

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING APRIL 7, 2003**

CALL TO ORDER: 8:00 P.M.

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

INVOCATION: lead by Council Member Buescher.

PLEDGE OF ALLEGIANCE: by all.

President Gillock: I would like to thank Betty Van Meter for bringing the ribbon for the troops. Thank you very much.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Allen Swindig, Josanne Pagel, Bob Olesen, Bernadine Butkowski, Denny Johnson and President of Council David Gillock.

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

MINUTES - Corrections and Approval:

President Gillock:

Public Hearing Minutes of March 17, 2003 regarding Simmons Agricultural District Application motion to approve by Olesen, 2nd by Butkowski

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

Yes, 7 No, 0

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

Public Hearing Minutes of March 17, 2003 regarding T 16-2003

motion to approve by Butkowski, 2nd by Johnson

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

Yes, 7 No, 0

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

Regular Council Minutes of March 17, 2003

motion to approve by Butkowski, 2nd by Olesen

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

Yes, 7 No, 0

Clerk of Council Norris: Minutes are approved as presented by a vote of seven to zero.

President Gillock: Please note:

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Parks and Recreation Commission Minutes of regular meeting February 26, 2003
Board of Zoning and Building Appeals Minutes of regular meeting February 27, 2003
Planning Commission Minutes of regular meeting March 11, 2003

COMMITTEE REPORTS:

President Gillock: We do not have any official committee reports but, there was a Safety meeting which I'd like to go to Mrs. Pagel to bring us up to date on it.

Council Member Pagel: Thank you, Mr. Chair. The Safety Committee did meet this past Friday to discuss the viscous dog ordinance on a problem that's going on. We are all in the same (inaudible). We identified some areas where the ordinance needs changing and we submitted it to the legal department and together with the Chief of Police they will be adopting an ordinance and sending it back to Safety Committee for us to review.

President Gillock: So, that is in the process of moving along. We have no written reports from the administration this evening. Auditor's report, we have no report this evening.

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

AUDITOR'S REPORT:

Auditor Costin: No report scheduled.

OTHER REPORTS:

President Gillock: Please note:

Police Department Support Car Report for February 2003;

Service Department Activity Report for March 10, 2003 through March 24, 2003; and

Mayor's Court Operating Trust Fund and Bail Trust Fund Monthly Report for March 2003.

Council Member Butkowski: Mr. Chairman, I have a report from the Senior Center. Just wanted to remind residents that the Senior Center is sponsoring a Singing Angels Concert on Sunday, May 4 at St. Julie Billiard Church. It will be at 3:00 P.M. and adult tickets are five dollars. Children under 12 are two fifty. You can get your tickets by calling the Senior Center.

President Gillock: Thank you. It's not on the agenda so, I'd like to make a motion to suspend By-Laws for a Parks and Recreation Committee Report which I think should have been on the agenda.

motion by Gillock to suspend By-Laws to allow a Parks and Recreation report, 2nd by
Johnson

Yes, 7 No, 0

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

President Gillock: You should have received a letter from Jim Spaulding, the Director of Parks and Recreation. The Parks and Recreation Committee voted on the following expenditures to be paid from the Parks and Recreation Improvement Fund. These only need verbal approval from

City Council. Without objection, I will go through all five of them and then ask for a vote.

- 1) \$2,980.00 for the demolition of the South Central Park Concession Pavilion;
- 2) \$14,800.00 for the construction of the new South Central Park concession pavilion;
- 3) \$6,000.00 for the purchase of three ADA drinking fountains;
- 4) \$12,500.00 to color coat the South Central Park tennis and basketball courts;
- 5) \$10,000.00 in matching grant funds for the buy recycled grant program offered through the Lorain County Solid Waste Management District.

I might add on that fifth one, we already are going to receive 15 thousand dollars from Lorain County Solid Waste Management District for a recycled program. This is a matching grant that if we put in ten thousand, we'll get another ten thousand so we're going to turn the whole thing into 35 thousand dollars which can be used for picnic tables for the new pavilion, parking curbs, waste trash facilities and a lot of items which, I think all this together, will really make an impact at both South Central and Shady Drive.

motion to approve the expenditures by Gillock, 2nd by Johnson

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

Council Member Johnson: I've discussed with the Park and Rec Chair, Larry Overby, and other members of the Council, I believe the fund that this is coming out of, the Park and Rec Improvement Fund, should be directed more towards larger projects expanding and improving our parks. Not, say nickle and dime, the small expenses for upkeep. Mr. Overby agrees, several members have expressed agreement. I'm going to support this and encourage the Park and Rec Board to come to Council and ask for general fund money for a lot of these items like this. It's going to be rough this year because of the economy but, I think that fund can be put to better use for large projects.

President Gillock: Anyone else? Mr. Costin?

Auditor Costin: Two things in response to what Mr. Johnson said. That is delimited as to what you can spend it on in the Codified Ordinances. But, you can have a policy as to limiting that and the second thing is, I wonder if you wouldn't mind postponing that request for one meeting if it wouldn't do any undue damage so I can go back and make sure we have money available to appropriate all these at this time.

President Gillock: It's my understanding that it was in the permanent improvement fund, Parks and Rec Improvement Fund. I don't have a problem doing that.

Auditor Costin: I don't have the appropriations with me and you may be right but, when these came to the floor, I wasn't aware it was coming. I would like the opportunity, particularly this year, to be able to double check these items in advance.

President Gillock: The permanent improvement fund had over 100 thousand dollars in it. It had 108 thousand.

Auditor Costin: Mr. Chairman, are you talking about the Park and Rec permanent improvement fund?

President Gillock: Yes. We can postpone it. It just delays things we need getting done over there for another two weeks.

Auditor Costin: Can we postpone it until after the break?

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President Gillock: Certainly.

Auditor Costin: All right and I'll verify that.

motion by Gillock to postpone the vote on this until first thing after the break, 2nd by Johnson

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

Yes, 7 No, 0

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

President Gillock: We'll bring it up after under unfinished business. Planning Commission Liaison Report

Clerk of Council Norris:

Planning Commission Liaison Report: Special Meeting of March 25, 2003

APPLICANT: Sugar Chestnut, LLC; Edward Surovi, Project Director; 50 Public Square, Ste. 1050; Cleveland, 44113

OWNER: Sugar Chestnut, LLC; Edward Surovi, Project Director; 50 Public Square, Ste. 1050; Cleveland, 44113

REQUEST: Waterbury PCD, Phase 3A, Final Approval

LOCATION: Bender Road, in PCD

PC ACTION: Approved and recommended to Council

motion by Olesen, 2nd by Pagel to approve

President Gillock: Is there any discussion?

Council Member Olesen: These are really phase approval of their two new phases of (inaudible) construction down the road. This will actually open up onto Bender Road. Thank you.

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

Yes, 7 No, 0

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

APPLICANT: Sugar Chestnut, LLC; Edward Surovi, Project Director: 50 Public Square, Ste. 1050; Cleveland, 44113

OWNER: Sugar Chestnut, LLC; Edward Surovi, Project Director: 50 Public Square, Ste. 1050; Cleveland, 44113

REQUEST: Waterbury PCD, Phase 3B, Final Approval

LOCATION: Bender Road, in PCD

PC ACTION: Approved and recommended to Council

motion by Olesen, 2nd by Pagel to approve

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

Yes, 7 No, 0

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

OLD BUSINESS:

President Gillock: No old business.

NEW BUSINESS:

President Gillock:

Request for new C2 liquor permit from Speedway SuperAmerica LLC, DBA Speedway #3385,
35066 Center Ridge Road

REFERRED TO BUILDINGS & LANDS COMMITTEE.

Clerk of Council Norris:

T 37-2003 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 3883-
2003 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD
COMMENCING JANUARY 1, 2003 AND ENDING DECEMBER 31, 2003.

Clerk of Council Norris: Mr. Costin has informed me that this is to be read in its entirety
tonight.

Auditor Costin: It would need to be read one time in its entirety according to our Codified
Ordinances if Council deems to suspend the rules to have a first reading. It's under new
business.

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

Yes, 7 No, 0

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

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

President Gillock: At that time, we will read it in its entirety.

T 38-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT TO PURCHASE AND
INSTALL A 300 H.P. ELECTRIC MOTOR WITHOUT FORMAL BIDDING
AS A RESULT OF AN EMERGENCY SITUATION ARISING IN
CONNECTION WITH THE OPERATION OF A MUNICIPALLY OWNED
UTILITY IN AN APPROXIMATE AMOUNT OF \$25,000.00.

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

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

Yes, 7 No, 0

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

T 40-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A
CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY
LAW FOR THE OFF-SITE PURCHASE OF FUELS AND/OR GASOLINES
FOR THE CITY OF NORTH RIDGEVILLE'S FLEET OF VEHICLES.

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

President Gillock: Is there any discussion? I just have one question. Is there a specific period
of time that this contract would cover? Is this for one year or six months or five years?

Auditor Costin: They typically go from year to year.

President Gillock: Probably an annual?

Auditor Costin: Yes.

President Gillock: Gas prices, you never know. Any other discussion? If not, please call the roll on the suspension.

Yes, 7 No, 0

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

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

T 42-2003 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

T 43-2003 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

CORRESPONDENCE:

Clerk of Council Norris:

1) Received a letter from Zakee A. Rashid, VP/GM Cleveland Area of Comcast explaining the impact the proposed state sales tax on cable television service may have on the franchise fee revenue currently receive from Comcast.

2) Received a letter from Attorney John L. Keyse-Walker transmitting his review of pending legislation T 65-2002 Rev. 2.

President Gillock: REFERRED TO BUILDINGS AND LANDS.

3) Received a letter from Gina Petredis, Corporate Affairs Manager of Comcast announcing Comcast's recent acquisition of AT&T Broadband.

4) Received a letter from State Senator Jeffry J. Armbruster congratulating the City on securing the relocation of Summit Tool Company to the City.

5) Received a letter from Parks Director Jim Spaulding, CPRP, announcing Commission approval of expenditures and requesting verbal approval by City Council.

6) Received a letter from Donald P. Knechtges, President, Business Visions, Inc. of Murray Ridge in regard to their Board's placement of a 1.69 mil renewal levy on the May 6, 2003 ballot.

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone is welcome to address Council on whatever they wish. You'll be given three minutes. We ask that you use one of the Lobby Sign-In Sheets in the back when signing in with your name and address in case a response is needed or otherwise, for the record. Anyone wishing to address Council may now do so.

1) John Prajzner of 35137 Oak Street spoke of his disappointment that the Mayor failed to sign the resolution supporting our members of the Armed Forces. Asked the Mayor to reconsider signing. Stated that he feels that it is important for both the administration and Council to be united in the support of our Armed Forces.

Mayor Hill: Yes, I would like to respond to that. It has been widely recorded so, I don't know how Mr. Prajzner missed it but, I don't have copies with me. That resolution was not a resolution of support for our troops so, that's very misleading. You must be careful to only state what it actually was. What I have said repeatedly is, number one, it was very poorly written. It did not address the issue. Secondly, it talked about the peace keeping efforts. We are at war. We are not on a peace keeping mission. There is a difference there. So, I have fully explained why I did not sign it and I thought it was inappropriate.

2) Dick Brent of 8695 Harris Drive spoke about a traffic problem on Route 83 at Sugar Ridge Road. Spoke about a fatality this week at that intersection and noted that it is the second one in three years at that intersection. Asked if there were any plans to make that intersection a little safer.

Safety-Service Director Johnson: In response to Mr. Brent, I have also been concerned about that intersection and that is why we're applying to the Department of Public Safety to, not only to do the section that ODOT brought up at last Friday's meeting from Center Ridge Road from 83 to Lear Nagle, it's also to rate all the intersections in the City and that is to rate them as far as traffic accidents, congestion of that area. If we find that that area is done, that's where we'll go after the money for funds to do those lights or additional lanes, from the Department of Public Safety and that is one of the things we have on the study.

President Gillock: I agree with that. A study and a light is warranted there. I would imagine there would be a lot of Council support.

3) Betty Van Meter of Chestnut Ridge Road thanked Council for passing the resolution supporting our troops. Expressed her support to all military who have been put in harms way and our commander in chief, President George Bush. Donated to each Council Member a yellow ribbon as a thank you for supporting our troops and a visual sign for support for them. Spoke about freedom and read a quote.

President Gillock: Anyone else? We will take a short break.

motion by Pagel to suspend By-Laws to disregard the recess and go on with our readings,
2nd by Olesen

Council Member Johnson: Mr. President, we need a break for the Auditor.

President Gillock: We have a motion and a second.

Council Member Pagel: I'll withdraw my motion, sir.

Council Member Butkowski: I'll withdraw mine too.

President Gillock: We'll take a break until 20 to, by that clock.

RECESS: from 8:30 P.M. to 8:40 P.M.

FIRST READINGS:

Clerk of Council Norris:

T 127-2002 AN ORDINANCE REPEALING SECTION 1282.11(B)(3)
REVISED REFERENCING THE REGIONAL DWELLING HOUSE CODE.
First Reading

T 15-2003 AN ORDINANCE AMENDING CHAPTER 854, PEDDLERS, CANVASSERS
AND SOLICITORS.
First Reading

T 18-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 1242.03, BUILDING PERMITS AND
CERTIFICATES OF OCCUPANCY REQUIRED; CERTIFICATES FOR
NONCONFORMING USES; ISSUANCE OF STREET NUMBERS FOR
STRUCTURES; TIME LIMITATION FOR COMMENCEMENT OF WORK.
First Reading

T 19-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
REVISED ORDINANCE SECTION 1242.04, FEES.
First Reading

T 33-2003 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES
IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$6,790,000, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE PROPERTY
OWNERS' PORTION, IN ANTICIPATION OF THE LEVY AND
COLLECTION OF SPECIAL ASSESSMENTS, AND THE CITY'S PORTION
OF THE COST OF CONSTRUCTING A SANITARY TRUNK SEWER,
TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK
INCIDENTAL THERETO FROM AN EXISTING MANHOLE IN CASE ROAD
AT THE NORTHERN CORPORATE BOUNDARY OF THE CITY SOUTH IN
CASE ROAD A DISTANCE OF APPROXIMATELY 300 FEET AND THEN
EASTERLY AND SOUTHERLY IN CITY EASEMENTS, PROPERTIES AND
RIGHTS-OF-WAY TO A POINT APPROXIMATELY 2,400 FEET EAST OF
AND 2,600 FEET SOUTH OF THE INTERSECTION OF RACE ROAD AND
SUGAR RIDGE ROAD.
First Reading

T 34-2003 A RESOLUTION TO ADOPT FISCAL POLICIES FOR THE YEAR 2003.
First Reading

T 35-2003 AN ORDINANCE REGULATING DUMPSTERS AND TRASH COLLECTION
AREAS.
First Reading

T 36-2003 AN ORDINANCE REPEALING SECTION 1281.14(G), TEMPORARY
STRUCTURES AS CONDITIONAL USES, OF THE CODIFIED ORDINANCES.
First Reading

T 39-2003 AN ORDINANCE ACCEPTING THE FINAL PLAT OF RIDGEFIELD
SUBDIVISION 8A AND 8B FOR APPROVAL AND FOR RECORDING
PURPOSES.
First Reading

T 37-2003 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 3883-
3888-2003 2003 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD
COMMENCING JANUARY 1, 2003 AND ENDING DECEMBER 31, 2003.
First Reading

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

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

Council Member Pagel: I believe this has to be read in its' entirety.

President Gillock: We will. You're right. You're correct but, we can still go ahead and dispense
with second and third and then read it. That's the motion on the floor.

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

Yes, 7 No, 0

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

President Gillock: Before adopting, will the Clerk read the ordinance in its' entirety.

Clerk of Council Norris read T 37-2003 in full.

motion by Butkowski, 2nd by Johnson to adopt

motion by Butkowski to add the emergency because we need this to purchase the
pump at Route 83 and Center Ridge, 2nd by Johnson

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

Yes, 7 No, 0

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

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

Yes, 7 No, 0

Clerk of Council Norris: T 37 is adopted with the emergency by a vote of seven to zero and is
permanent ordinance number 3888-2003.

Permanent Ordinance No. 3888-2003

T 38-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3889-2003 RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT TO PURCHASE AND
INSTALL A 300 H.P. ELECTRIC MOTOR WITHOUT FORMAL BIDDING AS

A RESULT OF AN EMERGENCY SITUATION ARISING IN CONNECTION
WITH THE OPERATION OF A MUNICIPALLY OWNED UTILITY IN AN
APPROXIMATE AMOUNT OF \$25,000.00.

First Reading

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

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

Yes, 7 No, 0

Clerk of Council Norris: T 38, motion to suspend is approved by a vote of seven to zero.

motion by Swindig, 2nd by Butkowski to adopt

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

motion by Johnson, 2nd by Butkowski to add the emergency

Council Member Johnson: The reason being, for a blower that's critical for the use of French Creek
Wastewater Treatment Plant.

President Gillock: Thank you. Any other discussion on the emergency clause? If not, please call
the roll.

Yes, 7 No, 0

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

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

Yes, 7 No, 0

Clerk of Council Norris: T 38 is adopted with the emergency by a vote of seven to zero and
becomes permanent ordinance 3889-2003.

Permanent Ordinance No. 3889-2003

T 40-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3890-2003 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A
CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY
LAW FOR THE OFF-SITE PURCHASE OF FUELS AND/OR GASOLINES FOR
THE CITY OF NORTH RIDGEVILLE'S FLEET OF VEHICLES.

First Reading

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

President Gillock: Is there any discussion on the suspension? Mr. Johnson?

Council Member Johnson: There's no note on here when the current contract is expired. Can we
get that information?

President Gillock: Does the administration have a response?

Mayor Hill: No, we really don't know the date of the contract. Perhaps, the Auditor has that
information. This was to allow us to go else where if we needed to do it for the gasoline purchases.

Auditor Costin: I don't know the date, but I believe we do not need to add the emergency. I think
we have (inaudible), at least to accept the bids, if that was the intention of the questions.

President Gillock: We currently have a contract with BP, correct?

Auditor Costin: Correct.

President Gillock: This would either continue that or give as another.

Mayor Hill: Correct.

President Gillock: Any other discussion? We have a motion to dispense with second and third. Is there any other discussion? Please, call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero.
motion by Swindig, 2nd by Olesen to adopt

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

Yes, 7 No, 0

Clerk of Council Norris: T 40 is adopted by a vote of seven, zero and becomes permanent ordinance 3890-2003.

Permanent Ordinance No. 3890-2003

SECOND READINGS:

T 65-2002 AN ORDINANCE ESTABLISHING SPECIAL DEVELOPMENT DISTRICTS
AS A NEW ZONING CLASSIFICATION IN THE CITY OF NORTH
RIDGEVILLE.

Second Reading

President Gillock: I'm going to REFER THIS BACK TO BUILDINGS AND LANDS. Does anyone wish to say anything about this now before it goes back? Mrs. Buescher?

Council Member Buescher: I'm going to repeat what I said at the work session. The City Council has received a response from Attorney John Keyse-Walker with reference to T 65, proposed Special Development District legislation. After carefully studying the legislation and finding errors, I requested that an outside attorney with expertise in zoning issues or real estate look over the legislation and advise Council on its' contents. Mr. Keyse-Walker found seven serious areas of concern along with the fact that the legislation does not follow the zoning procedures as outlined in the North Ridgeville City Charter. The City has paid thousands of dollars to two City Planners from different companies who have approved T 65, Special District legislation, which doesn't even fall in line with North Ridgeville City Charter. How can that be? I believe that this is a perfect example of bad government in action and this City Council should not accept the fact that payment was made to these Planners, at the expense of the taxpayers for approval of flawed legislation which could of placed the City in severe financial jeopardy. The City has the right to expect that City Planners recommendations are accurate and that the City Council can depend on the information provided. The City should demand refund of the payments made and the entire situation calls for an investigation.

President Gillock: Thank you. Anyone else? Mrs. Pagel?

Council Member Pagel: I'd also just like to make a note that this ordinance was drawn up by our legal department, here in this City, that reviewed the attachments before it was brought to us and that was by my request to sponsor that. I know Mr. Zagrans was not in town when that was happening.

President Gillock: I don't believe that it was drawn up by our legal department.

Council Member Pagel: The ordinance, yes. This top sheet here, was reviewed by Toni Morgan. It was reviewed.

President Gillock: It was reviewed. The original ordinance was, I believed, drawn up by Sandy

McKew.

Council Member Pagel: The whole package was sent to our legal department.

President Gillock: Correct.

Council Member Pagel: We did go the proper course.

President Gillock: To have it reviewed, yes. Mayor Hill?

Mayor Hill: I'd like to say that, at looking at that, because one of our legal advisors looked at it.

Two certified and licensed City Planners reviewed it so, now we've got, what I would call, a fourth opinion and I think that needs to be put into perspective.

Law Director Zagrans: Mr. President, since the Legal Department was brought into the discussion, let me add my comment. I have read Mr. Keyse-Walker's written opinion and while he points out certain areas of concern that he wants everybody to be aware of what they are doing, I completely disagree with the characterization that there are serious problems or flaws that he has identified in the legislation. In fact, I believe that the areas that he has suggested revising to improve it are rather minor in nature and as the President of Council stated during the work session, they're correctable.

President Gillock: Anyone else wish to comment? Mr. Olesen?

Council Member Olesen: Mr. President, another attorney has said the same thing that Mr. Zagrans just said to me.

President Gillock: Anyone else? I know Mrs. Buescher wants to speak again, does anyone else want to speak? Mrs. Butkowski?

Council Member Butkowski: I also talked with Mr. Keyse-Walker and the way this is written it combines both a planning and a zoning ordinance and that's not correct with the way our Charter requires it so, if this thing wants to go on, I think we're going to need two ordinances to cover everything that seems to be necessary to be covered under Special Development.

President Gillock: Does anyone else wish to speak? Mrs. Buescher?

Council Member Buescher: I just wanted to say that, it's really not a matter of opinion. That this legislation is fundamentally flawed because it doesn't follow the proper procedures of the City Charter and in anyway, anyone wants to interrupt *interpret* it, that can't be changed and that's where the problem is and that's where we got into problems with the PCD's.

President Gillock: Anyone else. Third readings.

THIRD READINGS:

T 21-2003 AN ORDINANCE ACCEPTING THE FINAL PLAT OF SANDLEWOOD
3891-2003 ACRES SUBDIVISION NO. 5 FOR APPROVAL AND FOR RECORDING
PURPOSES.

Third Reading

motion by Pagel, 2nd by Olesen to adopt

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

Yes, 7 No, 0

Clerk of Council Norris: T 21 is adopted by Council by a vote of seven, zero and becomes permanent ordinance 3891-2003.

Permanent Ordinance No. 3891-2003

T 22-2003 AN ORDINANCE ACCEPTING THE FINAL PLAT OF STONE CREEK
3892-2003 ESTATES SUBDIVISION NO. 1 AND VILLAS AT STONE CREEK
 SUBDIVISION NO. 1 FOR APPROVAL AND FOR RECORDING PURPOSES.
 Third Reading
 motion by Pagel, 2nd by Olesen to adopt
 Yes, 7 No, 0

Clerk of Council Norris: T 22 is adopted by Council by a vote of seven, zero and becomes permanent ordinance 3892-2003.

Permanent Ordinance No. 3892-2003

UNFINISHED BUSINESS:

President Gillock: We had referred the issue of the North Ridgeville Parks and Recreation purchase requests to the Auditor who wanted to check to see if the money was properly appropriated. Mr. Costin?

Auditor Costin: Mr. Chairman, there was a contingency appropriation for substantially all the amount of money requested and accordingly, the money is appropriated other than a shortfall which can be charged to another fund and the issue can go ahead if Council so chooses in approving those expenditures.

President Gillock: Thank you. I just want to point out, the City has a lot of different funds. The general fund is very conservative and tight this year. This comes out of a different fund which is funded by an impact fee on new residential constructions. Different funds mean different things and this is one that helps improve our parks? Any other discussion? We have an outstanding motion and a second to approve. Is there any further discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: The Parks and Rec report is approved by a vote of seven to zero.

Council Member Johnson: Mr. President, this might not fit under unfinished business but, I would like to use this time to let the audience and viewing audience know that there is a fund for flags. A voluntary fund that the City collects and uses to put flags up in the City and keep them maintained. I believe if you call the Auditor's Office, they would gladly accept a donation.

President Gillock: Thank you. Would the Clerk please read the committee announcements and other announcements.

COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Next Council Work Session Monday, April 21, 2003 at 7:30 P.M.

Next Regular Council Meeting Monday, April 21, 2003 at 8:00 P.M.

Public Hearings to be held Monday, April 21, 2003 beginning at 7:15 P.M., on the following ordinances, in the order in which they appear below:

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

APRIL 7, 2003

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- 1) T 127-2002 REV repeal 1282.11(b)(3), reference to Regional Dwelling House Code
- 2) T 18-2003 building permits and certificates of occupancy
- 3) T 19-2003 REV amend 1242.04, fee for copy of occupancy permit
- 4) T 35-2003 dumpsters and trash collection areas
- 5) T 36-2003 temporary structures as conditional uses

Council Member Butkowski:

There will be a Finance Committee meeting April 11, 2003 at 9:00 A.M. to cover T 19 that was referred to my committee.

Mayor Hill: Since other people are making announcements, I'd like to make one more. There is a rally for the Troops being held on Palm Sunday. I believe that's April 13 at 3:00 P.M. at the Middle School. The V.F.W. will be performing a ceremony and there will be a key note speaker, a Veteran of the Vietnam War who also was a Prisoner of War and I have been asked to speak as well. At 3:00 P.M., Palm Sunday and I think that's the thirteenth. The whole community is invited.

Council Member Olesen: In addition, you're supposed to bring a flag to this. They're going to assemble in front of the school, I understand.

President Gillock: Is there anything else? If not, can we have a motion to adjourn?

ADJOURNMENT:

motion to adjourn by Swindig

President Gillock: Meeting adjourned.

Meeting adjourned at 9:05 P.M.

MOTION as corrected Butkowski 2ND Johnson DATE April 21, 2003

YES 6 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



ACTING CLERK OF COUNCIL