

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

MAY 1, 2000

President of Council Jean Brown called the meeting to order at 7:30 P.M. with the Invocation and the Pledge to the Flag.

President Brown: Roll call please.

ROLL CALL

Present were Council Members: Jim Johnson, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski, David Gillock and Jean Brown.

Also, present were Mayor Deanna Hill, Safety-Service Director Daniel Zirzow, Law Director Eric Zagrans, Engineer Stewart Lovece, Auditor Chris Costin and Clerk of Council Jim White.

President Brown: Thank you Mr. White. Before the meeting begins, I would like to make a statement to you people. This is a professional meeting and it will be directed in that direction. I will not allow stamping your feet, clapping, yelling, screaming and so forth. This is a professional body and that is the way we are going to behave ourselves. Thank you very much.

MINUTES

President Brown: Do I have a motion to accept the Minutes of April 17, 2000?
motion by Swindig to accept the Minutes of April 17, 2000, 2nd by Borocz

President Brown: Thank you. Any discussion? Roll call, please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

Please note:

Parks and Recreation Commission Minutes of March 29, 2000 ;
Board of Zoning and Building Appeals Minutes of April 13, 2000; and
Board of Drainage and Flood Control Minutes of April 26, 2000.

COMMITTEE REPORTS

Council Clerk White: I have no Committee reports.

President Brown: Okay, Mayor, you're next.

MAYORS REPORT

Mayor Hill: Thank you. The first Senior Citizens Day was May 17, 1977 across the State of Ohio. Senior Citizens Day is a special day to honor the seniors in our community who are vital, active and contributing members of our society. It also serves as a reminder of those often forgotten shut-ins, nursing home residents and the many widows and widowers. Therefore, as Mayor of the City of North Ridgeville, I proclaim May 16th as Senior Citizens Day in our City

and encourage all citizens to show their appreciation for the elderly. Perhaps it might be time to think about doing something special, volunteering to do something special for a neighbor of yours or a relative or friend across town who might need your help, who is one of our Senior Citizens. To accept the proclamation that we have for Senior Citizens is former Mayor Dick Noll who is also Chairman or President of the Senior Advisory Board. Dick.

Dick Noll: On behalf of the Seniors, you know if I knew I was going to live this long I would have taken better care of myself. But, anyway, we appreciate the interest and the efforts made on our behalf. I think the program is doing very well and we have a very good leader in Sally and I think we are moving in the right direction. Thank you.

Mayor Hill: Another important Senior Day is May 4th. On that day, former Mayor Dick Noll will be inducted into the State of Ohio's Senior Hall of Fame. Mayor Noll is one of only ten people from around the state selected for this prestigious honor. Dick was elected as our Mayor for four terms. He received the highest award from the Rotary Club, was awarded the Charles Stuart Memorial Award for outstanding service to the Republican Party and was named to the Lorain County Gallery of Honor for volunteer work on behalf of senior citizens. He also volunteers for the Western Reserve Area on Aging, the North Ridgeville Senior Center Advisory Board, the North Ridgeville Seniors Endowment Foundation and the Lorain County Office on Aging, to name but a few. For this and all the many hours he has given to improve the quality of life for others, we are forever grateful. As Mayor, on behalf of the people of our City, we congratulate and thank Richard J. Noll. Here you go again.

Dick Noll: You know when I received the notice of this there were some very nice articles in the paper and I thought I was looking at the Obituaries. You don't usually get nice things said about you until after you are deep in the ground, so I appreciate the efforts and it's been interesting. Thank you.

Mayor Hill: Very nice and there will be a few of us including myself who will travel down to see the ceremony.

We are all aware of the controversy and discussions surrounding the issue of Planned Developments. As your Mayor, please know that I do understand and respect the fears aroused by change and by the unknown. It is human nature. But what must be truly feared is if we let our present zoning guide our development because what it allows is not what we want. I can honestly tell you that in my heart of hearts, I believe Planned Developments are good for our community. Scores of people, over two administrations, Republican and Democrat, invested scores of hours working on the Master Plan. We surveyed the community, held a town hall meeting and public hearings, researched all the available resources and studied the mistakes of others to determine what we want for our future. The cornerstone of this living document, the Master Plan, is Planned Development. Development really is inevitable. The Planned Development allows us to manage the development we will experience and preserves forever

open green space. It also gives us more opportunities to say no and to make demands for what we do want. The biggest mistake we could make at this turning point in our City would be to do nothing to protect ourselves from the development that is coming. If we do nothing, make no plans for the future, we basically permit developers under our current zoning to decide our future. As your Mayor, responsible for the structure of this community long after I am no longer your Mayor, I cannot morally or ethically allow that to happen. I am asking that all of us together take a deep breath and collectively let common sense take hold for the good of the generations to come, our children and our grandchildren. Meanwhile, it is our obligation to talk with you and to listen. You may certainly call any Council Member or member of this administration. It is also possible, if we can do so within an acceptable time frame, that we will schedule another town meeting so we can all share our dreams, our hopes and our vision for this place we so proudly call home.

At this time, I would like to introduce our professional City Planner, with the permission of the President, Sandy McKew, who has asked to take a few minutes to clarify some of the issues.

President Brown: Yes.

Mayor Hill: Sandy, you will probably need the microphone.

President Brown: Please come to the podium.

Sandy McKew: Thank you very much for having me here tonight. I asked the Mayor earlier this week if you would be kind enough to give me a few minutes of Council's time. I have a little memo that I have put together for you that I've been passing around and my primary reason for coming this evening is, we assist a lot of cities in reviewing fairly large developments and I want to just share some of my thoughts as to how this process has occurred in North Ridgeville perhaps even opposed to some other places and perhaps give the residents and even some Members of Council maybe a little more comfort with the whole process that's been going on. When we were asked to essentially review the development plans for some of the planned developments for North Ridgeville, we were really pleased and excited to get this opportunity to work with you because we as a firm see the development that's occurring in North Ridgeville as a critical part of establishing some of the development standards for a lot of the undeveloped areas in Lorain County at this particular point in time. As has been noted by many people, the amount of developable land in the western part of Cuyahoga County is decreasing rapidly and that combined with the ability that North Ridgeville has in that it has its French Creek Sewer Treatment Plant, so you have sewer available, will really mean an intense amount of development and pressures in the City over the next few years. Managing this growth pressure is really going to be an extremely substantial and difficult task but I think that North Ridgeville so far is doing all the right things to prepare themselves for dealing with those issues. When we first talked to the City about working with them on reviewing these projects we were really quite specific about our demands that we be allowed to have a free objective and fair review process that was relatively independent. We had no desire to be a rubber stamp for things that just walked in the door and anyone who knows our firm knows that we take gross management issues extremely seriously. In our view, looking at development in North Ridgeville requires that all

project approval adhere to the parameters in both the City Zoning Codes and in the Master Plan and most importantly that every effort be made to identify the effects of the proposed development on City infrastructure capacity and adjacent residential neighborhoods to assure that future development mitigates any negative impacts that not only affect the character of the area but could also cause an increase in the burdens, financial burdens for the current residents and for future residents. We take this role extremely seriously and we feel we have reviewed the proposed Kingston Place Development Project according to those very strong principles. Any review of a preliminary development plan for any large development is going to point out things that need to be changed or should be changed to the betterment of the City. We look carefully at the lot layout, how the open space is configured and what development standards and what traffic management standards are going to be used. This is the purpose of having a preliminary review process, is to point out things you would like to have done better. The fact that we mention those in our report is not a flaw on the design plan as it was submitted. It is simply our professional opinion as to ways this could be developed better for the City of North Ridgeville and we were quite clear about this. Our recommendations included: proposed changes to the lot layouts, recommended changes in the internal driveway access points, we requested clarification of how the open space and recreational plans were going to be developed and what stage of the phasing these things were going to come on line and we particularly recommended an extremely substantial list of road and signal improvement projects that would assist North Ridgeville in creating a high level of development that would not only benefit Kingston Place residents but would help improve the overall quality to the City of North Ridgeville as a whole. Our report recommended that these items be completed prior to the submission of any final development plans and be included as part of the development agreement negotiations. Our recommendations were, and I know this for a fact because we were involved in several of the meetings, were utilized by the City Administration in their negotiations with Pulte Homes and with the NRP group. I'm here to tell you and to assure you all that these conversations and negotiations were very intense and the City Administration took an extremely strong stand on required infrastructure improvements and cost contributions. So I guess our point is from our prospective, we feel that the development review process for the Kingston Place Planned Development achieved its' goal creating a quality design development that would be in the long term benefit of the City of North Ridgeville. We particularly feel strongly that the overall green way plan that is included in that development is going to be long term asset to the City. We feel that as it's proposed that the development allows for the City to strongly enforce adequate public facilities requirements that they would not otherwise be able to as easily enforce under standard zoning regulations. We feel it allows for site design that will provide for severely needed storm water management in the western portion of the City which is a terribly expensive problem for the City to fix. So, in summary on that, I think we feel strongly as a firm that this project meets the adopted goals of the Master Plan and that it creates a distinct neighborhood improved overall traffic circulation, fixes some major traffic problems and preserves critical wetlands and open space areas. But most importantly, what we feel it has done, based on the negotiation that we have seen thus far between the Administration and the proposed developer, is that it really controls future public costs for the residents and taxpayers of the City. We did note in our report

that the project as proposed did not include the item in the Master Plan that had to do with the extension of Mills Road but we felt that, once we looked at that, the problems with right-of-way and the fact that it was partially in Avon plus the problems we had with some gas line easements, simply made that extension an impossibility. So with that as an impossibility at this point in time, we doubled our efforts in looking at the traffic-cross, east/west traffic management as it was proposed in the Kingston Ridge Development to make up for that potential lack of having Mills there. It's really important and I beg your indulgence. Thank you very much for giving me this time tonight because I haven't had a chance to visit with you all that often. It's really, and I know you all know this, but it's extremely important to note that in North Ridgeville, like the vast majority of Lorain County, there is an extremely inadequate infrastructure base for the kind of new development that is coming your way. The water, storm sewers, sanitary sewers, the roads, all are not of the standard or capacity to deal with substantial suburban development. All these systems are going to have to be improved significantly or be built from the ground up and that's going to come whether or not these are standard one-half acre subdivision lots or whether these are planned development lots. The opportunity that exists out there to keep the construction costs and the overall costs of maintenance of these systems low for the residents, existing residents, of North Ridgeville, we feel is a distinct advantage of the planned development and the development agreements as they are being proposed at this point in time. And we certainly feel it's the best way to eliminate potential negative impacts, improve existing facilities and to give the best cost effective approach for the City. The NRP proposal was processed carefully, I think by all parties, according to the City's officially adopted procedures and the criteria that is currently in the codes. In order to establish operating procedures that meet the legal parameters of fairness and consistency, we simply don't see any legitimate, we didn't see at that time, any legitimate criteria for denial of what was proposed based on the recommendations that we made. And just in closing to you all, over the past five years, our firm has been hired by several groups including a group of State Legislatures to track the effects of development in primarily previously rural areas and as part of doing that we very carefully looked at the fiscal impacts of new development, how it affects tax rates in the community, and we really tried hard to establish criteria that makes certain that new development pays its' own way and truly is an asset to the community in which it is located. We've worked with school districts and cities to establish growth management plans, to assure that educational and other facilities are not over burdened. What we've found through all the work that we've done in the last five years, and I'm very sincere about this, is that as you have higher levels of substantial new development, this requires all of us, the City, the Planning Commission, the Administration, Council, requires all of us to adopt a higher level of review process of the development as proposed and it also requires an ongoing higher level of citizen and community involvement to make certain that everyone in the community has a place at the table in discussing these proposed developments as they come on line. Residents are honestly fearful and concerned about the unknown effects of what is coming down the pike and it's all of our jobs to give them a measure of security and comfort to know that these issues are being looked at carefully and thoughtfully. The goal of everybody here is to create a community that represents the highest quality standards for both the current residents of the City and the future residents. I think that working together

all of us, we can, you can do something that you can all be proud of. I just feel that a lot of careful effort did go into the review process and when I read several things in the paper it seemed to indicate that we had somehow suggested in our comments that we were not in support of this project and I wanted to clear that up. I think it is well designed. I think it is financially good for the City and if it's done well and overseen properly, it has a possibility of being a real asset to the City. If you all have any questions at any time, please let me know. Okay?

President Brown: Thank you very much.

Mayor Hill: That concludes my report.

President Brown: Thank you. Any questions?

Council Clerk White: There are four chairs down here if anyone standing back there would like to sit down here.

President Brown: There's three, yes there's four.

Council Clerk White: Okay. Sorry, go ahead.

President Brown: Any questions for the Mayor?

Council Member Minnick: Yes, I have one.

President Brown: Mrs. Minnick.

Council Member Minnick: Mayor, when may we expect the stop signs to be returned in the Presidentials?

Mayor Hill: They won't be.

Council Member Minnick: They won't be? Even though the residents want them?

Mayor Hill: No. They will not be. That's based on the letter and the information that I shared at a Council meeting and was sent to all residents of the Presidentials.

Council Member Minnick: Yes, the residents there did not agree with that letter and they still want their stop signs back.

Mayor Hill: Thank you.

President Brown: Any other questions of the Mayor? Moving on to the Safety Service Director, Mr. Zirzow.

SAFETY SERVICE DIRECTOR'S REPORT

Safety Service Director Zirzow: Thank you Madam President and Members of Council. The accomplishments for the two weeks ending April 31, 2000.

We have started patching the city streets with hot asphalt mix. Some of the streets patched are: all streets in the Dorchester area, all streets in the Luanne area, Cornell and the side streets in that area. Spot patching was performed on Lorain, north Lear Nagle, Woodlawn and Center Ridge. Crack sealing was performed on Stoney Ridge, Shady Drive and Pitts. Concrete pads were dug up and replaced at Downing, Jason and Poplar.

We have finished with the Bender Road ditch-cleaning project. Several sinkholes were discovered and repaired in the following areas: 35341 Westminster, 5933 Case, 6193 Denise, 36441 Sugar Ridge and the corner of Birch at Gem. Ditching and pipe installation was completed at: 5970 and 6000 Olive. We have finished cleaning and upgrading of driveway pipes

in the 32223 Mills area. Several problems were discovered in French Creek; the problems were corrected. They were at the intersection of Robinson and French Creek. This area was cleaned to behind the Zodiac Tavern. The next area was the area south of Mildred in French Creek, and in French Creek south of the Dorchester retention basins.

There was one water break on Route 83 and Lorain Road. Defective hydrants were replaced at: 35680 Chestnut Ridge and Root at Bainbridge Road.

Catch basins were installed at: 6000 Olive, corner of Manning and Downing, one on Root Road and three on Poplar.

The sewer jet was used in the following areas: Sanitary Lines: Bainbridge Road. Storm Lines: Denny and West Point. Spot berming was performed on the following streets: Lorain and Root Roads. On Lorain Road, east of the turnpike, there were three areas that were heavily damaged by truck parking. These areas have been leveled and stoned.

There were several complaints of construction debris in the lot west of the Service Department. The debris was cleaned up. There were many landscaping jobs performed in the last two weeks. These were for stump removals and the winter season construction jobs. The list has been completed.

We would like to remind our residents that on May 20th from 9:00 A.M. to 3:30 P.M. the North Ridgeville Service Department will be open for the recycling of old tires. This is a joint venture with Lorain County Solid Waste Management.

I've had several phone calls about the light at the intersection of Route 83 and Bainbridge set to flashing and back to operational condition. We originally started to have that light flash. We received at the service garage and at my office several phone calls from the residents in the Aurensen/Behm area that they could not get out of there, so we put it back. Once again, just a reminder, this is the construction season. We know that there is going to be a lot of inconvenience. That section of the street will be open in approximately one week for Bainbridge so the traffic should continue as normal. So we ask everyone once again for their patience while Bainbridge is being completed this year.

One of the hats that I wear deals with economic development. We have not had an economic development brochure updated since the early 1980's. Council, I'm thankful that you allocated some monies for economic development in the budget this year. We work with the Chamber of Commerce and I don't know how many people have seen this yet but our new brochure is complete, Good to Grow, North Ridgeville. This publication primarily paid for by advertisers with support from the local business community. We'd like to also thank them. It will be inserted in Inside Business Magazine which goes out to small and large business owners in the north eastern Ohio area. We also have several copies, I believe each of the Council members received them, and that we may also utilize in the future. Madam President that concludes my report.

President Brown: Thank you Mr. Zirzow. Any questions of the Safety Service Director? Seeing none, moving on to the Engineer's report, Mr. Lovece.

ENGINEER'S REPORT

Engineer Lovece: Madam President.

President Brown: Yes.

Engineer Lovece: Bainbridge Road reconstruction.

President Brown: Yes.

Engineer Lovece: Effective Monday, May 8th, weather permitting, we will complete the remainder of what is called Phase V, that is the complete removal and replacement of the west bound lane, that's the lane on the north side of Bainbridge, from Root Road to Chestnut Ridge Road. That will begin tentatively May 8th and be completed June 19th. So the project is going well. It's back on track, I'm pleased to say. We should have, before that phase begins, this phase will be completely done, and open to traffic. The only thing they will be working on is sidewalks and landscaping off the road but we will have two way traffic on Root Road and on Bainbridge Road from Route 83 to Root Road. So that's some good news, that we are back on track. Another project is the Bagley Road bridge replacement that's being done by the Ohio Turnpike Commission for the widening of the Ohio Turnpike. That is scheduled to be complete June 30th and I talked to the engineer today and it's on schedule, going well. One other thing, we've asked the Turnpike to do is to clean French Creek within the limits of their road and they informed me that they will be doing that shortly. That's all I have this evening.

President Brown: Thank you. Questions of our Engineer? Seeing none, going on to the Auditor's Report, Mr. Costin.

AUDITOR'S REPORT

Auditor Costin: Madam Chairman, there is no report scheduled for this meeting and I have no comments.

President Brown: Okay, any questions of the Auditor? None? Okay, going on to the Law Director, Mr. Zagrans.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you. Well there certainly seems to have been a considerable amount of controversy and concern about the PCD known as Kingston Place or more precisely the successful referendum petition dealing with it. It seems as though everybody has at one time or another since the vote expressed a legal opinion on the subject and I thought it would therefore be appropriate if perhaps I did as well. In doing so, however, I think it is important to separate fact from fiction in trying to understand what has gone on. Let me take you back to last summer and fall when the Planned Community Development District was added to the Ordinances of the City of North Ridgeville as a new Zoning Classification. Buildings and Lands Committee initially reported a PUD out of Committee in July. That was tabled and restructured to a PCD, a Planned Community Development District, and was reported out in early August. It had a First Reading in late August at a Special Meeting, a Second Reading at the first meeting in September, and a Public Hearing and Third and final Reading both on September 20, 1999. At the Public Hearing, which lasted six minutes, six minutes, one person spoke on the proposed PCD

Ordinance. One person, and that person spoke regarding her views on the density requirements. Following that Public Hearing, the regular session of Council considered the Third Reading of the Ordinance as I said. There were eleven proposed minor amendments to the Ordinance that were discussed at that Third and final Reading. Those amendments, none of them, dealt with the automatic rezoning issue that is the heart of the current discussion and controversy. There was a lengthy discussion of the proposed Ordinance mostly dealing with density and urban planning issues and the Ordinance after that discussion passed with a 5-1 vote, Mr. Cornish casting the lone dissenting vote. Mrs. Minnick was absent from that meeting. Let me emphasize that the section on automatic rezoning was unchanged from the initial committee report in July up through and including the present day. There were no changes to this Ordinance contrary to what the Chronicle Telegram reported, in October 1999 or at any other time since the Ordinance was adopted on September 20th. The Kingston Place PCD, so called, was the first PCD proposal to come up for consideration by Planning Commission and by Council since the adoption of that Ordinance. There were two pieces of legislation introduced along parallel tracks. They had their First and Second Readings in February of this year and their Third and final Reading on March 6, 2000. They were T 6-2000 which was the legislation approving the preliminary plan that had been approved by Planning Commission to turn the 200 acres between Case and Stoney Ridge Roads into a Planned Community Development District and T 137-99 which was an Ordinance to rezone those 200 acres from R-1 to PCD zoning. Now, prior to the March 6th meeting, Council meeting, and at the March 6th Council meeting, I had indicated several times that approving a preliminary plan for a PCD district automatically changes the zoning in that location from whatever the zoning is which is usually R-1 to the new PCD zoning classification, but that the zoning would revert automatically to its original zoning if a final plan is not submitted for approval by Council within a year. I indicated that rezoning is automatic, that is to say, Council has no discretion to refuse to rezone if it votes to approve the preliminary plan for the PCD. We even changed the order in which these two measures would be voted on. The rezoning one happened to have the earlier number to it because it had been introduced before the legislation to approve the PCD but we switched that order around in order to put the vote on whether to approve the preliminary plan first as it had to be and then the rezoning Ordinance second which would be automatic if Council approved the first. So, there was a Third Reading of T 6-2000 which become Resolution No. 894-2000 granting approval for the preliminary plan of the PCD. There was a lengthy discussion among almost all of the Members of Council before that piece of legislation was voted on. That discussion as I reviewed the minutes was mostly about not being able to extend Mills Road if the PCD was approved. It was adopted, that is to say, the preliminary PCD plan was approved by a 5-2 vote of Council, Mrs. Minnick and Mrs. Butkowski being the dissenting votes. Then the Third Reading was given to the rezoning Ordinance, T 137-99 which became, when it was approved, Ordinance No. 3543-2000, amending the Zoning Code to rezone that same location from R-1 to PCD as petitioned by the Pine Ridge Estates, the developers. That legislation was adopted without discussion by the same 5-2 vote of Council. A couple of weeks later, Mrs. Minnick sent a memorandum to all Members of Council and I believe was posted on her website informing them of her reasons for believing that the adoption of the T 137-99, that's the rezoning Ordinance, was in error because it was inconsistent with prior plans dating back to 1973 for extending Mills Road. She also stated in the same memorandum, also posted on her website, that T 6-2000, that is to say the approval of the PCD

district was also in error because the density is allegedly not in conformity with the City's Master Plan and, she believed, if Mills Road were extended through to Case Road, the total acreage left to the Kingston PCD would be below the 200 acre minimum required for a PCD under our Ordinance. She stressed in her memo that Council Members have an obligation to uphold the laws and "Ordinances we have in place right now". She concluded by stating, "we must repeal these two Ordinances." I stress two. She didn't say only the zoning Ordinance, she focused her criticisms on both pieces of legislation. Then at the April 3rd Council Meeting, which was the very next Council Meeting, a Referendum Petition was presented to the Council Clerk during the Lobby session. This Referendum Petition was the handiwork of the committee of citizens, legal council of their own choosing, and the voters who signed the petition. Council Members Minnick and Butkowski were among those who signed the petition. Let me stress that neither the City Administration nor the City Council as a group had any thing to do with the Referendum Petition or the movement to get signatures for it. For example, I was never asked to give a legal opinion to the committee or to any individual member with regard to any aspect of this matter. The Referendum Petition is addressed only to Ordinance 3543-2000, that's the rezoning Ordinance. For reasons that only the members of the committee, the circulators of the petition and their legal counsel can answer, they did not chose to file a Referendum Petition regarding Resolution 894-2000 which was the legislation that granted preliminary approval of the PCD district. The petition asked Council to do one of two things, as required by section 13.2 of the City Charter. Either repeal the Ordinance within 30 days, or if Council refuses to repeal the Ordinance, submit it to a vote of the electors at the next general election. Please understand, that a successful Referendum Petition does not automatically give the voters the right to vote on the matter. That is a misnomer and a misunderstanding. That's not the way our Charter is written. If folks don't like it, then the Charter will need to be changed. Only if Council fails to repeal the referred legislation does it go to the voters. Theoretically, no Referendum would ever wind up on the ballot if the proponents are successful in getting Council to change their minds. So at the very next Council meeting, April 17, 2000, I certified that the formalities of submitting a Referendum Petition had been satisfied. Council Clerk Jim White certified that the Referendum Petition contained the required number of signatures. I then indicated that the question of whether the designated Ordinance should be repealed must be voted on by City Council within 30 days of that date, and I suggested it could be taken up that evening during the Old Business section of the Agenda. Council Member Johnson moved and Council Member Minnick seconded a motion to repeal Ordinance 3543-2000. Remember, that is the only Ordinance that was the subject of the Referendum Petition, not the other one, which granted approval of the preliminary plan. Council voted without discussion to repeal the Ordinance by a 6-1 vote with Council Member Gillock being the dissenter. Thus, Council cannot be critized by opponents of this particular PCD and by the persons who circulated and signed the petition because Council did exactly what the petition asked it to do. They repealed the Ordinance. This is further evidenced by the fact that the only Members of Council who signed the petition, Mrs. Minnick and Mrs. Butkowski, voted along with four other Members of Council to repeal the Ordinance. So, Council did what the petition asked and the petition was successful in accomplishing its' purpose. There is no right to go to the ballot if Council does what the petition asks to be done. Now the questions remains, what is the legal effect of the repeal. This is the thing that seems to have everybody all up in arms. Nobody, not one person, sought out my interpretation or ruling

on this question when it mattered, that is to say, while something could still be done about it. Only after the vote was taken, only then did newspaper reporters ask me what it all meant? And I told them I wasn't going to give them a legal opinion after the fact for the benefit just of the newspapers. I did however tell them how the lawyers for the developer interpreted the Ordinances and how he viewed the meaning of the repeal of Ordinance No. 3543-2000. So, what's the effect? It all goes back to 3491-99, the Ordinance establishing the PCD districts that was adopted by the City Council last September 20. As Mrs. Minnick correctly says, we have to follow the ordinances that are on the books. This is an overlay Ordinance as was discussed and explained at the time. This means that zoning changes are not accomplished in the normal fashion. The whole district doesn't change. The underlying zoning in the district at large remains the same but rezoning specifically when the requisites for a PCD district are satisfied avoids the legal problems that one has with something called spot zoning that many of you may have heard about. As I say, this question of the PCD being an overlay Ordinance was fully discussed and explained back at the time it was being debated and voted on. The PCD requirements would apply to change the zoning for any 200 acre minimum tract of land whenever the other requirements for PCD districts or treatment were met. Section A.08 of that Ordinance provides that upon approval by Council of the preliminary PCD plan, the Clerk of Council, Mr. White, makes a notation of the change in zoning from R-1 to PCD on the City's Zoning Map. It's done automatically. When Council approved the preliminary plan the Clerk makes the notation on the Zoning Map that it's going to be zoned PCD. So, what happened in this case, is that when Council passed Resolution No. 894-2000 on March 6th approving the Kingston Place Preliminary Plan, Council automatically approved the notation of the zoning change on the City's Zoning Map. No additional ordinance was necessary to effect the rezoning. When I saw that an additional Ordinance had been prepared and already introduced and was already on Third Reading, it seemed to me to be of no consequence. Not because zoning changes are of no consequence, but for this reason if the rezoning happens automatically when Council approves the preliminary plan, what can it hurt if Council emphasizes the fact that the zoning is going to be changed by announcing it in a separate piece of legislation. That was at least my thought process at the time. However, if that separate piece of legislation were repealed, it is just as if it hadn't been there to begin with and it makes no difference to the legal effect of the resolution approving the preliminary plan. Once that happens Council indicated its' approval of the PCD which necessarily includes Council's approval of the rezoning to PCD. You can't have the one without the other. You can't approve a site for PCD treatment without rezoning it to PCD. That is why the rezoning is an automatic consequence of Council's approval of the preliminary plan. Of course, if a final plan is not submitted within the time frame, Council has . .

(end of tape)

... automatically reverts to R-1 and the PCD treatment is nullified. This is the structure that Council adopted last fall when it enacted Ordinance 3491-99. That Ordinance was not challenged by referendum petition and is the law on our books which we must follow. So, I conclude with a personal comment. If the votes of the people who signed the petition are irrelevant as the Chronicle Telegram has editorially complained, it is only because the petitioners and their legal advisors chose to challenge only one of the two legislative decisions that Council made rather than challenging both of them. And unfortunately for them, they selected the wrong

one. Thank you. That concludes my report.

President Brown: Thank you Mr. Zagrans. Any questions of our Law Director? Mrs. Minnick.

Council Member Minnick: Yes, Mr. Zagrans. I did check our minutes and I did not find where you stated that T 6-2000 automatically approved the rezoning. Also on A.08, it says the Clerk causes a notation on the Zoning Map not the land and it doesn't say it automatically is approved. According to our Charter, you hold Office at the pleasure of the Mayor. Are there any provisions for when a Council Member would like a second legal opinion?

Law Director Zagrans: I'll answer that question in a moment but may I correct something that you said. A.08 talks about change in Zoning Map and as you know from enacting many Ordinances that effect a zoning change, that is how a zoning change is effected. There is a Zoning Map and a change is made on the map and let me just quote the language of section A.08.

Council Member Minnick: You already have.

Law Director Zagrans: "Following approval of the application," that's the preliminary plan application for the PCD by Council, "the Clerk shall cause a notation to be made on the Zoning Map to reflect the area which is included in the approved preliminary plan in a PCD district". It then goes on to say, "Following approval of the application by Council and the notation of the Zoning Map, the legislative process for rezoning the PCD shall be complete." There is no clearer expression that I can think of, of the automatic consequence of approving a preliminary PCD plan than to say, "Following approval of that plan and the notation by the Clerk on the Zoning Map, the legislative process for rezoning the PCD shall be complete." There is a Statutory Provision for Council under certain circumstances to obtain legal advice from someone outside the Law Director if Council chooses to do so.

Council Member Minnick: And how do I go about that process?

Law Director Zagrans: I don't know. It hasn't been done during my tenure as Law Director.

Council Member Minnick: Could you check into that for me please?

Law Director Zagrans: Certainly.

Council Member Minnick: Okay, I have another question. I have been asking for a copy of the developer's letter threatening me with a law suit. When may I expect to receive that letter?

Law Director Zagrans: Mrs. Minnick, as I have told you, both orally and in writing, because the letter does threaten litigation and by the way it's not this developer, it's not this PCD developer, it's another entity in another situation, but because litigation was raised, we have to go through a process that we are still going through and when that process is completed, I told you would get a copy of the letter.

Council Member Minnick: It's been several months and you had said it would be just a short time and I wanted to check on it and see because it is public record.

Law Director Zagrans: I told you would get it when we were finished with it.

Council Member Minnick: Okay.

Law Director Zagrans: But please, don't leave the misimpression that's it's Kingston Place or anything to do with Kingston Place.

Council Member Minnick: No, it is not Kingston Place.

President Brown: Thank you. Any other questions? Okay, going on to other reports.

OTHER REPORTS

Building Department Report for March, 2000 and
Police Department Support Car Report for March, 2000.

Parks & Recreation Commission Liaison Report:

President Brown: Do we have a report from Parks & Recreation Commission Liaison Mrs. Minnick?

Council Member Minnick: Yes, I have a short report. The security lights will be installed along the Bainbridge Road driveway at South Central Park. I believe you had asked that question. A new sidewalk ramp and entrance door will be constructed in May to meet ADA requirements at the Park & Recreation Office and Mr. Spaulding will schedule a meeting in May with the Community Center Advisory Committee and Larsen Architect to discuss an action plan for the Community Center. Just a reminder that Pride Day is May 20th. That concludes my report.

Planning Commission Liaison Report:

President Brown: Thank you very much. Mr. Johnson, Planning Commission Liaison report.

Council Member Johnson: Madam Chairman, we have no report to make.

President Brown: None. Thank you. Old Business Council?.

OLD BUSINESS

President Brown: None?

Council Clerk White: None.

President Brown: New Business.

NEW BUSINESS

T 73-2000 An ordinance setting the pay for City Employees who are members of the Armed Forces Reserves while on active duty.

Council Clerk White: That's all the New Business I have.

President Brown: Okay. Correspondence.

Council Member Minnick: Madam President, I had some New Business.

President Brown: New Business?

Council Member Minnick: Yes. I have received several calls regarding the T 71-2000 and T 72-2000 and before they have the First Reading I would appreciate it being referred to Safety Committee and we will have a meeting which I will announce. Thank you.

Council Clerk White: That's up to you.

President Brown: Yes, I am assigning it to the Safety. I had talked to Mrs. Minnick but she didn't have time to have the meeting before our meeting tonight.

Council Member Minnick: And do I need a motion to send that back to committee, not to have the First Reading?

Law Director Zagrans: Council President has the power...

Council Clerk White: If she so desires.

President Brown: Yes, it's going back.

Council Member Minnick: Thank you.

Council Clerk White: 71 and 72 both?

Council Member Minnick: Yes.

Council Clerk White: To which committee?

President Brown: Safety.

Council Clerk White: Okay.

REFER TO SAFETY COMMITTEE (T 71-2000 AND T 72-2000)

CORRESPONDENCE

President Brown: I received a letter and I would like to have it read to Council.

Council Clerk White: I would like to do my correspondence first.

President Brown: Okay, do your correspondence first.

Council Clerk White: Thank you Madam President.

President Brown: Thank you.

- 1) Copy of a letter to Mayor Deanna Hill from Media One regarding implementation of the new price raise for cable converters effective June 1, 2000. Notice to be received by customers within a few days and to which customers may file a complaint with the community within 90 days of the effective date.
- 2) Copy of a letter to All Council Members from Charles A. Norris stating his opposition to the anti-BB gun legislation.

President Brown: Can I get a copy of it? I need a motion that we can read this letter.
motion by Borocz to read the letter, 2nd by Brown

President Brown: Any discussion? Clerk, please read the letter in its' entirety.

Council Clerk White: Since you've had a motion and a second you need a vote on it.

President Brown: Okay, we'll take a vote.

Council Clerk White: Okay.

President Brown: On the correspondence to be read out loud.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to read the correspondence.

President Brown: Thank you.

Council Clerk White: It's a letter dated April 21, 2000. North Ridgeville City Council, 7307 Avon Belden Road, North Ridgeville, Ohio, 44039. Attention: Jean Brown.

Dear Mrs. Brown:

Please pass the anti-BB gun legislation as soon as possible! Don't even follow council rules or the law - we need to put an end to this menace at once. It is hardly safe to step outside. I'll bet most council members have been accosted or mugged by dangerous gun-toting I I year olds. Stamp out these roving gangs of thugs who are terrorizing the city.

Better yet ... outlaw trigger fingers. Hey, if you are bent upon passing legislation that isn't

going to be enforced - or worse yet enforced selectively, why stop with outlawing the tool? Outlaw the finger! Just think about it. No trigger finger - no shooting! Children could report to have their trigger fingers removed at age 7. The Mayor could dress up as the Queen of Hearts and run around shouting "off with their fingers"; the safety service director could gather the amputated fingers and present them to the Mayor. If she is too squeamish, she could give them back to the safety service director. (Rumor has it that they are already actively giving each other the finger these days.) (Laughter. Council Clerk White: Hold it please.) All these kids without index fingers would have a great advantage if ever elected to council. They would have a difficult time being caught picking their nose or scratching their backsides. After all, you are on TV, you know.

Let's consider other legislation that needs passed. How about a law requiring construction on Bainbridge Road to be completed prior to the next millennium? Make flooding a crime! If your home floods, you are guilty. Easy! What about a nuclear Free Zone - I can't believe nobody has thought of that one - we could be just like Oberlin. Legislate against the re-introduction of sabertoothed tigers. Should be easy to enforce and it will look like we really care. Outlaw disease - who could oppose that? Think about how all this legislative activity will look on your next campaign literature. Pass a law banning buffoonery in city government, oops, better hope that one isn't enforced. Ban barns, windows and garages, can't shoot 'em up if they don't exist.

Off the air rifles! Get the law on the books so we can be like Lorain and Elyria. Now there are a couple of admirable cities! Do something on council - don't just sit there. Voters are going to think you don't have enough to do. People in other cities will think we look foolish. How do you suppose they could arrive at that conclusion?

Keep up the good work.

Sincerely, Charles A. Norris

Council Clerk White: End of letter.

President Brown: He did sit on our school board and he was a candidate for Mayor and I don't find it very funny. Thank you very much.

Council Member Johnson: Madam President.

President Brown: Yes, Mr. Johnson.

Council Member Johnson: Grant D. Cornick who resides at Lexington Way stated he signed a petition to vote on the Kingston Place PCD. Upon further review of the Kingston Place PCD, he wishes this letter to be read to Council tonight. Madam President, may I have the Clerk read the letter I gave you earlier?

President Brown: We have to have a motion to have that letter read.

motion by Johnson to have the letter read, 2nd by Swindig

President Brown: Any discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

Council Clerk White: 1 May 2000, Letter to City Council North Ridgeville regarding PCDs.

I am in support of the general concept of PCD's, and specifically-Kingston Place, the first PCD to be developed in N. Ridgeville.

As western North Ridgeville becomes developed, and it will, it is extremely important that this development occur in a planned and aesthetic manner with quality builders. We must protect our trees, wetlands, and green spaces so that North Ridgeville does not become paved with multiple streets lined with high density, inexpensive, cookie-cutter homes. I believe PCD's are the best way to control growth and accomplish this goal.

Having given my support to PCD's, I would like to give three recommendations to city council:

1. Quality builders are a MUST.
2. Evaluate carefully the amount of land dedicated to open areas / green space. More is better.
3. A unique opportunity exists in Western North Ridgeville with proper planning and coordination and the city demanding that different developers work together to complete a vision we have of Western North Ridgeville developing into a park-like setting. The PCD's should be interconnected with continuous green spaces, walking and bicycle paths, from Shady Drive Complex and Lorain Road to the Metro Park wetland and Kingston Place.

Western N. Ridgeville can become a gem in Northeast Ohio.

Signed: Grant D. Comnick.

President Brown: Thank you very much Mr. White. At this time we will enter into the Lobby. I will give you two minutes to speak and please, if you have the form from in the back, leave it on the podium.

LOBBY

- 1) Karen Pleban, 5186 Jaycox Road, stated she had circulated the subject petition and they had wanted the PCD to go to the voters and that the people have spoken and Council should heed their wishes and do something about it.
- 2) Ronald and Sara Siemientkowski, 33975 Gloria Ave., stated they live in the "outhouse" and are going to start picketing starting May 21ST.
- 3) Bob Olesen, 6053 Field Stone Circle, stated he had been involved in this community for

more than 30 years and has always tried to avoid the limelight but now feels it is important to express his concerns. He has grown weary of being patient with those who create controversies that obscure our primary focus of taking care of today's needs and planning for tomorrow and who cloud the issues with manufactured hysteria. The Master Plan is a good plan but continuing to cast doubts about our City's commitment to progress will force us into losing much more. A hard-core political group has maintained a political vendetta against the Mayor but she has persevered for the future of our City and we owe her a debt of gratitude.

- 4) Mrs. Charles C. Early, Jr., (Frances), 6704 Stoney Ridge Road, stated she was here because of the Referendum. She did not have all the information she needed and feels it may not be a legal petition as it was not handed to her by the person who called her.
- 5) Dennis Boose, 6405 Denise Dr., thanked Mr. Zagrans for responding to his concerns about the sexually oriented business and to Mrs. Minnick for responding in regards to the development agreement recommendation that Mr. Cornish and he had made and hopes that someday Council will reconsider it. He further stated he had signed the petition but continues to support PCD's, feeling voters have the right to vote on or have the legislation reconsidered. PCD's are an alternative to urban sprawl and he applauded the Mayor for suggesting a town meeting. He suggests a series of meetings allowing citizens ample time, not two minutes, to discuss the issues.
- 6) Gerald Phillips, Avon, Ohio, quoted the Law Director from Council Meetings of February 24 and March 6 and from the Chronicle Telegram with regard to T 6-2000 and T 137-99. Subsequently the Referendum was filed and the Ordinance repealed, but the Law Director has taken the complete opposite position. This is a two-step process, first is the preliminary plan approval, second is passage of the Ordinance to rezone the property and to change the Zoning Map.
- 7) Chris Crobaugh, 38460 Otten Road, stated he had worked on the Master Plan that was trashed under former Mayor Armbruster and the same gas leases were not then a problem for Mills Road and Avon was still there. Changes to the present Master Plan seemed to be made in private meetings. I asked Mr. Schwachenwald for the minutes three years ago and have yet to receive them. Ms. McKew pointed out what an asset French Creek is but Mayor Hill was ready to give it away several years ago to the County. The Law Director told you people, basically, we did it, you didn't notice, so get over it. Mr. Olesen stated he'd been a life-long Republican, but so what, so has Jim Johnson.
- 8) Joseph N. Antush, 38500 Otten Road, stated the green space thing is 20% and they say that's good, but 80% is not green space. I have 90% green space on a half acre lot. The green space can't be built on anyway because it is wetlands. Also, the traffic will triple but you aren't going to fix Case Road and will pass the PCD anyway.
- 9) John Havens, 5821 Joanne Court, stated he was a 30 year resident who has voted in every

election and learned to live with his choices and change it the next time if he didn't like it. I believe we have a chance here and the majority of Council passed this PCD Ordinance, but a lot of misinformation and manipulation of the people to instill fear has taken place. Development will happen and how it happens is up to these people right here. I had my vote for PCD's through them. We have an opportunity here to get sewers on the west side of this City, paid for by the developers and the business community. Let's take the opportunity and not listen to the fear mongers.

- 10) Senator Jeff Armbruster, 33030 Woodhaven, stated he is still a resident of North Ridgeville, built his new home in Ridgefield and started the Master Plan in '93-'94 while he was the Mayor of North Ridgeville. It is imperative this City and this Council have a Master Plan for growth so we can have the proper growth within our community like the communities around us.
- 11) Renee Regula, 6441 Rosebelle Avenue, stated they wanted to vote on the PCD's and signed the petition for a chance to have their say since the PCD zoning was quieter than other zonings. A town hall meeting is an excellent thing to do but it was brought up at one of the first meetings and at the public hearing. We wanted to talk to the builder and to the Planning Commission, and Mr. Rosner has no problem with that. A little give and take will go a long way with getting the residents, the Planning Commission and you what we all need in the City. We need to work together and a town meeting is a great place to start. I just wish it had been done sooner. The petition wouldn't have happened.
- 12) Dick Brent, 8659 Harris Drive, stated he was bothered by all the negative publicity we've been getting. People in Columbus may think twice about giving us grants when they see what is going on. We're the laughing stock of two counties. Let's forget the politics, let's get together and get this off the Editorial page and get the City moving ahead..
- 13) Lisa LeBlanc, 33962 Harding Avenue, stated in October residents of Presidential Estates requested stop sign be placed in their development. They were erected and all was well. Soon after we petitioned to leave 6200 Lear Nagel as R-1, the stop sign were replaced with yield signs. When questioned you responded that people roll through stop signs anyway which promotes lawlessness and that kids were safer because they were exposed to vehicles for a less amount of time than if the vehicle stopped. This theory is ridiculous. Why wasn't this done city-wide? We want our development to stop being targeted.
- 14) Gerald Phillips, Avon, Ohio, stated T 6-2000 is an illegal and invalid piece of legislation if it's deemed to be a zoning ordinance because there was never a public hearing on it nor notification given to the adjacent property owners. The only public hearing was on T 137-99 and the only notification to the adjacent property owners was with respect to T 137-99. That's because T 137-99 was the rezoning for the PCD. The voters were betrayed and the City is buying itself into a law suit.

- 15) Dennis Boose, 6405 Denise Drive, stated he wanted to make one comment that he agrees with Mr. Brent and others that City Council and the citizens who placed them there need to do everything they can to work together, to listen to each other. He further stated the instructions Madam President gave the audience before the beginning of the meeting on the professional way we would handle the lobby were very appropriate but the way she admonished the same crowd in not stomping feet, etc. was unprofessional and uncalled for.
- 16) Chris Crobaugh, 38460 Otten Road, stated for all the sanctity of the Master Plan spoken here tonight, any one he'd been involved with for the last 12-14 years span had involved Mills Road going through. So this whole Kingston Place project is in violation of all the Master Plans he had anything to do with in this City.
- 17) Kim Stermole, 37872 Sugar Ridge, stated to Law Director Zagrans that he said he was not approached by anyone regarding this petition and he would have had input if he'd been asked. As 908 voters we want a recall of Councilmen and a Mayor. Will you give us direction to do it? The people spoke and we're not being heard.

President Brown: Thank you. Recess until 9:05 please.

RECESS from 8:57 to 9:05 P.M.

FIRST READINGS

President Brown: I would like to go into First Readings please, Clerk.

Council Clerk White: There are no First Readings, the First Readings were sent back to Committee, we go to Second Readings.

President Brown: Okay, Second Readings.

SECOND READINGS

T 40-2000 AN ORDINANCE AMENDING ORDINANCE NO. 2371-89, BY CHANGING "ARCHITECT" TO "PLANS EXAMINER" AND INCREASING THE CONTRACTUAL AMOUNT THE CITY PAYS FOR THE EMPLOYMENT OF A CITY PLANS EXAMINER.

Second Reading.

T 41-2000 AN ORDINANCE AMENDING SECTION 232.01 (A) OF THE CODIFIED ORDINANCES BY CHANGING THE POSITION OF CITY AUDITOR TO PART-TIME.

Second Reading.

T 42-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE 5 MOBILE DATA TERMINALS FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH A PRIVATE VENDOR ACCORDING TO LAW

AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED IN THE AGGREGATE \$22,000.00.

Second Reading.

T 44-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE A NEW DIGITAL COMMUNICATIONS RECORDING SYSTEM, INCLUDING CERTAIN OPTIONS, FOR THE POLICE DEPARTMENT 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 \$31,000.00, PLUS THE TRADE-IN OF A 24-CHANNEL DAT RECORDER SYSTEM.

Second Reading.

T 45-2000 AN ORDINANCE AUTHORIZING THE CITY OF NORTH RIDGEVILLE TO CHARGE A RESUBMITTAL FEE FOR COMMERCIAL PLANS REVIEW.

Second Reading.

T 69-2000 AN ORDINANCE AMENDING ORDINANCE NO. 2522-91 BY INCREASING THE FEES CHARGED FOR RETURNED CHECKS.

Second Reading.

Council Clerk White: That's all of the Second Readings that I have.

President Brown: Third Readings.

THIRD READINGS

Council Clerk White: One moment please.

President Brown: Yes.

T 34-2000 AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR
3567-2000 LEGAL SERVICES TO BE PROVIDED BY ARTER & HADDEN IN CONNECTION WITH ELECTRIC UTILITY DEREGULATION AND MUNICIPAL AGGREGATION OF POWER.

motion by Johnson to adopt, 2nd by Gillock

President Brown: Any discussion?

Council Member Minnick: I received a call today from Ohio Edison regarding work they are going to be doing in Mills Creek and he also talked to me about aggregation of power and mentioned that

President Brown: If you take your hand away from your

Council Member Minnick: Okay, mentioned that when they buy power in the heat of the summer it gets very expensive and mentioned a lot of other stuff and I referred him to the Law Director and the Mayor to contact you. So, by passing this tonight, will that in any way, is this cementing us into this agreement?

Law Director Zagrans: By passing this Ordinance tonight we would be authorizing hiring Arder and Hadden to represent our interest along with other communities in northeastern Ohio or

throughout the State in connection with banding together to form what is in essence a purchasing co-op for electrical power. If Ohio Edison representative was telling you that it's expensive for them to buy power in the summer months, what the goal of this co-op would be is to try to reduce the cost of purchasing power by having an alternative means of doing so. So, yes it will be locking us in to the extent that we would be joining the other municipalities that are banding together to form this kind of cooperative venture. But no, I don't think it would foreclose any particular channel of buying electrical power. I mean, I would think that the cooperative would be looking at whatever sources of electricity they could find and getting the best deal or the best price.

Council Member Minnick: He also stated that it would be up to the City to collect past due bills and that gets to be very expensive. With this cooperative, how would we be addressing collections?

Law Director Zagrans: I agree that it would be up to the City, I disagree that it would be expensive to do so and the Mayor has been talking with people on that particular subject and I would rather that the Mayor would provide you with more details to answer that question.

Mayor Hill: Yes, what the \$2000.00 is, and it's per municipality, and by the way, several cities and villages and townships are now beginning to pass this across the County and it's going to be the whole northeast area. Of course, Ohio Edison is not too happy with this. What it does is give the residents the opportunity to choose who supplies the power, who they buy electric power from and as we explained before and we also had the Brooklyn Mayor who has spearheaded this effort speak to Council in a separate meeting so that everybody understood it, I thought. But this consortium is going together giving every resident the opportunity and every city the opportunity to be part of a consortium to buy power by volume, which is just like a store may do if they buy a couple cases of pop versus thousands of cases of pop. You get a lower price. The \$2000.00 for the law firm is to make sure that residents, that includes our residents, are protected because it is before the PUCO right now to set up the regulations for this and to provide for opt out, which means you don't have to be a part of this consortium. So they are representing the interests of residents rather than the interests of an electric company.

Council Member Minnick: Right. Thank you. But he did say, bring up some points that were not brought up in the meeting with the Brookpark Mayor.

Mayor Hill: That could be. I'm not privy to

Council Member Minnick: Right and that's why I had him, referred him to either you or the Law Director.

Mayor Hill: But the \$2000.00, the reason for it is to hire this law firm as a part of a large hiring group of municipalities, villages, and townships, to make sure that citizens rights and the proper opportunities for buying of power in volume are protected. That's the reason for it.

President Brown: Thank you. Any other discussion? Take a vote please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 34-2000 becomes Ordinance No. 3567-2000.
Permanent Ordinance No. 3567-2000

T 54-2000 AN ORDINANCE AMENDING CHAPTER 1030, ENTITLED STREET
3568-2000 TREES, OF THE NORTH RIDGEVILLE CODIFIED ORDINANCES.
 motion by Borocz to adopt, 2nd by Johnson

President Brown: Did you get that?

Council Clerk White: Borocz and Johnson.

President Brown: Yes. Discussion? Seeing none, please take role.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 54-2000 becomes Ordinance No. 3568-2000.
Permanent Ordinance No. 3568-2000.

T 55-2000 AN ORDINANCE AMENDING THE MASTER TREE PLAN AND MORE
3569-2000 SPECIFICALLY SECTION 1032.06 ENTITLED PLANTING AND CARE
 WITHIN SPECIFIED AREAS, OF THE NORTH RIDGEVILLE CODIFIED
 ORDINANCES.

motion by Borocz to adopt, 2nd by Johnson

President Brown: Moved by Borocz, 2nd by Mr. Johnson. Discussion? Seeing none, roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 55-2000 becomes Ordinance No. 3569-2000.
Permanent Ordinance No. 3569-2000.

T 60-2000 AN ORDINANCE CREATING AND ESTABLISHING THE
3570-2000 QUALIFICATIONS FOR THE FULL-TIME POSITION OF ASSISTANT
 ENGINEER.

motion to adopt by Johnson, 2nd by Swindig

President Brown: Moved by Johnson, 2nd by Swindig. Discussion? Roll, please.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries 6-1. T 60-2000 becomes Ordinance No. 3570-2000.
Permanent Ordinance 3570-2000.

T 61-2000 AN ORDINANCE AMENDING THE DEPARTMENT HEAD ORDINANCE
3571-2000 NO. 3483-99 BY INCLUDING THE FULL-TIME POSITION OF ASSISTANT
 ENGINEER.

motion by Swindig to adopt, 2nd by Johnson

President Brown: Did you get that?

Council Clerk White: Swindig and Johnson.

President Brown: Yes. Discussion? None, roll please.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries 6-1. T 61-2000 becomes Ordinance No. 3571-2000.
Permanent Ordinance No. 3571-2000.

T 63-2000 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
3572-2000 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
 MANNER PRESCRIBED BY LAW FOR THE STATE ROUTE 83 STORM
 SEWER REPLACEMENT, AND TO NEGOTIATE AND ENTER INTO A
 CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS,
 SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME,
 NOT TO EXCEED \$55,000.00.

motion by Johnson to adopt, 2nd by Swindig

President Brown: Mr. Johnson and Mr. Swindig. Discussion please. None? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 63-2000 becomes Ordinance No. 3572-2000.
Permanent Ordinance No. 3572-2000.

T 65-2000 AN ORDINANCE TRANSFERRING VARIOUS FUNDS OF THE CITY OF
3573-2000 NORTH RIDGEVILLE, OHIO REPRESENTING REIMBURSEMENT OF
ADMINISTRATIVE EXPENSES OR OPERATING TRANSFERS.

motion by Swindig to adopt, 2nd by Gillock

President Brown: Mr. Swindig made the motion and Mr. Gillock seconded.

Council Clerk White: Okay.

President Brown: Discussion? None. Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T65-2000 becomes Ordinance No. 3573-2000.
Permanent Ordinance No. 3573-2000.

Council Clerk White: That's all of the Third Readings that I have.

President Brown: Okay. Seeing that there's no Unfinished Business, can we have Committee Meeting Announcements?

UNFINISHED BUSINESS

President Brown: Seeing that there's no Unfinished Business, can we have Committee Meeting Announcements?

COMMITTEE MEETING ANNOUNCEMENTS

President Brown: Mrs. Minnick.

Council Member Minnick: Yes, I have a Safety Committee Meeting Wednesday, May 10th at 6:30 P.M.

President Brown: May 10th?

Council Member Minnick: Yes.

Council Clerk White: At 6:30?

Council Member Minnick: Yes.

Council Clerk White: At?

Council Member Minnick: Meeting room. And that will be on the two Ordinances.

President Brown: Have you checked to make sure that the room is available?

Council Member Minnick: No, I haven't. I will do that, if not it will be ...

President Brown: That's very important.

Council Member Minnick: ...up here.

President Brown: Check with Robin.

Council Member Minnick: Okay.

President Brown: Any other meetings before we announce the Council Meeting? Nobody?

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

MAY 1, 2000

PAGE 24

Okay, Council Meeting.

Council Clerk White: The next regular Council Meeting will be Monday, May 15th at 7:30 P.M.
President Brown: Okay.

ADJOURNMENT

motion by Swindig to adjourn, 2nd by Johnson

President Brown: All in favor?

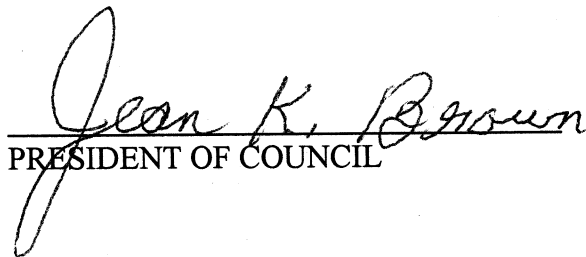
Council Clerk White: We are. 9:20

President Brown: 9:20, Thank you very much.

Council Clerk White: Meeting adjourned at 9:20 P.M.

MOTION Borocz 2ND Swindig DATE May 15, 2000

YES 6 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL