

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING APRIL 16, 2001**

CALL TO ORDER 7:30 P.M.

President of Council Jean Brown: I'd like to call the regular meeting of the North Ridgeville Municipal Council to order for April 16, 2001. Please stand for the Invocation and the Pledge of Allegiance.

INVOCATION by President Brown.

PLEDGE OF ALLEGIANCE by all.

President Brown: Thank you. Please take roll Mr. White.

ROLL CALL

Present were Council Members Larry Overby, Karen Borocz, Gail Minnick and David Gillock and President of Council Jean Brown.
Absent were Allen Swindig and Bernadine Butkowski.
Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Engineer Stewart Lovece, Auditor Chris Costin was represented by Deputy Auditor Donna Kiraly, and Clerk of Council Jim White.

Council Clerk White: Mr. Swindig is out of town on vacation and Mrs. Butkowski called today to say she could not make the meeting.

MINUTES

Public Hearing Minutes of April 2, 2001 regarding Wensink Agricultural District
Public Hearing Minutes of April 2, 2001 regarding Fate Agricultural District
Public Hearing Minutes of April 2, 2001 regarding Baldauf Agricultural District
Public Hearing Minutes of April 2, 2001 regarding McCaskey Agricultural District
Public Hearing Minutes of April 2, 2001 regarding Wroblewski Agricultural District
Public Hearing Minutes of April 2, 2001 regarding Slusher Agricultural District
Public Hearing Minutes of April 2, 2001 regarding M & J Company Agricultural District
Public Hearing Minutes of April 2, 2001 regarding Vrooman Agricultural District
President Brown: Please note the Minutes of the Agricultural Districts. We can do these all together. I need a motion.

motion by Borocz, 2nd by Overby

President Brown: Any discussion regarding all these hearings?

Council Member Gillock: Madame President, I think we should at least read the names.

President Brown: We can do that, can't we, Mr. White?

Council Clerk White: I certainly can.

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President Brown: Okay. Why don't we just read just the names.

Council Clerk White: Wensink, Fate, Baldauf, McCaskey, Wroblewski, King, Slusher, M&J and Vrooman.

President Brown: Thank you. Any other discussion? Please take the roll.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero.

Regular Council Minutes of April 2, 2001

President Brown: Please note the regular Council Minutes of April 2, 2001. I need a motion to accept them.

motion by Overby, 2nd by Borocz

President Brown: Any discussion regarding our minutes? Any corrections? If none, please take roll.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero.

President Brown: Please note:

Board of Drainage and Flood Control of March 28, 2001 and
Planning Commission Minutes of April 10, 2001.

Moving on to Committee Reports.

COMMITTEE REPORTS

Council Clerk White:

1. UTILITIES COMMITTEE REPORT #7078 Members of Council: We have considered the matter of T 24-2001 and recommend that this request be approved.

Signed: Dave Gillock and Larry Overby

motion by Gillock to accept, 2nd by Overby

President Brown: Discussion? Seeing none, take roll please.

Yes, 5 No, 0

2. UTILITIES COMMITTEE REPORT #7079 Members of Council: We have considered the matter of utility companies digging on City property and request City inspections before closing and appropriate inspection fee and recommend this request be approved and proper legislation be drawn authorizing the above.

Signed: Dave Gillock and Larry Overby

motion by Borocz to accept, 2nd by Overby

President Brown: Discussion? Take roll please.

Yes, 5 No, 0

3. BUILDINGS & LANDS COMMITTEE REPORT #7082 Members of Council:

We have considered the matter of Tax Abatement for Beckett and recommend T 68-2001 be amended to reflect new agreement.

Signed: Larry Overby, Allen Swindig and David Gillock

President Brown: I think you had the wrong number on that Mr. White.

Council Clerk White: 7082?

President Brown: You said 7072.

Council Clerk White: I beg your pardon, 7082. I stand corrected.

Council Member Gillock: Madame President?

President Brown: Yes.

motion by Gillock to accept, 2nd by Overby

President Brown: Any discussion? Mrs. Minnick?

Council Member Minnick: I would just like to say I'm very proud to have Beckett located in our community and wish we had more companies like it here. However, I believe this new abatement agreement is still too generous and defeats the purpose of having industry in our City.

President Brown: Any other discussion? Please take roll.

Yes, 4 No, 1 (Minnick)

Council Clerk White: Motion carries four, one.

4. BUILDINGS & LANDS COMMITTEE REPORT #7083 Members of Council:

We have considered the matter of purchasing property at 6156 Jaycox and two lots at Route 83 and Center Ridge and ask that the Administration look into securing these lots for City use.

Signed: Larry Overby, Allen Swindig and David Gillock

motion to accept by Overby, 2nd by Gillock

President Brown: Any discussion? Mrs. Minnick.

Council Member Minnick: Yes, I would like to know which lots these are at 83 and Center Ridge?

Council Member Overby: It's the abandoned gas station and the one directly south.

Council Member Minnick: I'm going to assume this is for a town center?

Council Member Overby: It's for City use, yes.

Council Member Minnick: Which isn't a bad idea at all but has money been appropriated?

Council Member Overby: That's why I'm asking the Administration to see if they can come up with the funds to do so.

Council Member Minnick: Do you know an estimated cost?

Council Member Overby: I have no idea.

Council Member Minnick: And Planning Commission has approved the car lot already, is that not so?

Council Member Overby: That's correct.

Council Member Minnick: Are we planning to take it by eminent domain?

Council Member Overby: Not at this time.

Council Member Minnick: If it should be, have attorney fees been considered and appropriated for it?

Council Member Overby: We haven't gotten that far.

Council Member Minnick: Okay, one other question. The gas station I know is contaminated because I have a report that shows that.

Council Member Overby: How old is the report?

Council Member Minnick: It's a few years old. My question is, about a year ago Mr. Johnson said that there might be State money available to clean up the site when we were looking at where the proposed used car lot is and we were never gotten back to. I was wondering if there is money available for that clean up?

Council Member Overby: I'm hoping that the Administration will check into that when they are looking into ways to secure these properties.

President Brown: Mr. Gillock?

Council Member Gillock: Madame President, there's three pieces of property there that are part of this Committee Report. It should be made clear that the Committee Report only says to look into the possibility of securing the lots. We're not saying buy them or clean them up. There's the vacant gas station lot, there's a used car lot which has already been approved and these have been designated by the Master Plan as areas for a town center, so we just want to look into the possibility. Are they available? What would they cost? What's the situation with those two? The other parcel is at 6156 Jaycox, that's a single family dwelling that is rental property. It's the last remaining obstacle blocking Mildred from going all the way from Jaycox through to Route 83. If we could get hold of that property at a reasonable cost we would then have access all the way through there. I know the property is for sale. So, we're again saying, let's look into it and see what the fair market value is. Can we buy it and go from there? These are just investigatory at this standpoint.

President Brown: That's for Mildred to go through from, all through to 83?

Council Member Gillock: That's for all three of these, 6156 Jaycox and the two lots at 83 and Center Ridge Road.

President Brown: Any other discussion? Please take the roll, Mr. White.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero

5. BUILDINGS & LANDS COMMITTEE REPORT #7084 Member of Council:

We have considered the matter of vacating a portion of East Street (now known as Breck Court) and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Larry Overby, Allen Swindig and David Gillock.

Council Member Gillock: Madame President?

President Brown: Yes, Mr. Gillock?

motion by Gillock to accept, 2nd by Overby

President Brown: Discussion? Seeing none, please take roll, Mr. White.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero

6. BUILDINGS & LANDS COMMITTEE REPORT #7085 Members of Council:

We have considered the matter of application for placement of farmland in an Agricultural District for Joana & Jonel Berlovan and recommend that this request be approved and proper legislation be drawn authorizing the above with modifications.

Signed: Larry Overby, Allen Swindig and David Gillock

motion by Overby to accept, 2nd by Borocz

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

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. That's all the Committee Reports that I have.

President Brown: Okay. Moving on to the Mayor's report. Mayor Hill?

MAYORS REPORT

Mayor Hill: Thank you, Madame President. Saturday, May 19th, the same day as the annual Fishing Derby, is our annual clean-up, spruce-up citywide Pride Day. As we have done for several years, groups and individuals will be busy in our parks and in our neighborhoods cleaning, painting and planting flower gardens. We ask that if you, your family or your organization would like to volunteer, activities are being coordinated through our Parks Department and you may call them to help out at 353-0860. 353-0860. And you can also call that number for more information on the Fishing Derby.

Another important date to keep in mind is Tuesday, May 8th. That is election day for the primary elections of Council Members. Remember, if you want to vote in the primaries for candidates, you must declare either Republican or Democrat. This gives you the opportunity to make the final decision about who will be the final candidates in the November election for Council. Undeclared voters, those not registered as Republican or Democrat, may vote on the ballot issues.

One of the ballot issues is the Family/Senior Center. And, just to clarify, our Bond attorney and our City Auditor presented a full explanation of the two pieces of legislation permitting this issue to be before the voters on May 8th. One changed our income tax ordinance to allow the tax to be collected should the voters decide to fund the Center. The other ordinance guarantees that, should the tax be approved, it can only be used for the Center and the parks. Council was fully informed at a public meeting. The minutes do reflect the presentation and the associated legal stipulations. There is no way to misinterpret or to misunderstand the guarantee that the funds can only be used for the Center and the parks.

Another ballot issue, Issue 1, is for the Board of Mental Retardation to fund the schools, workshop and residential facilities for our mentally retarded children and adults. In 1997 there was no request for a renewal of the levy that was in place. Funds were expended that were available from the past levies. This request is for reinstatement of the levy that used to be

collected.

Please remember, May 8, Election Day.

A state Clean Fund was established by the voters of Ohio last November. This entails no new tax, but a designation of existing funds for brownfield clean-up, water conservation and setting aside of greenspace. There will be \$100 million dollars for these projects. Language is currently being drafted establishing criteria for expenditures, as overseen by the Ohio Department of Natural Resources, the Ohio Department of Development and the Ohio Public Works Issue 2 Commission of which I am Chairperson. As the process for the Clean Fund moves along, I will bring the information to you. That concludes my report.

President Brown: Thank you, Mayor Hill. Any questions of the Mayor's oral report? Seeing none, moving on, Safety Service, Mr. Johnson.

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Johnson: Thank you, Madame President.

Ditch cleaning and piping was performed on Avon Belden, Island, Cornell, Mills Road, Lear Nagle, and a ditch south of Westwood Drive.

There were five water breaks in the last two weeks. Two of them were located at the Service Department.

The sewer vac was used on storm cleaning in the Harris/Fortune development, Mills Road, Island, Albert and Case Roads. Sanitary sewers were cleaned in the Harris, Fortune Development; Jason, Lisa Way development; Main; Jaycox and Gloria.

Approximately 90 cubic yards of concrete was poured in the Monica/Carolyn area. This is the start of our 2001 Street Repair Program. Apron and sidewalk work was performed on Cornell, Lee and Debbie.

Several defaulted areas of roadway on Bender Road were cut out. The work will be finished as weather permits.

The following areas had storm sewer repairs: 6000 Albert, 7385 Noll and a storm stand up was installed at 5901 Lear Nagle.

Water work was performed at 33732 Gail. This involved the repairing of a water shut off valve at 4949 Lear Nagle. A pressure reducing valve was repaired at 34065 Luanne. A curb box was replaced. That concludes my report.

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

ENGINEER'S REPORT

Engineer Lovece: Thank you, Madame President. I have a few items this evening. Number one, I'd like to request that Council pass tonight T 71-2001 which authorizes the Mayor to negotiate and enter into an agreement with PF. Net to own and operate a telecommunications system in the City. I'd like to apologize for the short notice but realize that the City and PF.Net have been in preliminary discussions for a couple of months, about. In fact, there are some representatives here tonight from PF.Net. You know how it goes back and forth and you don't want to bring something to Council that you don't think can, you know, where we can enter into an agreement. So now we're to the point where we're, let's say, 95 percent there. So, that's why I'd like to see the legislation passed because they would like to start installing the fiberoptic line. What they plan on doing is installing fiberoptic line which is actually six cables in an inch and a half diameter plastic pipe. Their location is approved by the City Engineer and we're talking about along Chestnut Ridge Road. I'm reading some of the conditions of the preliminary agreement that we have. They'll hold the City harmless if we damage their utility. That was a major concern because hitting a fiberoptic line can be quite expensive, unless the damage is due to negligence or willful misconduct. Here's what we like. They'll pay us \$1.00 a foot every year and it's renegotiable after five years. We're talking in five years about \$125,000.00 so what we're doing is we're leasing City property in our City right-of-way for them to install this utility that is for telecommunications that may end up benefitting some of us directly or indirectly in this room. Some other conditions, they'll move their utilities at their expense if they are in conflict with some future utility that the City owns or another utility company owns and will do what they call directional boring where they tunnel underneath rather than digging all kinds of trenches so you will hardly know they're there. The only thing I'm going to mention in that proposed legislation, Section 4, it says as compensation for the easement herein granted PF. Net shall pay the City an annual fee, I would say instead of just \$25,000.00, I would say approximately \$25,000.00 as negotiated by the Mayor. I would add the word, approximately, and after \$25,000.00, I would recommend we put, as negotiated by the Mayor. I think that would be a nice thing for the City.

Westerly Sanitary Sewer. Today we received a copy of our final EPA permit. To install the Westerly Sanitary Trunk Line. Now we officially have the EPA's endorsement and they check such things as the size of pipe, the slope, the depth and the flows that are entering the pipe, so there's a lot of things that they check before they issue a permit. In fact, not only have they endorsed the project by issuing a permit but we may be able to obtain a low interest loan through the Ohio EPA and the Ohio Water and Development Authority. This is similar to what we did with the water tower where we had started construction and then we were fortunate enough to get a loan from the EPA, this is a little different type of loan. It's called a Water Pollution Control Loan Fund and they look for issues such as septic system failures, human contact with waters that

may be contaminated, bacteria counts they talk about, pollution of rivers and streams, that type of thing. No promises, but it's worth a try. Their interest rates are very good right now so we're going to try our hardest to see if we can actually get a lower interest loan. Furthermore, I'd like to request that Council passes as emergency T 75 and T 76-2001 tonight, authorizing the Mayor to acquire easements for the Westerly Sewer Project. I'd like to request that be passed as an emergency because the bids for the construction opened March 2nd and we have, per state law, 60 days to award the contract or the contract could be nullified. The next regularly scheduled Council meeting would put us beyond this date. This project is not something we want to rebid. We had 13 bidders when the bids were opened. That's extremely competitive. If it was rebid we would probably have a higher price at this time of the year because now we're entering the construction season and the contractors are starting to get a full plate of work, whereas, a couple of months ago they were in a very aggressive state.

Last, but not least, Pitts Boulevard. I understand that there has been some concern from the residents about flooding from the proposed development along the western portion of the City and I'd like to say that while nothing is impossible, it's about next to impossible for a development along the western part of the City to cause flooding in the Pitts Boulevard, French Creek, Robinson Ditch area because the water course for the western part of the City is mainly the Ridgeway Ditch which actually drains into Elyria and at the very north end, portions of that watershed drain directly into Avon. We'll treat Elyria and Avon as though it's our backyard and with all due respect to protect those communities. I really don't see any relationship, once again, between Pitts, Robinson Ditch, French Creek and the development that is proposed for the western part of the City. Thank you. That concludes my report.

President Brown: Thank you, Mr. Lovece. Any questions of the Engineer's oral report?

Council Member Gillock: Madame President?

President Brown: Yes.

Council Member Gillock: Stewart, if I may, I've got some questions about the PF.Net ordinance. We just had a Utilities meeting this week. I would have liked to have this group there, but maybe we don't have to, but I have a lot of questions about what it's for and is it going to go down the street or does it go into people's yards and how do we cover it.

Engineer Lovece: It goes in the City property. We're talking along Chestnut Ridge Road. The route they want to take that would get them quickest through our City. At one time they wanted to go down Center Ridge Road which would have even been longer even though we get paid by the foot. But it's down Chestnut Ridge and it's probably close to the right-of-way line about four foot deep. It will be bored where there's little or no open trenches. They can bore, I'm not sure what the distance is. The engineer may be able to answer that. They can actually bore thousands, they can actually push a pipe underground, without digging, from one to two thousand feet before they'd have to come up and repeat the same procedure. It's very minimal. You hardly know they're there. It's a minimal disruption.

Council Member Gillock: Okay, so there will be minimal disruption. We're not going to be

tearing up yards or driveway aprons or anything that have to be repaired?

Engineer Lovece: Anything that they tear up they're going to have to replace to a condition equal or better.

Council Member Gillock: This is just to compliment our, basically, like a phone line, underground phone line?

Engineer Lovece: Yes.

Council Member Gillock: I mean, how are they going to use it.

Engineer Lovece: I'm sorry, I should probably, Madame President, if this gentleman could speak from PF.Net he may be able to answer some of the questions directly.

President Brown: Yes, if you have any answers for Mr. Gillock that would be fine.

Council Member Gillock: Madame President?

President Brown: Yes?

motion by Gillock to allow the gentlemen from PF.Net to address Council, 2nd by Borocz

President Brown: Any discussion? Take roll, please, Mr. White.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero.

PF.Net representative: It's our policy as well as State law for the State of Ohio that we have to bore all the driveways. We can't leave any of the driveways open so everything has to be bored as far back into the right-of-way as possible so we won't be going into any private property..

Council Member Gillock: And this is just down Chestnut?

PF Net representative: Yes, and getting up to Lorain Avenue and taking it all the way into Cleveland.

Council Member Gillock: Okay. Thank you.

President Brown: Does that answer your question?

Council Member Minnick: I do have one additional question.

President Brown: Mrs. Minnick.

Council Member Minnick: When you bore under the driveways is there a possibility of the driveways cracking?

PF Net representative: No ma'am, there shouldn't be because, number one, they will be at least 48 inches deep and we have our inspectors on site to keep the contractors from messing up any private property.

Council Member Minnick: Thank you.

President Brown: Moving on to the Auditor's Report, Mrs. Kiraly.

AUDITOR'S REPORT

Deputy Auditor Donna Kiraly: Last Wednesday my office submitted to Council the monthly report. In going over the report I found a couple of errors so I've given you a revised report tonight. It has to do with the appropriations. I didn't set up the Westerly Sewer Fund and little things. So if anyone has any questions, what I'd like you to do is substitute the revised report for the original distributed Wednesday. All the expenditures and receipts are the same. That didn't

change.

President Brown: I need a motion to accept the written report.

Auditor's Written Financial Report for March 2001

motion by Overby, 2nd by Mrs. Borocz

President Brown: Any discussion? Okay, then take roll please, Mr. White.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero.

Deputy Auditor Kiraly: Thank you. I have no other report.

President Brown: Thank you, Mrs. Kiraly. Any questions of her written report? Okay, moving on to Mr. Zagrans, our Law Director, report please.

LAW DIRECTOR'S REPORT

Law Director Zagrans: In honor of the 61st anniversary of Bob Feller's opening day no-hitter, there is no Law Director's report tonight.

President Brown: Okay. Thank you very much. Moving on to...

Council Member Minnick: I do have a question of Mr. Zagrans.

President Brown: Can't be. He doesn't have a written or oral report so we can't have any questions.

OTHER REPORTS

Please note:

Mayor's Court Operating Trust Fund/Bail Trust Fund for March 2001;

Fire Department Report for March 2001;

Water System Operation Report for March 2001; and

Police Department Support Car Report for March 2001.

Parks & Recreation Liaison Report:

Mr. Overby, Park & Recreation Commission Liaison Report. Do you have anything?

Council Member Overby: Yes, I'm happy to announce that the Baseball Boosters are going to pay \$8,000.00 for a baseball diamond upgrade at the Shady Drive Complex.

President Brown: At Shady Drive? Very good. Very good.

Council Member Overby: And I would like at this time thank them very much for what they're doing.

Planning Commission Liaison Report:

President Brown: Thank you, Mr. Overby. Moving on to the Planning Commission report, Mr. Gillock.

Council Member Gillock: We need to correct our Agendas so we don't have this report and in a

couple of steps later have it again.

President Brown: Okay.

Council Member Gillock: We have three items that we will be discussing right after the Senior Citizens Advisory Board.

President Brown: Okay.

Council Clerk White: I will so note that, Mr. Gillock. I won't say it gets done, I said I would note that.

Senior Citizens Advisory Board Liaison Report:

President Brown: I have a Little Bit of Country is going to held at the North Ridgeville Education Center on April 22, 2001. It's on Sunday at 2:30 P.M. They're going to have country acts which include Terry Lee Goffee, Junior Kerns Bluegrass Band and Gary Dorsey. It's being sponsored by the Center Ridge Nursing Home and the cost is \$5.00 per person and all of that \$5.00 goes to our Senior Center so I'm encouraging you to go. It's probably going to be a very nice affair. And that's all I have to report on the seniors. Oh, and the spaghetti dinner the last Friday of April. I think that's the 29th. The 27th. Okay, any questions regarding the spaghetti dinner or anything? Moving on to our Planning Commission Report, Mr. White.

Planning Commission Report to Council of Regular Meeting April 10, 2001

Council Member Gillock: The first applicant was Faye Atkinson who wished to vacate 340.8 feet of East Street. That's now known as Breck Court. She owns all the property affected on both sides, there's no buildings on it and Planning recommended that this be approved and I make that motion.

motion by Gillock to approve the vacation of 340.8 feet of Breck Court, 2nd by Overby

President Brown: Discussion? Take roll please.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero.

Council Member Gillock: The second one, the applicant was Dale Haywood, Bramhall Engineering on behalf of the owner Joseph Marsico. He wishes to construct a sanitary extension from his property on the west wide of Case over to the new sewers to be installed in Meadow Lakes PCD or the R-1 to be developed there. In the reports attached to it there are some comments from the City Engineer that we didn't have answers to and the City Engineer was not available so we made a motion to postpone that until we had a chance to discuss that with the Engineer.

motion by Gillock to approve that action, 2nd by Overby

President Brown: Discussion? Mr. Lovece, you've had time to look at this then?

Engineer Lovece: Madam President, what we're going to do, the Service Director and I, is meet with Mr. Marsico and discuss different options. We don't have an answer yet as to what the best option is.

President Brown: And then you will bring it back to Council or to the Planning Commission?

Engineer Lovece: Yes.

President Brown: Planning Commission. Okay. Any other discussion? Take roll please.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero.

Council Member Gillock: The last application was from Stone River Construction for the owner Jayvon Group, to build three, four unit family condominium units on Forest Park Drive. Subject to certain contingencies, Planning made the motion to approve it.

motion by Gillock that Planning's actions be approved, 2nd by Overby

President Brown: Any discussion? Roll please.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero.

OLD BUSINESS

President Brown: Okay. Do we have any Old Business, Mr. White.

Council Clerk White: I have none.

Council Member Minnick: I do. At the last Council meeting, Mr. Zagrans said that we are suppose to go by the Charter 5.3 on special counsel that's suppose to go to the Council for approval. I called up on the internet the Siemientkowski lawsuit against the City and I noticed that we are also being represented by Gallagher, Sharp, Fulton and Norman and Mazanec, Raskin and Ryder in addition to the Zagrans law firm. I was wondering, Mr. Zagrans, if you could explain this to me.

Law Director Zagrans: Well, there are two things, I think, that need explanation based on your question. The first is a misapprehension about the Charter provision so I will address that first. The Charter provision that you are referring to which I did say we must follow as we must follow any charter provision says that Council has the right to hire its own legal counsel if Council chooses. That's not in question here. Now, I'll give you the second answer and that is that the City is being represented through its two insurance policies and those two insurance policies are providing coverage to the City and the City officials who were sued in that case. Under one insurance policy the law firm of Gallagher, Sharp, Fulton and Norman was hired. Under the other insurance policy the law firm of Mazanec, Raskin and Ryder was hired. I, as the Law Director, am also representing the City's interests in connection with that suit.

Council Member Minnick: So, Mr. Zagrans, are you telling me that these two companies will not be charging the City any money?

Law Director Zagrans: That's what I'm telling you. They will be...

Council Member Minnick: I...

Law Director Zagrans: Excuse me?

Council Member Minnick: Go ahead.

Law Director Zagrans: I just want to make sure that you have a full answer to your question.

Council Member Minnick: Sure.

Law Director Zagrans: The insurance companies will be paying for the cost of defending that case for everything over and above the deductible on the policy that hired the Masnick, Raskin and Ryder firm. On the other policy that hired the Gallagher, Sharp firm there is no deductible.
Council Member Minnick: Okay, I would like to point out that in Section 5.3 it does say that the Council may, in its discretion, employ special counsel of its choosing to either assist the law director or to undertake any specific legal matters designated by Council.

Law Director Zagrans: That's exactly right.

Council Member Minnick: But here again, that's a matter of interpretation, but I thank you for clearing that up for me.

Law Director Zagrans: There's no interpretation whatsoever about it, Council has the right, in its discretion, to employ special legal counsel, and the Charter so provides.

Council Member Minnick: Thank you.

President Brown: Thank you. Moving on to new business, please, Mr. White.

NEW BUSINESS

Council Clerk White:

T 70-2001 An ordinance authorizing the North Ridgeville Police Department to sell a salvage vehicle in a manner authorized by law.
motion by Borocz to give to suspend By-Laws to give this a first reading this evening, 2nd by Gillock

President Brown: Any discussion? Take roll please.

Yes, 5 No, 0

T 71-2001 An ordinance authorizing the Mayor of the City of North Ridgeville to negotiate and enter into an agreement with PF.NET Network Services Corp. for the installation, development, and operation of a telecommunications system.

motion by Borocz to suspend By-Laws to give this a first reading. 2nd by Overby

President Brown: Discussion? Roll please, Mr. White.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero for T 71-2001 to have first reading tonight.

Engineer Lovece: Madame President?

President Brown: Yes, Mr. Lovece.

Engineer Lovece: I just wanted to mention that proposed amendment that I requested, adding the word, approximately, before \$25,000.00 and adding, as negotiated by the Mayor, after \$25,000.00. Thank you.

Council Member Gillock: Madame President.

President Brown: Yes, Mr. Gillock.

Council Member Gillock: We could do that when we come up for first reading.

T 75-2001 An ordinance authorizing and directing the Mayor of the City of North Ridgeville,

Ohio to enter into an agreement with various property owners for easements for the Westerly Interceptor Trunk Sewer.

Council Member Borocz: Madame Chairman?

President Brown: Yes, Mrs. Borocz?

motion by Borocz to suspend By-Laws to give this a first reading, 2nd by Overby

President Brown: Discussion? Take roll please, Mr. White.

Yes, 4 No, 0 Abstain, 1 (Minnick)

Council Clerk White: T 75-2001 does not get first reading tonight.

Law Director Zagrans: Madame President, I simply wanted to remind the Members of Council that if this matter is not taken up tonight and the next Council meeting will be beyond the 60 day bid limit that Mr. Lovece was talking about in his report, it places the City at jeopardy of losing the very favorable bid price that the City obtained and may have the consequence of significantly increasing the cost to the City of this project.

T 76-2001 An ordinance authorizing and directing the Mayor of the City of North Ridgeville, Ohio to enter into an Assignment Agreement with the City of Avon Lake and Sunrise Development Co. for an easement for the Westerly Interceptor Trunk Sewer.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

motion by Borocz to suspend By-Laws to give this first reading, 2nd by Overby

President Brown: Discussion?

Law Director Zagrans: Madame President?

President Brown: Yes?

Law Director Zagrans: The same comments that I just made apply to this T number as well.

President Brown: Yes. Thank you, Mr. Zagrans. Please take roll Mr. White.

Yes, 4 No, 0 Abstain, 1 (Minnick)

Council Clerk White: Motion does not carry, four, zero, one.

Council Member Gillock: Madame President?

President Brown: Yes?

Council Member Gillock: I would like to move for reconsideration of T 75-2001 in lieu of the fact that we do have a May 2nd 60 day deadline. This is a final step in completion of this project. The sewer has been funded. It's been passed, construction season is here. If we don't pass it tonight there's always a possibility of getting the other two Council people present and having a special meeting to still try to do this. The fact of the matter is, this is almost procedural in nature, getting the easements because these owners have already agreed to this sewer, they've signed off on the petitions, so this is something we need to do.

motion by Gillock for reconsideration of T 75-2001, 2nd by Overby

President Brown: What do we do Mr. Zagrans?

Law Director Zagrans: The motion for reconsideration is in order as long as it's properly seconded.

President Brown: It was seconded by Mr. Overby.

Council Member Minnick: Mrs. Brown, I would like to make a comment. We all know the history on these Westerly Sewers and that history is what I have a problem with. I am not against saving the City money. That's not my reason for abstaining. My reason for abstaining is this whole mess and the way this whole affair was treated. We've had special Council meetings before. If that's what it takes for Mr. Swindig's vote or Mrs. Butkowski's vote, then so be it. We've had special Council meetings before.

Law Director Zagrans: Madame President?

President Brown: Yes, Mr. Zagrans?

Law Director Zagrans: There can be no practical effect of not suspending By-Laws today other than to cost the City money. The fight on the Westerly Sewers has been fought and it is over. As Mr. Gillock correctly pointed out, this is a purely procedural move in order to put in place the last remaining prerequisite for awarding the contract. The bids came in, and Mr. Johnson or Mr. Lovece, correct me if I'm remembering incorrectly, several hundred thousand dollars lower than we projected them to be. If this does not go through and we lose the 60 day bid period and this goes out for rebidding, it is going to cost the taxpayers of this City potentially several hundred thousand dollars. And there's no point to it. The project has been authorized by this Council. This is a purely procedural step, so I just want to make sure that everybody who is being called upon to vote on this is aware of the stakes of what this vote means. Thank you.

Council Member Minnick: Madame President. Meadow Lakes and Waterbury are still in the hands of the court that Mr. Zagrans put it in. There's been no decision on that. So, to say that this is final, that everything has been approved and everything has gone through proper procedure, is wrong. I will still stand by my opinion that this is not, my vote by abstaining, is not to cost the City money. You can have a special meeting next week. I may be being stubborn about this, but I do not agree with the way the whole thing was handled. The vote was taken out of the citizens hands. The rules have been changed to go along with it and to vote for it is just, I just can't do it. I'm sorry, that's the way it is.

Council Member Gillock: Madame President, the motion on the floor at this time is just for reconsideration. We've not made a new motion yet to suspend and have a reading now. We're just reconsidering, but I wish the Councilman from Ward IV, if she's against this, would vote no rather than abstain because an abstention is not a vote. That's not a stand for or against this. It says, I'm not voting. If she's against it, I wish she'd just say no.

Council Member Minnick: Madame President, that's exactly why I'm abstaining, because I am not against the Westerly Sewer Project. I am for the Westerly Sewers. I have made that quite clear on many occasions and it keeps getting construed that I am against Westerly Sewers. The reason I am not voting no is because I don't want it construed that way. The reason I am abstaining is because I don't want to vote for it or against it. I told you the reasons why I won't vote for it and I'm telling you the reasons why I won't vote against it.

President Brown: What is the next step, Mr. Zagrans?

Law Director Zagrans: If there's no more discussion, I would suggest that you call for a vote on the motion for reconsideration.

Yes, 4 No, 0 Abstain, 1 (Minnick)

Council Member Gillock: Madame President?

Law Director Zagrans: Excuse me, just so that there is a clear ruling from the Chair, I believe, on a motion for reconsideration, it requires a two-thirds vote of the members present. So, therefore, the motion for reconsideration has been adopted.

Council Member Gillock: Right.

motion by Gillock that we suspend By-Laws so that T 75-2001 can have its first reading this evening, 2nd by Overby

President Brown: Any other discussion? Take roll please, Mr. White.

Yes, 4 No, 0 Abstain, 1 (Minnick)

Council Clerk White: Motion is four, zero, one for first reading for T 75-2001.

Law Director Zagrans: And that is defeated.

Council Clerk White: Yes.

President Brown: Any correspondence, Mr. White.

CORRESPONDENCE

Council Clerk White: I have two pieces of correspondence.

- 1) Received a letter from Lion Andy Steirer, Memorial Day Parade Co-Chairman, inviting Council Members to participate in the 2001 Memorial Day Parade and Ceremonies, May 28, 2001.
- 2) Received a memo from Mayor's Court announcing that beginning Wednesday, May 2, 2001, Mayor's Court will be held at 5:00 P.M.

President Brown: Thank you, Mr. White. We will go into Lobby. I will allow you two minutes to speak. The two minute time limit will start when you give your name and address. There are papers in the back that must be filled out and left on the podium.

LOBBY

- 1) Bob Miles of 34582 Lorain Road stated he feels the Beckett abatement should not be 100 percent and the rec/senior center should have been done with a 20 year tax mil levy and why would areas where with their own centers, like Mills Creek and Ridgefield, support this center, too?.
- 2) Joe Antush, 38500 Otten Road, stated he didn't think the Beckett abatement should be 100 percent for ten years and a provision should be included that if they move they will have to pay all the back taxes.
- 3) Mary Ann Miles, 34582 Lorain Road, stated all she seems to hear at Council is pass it by

emergency, suspend the By-Laws, pass it on emergency. Let's pay our bill to Mr. Phillips and move on before there are interest charges.

4) Eric Zagrans, Elyria, stated he wanted to respond to Mrs. Miles but had forgotten he could respond from his seat. The Supreme Court does not provide Mr. Phillips with interest on the amount they awarded and we pass by emergency only when a reason is articulated..

President Brown: Anyone else wishing to speak? Administration, do you have anything to say to anyone?

Mayor Hill: Yes, I do.

President Brown: Just a minute until I start. Okay.

Mayor Hill: Two people, Mr. Miles and Mr. Antush, talked about 100 percent abatement for ten years for Beckett. As a matter of fact, that's not correct. We did enter renegotiations and it's 100 percent, 95, 90, 85, and 80 for the last five years. Also, the real property tax is down which means the abatement is a lot less and the reason it's down is because the bids came in lower than they expected. So those are not correct statements.

President Brown: Thank you. Anyone else in the Administration?

Safety-Service Director Johnson: Madame President?

President Brown: Just a minute.

Safety-Service Director Johnson: We talked about emergencies and everything being passed. Tonight there are 25 pieces of legislation before Council in various readings, first, second and third, that were never passed by emergency. Also, I have talked with several residents from Ridgefield and they were all strongly in favor of the senior/rec center. Thank you.

President Brown: That's all? Mr. Gillock, just a minute. Let me set my timer. Okay.

Council Member Gillock: You know, before we passed these rules we weren't limited to one minute. We could just speak.

President Brown: Well you are now.

Council Member Gillock: Just a couple of points. For Mr. Phillips' situation, everyone should recall the reason he went to the Supreme Court and one was based on whether or not we were properly following our own procedures. Our own procedure is what we are following in paying him back. So, I don't think there can be any allegations of not moving promptly as long as we are taking our normal actions at each meeting. I did want to speak a little bit to the Beckett tax abatement in that if they did not build the 60,000 square foot addition and come here, we would not get any tax money ever. By using the abatement and with the renegotiations that have been done, we'll stand to make and collect in excess of \$300,000.00 in the first ten years. We wouldn't have gotten anything other than the \$20,000.00. We will subsequently, after the ten years, get the normal taxes.

President Brown: Thank you very much, Mr. Gillock. I would like to call a recess until 25 minutes to 9:00.

RECESS from 8:26 P.M. to 8:35 P.M.

President Brown: Continuing on. Mr. White, please, first readings.

FIRST READINGS

Council Clerk White:

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

First Reading

President Brown: Constitutes First Reading.

T 69-2001 AN ORDINANCE AMENDING ORDINANCE NO. 3591-2000.

First Reading

President Brown: Constitutes First Reading.

T 70-2001 AN ORDINANCE AUTHORIZING THE NORTH RIDGEVILLE POLICE
3674-2001 DEPARTMENT TO SELL A SALVAGE VEHICLE IN A MANNER
AUTHORIZED BY LAW.

First Reading

Council Member Overby: Madame Chairman?

President Brown: Yes.

motion by Overby to suspend second and third readings because the auction is next month and we need to get this passed so they can sell it, 2nd by Borocz

President Brown: Any discussion? Take roll please, Mr. White.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero to suspend second and third readings.

motion by Overby to adopt, second by Borocz

President Brown: Any discussion?

motion by Overby to add the emergency because of the date of the sale, 2nd by Borocz

President Brown: Any discussion? Take roll, please, Mr. White.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero on the emergency. Now for the adoption.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 72-2001 becomes Ordinance Number 3674-2001 with emergency.

Permanent Ordinance No. 3674-2001.

T 71-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3675-2001 RIDGEVILLE TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH
PF.NET NETWORK SERVICES CORP. FOR THE INSTALLATION,
DEVELOPMENT, AND OPERATION OF A TELECOMMUNICATIONS
SYSTEM.

First Reading

motion by Mayor Hill to suspend second and third readings, 2nd by Overby

President Brown: Discussion? On the suspension? Please take roll.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero to suspend second and third readings.

motion by Borocz to adopt, 2nd by Overby

Council Member Borocz: Move to add the emergency because of the reasons that Stewart stated earlier.

President Brown: Is there a second?

Council Member Gillock: Hang on just a second.

Engineer Lovece: Madame President, I sound like a nag. The language requested in Section 4, approximately, before \$25,000.00 ...

Council Member Gillock: Madame President. Correct, there was suppose to be an amendment and I said I would do that..

President Brown: There was suppose to be an amendment.

Council Member Gillock: Correct.

Law Director Zagrans: There's a motion on the floor.

President Brown: Right now there's a motion.

Law Director Zagrans: In order to do this in an orderly way, you either need to proceed to vote on the motion or the movement can withdraw the motion at this time as long as the seconder consents to the withdrawal.

Council Member Borocz: I'll withdraw.

President Brown: We don't have a second yet.

Law Director Zagrans: Well, then it can be withdrawn without.

Council Member Borocz: I will withdraw my motion for the emergency.

President Brown: Now, Mr. Gillock.

motion by Gillock to amend Section 4, T 71-2001, to add the word,
approximately, before the number, \$25,000.00, and add, as negotiated by the
Mayor, subsequent to that, 2nd by Overby

Council Member Borocz: Madame President, now I'd like to make a motion...

Council Clerk White: No, not yet. We have a motion on the floor.

Council Member Borocz: I'm sorry.

President Brown: For the amendment. Now take roll on the amendment.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero on the amendment.

Law Director Zagrans: Madame President, now there needs to be a motion to adopt the amended ordinance first.

motion by Overby, 2nd by Borocz

President Brown: Discussion? Seeing none, please take roll.

Law Director Zagrans: Does someone want to add the emergency?

Council Member Borocz: Now can I add the emergency?

Law Director Zagrans: It would be in order now.

motion by Borocz for an emergency please, 2nd by Overby

President Brown: Discussion?

Law Director Zagrans: Is there a reason stated?

Council Member Borocz: I'll defer to the Engineer.

President Brown: Mr. Lovece, do you want to give the reason?

Engineer Lovece: Before I said it wasn't, I mean, I didn't originally ask for it but progress is progress. I don't know if that's a reason. When I talked to PF.Net they could live with it being adopted in a month. Then again maybe the emergency we'll get our money sooner.

Council Clerk White: No.

Engineer Lovece: Not good enough?

Law Director Zagrans: No.

Council Member Borocz: I'll withdraw the emergency.

Engineer Lovece: Thank you.

Council Clerk White: Do you withdraw, Mr. Overby?

Council Member Overby: Yes.

President Brown: We'll just pass it on the regular. I guess you'll take a roll call just on a regular.

Council Clerk White: We have before us the amended adoption.

President Brown: Yes.

Council Clerk White: That's what we're now voting on.

President Brown: The amended.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 71-2001 becomes Ordinance 3675-2001.
Permanent Ordinance No. 3675-2001

T 72-2001 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 EXPANSION/RENOVATION OF THE
SERVICE GARAGE, NOT TO EXCEED \$425,000.00.

First Reading

President Brown: Constitutes First Reading.

T 73-2001 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 CONSTRUCTION OF A SALT SHED FOR THE SERVICE DEPARTMENT, NOT TO EXCEED \$115,000.00.

First Reading

President Brown: Constitutes First Reading.

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

First Reading

President Brown: Constitutes First Reading.

Council Member Gillock: Madame President?

President Brown: Yes, Mr. Gillock?

Council Member Gillock: Before we move to the second readings, I would like to go back to a Temporary Number T 69-2001. This ordinance has been introduced, I think at the request of the Engineering and I know the Building Department, because there has been some confusion in the rates being charged and collected to developers to have sub-developer agreements in place as a result as our change in the schedule. The Building Department is getting backed up with paper work and not collecting funds until we pass this and clarify the situation so they know how much they are suppose to collect. So, I would like to ask that we suspend By-Laws and dispense with the second and third readings this evening.

Law Director Zagrans: Madame President, point of order.

President Brown: Yes?

Law Director Zagrans: Sorry to be a stickler about this but there has to first be a motion to put T 69-2001 back before the Council for purposes of Mr. Gillock's motion.

Council Member Gillock: Okay. Well, there wasn't a motion. That's why I didn't do it that way.

motion by Gillock that T 69-2001 be put back on the agenda under First Readings for discussion, 2nd by Overby

President Brown: Discussion? Seeing none.

Yes, 5 No, 0

Council Clerk White: Motion passes five, zero.

T 69-2001 AN ORDINANCE AMENDING ORDINANCE NO. 3591-2000.
3676-2001

motion by Gillock that second and third readings be dispensed with, 2nd by Borocz

President Brown: Suspended you mean?

Council Member Gillock: No, dispensed with is correct.

President Brown: Dispensed with is correct?

Council Clerk White: Yes, that's correct.

President Brown: Dispensed with. Mrs. Borocz seconded?

Council Clerk White: Yes she did.

President Brown: Now is there any discussion? Seeing none, this is on the dispense.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero.

motion by Gillock to adopt, 2nd by Overby

President Brown: Any discussion on the adoption? Seeing none, take the roll.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 69-2001 becomes Ordinance Number 3676-2001.

Permanent Ordinance No. 3676-2001

Council Clerk White: That's all the first readings that I have.

President Brown: Moving on to the second readings.

SECOND READINGS

Council Clerk White:

T 47-2001 AN ORDINANCE ESTABLISHING JAIL TIME IN LIEU OF PAYMENT OF
FINES FOR MAYOR'S COURT.

Second Reading

President Brown: Constitutes Second Reading.

T 51-2001 AN ORDINANCE TRANSFERRING VARIOUS FUNDS OF THE CITY OF
NORTH RIDGEVILLE, OHIO REPRESENTING REIMBURSEMENT OF
ADMINISTRATIVE EXPENSES OR OPERATING TRANSFERS.

Second Reading

President Brown: Constitutes Second Reading.

T 52-2001 A RESOLUTION TO APPROVE WITH MODIFICATION THE
922-2001 APPLICATION BY MICHAEL A. AND SANDRA G. VROOMAN TO HAVE
CERTAIN LAND OWNED BY THEM DESIGNATED AS BEING LOCATED
WITHIN AN AGRICULTURAL DISTRICT.

Second Reading

President Brown: Constitutes Second Reading.

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

Council Member Overby: There's a deadline on this.

President Brown: There's a second by Mr. Gillock. Discussion? This is for Agricultural District.

Yes, 5 No, 0

T 57-2001 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 PURCHASE OF A SCREEN UNIT FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$85,000.00.

Second Reading

President Brown: Constitutes Second Reading.

T 59-2001 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 PURCHASE OF A COMPACTOR FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$68,000.00.

Second Reading

President Brown: Constitutes Second Reading.

T 60-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO PURCHASE OR LEASE A TELEPHONE SYSTEM FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND NEGOTIATE AND ENTER INTO A CONTRACT WITH A PRIVATE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$84,000.00.

Second Reading

President Brown: Constitutes Second Reading.

Council Clerk White: That's all the second readings that I have.

THIRD READINGS

T 31-2001 A RESOLUTION APPROVING THE TRANSFER OF THE BALANCE OF
923-2001 ACCURATE ELECTRONICS' CLASS 1 TAX ABATEMENT TO TRI-STATE LABORATORIES.

Third Reading

President Brown: Constitutes Third Reading.

motion by Gillock to adopt, 2nd by Overby

President Brown: Discussion? Please take roll.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 31-2001 becomes Resolution Number 923-2001.

Permanent Resolution No. 923-2001

T 33-2001 AN ORDINANCE AUTHORIZING PAYMENT TO LORAIN COUNTY
3677-2001 TRANSIT FOR TRANSIT SERVICE.

Third Reading

President Brown: Constitutes Third Reading.

motion by Borocz to adopt, 2nd by Overby

President Brown: Discussion? Seeing none, please take roll.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 33-2001 becomes Ordinance Number 3677-2001.

Permanent Ordinance No. 3677-2001

T 37-2001 A RESOLUTION TO APPROVE WITH MODIFICATION THE
924-2001 APPLICATION MADE BY ROBERT WENSINK, ETAL, TO HAVE CERTAIN
LAND OWNED BY HIM DESIGNATED AS BEING LOCATED WITHIN AN
AGRICULTURAL DISTRICT.

Third Reading

motion by Borocz to adopt, 2nd by Overby

President Brown: Discussion? Please take roll.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 37-2001 becomes Resolution Number 924, 2001.

Permanent Resolution No. 924-2001

T 38-2001 A RESOLUTION TO APPROVE WITH MODIFICATION THE
925-2001 APPLICATION MADE BY NANCY L. FATE TO HAVE CERTAIN LAND
OWNED BY HER DESIGNATED AS BEING LOCATED WITHIN AN
AGRICULTURAL DISTRICT.

Third Reading

President Brown: Constitutes Third Reading. I need a motion.

motion by Borocz to adopt, 2nd by Overby

President Brown: Discussion? Roll please.

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 38-2001 becomes Resolution Number 925-2001.

Permanent Resolution No. 925-2001

T 39-2001 A RESOLUTION TO APPROVE WITH MODIFICATION THE
926-2001 APPLICATION MADE BY MARCELLA BALDAUF, TRUSTEE, TO HAVE
CERTAIN LAND OWNED BY HER DESIGNATED AS BEING LOCATED
WITHIN AN AGRICULTURAL DISTRICT.

Third Reading

President Brown: Constitutes Third Reading. I need a motion to adopt.

motion by Overby to adopt, 2nd by Borocz

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

Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 39-2001 becomes Resolution Number 926-2001.

Permanent Resolution No. 926-2001

T 40-2001 A RESOLUTION TO APPROVE WITH MODIFICATION THE
927-2001 APPLICATION MADE BY SHIRLEY A. AND JOSEPH M^CCASKEY TO
 HAVE CERTAIN LAND OWNED BY THEM DESIGNATED AS BEING
 LOCATED WITHIN AN AGRICULTURAL DISTRICT.

Third Reading

President Brown: Constitutes Third Reading. I need a motion to accept.
 motion by Borocz, 2nd by Overby

President Brown: Discussion? Please take roll.
 Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 40-2001 becomes Resolution Number 927-2001.

Permanent Resolution No. 927-2001

T 41-2001 A RESOLUTION TO APPROVE WITH MODIFICATION THE
928-2001 APPLICATION MADE BY RAYMOND W. AND SARAH M. WROBLEWSKI
 TO HAVE CERTAIN LAND OWNED BY THEM DESIGNATED AS BEING
 LOCATED WITHIN AN AGRICULTURAL DISTRICT.

Third Reading

President Brown: Constitutes Third Reading. I need a motion to approve.
 motion by Borocz, 2nd by Overby

President Brown: Discussion? Please take roll.
 Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 41-2001 becomes Resolution Number 928-2001.

Permanent Resolution No. 928-2001.

T 42-2001 A RESOLUTION TO APPROVE WITH MODIFICATION THE
929-2001 APPLICATION MADE BY JAMES W. KING TO HAVE CERTAIN LAND
 OWNED BY HIM DESIGNATED AS BEING LOCATED WITHIN AN
 AGRICULTURAL DISTRICT.

Third Reading

President Brown: Constitutes Third Reading. I need a motion to accept.
 motion by Borocz, 2nd by Overby

President Brown: Discussion? Please take roll.
 Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 42-2001 becomes Resolution Number 929-2001.

Permanent Resolution No. 929-2001.

T 43-2001 A RESOLUTION TO APPROVE WITH MODIFICATION THE
930-2001 APPLICATION MADE BY ROBERT SLUSHER TO HAVE CERTAIN LAND
OWNED BY HIM DESIGNATED AS BEING LOCATED WITHIN AN
AGRICULTURAL DISTRICT.

Third Reading

President Brown: I need a motion to accept. That's a Third Reading.
motion by Borocz, 2nd by Overby

President Brown: Discussion? Please take roll.
Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 43-2001 becomes Resolution Number 930-2001

Permanent Resolution No. 930-2001.

T 44-2001 A RESOLUTION TO APPROVE WITH MODIFICATION THE
931-2001 APPLICATION MADE BY M & J COMPANY TO HAVE CERTAIN LAND
OWNED BY THEM DESIGNATED AS BEING LOCATED WITHIN AN
AGRICULTURAL DISTRICT.

Third Reading

President Brown: Constitutes Third Reading. I need a motion to accept.
motion by Borocz, 2nd by Overby

President Brown: Discussion? None? Please take roll.
Yes, 5 No, 0

Council Clerk White: Motion carries five, zero. T 44-2001 becomes Resolution Number 931-2001.

Permanent Resolution No. 931-2001

That's all the third readings that I have.

UNFINISHED BUSINESS None

President Brown: Okay. I don't have any unfinished business. How about Committee Meeting announcements.

COMMITTEE MEETING ANNOUNCEMENTS

Council Member Borocz: Streets, Bridges & Sidewalks Committee will have a meeting on May 2, 2001 at 7:00 P.M.

Council Clerk White: Okay.

Council Member Minnick: And I have a Committee Meeting, I have Safety Committee meeting on Monday, April 30, 2001 at 7:00 P.M. and that's to discuss changing the speed limit on eastern Center Ridge Road from 45 to 35.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING APRIL 16, 2001**

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Council Clerk White: All right. Got it.

President Brown: Okay. Next regular meeting, Council Meeting.

Council Clerk White: Next regular Council Meeting is May 7, 2001 at 7:30 P.M.

There will be a Public Hearing on Monday, June 4, 2001 at 7:25 P.M. regarding Breck Court vacating request. That's all that I have.

ADJOURNMENT

President Brown: I call for adjournment motion, please.

 motion by Overby, 2nd by Borocz

President Brown: Meeting adjourned.

Meeting adjourned at 8:57 P.M.

MOTION Borocz 2ND Gillock DATE May 7, 2001

YES 5 NO 0 ABSTAIN 2-Swindig, Butkowski



PRESIDENT OF COUNCIL



CLERK OF COUNCIL