that point but, there was no problem. The only time that a problem developed was after it was turned down by Council and I don't think anyone anticipated that that was going to happen but, at the time that Planning Commission voted, they voted on the information that was presented to them. They saw all the options that had been looked at by Voice Stream. They heard all the information that was presented and based on what they heard, they approved it. So, there was not a legal question facing us at that moment.

Council Member Buescher: I thought it was unusual that the vote was three, two at Planning Commission, so, it seems that two of the members, apparently, didn't understand the ramifications or, because they voted against approving the tower.

President Gillock: I was also at that meeting and received a copy of the memo written by the Assistant Law Director citing Ohio Revised Code as how it should apply to these towers. Not being a lawyer, did not understand the ramifications of the letter at that time but, some of those ordinances cited, chapter five of the Ohio Revised Code and were entitled, Township Zoning, and I don't see how regulations applying to townships would apply to the City in this case, but I didn't have that knowledge available to ask those questions that night. I also think, from the standpoint of the warranty on the water tower, the warranty is a contract, it is an indemnification agreement and perhaps that could have been worked out with Voice Stream as an option for them to pick up the warranty exposure if they wanted to locate at that location. That may be a much less expensive option for them and possibly a better deal for the City. But, at this point, we don't know.

Council Member Butkowski: Mr. Chairman, when I asked the Law Director if we could vote against approval of the Planning Commission, he told me that we could. He knew, he should have known what transpired at the Planning Commission meeting. He had all the information that I had. He also knew that or should have known about the PUCO requiring us to do that, to approve it and nothing was brought up at that time and that is why we went ahead and voted against it, because of the intense variance of 725 feet that we would have to give them, changing our laws and that's far too much. There are other things that were pursued by the cell company. We had the park land that could have been used. There is an access at the railroad track to get to that park land and it's not being used by the City. It's just dead land that could be used by them. It's very close to where the tower is and it would not have impacted the residents and it would have been an asset for the City. We could have taken that money and maybe develop that park land.

Mayor Hill: Mr. President, yes, I will just reiterate one more time, that if any Council person would even ask me, can we vote no on anything, the answer is yes. I mean, that's the truthful, correct answer. You can vote as a Council person, any way you wish to vote. Nobody can tell you that you can't vote yes or you cannot vote no. As far as the park land, I don't know what

park land Mrs. Butkowski is referring to but, remember, they also explained their area that they must cover. Some of the options that we talked about with them, did not meet the need of covering the area for the cell phone access. That was another problem we encountered.

Council Member Olesen: Mr. President, it's a moot point, but I think Buildings and Lands is mentioned here. Buildings and Lands took no action on this project. I think Mr. Johnson mentioned Buildings and Lands.

President Gillock: He was speaking to the Planning Commission.

Council Member Buescher: That's correct.

Council Member Johnson: Sorry about that. Mr. President, I would encourage the Law Department to always anticipate that the Council may vote no, especially on matters that are this important that carry this much weight as far as lawsuits go. Don't assume that we're always going to do what the Law Departments believes is the right thing, without guidance.

Council Member Buescher: Mr. President, I have to agree with Mrs. Pagel. My concern is for the residents who put a lot of time and work. Mr. Kane has put so much work into investigating this and he is going to miss his opportunity, I understand this is not going to be going before the Zoning Board, and they were told that they would be able to bring in their attorneys at the end of May and all of that has just been thrown by the way side because of Council's vote and I don't think it's fair to those people that we represent.

President Gillock: At that point, Mr. Kane is here this evening and I have had discussions with him and he has done a lot of work, provided a lot of information to Council and the Law Department in regards to this issue. When he was at Planning Commission, he was prepared to speak, however, the issue was postponed at that time so, essentially he missed his opportunity, I would like to have a motion to suspend By-Laws this evening, to give Mr. Kane an opportunity to get his comments into our legal record, if you will, at this time.

Clerk of Council Norris: We have a motion on the floor, right now.

Council Member Pagel: Mr. President, point of order, this will be a subsidiary motion to allow Mr. Kane to speak in our discussion.

President Gillock: Yes, this will be a subsidiary motion to allow him to speak as part of the discussion in regards to the motion.

motion by Butkowski to allow Mr. Kane to speak, 2nd by Johnson

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend is approved seven to zero.

President Gillock: Mr. Kane I would like to invite you to go to the podium and make your comments at this time.

Mr. Kane: Thank you very much. I want to thank the Council for giving us this opportunity. I come tonight on behalf of the 310 homeowner residents near the proposed tower who are represented tonight by way of petition and on behalf of Mr. Stanfield, Mr. Zuberny and myself. Tonight, I will seek to demonstrate that number one, the denial of cell phone tower applications have prevailed when sufficient evidence is presented to show detrimental effects to property values and other environmental issues. Number two, the evidence here today, that we brought, is

sufficient for the denial of the permit and number three, denying such an application will not automatically put a City in jeopardy of losing a lawsuit. I have a partial list of court cases where local governments denial of tower applications have been upheld. In other words, the Zoning Boards or the City Councils have refused siting of a tower and it may have been appealed but, their decision was upheld. There's quite a few here. I will skim to make a point and then turn the copy into Council, if that's allowed. First Federal Circuit of Court, the judge determined that a cell tower is a visual intrusion that will affect property values in a residential neighborhood. The town board unanimously denied the application after the public demonstrated significant opposition to it at the permit hearings. The decision was upheld. Cellco versus the Borough of Ho-Ho-Kus, a Federal District Court up held a denial of a tower that the municipality had determined would reduce the value of neighboring properties. On and on it goes. There's one where it says, with the submission of evidence, petitions 100, 150 petitions and testimony about real estate value. Here's one. The Court does not believe that the township's denial in this case was based on generalized concerns of citizens hollow generalities or empty records. The weight of neighborhood opposition in the petition and the opposition paper citing articles on reduced property values and photos, constituted substantial evidence. That was U.S. Court for the Eastern District of Michigan. And on and on it goes. I'd like to, may I place, thank you. Each of these cases have two things in common. In each case the denial is based on evidence that's presented and written into the record. That's what the telecommunications act calls substantial evidence contained in a written record. In each of the cases, the evidence consists of some combination of community concern or outrage or concerns over real estate value, professional evidence regarding real estate value and petitions which are usually more than 100 signatures. I have some evidence that I'd like to turn in along those lines. First we have here, 310 signatures from the immediate adjoining area, the block around the tower that says, Dear Council and Zoning Board Members, We the residents of the City of North Ridgeville do not want cellular phone towers placed on or near residential property. We do not want our property values affected, and these towers are unattractive. We ask the City and the Zoning Board to not approve any variances that reduce the minimum allowable set backs between these towers and residential property. This has a list of the current code setbacks. Three hundred ten signatures, all homeowners. All in the area around the tower. We have a notarized affidavit from, this one's from Carol Woodard. It says, being duly sworn according to law and under no disability or duress, deposes and states as follows. It goes on and it says that property values can be reduced by as much as 20 percent depending on proximity to the tower. Here's another one, an affidavit by Robert Sinkovic. I address this testimony to the North Ridgeville Board of Zoning Appeals. It was intended for a previous meeting. I am a professional realtor working for Rainbow Realty, it goes on to say he learned of a tower, a 150 foot tower planned for Maddock Road and he goes and says, when showing and selling homes, any external obsolescence such as cellular phone towers adversely affect the resale value of property in the parcels surrounding or nearby these structures. The homes also stay on the market longer unless something is done, such as lowering the price by a significant amount. I left some out in the interest of time. The third thing I wanted to mention was, I have a copy of the case that we've been calling around here, the Mentor case. I

won't read anything from it but, I have a copy for the files. This was used at a City Council meeting to suggest that there was significant impact that would come to any City that would deny citing of a tower. But, when reading the Mentor case, you see that the magistrate decided against Mentor not because the City denied the permit, but because they took literally years to fully process the application. Then, after all that, they denied the permit with no evidence containing a written record. This is what triggered that case. I have, again, I would like to leave a copy with the board. So, it's lawful to deny applications when you have evidence and it's in the record. We have submitted evidence tonight that parallels the evidence that has been, has prevailed in national cases and I urge the Council to disapprove the application based on this evidence which must be incorporated upon disapproval into a written record and delivered to all parties within five days. Should this tower be built, the adjoining residents would be taking a ~~lose~~ loss for the benefit of others and it is not constitutional to take the value from someone's property for the increase or benefit of others. Finally, I have two last points. According to the agreement between the telecommunications industry and the FCC, I have a copy here which I will pass, it is also lawful to impose a moratorium expressly for the purpose of rectifying problems in local zoning ordinances. One sentence from that, this is FCC document, it's current. Local governments and the wireless industry should work cooperatively to facilitate the siting of wireless telecommunications facilities. Moratorium, where necessary, may be utilities when a local government needs time to review and possibly amend its land use regulations to adequately address issues relating to the siting of wireless telecommunication facilities in a manner that addresses local concerns, provides the public with access to wireless services for its safety, convenience and productivity and complies with the telecommunications act of 1996. It goes on to encourage local government to work along with cell tower companies during the moratorium to resolve issues. So, I would contend that that's an option. Lastly, today a petition was filed with the Federal Communications Commission on behalf of 35 home owners using evidence from the Ohio State Department of Wildlife, the Audubon Society, the United States Department of Interior and the North Ridgeville Historical Society. The petition presents 15 exhibits, testimonies and evidence and shows why and suggestions and shows why there is need of an environmental impact assessment and how, if any assessment information has been submitted, it is deficient. According to Section 47CFR 1.1307 and on, the FCC would be in violation of the NEPA regulations if it did not take steps to determined the environmental impact. Sometimes, this takes time to process and therefore, I encourage the Council to use this time to utilize the moratorium privilege and take the position of, we want to proceed correctly and lawfully and since the application may be incomplete at the federal level, we are going to take the precaution of enacting a short term moratorium as described by FCC Chairman Hunt, for the purpose of clarifying our codes. This moratorium, this is important, should not be used as an instrument for denying access to North Ridgeville by cell phone providers. It should not in any way be manipulated to stop phones from coming in but, simply to streamline the codes where there are some snags, as we all know. So, I urge you to deny this application based on the evidence. But, alternatively if there is a need, I urge you to issue a moratorium to improve the codes. I want to thank the Council for your patience tonight and for all the hard work you've done for the City of

North Ridgeville. Thank you.

President Gillock: Thank you, Mr. Kane. Are there any other further comments from the board members?

Council Member Butkowski: Mr. Chairman, I would like to suggest that, possibly, we can have some type of a moratorium to allow the cell company, while I realize they already have an FCC permit and everything, go back and look at that park, that park land that I suggested that's between Route 83, Maddock Road and north of the railroad tracks and it's very close to where they are now and maybe make that work, if there were some possible way of doing it to make them more receptive, things more receptive to this whole tower in this City at this time.

President Gillock: Are you making that a motion?

(Tape one, Side one ends)

Council Member Butkowski: . . . be willing to think about that but, that is something that is there. It's very close. I realize that they probably would have to take longer to go back for a FCC permit again but, it would make it a whole lot easier for the entire community and more acceptable to the community for Voice Stream as a company that wants to continue on and have customers throughout this area.

President Gillock: I believe the property you're referring to is the 14 acres donated to the City by Mr. Buescher?

Council Member Butkowski: Yes.

President Gillock: It is my understanding that it can be accessed down the railroad tracks' service, although that wouldn't be a permanent access to it, I believe it can be accessed.

Council Member Butkowski: It's my understanding that that's a possibility too but, unfortunately hasn't been used.

President Gillock: That, kind of at this point, be up to them.

Council Member Butkowski: Yes, it would be.

President Gillock: Any other discussion?

Council Member Olesen: Yes, I have one comment Mr. President. For myself and hopefully, on behalf of the rest of Council Members, I'd like to apologize **to Mr. Kane and his associates** and regret that we took an action on City Council, bringing this to a vote, before you had the opportunity to present your information at the Zoning Board. I think we error in doing that.

Safety-Service Director Johnson: Mr. President, the land we're talking about, the 14 acres, it also abuts the I-2 property which is the same property and will require the same variance.

President Gillock: Thank you. Anyone else? If not, please call the roll on approval of the Planning Commission approval.

Clerk of Council Norris: This is a motion to accept the Planning Commission recommendation regarding Voice Stream.

President Gillock: Correct.

Clerk of Council Norris: Buescher?

Council Member Buescher: Yes.

Clerk of Council Norris: Swindig?

Council Member Swindig: Yes.

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Clerk of Council Norris: Pagel?

Council Member Pagel: No.

Clerk of Council Norris: Olesen?

Council Member Olesen: Pass.

Clerk of Council Norris: Butkowski?

Council Member Butkowski: Abstain.

Clerk of Council Norris: Johnson?

Council Member Johnson: Yes.

Clerk of Council Norris: Gillock?

President Gillock: Yes. You have to go back to Olesen.

Clerk of Council Norris: Olesen? That was a positive?

President Gillock: He passed so, you can come back to him.

Council Member Olesen: I lost count. Where are we?

President Gillock: It's up to you. On the total count?

Council Member Olesen: Yes.

President Gillock: It is, what is the count? We have one abstention, one no and four yeses.

Clerk of Council Norris: Correct.

Council Member Olesen: No.

Yes, 4 No, 2, (Pagel, Olesen) Abstain, 1 (Butkowski)

Clerk of Council Norris: Motion passes by a vote of four, two, one.

Council Member Pagel: Mr. President, I'd like to make a motion to issue a moratorium on this issue, so that we can investigate and also require an environmental impact assessment.

Council Member Butkowski: Second.

President Gillock: I'll REFER THAT TO BUILDINGS AND LANDS. I don't believe that's an issue that we can just vote on this evening without an ordinance. It's a legal issue. Is there anything you want to add?

Council Member Pagel: No.

President Gillock: Thank you.

NEW BUSINESS:

Clerk of Council Norris:

T 42-2002 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 on the south side of Sugar Ridge Road approximately 260 feet east of Maddock Road, Permanent Parcel Numbers 07-00-026-102-018 and 07-00-026-102-019 (As Shown by Legal Description Below); from R-1 Residence District to B-1 Neighborhood Business District, and owned by Stephen A. Joseph.

President Gillock: REFERRED TO BUILDINGS AND LANDS COMMITTEE.

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.

President Gillock: REFERRED TO BUILDINGS AND LANDS COMMITTEE.

Clerk of Council Norris:

T 44-2002 An ordinance amending North Ridgeville Codified Ordinance Section 1286.09(D)(3) regarding placement of certain temporary signs.
 motion by Mayor Hill, 2nd by Swindig to suspend By-Laws to give this a first reading this evening

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

Yes, 5 No, 2 (Butkowski, Johnson)

Clerk of Council Norris: Motion to suspend carries by a vote of five to two.

T 45-2002 An ordinance authorizing the Mayor of the City of North 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 replacement of the grit removal system for the French Creek Wastewater Treatment Plant, not to exceed \$75,000.00.

 motion by Mayor Hill, 2nd by Swindig to suspend By-Laws for a first reading

President Gillock: Is there any discussion? Mayor Hill?

Mayor Hill: Yes. This was already appropriated by Finance.

President Gillock: Any other discussion? If not, please call the roll.

Yes, 6 No, 1 (Johnson)

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

T 46-2002 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to purchase a front end/wheel loader 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 \$150,000.00.

 motion by Mayor Hill, 2nd by Swindig to suspend By-Laws for a first reading

President Gillock: Is there any discussion? Mayor Hill?

Mayor Hill: This is another item that was already appropriated and we've just been waiting for the opportunity to bring it to Council.

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

Clerk of Council Norris: On the motion to suspend.

Yes, 6 No, 1 (Johnson)

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

T 47-2002 A resolution authorizing the Mayor of the City of North Ridgeville, Ohio, to apply to the Ohio Department of Development for funding under the community Development Block Grant Small Cities Program for Fiscal Year 2002.

T 48-2002 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to enter into a participation agreement with the Ohio Department of Transportation for the purchase of sodium chloride for the 2002/2003 winter season, pursuant to Resolution No. 693-90.

 motion by Swindig, 2nd by Pagel to suspend By-Laws to give T 48 a first reading tonight
President Gillock: Is there any discussion? If not, please call the roll.

Clerk of Council Norris: On the motion to suspend for T 48.

Yes, 6 No, 1 (Johnson)

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

T 49-2002 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 for a three (3) year contract totaling \$105,840.00 divided equally over the term of the contract.

 motion by Mayor Hill, 2nd by Swindig to suspend By-Laws for a first reading
President Gillock: Is there any discussion on the suspension? Mayor Hill?

Mayor Hill: Mr. Johnson, I'd like to call on him.

Safety-Service Director Johnson: Yes, Mr. President, we have been coming to Council for about the last four months for approval to pay these on a monthly basis because the contract ran out and we took this long to renegotiate a contract. We should actually do this tonight, so we don't have to come back on a monthly base and we can continue to put a three year contract in place.

Mayor Hill: Mr. President, it's a regular maintenance program.

President Gillock: Thank you. Any other discussion? On the suspension of By-Laws, please call the roll.

Clerk of Council Norris: On the suspension on T 49.

Yes, 7 No, 0

Clerk of Council Norris: Vote is approved seven to zero.

T 50-2002 A resolution acknowledging and commending North Ridgeville resident Gayle Manning for winning the prestigious Samuel H. Elliot Award for Excellence in Economic Education.

 motion by Gillock to suspend By-Laws to give this its' first reading this evening, 2nd by Butkowski

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

Yes, 7 No, 0

motion by Butkowski to suspend By-Laws to introduce an ordinance authorizing and directing the Mayor to advertise for bids and enter into contract according to law and in a manner prescribed by law for the purchase of a used heavy vehicle rescue truck not to exceed one hundred seventy-five thousand dollars, 2nd by Swindig

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

Clerk of Council Norris: On the motion to suspend.

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend passes by a vote of seven, zero. It will be T 51-2002.

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

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

Clerk of Council Norris: On the motion to suspend the first reading.

Yes, 7 No, 0

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

CORRESPONDENCE:

Clerk of Council Norris:

1) Received a letter from John A. Gasior, Board of Zoning and Building Appeals Chairman; Ronald Schwachenwald, Planning Commission Chairman; Guy M. Fursdon, Chief Building Official; submitting proposed amendments to the Codified Ordinances as approved and recommended at a joint meeting of the Board of Zoning and Building Appeals, Planning Commission and Building Department.

President Gillock: REFERRED TO BUILDINGS AND LANDS.

2) Received a letter from Jeffrey C. Harshman, Senior Vice President, Pittsburgh Major Market of AT&T Broadband advising that, effective May 15, 2002 program changes will occur and replacement programming will be available within the next several months.

3) Received from Walter & Haverfield, an informational letter in regard to municipal home rule and the public right-of-way.

4) Received a certified letter from Larry Kane and Joseph Zuberny in reference to the proceedings regarding the construction permit for a telecommunications tower by Voice Stream Communications currently under consideration.

5) Received a letter from Robert Becker Jr., North Ridgeville Firefighters Fireworks Committee, requesting donations for the Fourth of July fireworks display for our community.

6) Received a letter from Parks and Recreation Director Jim Spaulding announcing Parks and Recreation Commission approval of expending \$6,000 from the Parks and Recreation Improvement Fund for the purchase and installation of fencing at the Shady Drive Complex and requesting verbal approval from Council.

motion by Pagel, 2nd by Swindig to approve Parks and Recreation Commission spending six thousand dollars for fencing at Shady Drive

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 seven to zero.

7) Received a memo from Law Director Zagrans in regards to Mayor Hill's status as an ex officio member of Council.

8) Received a memo from Service Department Superintendent Gerald Krueger explaining citizens complaint response time and problems that occur that will result in requests taking a little longer.

President Gillock: I would like to REFER the letter from Mr. Becker in regards to the fireworks donation TO THE SAFETY COMMITTEE for follow up.

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone wishing to speak is certainly welcome to do so. You have three minutes. We ask that you fill out a lobby sign-in sheet so that we can get back to you if we need to. Is there anyone who would like to address Council? If not, we will take a ten minute recess until quarter after.

RECESS: from 9:05 P.M. until 9:15 P.M.

President Gillock: I would like to call this meeting of the North Ridgeville City Council back to order. Before we get into the first readings, I do want TO REFER T 42-2002 AND T 43-2002, BOTH TO PLANNING COMMISSION. Those are rezoning ordinances and those have to be referred to Planning also. First Readings, we'll start with T 50-2002.

FIRST READINGS:

Clerk of Council Norris:

T 50-2002 A RESOLUTION ACKNOWLEDGING AND COMMENDING NORTH
951-2002 RIDGEVILLE RESIDENT GAYLE MANNING FOR WINNING THE
 PRESTIGIOUS SAMUEL H. ELLIOT AWARD FOR EXCELLENCE IN
 ECONOMIC EDUCATION.

First Reading

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

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

Yes, 7 No, 0

motion by Swindig, 2nd 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 carries seven, zero.

President Gillock: Mrs. Manning, are you still here? Gayle Manning, a resident of North Ridgeville, I will read this very briefly, this resolution from the North Ridgeville Municipal Council because this explains it better than I can.

WHEREAS, Gayle Manning of North Ridgeville was named the 2002 winner of the prestigious Samuel H. Elliot Award for Excellence in Economic Education by Economics America and John Carroll University, a partnership in education, business and labor; and

WHEREAS, Gayle Manning is an award winning teacher previously winning the Ohio Council on Economic Education "Teachers in American Enterprise" Award for Excellence in the Teaching of Economics and the International Paper Company Foundation Award for the Teaching of Economics presented by the Joint Council on Economic Education.

WHEREAS, Gayle Manning will be honored at the Harvard Business School Club's annual "Statesmanship of the Year" dinner on May 13, 2002 and again at the Economic America's annual Awards Reception at the Gwinn Estate on May 23, 2002;

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 resident Gayle Manning for the honor bestowed upon her as the 2002 winner of the prestigious Samuel H. Elliott Award for Excellence in Economic Education.

SECTION 2. That the Council of the City of North Ridgeville, Ohio does hereby acknowledge North Ridgeville resident Gayle Manning for her dedication and for providing the best possible education for today's youth.

And with that, congratulations. It's a terrific honor.

Mrs. Manning: I appreciate this recognition that you've given me tonight. There's so many dedicated teachers out there that, to be honored and pointed out is really, really appreciated. Thank you.

President Gillock: Thank you.

Clerk of Council Norris: That is Resolution Number 951-2002.

Permanent Resolution No. 951-2002

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

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First Reading

President Gillock: There will be a hearing for this set for June 3, 2002 at 7:20 P.M. That constitutes a first reading.

T 44-2002 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 1286.09(D)(3) REGARDING PLACEMENT OF
CERTAIN TEMPORARY SIGNS.

First Reading

President Gillock: There will be a hearing set for June 3, 2002 at 7:25 P.M.

Mayor Hill: Mr. President, I'm sorry I didn't get a chance to speak. Did you say there's a hearing on it on June 23?

President Gillock: On June 3 at 7:25 P.M.

T 45-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3792-2002 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 REPLACEMENT OF THE GRIT
REMOVAL SYSTEM FOR THE FRENCH CREEK WASTEWATER
TREATMENT PLANT, NOT TO EXCEED \$75,000.00.

First Reading

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

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

Clerk of Council Norris: On the motion to suspend.

Yes, 6 No, 1 (Johnson)

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

motion by Swindig, 2nd by Pagel to adopt

President Gillock: Is there any discussion? 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 Ordinance 3792-2002.

Permanent Ordinance No. 3792-2002

T 46-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY FO NORTH
3793-2002 RIDGEVILLE, OHIO, TO PURCHASE A FRONT END/WHEEL LOADER
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
\$150,000.00.

First Reading

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

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

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Clerk of Council Norris: On the motion to suspend.

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Motion to suspend carries by a vote of six to one.
motion by Swindig, 2nd by Pagel 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 3793-2002.

Permanent Ordinance No. 3793-2002

T 48-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3794-2002 RIDGEVILLE, OHIO, TO ENTER INTO A PARTICIPATION AGREEMENT
WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE
PURCHASE OF SODIUM CHLORIDE FOR THE 2002/2003 WINTER
SEASON, PURSUANT TO RESOLUTION NO. 693-90.

First Reading

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

President Gillock: If there's no discussion, please call the roll. Mr. Swindig?

Council Member Swindig: Mr. President, I have one thing on the discussion. I do remiss the way we are doing it locked us in where we had salt last year where a lot of cities did not have.

President Gillock: That is correct. There was a shortage of salt last year and we were okay.

Thank you. Call the roll.

Clerk of Council Norris: On the motion to suspend.

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Motion to suspend carries by a vote of six to one.
motion by Swindig, 2nd by Buescher to adopt

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

Clerk of Council Norris: On the motion to adopt.

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt passes seven, zero and becomes Permanent Ordinance 3794-2002.

Permanent Ordinance No. 3794-2002

T 49-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3795-2002 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 FOR A THREE (3) YEAR
CONTRACT TOTALING \$105,840.00 DIVIDED EQUALLY OVER THE
TERM OF THE CONTRACT.

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First Reading

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

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

Clerk of Council Norris: On the motion to suspend.

Yes, 7 No, 0

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

motion by Mayor Hill, 2nd by Swindig to adopt

President Gillock: Is there any discussion? Do you want the emergency so this becomes effective immediately so we don't have to pay month by month?

Mayor Hill: Yes.

motion by Mayor Hill, 2nd by Pagel to add the emergency so we save the City money

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to add the emergency carries seven to zero.

President Gillock: Please call the roll on the adoption.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries with the emergency, seven to zero and becomes Ordinance Number 3795-2002.

Permanent Ordinance No. 3795-2002

T 51-2002 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO
3796-2002 ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING
 TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE
 PURCHASE OF A USED HEAVY RESCUE TRUCK, NOT TO EXCEED
 \$175,000.00

First Reading

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

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

Clerk of Council Norris: This is on the motion to dispense with second and third.

Yes, 7 No, 0

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

motion by Swindig, 2nd by Butkowski to adopt

President Gillock: Is there any discussion?

motion by Butkowski, 2nd by Buescher for the reason of the safety and welfare of the citizens

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

Clerk of Council Norris: On the emergency.

Yes, 7 No, 0

Clerk of Council Norris: Motion to add the emergency carries by a vote of seven to zero. On the motion to adopt.

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt carries by a vote of seven, zero and becomes Permanent Ordinance 3796-2002 with the emergency.

Permanent Ordinance No. 3796-2002

SECOND READINGS:

T 36-2002 AN ORDINANCE MODIFYING THE TERMS OF THE SENIOR CENTER RENTAL AGREEMENT AND REFLECTING INCREASED FEES AND AMENDING NRCO SECTION 1064.02.

Second Reading

T 37-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3797-2002 RIDGEVILLE, OHIO, TO PURCHASE A MEDIUM DUTY, SNOW PLOW
READY TRUCK, FROM THE STATE CO-OP, OR TO ADVERTISE FOR
BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR
ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT
TO EXCEED \$85,000.00

Second Reading

motion by Swindig, 2nd by Olesen to dispense with third reading

President Gillock: Is there any discussion?

Mayor Hill: Yes, Mr. President, I would also appreciate this being moved along, dispensing with the third reading because as we're entering into the beginning of summer, few cities consider the snow that is coming. So, it's an opportune time to get the best prices.

President Gillock: Thank you. Any other discussion? Please call the roll on the suspension.

Clerk of Council Norris: On the suspension of T 37.

Yes, 7 No, 0

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

motion by Swindig, 2nd by Butkowski to adopt

President Gillock: Is there any discussion?

motion by Swindig to add the emergency due to the health, safety and welfare of the citizens by having a snow plow ready to go and to update our snow plow equipment for the residents, 2nd by Olesen

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

Yes, 5 No, 2 (Johnson, Gillock)

Clerk of Council Norris: Motion to add the emergency carries by a vote of five to two

President Gillock: Please call the roll on the adoption.

Clerk of Council Norris: On the adoption with the emergency.

Yes, 7 No, 0

Clerk of Council Norris: T 37 passes by a vote of seven, zero with the emergency. Becomes Permanent Ordinance 3797-2002.

Permanent Ordinance No. 3797-2002

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THIRD READINGS:

President Gillock: There are no third readings. Is there any unfinished business? If not committee meeting announcements.

UNFINISHED BUSINESS: None

COMMITTEE MEETING ANNOUNCEMENTS:

President Gillock:

Next Council Work Session Monday, May 20, 2002 at 7:30 P.M.

Next Regular Council Meeting Monday, May 20, 2002 at 8:00 P.M.

Public Hearing Monday, June 3, 2002 at 7:20 P.M. and an additional hearing at 7:25 P.M.

Council Member Olesen: Buildings and Lands will meet Wednesday at 9:30 A.M. in the Conference Room.

President Gillock: Thank you. Any other committee announcements?

ADJOURNMENT:

motion to adjourn by Swindig

President Gillock: Meeting adjourned.

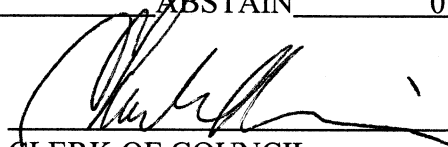
Meeting adjourned at 9:15 P.M.

MOTION (as corrected) Butkowski 2ND Buescher DATE May 20, 2002

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL