

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING APRIL 3, 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.

MINUTES

President Brown: Please note the Regular Council Minutes of March 20. I need a motion to accept them.

motion by Butkowski, 2nd by Swindig

President Brown: Did you get that? Seconded by Mr. Swindig.

Council Clerk White: Yes.

President Brown: Any discussion? Corrections? Seeing none, roll call please.

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

Council Clerk White: Motion carries 6-0-1.

Please note:

Board of Zoning & Building Appeals Minutes of March 9, 2000; and
Board of Drainage and Flood Control Minutes of March 22, 2000.

President Brown: We'll go into Committee reports please.

COMMITTEE REPORTS

1) ADMINISTRATIVE COMMITTEE REPORT #6612 We have considered the matter of raising fees on returned checks and recommend that this request be approved and proper legislation be drawn authorizing raising fees for returned checks. New fee schedule is \$20.00 for first offense, \$30.00 second offense, \$50.00 each offense after that.

Signed: Bernadine Butkowski, Allen Swindig, and Gail Minnick

motion to accept by Swindig, 2nd by Butkowski

President Brown: Seconded by Mrs. Butkowski, moved by Mr. Swindig. Discussion? Mr. Gillock.

Council Member Gillock: Just my opinion, these seem rather high to me. I understand it is costly when we return checks, but often times the very people that are having trouble with this, you know, we need to be able to work with them or something. Is there room for that, working

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with them? But these do seem awfully high to me.

Council Member Butkowski: Madam Chairman.

President Brown: Yes.

Council Member Butkowski: When we had Mr. Whitlock at the meeting, there seems to be some people that just continually do this and it is, it costs a lot more than \$20.00 to process these bounced checks. We do pay more than that to the bank and some people seem to be making a habit of it. They do work with people if they notify them ahead of time they are going to be having some problems rather than them writing a check and have insufficient funds. The City will work with them. But once we get that insufficient funds check, it's starting to cost us a lot more money. That's what it is. Yes, we do work with people.

President Brown: Thank you Mrs. Butkowski. Any other discussion?

Council Clerk White: Roll call?

President Brown: Yes.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

2) FINANCE COMMITTEE REPORT #7009 We have considered the matter of water and sewer to Palmer Field and recommend that this request be approved and proper legislation be drawn authorizing to spend \$14,885.00 for sewer and water lines. Sewer lines \$9,785.00 and the water line is \$5,100.00.

Signed: Chairperson Allen Swindig and Bernadine Butkowski
moved to accept by Swindig, 2nd by Butkowski

President Brown: Second by Mrs. Butkowski, moved by Mr. Swindig. Discussion, please?

Council Member Swindig: Madam Chairman.

President Brown: Yes, Mr. Swindig.

Council Member Swindig: Yes, the sewer portion of that will come out of the sewer revenue fund and the water portion will come out of the water. This is a replacement of an existing line.

President Brown: Mr. Costin.

Auditor Costin: Madam Chairman. I would defer to the Law Director but I think upon verbal approval, since this amount of money is under our bid requirement, you would not need legislation. You simply, we've requested that there be some direction in the form of a verbal committee report. I do not believe you would need legislation for this if its appropriated.

President Brown: Because of it being under \$15,000?

Auditor Costin: Correct.

Law Director Zagrans: I agree.

President Brown: Thank you very much.

Auditor Costin: So you can scratch that portion of it.

Council Clerk White: Okay?

President Brown: Yes.

Auditor Costin: Do it by amendment.

President Brown: Okay, thank you.

Council Member Swindig: Madam Chairman.

President Brown: Yes, Mr. Swindig.

motion by Swindig to scratch, "and proper legislation", 2nd by Gillock

Council Clerk White: We have an amendment before you already.

President Brown: We have a motion.

Council Clerk White: We have a motion before you already.

Council Member Gillock: And we're amending that.

Council Clerk White: You're going to amend that?

President Brown: They are amending the emotion, motion..

Council Clerk White: Okay.

President Brown: Could be emotion.

Council Clerk White: To remove and proper legislation be drawn.

President Brown: And proper legislation be drawn.

Council Clerk White: I already did on my copy. Okay.

President Brown: Yes.

Council Member Swindig: I forgot to scratch it.

Council Clerk White: Okay.

President Brown: Now take roll call for the amendment.

Council Clerk White: And Dave seconded?

President Brown: Yes.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 on the amendment.

President Brown: Yes, now

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. That's all the Committee Reports that I have.

President Brown: Yes. Mayor's Report.

MAYORS REPORT

Mayor Hill: Thank you Madam President. We want to extend our appreciation to Congressman Sherrod Brown for donating a flag that was flown over the United States Capitol Building to our Police Department. This is the second one Congressman Brown has donated. The first one, that was also flown over the Capitol, is here on the wall behind us.

The month of April is National Autism Month. Autism is a neurological disorder with no cure. It is a severely incapacitating, lifelong developmental disability that is the third most common developmental disability. At least 47 individuals in the City of North Ridgeville are affected. Therefore, as Mayor of the City, I do hereby proclaim the month of April, 2000 as "National Autism Month" in North Ridgeville.

Nearly two weeks ago, a segment of the Ohio Water Environment Association annual meeting included a visit to our French Creek Waste Water Treatment Plant. 155 members attended to

tour our state-of-the-art septage hauler acceptance station that was opened in 1999. We have always been able to offer small amounts of the residue of material removed from sewage as a fertilizer. We are going to expand the offering free to our residents. Residents may get up to one cubic yard, and I understand that's about the size of the back of pick-up truck, one cubic yard of the biosolids for fertilizer by going to our French Creek plant on Abbe Road in Sheffield Village. We are selling the rest. It is called "Biorich", a dry soil material that actually smells like soil and that has been used throughout the United States and Canada for over 40 years. Biorich has been designated a Class A, that means top of the line, biosolid to be used as a substitute for chemical fertilizers that improves the water-holding capacity of the soil. You may call French Creek at 934-5251 for further information. And actually they made a gift to me of the biosolid. When you go out there you get all kinds of stuff. I will pass it around. You don't have to open up the bag but if you'd like to take a look at it.

On Saturday, April 15th, Rotary will hold an Easter Egg Hunt for youngsters ages 3 - 9 at 2:00 P.M. at the Ranger Football Field. That was Saturday, April 15th. Rain date is Sunday, April 16th. Please be sure to bring a basket or bag to hold the eggs and the prizes!

Council Clerk White: Do you want to check it?

President Brown: No.

Mayor Hill: At this time, I am making a motion to appoint Dennis Boose to the Parks and Recreation Commission to replace Doug Beach. Mr. Beach has resigned due to other commitments. The term expires 12/15/02. I am making that motion.

motion by Mayor Hill to appoint Dennis Boose to the Parks & Recreation Commission,
2nd by Johnson

President Brown: Any discussion? Mrs. Minnick.

Council Member Minnick: I think it's an excellent idea to appoint Mr. Boose and I look forward to working with him on the Commission.

President Brown: Thank you. Take a roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for Mr. Boose to Park & Rec Commission.

President Brown: Welcome back.

Dennis Boose: Thank you.

Mayor Hill: Thank you Mr. Boose.

I have very good news from the Ohio Public Works Commission. We have been awarded a \$270,000 grant to complete the reconstruction of Stoney Ridge Road from approximately 1000' south of Mills Road to approximately 7000' south of Mills Road. No, one is south, one is north. The \$270,000 is 67.5% of the cost, the highest percentage and highest amount for a project we have ever received. We did also apply for funding for Case Road, Lorain Road and the rest of Otten, but unfortunately did not receive an award for them.

I would request that T-43 be limited to a First Reading tonight, moved to a First Reading and then no further. Passage should occur at a later meeting concurrent with passage of a related note ordinance.

Also for Council, T 49 and T 50-2000, that's T 49 and T 50, are being withdrawn pending further review. That concludes my report.

President Brown: Any questions of the Mayor, please? Mrs. Minnick?

Council Member Minnick: Mayor Hill, are stop signs being replaced by yield signs throughout the City or is it just being done in the Presidentials?

Mayor Hill: It's being done in neighborhoods where it's appropriate.

Council Member Minnick: What is this costing the City?

Mayor Hill: I don't know. I'd have to check on that.

Council Member Minnick: Do you know the cost of each stop sign?

Mayor Hill: No, I don't.

Council Member Minnick: I have a copy of your March 31st letter to the neighbors in the Presidentials, and I have a question. How are removing the stop signs on streets entering Monroe controlling speed?

Mayor Hill: What?

Council Member Minnick: In your letter, the fourth or fifth paragraph down, it talks about controlling speed. That's why the stop signs are being removed. When you go down the streets to Monroe, I don't understand how that can be controlling speed. Actually it's the second paragraph. Install for speed control.

President Brown: Do you have a copy of that?

Mayor Hill: Okay, what it says is, "according to the Manual for Traffic Control Devices, stop signs should not be installed for speed control". But please, read the rest of the letter. The letter gives the other reasons as well.

Council Member Minnick: Well, I couldn't figure out a reason, so I was wondering if you could tell me why they are being removed.

Mayor Hill: Well, I think it is contained in the letter but if you want me to orally read the letter, I can do that.

Council Member Minnick: Sure, because the residents received the letter and they didn't quite understand it either.

Mayor Hill: Okay. What I wrote in a letter to people in first the development called the Presidentials and now other signs are being changed as well. "Recently the North Ridgeville Service Department began replacing stop signs with yield signs. The Department has done so in accordance with the legislative intent of the Uniform Vehicle and Traffic Code of the State of Ohio and according to the guidelines provided by the Ohio Department of Public Safety. According to the Manual of Uniform Traffic Control Devices, and this is in quotes, "stop signs should not be installed for speed control". "Studies cited by the Ohio Department of Public Safety have clearly shown that stop signs are not effective in reducing speeds. The studies further suggest that placing stop signs for speed control tends to increase peak speeds. Misuse of

this traffic control device, stop signs, promote lack of respect for all traffic control devices resulting in an alarmingly high disobedience rate that is, "potentially hazardous". And this is basically what the Chief of Police had mentioned to me prior to the yield signs replacing some of the stop signs. "Furthermore, although it is commonly believed that stop controlled intersections provide increased safety for pedestrians, this might not be accurate at locations where adequate gaps in traffic exists. Stop signs are not necessary. If a stop sign is installed under these conditions, a vehicle is present at the intersection for a much longer period while it slows, stops, and accelerates. This actually causes an increase in the exposure time of the pedestrian to vehicles and reduces or eliminates the natural gaps in traffic by increasing the time each vehicle is present." "The other major exposure issue", so there's another issue besides speed, "is that of the pedestrians to drivers who will violate the stop control." That goes back again to promoting lack of respect for all traffic control devices which the Police Department does agree with the Ohio Department of Public Safety. I'll start that paragraph over. "The other major exposure issue is that of the pedestrian to drivers who will violate the stop control. According to the paper issued by the Ohio Department of Public Safety, it has been observed that compliance is low where stop signs are not warranted at other than major traffic intersections, and this leaves pedestrians vulnerable to these violations." "This presents, underline, in quotes, 'a particular hazard to children, whose size might make them less immediately visible to drivers'". "As a follow-up we asked our Traffic Control Officer to perform a preliminary assessment of the issues. Basically, it is indicated that stop signs are needed at the intersections with Lear Nagel Road, yield or stop signs, dependent on guidelines for yield versus stop signs, must be consistent and speed limit signs should be erected at various sites pending further review. In summary, it seems easy and relatively inexpensive for elected officials to grant requests for stop signs to demonstrate compassion and concern for local needs. However, as you can see from the above information, the long term impact can be detrimental to public health, safety and welfare. In retrospect, it would have been in your best interests and ours to notify neighborhood residents of the change from stop signs to yield signs and the reason for the change prior to the work. For failure to do so, you have my personal and sincere apologies. I also thank those of you who took the time to notify us of your concerns and to offer your continued support as we take steps to ensure North Ridgeville is a community we are all proud to call home." That is a letter that was delivered to people in the Presidentials today.

President Brown: I just have a comment to make Mayor. I did not receive a copy of that letter, nor did the rest of the members of the Council.

Mayor Hill: It went out to the Presidential Residents. We send a lot of letters out to residents in certain neighborhoods as things come up.

President Brown: Thank you. Mrs. Minnick.

Council Member Minnick: I have had several calls and needless to say, that's why I do have the letter. The residents do not agree with that letter and when I view the area, I don't quite agree with it either. When going up east, when you're going west on these roads to Monroe, I really do believe that a stop sign is necessary before entering on Monroe. And the President, residents in Presidentials would request that this stop signs be put back. Also, the intersection you refer to in the fifth paragraph, where might that be? The intersections with Lear Nagel Road?

Mayor Hill: The roads that connect to intersect with Lear Nagel Road.

Council Member Minnick: So as in Adams? You would put a stop sign at Lear Nagel and Adams?

Mayor Hill: Yes, I'd have to look at it.

Council Member Minnick: Alright, thank you.

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

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Zirzow: Thank you Madam President and Member of Council. The accomplishments for the two weeks ending April 2:

PATCHING, PAVING & CRACK SEALING

Tomorrow CNS Limestone will start producing hot asphalt for the upcoming season. Therefore, we will be patching our City streets with hot asphalt as soon as the weather permits. Our goal is to have all City streets patched by July 14th. Crack sealing of Center Ridge Road from Barton to the City limits has been completed along with the portion of Chestnut Ridge south of Bainbridge Road. Defaulted sections of asphalt along Bender Road has been dug out and replaced with stone. These areas will be cut square and filled with asphalt, weather permitting, this week.

CONSTRUCTIONS & DITCHING:

We are continuing to clean Ridgeway Creek. We are now behind Burke Trailer Sales heading towards Race Road. We have added stone to the soccer complex street off of Root Road. Roadside standing water problems at 7205 Case and 9181 Root Road have been addressed by installing roadside drainage pipe in those areas. Ditch cleaning and pipe installation was performed at the following locations: Broad Street area, Adams, Olive and Bender. A defective crossover pipe was replaced at Thelma and Lear Nagel. This should improve the drainage in that area. A new drive pipe and some ditching was performed at the Gas House by the high tension wires on north Avon Belden Road. A section of sidewalk was installed at 6680 Nicole. This was due to a water break in that area. The ditch on Case Road that runs from City limits to 4901 Case has been cleaned. A collapsed drainage pipe was found at 6171 Case Road. These repairs were completed.

WATER BREAKS AND HYDRANT REPAIRS:

There was one water break in the past two weeks. It was at 36146 Chestnut Ridge. Five hydrants were repaired or replaced at 33333 Chestnut Ridge, 8903, 8622 and 9456 Root and 9324 Avon Belden. A defective water valve was fixed at the Sugar Ridge curve next to Elyria city limits along with a replacement of a service line connection on Handyside.

CATCH BASINS:

Catch basins were installed at: Hickory Trail, Pleasant, 32291 Center Ridge, Thelma and three on Woodland.

MISCELLANEOUS:

The sewer jet was used in the following areas: for Sanitary Sewer Lines: Boulder, Pleasant, Monica, Luanne and Albert Street. For Storm Sewer Lines: Center Ridge, Luanne area, Thelma and Albert Street.

Spot berming was performed on the following streets: Case, Jaycox, Glendale, Avon Belden, Fair Acres, Chestnut Ridge and Center Ridge.

Landscaping needed from past construction jobs and winter snowplowing is being done as quickly as the weather and manpower availability allows.

Finally, a reconditioned truck bed at the Service Department has been installed on truck #13.

This will add extra years to the life of this truck. That concludes my report Madam President.

President Brown: Thank you Mr. Zirzow. Is there any questions of Mr. Zirzow? Mrs. Minnick?

Council Member Minnick: Mr. Zirzow, do you know when work will begin on the mounds at the Cypress Development?

Safety-Service Director Zirzow: No, currently I believe in, I will refer to the Law Director, we are waiting for the completion, the final okay from the City of North Olmsted for the extension of a street into North Olmsted. Once they receive that, they will come back in and start working on the project in mass.

Council Member Minnick: Thank you.

President Brown: Any other questions of the Service Director? Okay. Engineer's Report, Mr. Lovece.

ENGINEER'S REPORT

Engineer Lovece: Yes, Madam President. I have an update on Bainbridge Road reconstruction project. Good news. March 30th, the schedule, the contractors schedule was finally approved by ODOT. Prior to this approval there was never an approved schedule. The two parties were very far apart. There were some concessions made by the contractor, there was some simplification that we've agreed to combining in particular phases I and II which will begin tentatively the 6th of April, that's this Thursday, and will continue for a month. It will be the closing of Root Road from 500 feet north of Bainbridge to 500 feet south of Bainbridge including the intersection. By closing this entirely, it will make for an accelerated schedule. It will also improve the quality of the work. ODOT has granted a time extension to October 11th of this year. It used to be August 31st. The contractor has agreed to work six days a week and two shifts per day, approximate hours, 7 A.M. to 9 P.M. They've agreed to do that at no additional costs. We did not direct them to do that, they took that on their own accord to get the project back on track because as we're all aware, it's been behind schedule. Last year it was put behind schedule. The section of Bainbridge from 83 to Root Road will be completed well before the Corn Festival. That's what their schedule shows and in fact their schedule shows completing the project before the schedule date of October 11th. They're planning on being out of here, weather permitting, October 1st. That's all I have on Bainbridge.

I have a little model here of our new Water Tower and this is like a doll house for Engineers. You know we have to do something to occupy our time, but this gives you a little idea of what

the tower looks like, a cut-a-way view. The pedestal of the tower, this portion, is actually hollow and this is where we could actually put offices in at some future time. The area of the floor, one floor, is 5,000 square feet. The water is actually stored up here, so this is where the water goes, way up top. Drinking fountains will work good, I promise you that. But to give you an idea, there were some concerns about, oh there's a lot of weight above you, and would we want to ever be in a tower and I don't want that, what comes out to about 17 million pounds of water above me. Here's a picture of, I got a few extra copies, of a similar water tower built in Homestead, Florida that was about the only thing standing in 1992 when Hurricane Andrew came through. Here, you can see a bolt of lightening hitting the tower too, so it's not only good in the wind, it's a good lightening rod, I guess. That's all I have this evening.

President Brown: Any questions of the Engineer? No, moving on then to the Auditor's Report, Mr. Costin.

AUDITOR'S REPORT:

Auditor Costin: Madam, I have no report, but I'm pleased to say that when I first saw the water tower, I thought he was going to tell me that's all we could afford. But he did assure me this was for another reason, so I am very pleased. Otherwise I have no other comments for tonight.

President Brown: Any questions of Mr. Costin? That's a good one. Okay, Law Director, Mr. Zagrans.

LAW DIRECTOR'S REPORT:

Law Director Zagrans: Thank you very much. I would like to spend the time for my Law Director's Report to address Council on and register my support for Ordinance T 51-2000 that is being introduced tonight as New Business. This is an ordinance authorizing the Mayor to appoint a Magistrate for Mayor's Court. I have reported to Council, at least a couple of times in the past, on the decision by the United States Court of Appeals for the 6th Circuit entitled DiPero vs. City of Macedonia that was decided last June 23rd. In that case challenging the Constitutionality of Mayor's Courts throughout the State of Ohio, the 6th Circuit held that an individual's due process rights are violated when a Mayor presides over a contested criminal charge in Mayor's Court. If the Mayor is vested with broad executive powers, such as our Mayor by Charter is, and where the revenues generated from the Mayor's Court are deemed to be quote, "substantial", end quote. The 6th Circuit Court of Appeals expressly did not consider whether the constitutional challenge to Mayor's Court can be avoided by the appointment of a Magistrate who fulfills the judicial function of the Mayor in Mayor's Court and whose decisions are not subject to appeal to the Mayor. However, it is the appointment of Magistrates that has been the reaction by municipalities throughout the State of Ohio to this decision last June by the 6th Circuit. I have maintained since that decision came out, that our Mayor's Court was different from and distinguishable from the situation involving the City of Macedonia's Mayor's Court, because our Mayor did not preside over contested cases and therefore, the vice that the Court spend most of the opinion discussing which is the conflict of interest between the Chief Financial Officer and Chief Law Enforcement Officer and Administrative Officer of the City on the one

hand and the Judicial Officer presiding over Mayor's Court on the other which would give the Mayor some financial incentive to find people guilty thereby collecting fines for City. That conflict didn't arise where there were no contested cases and all the Mayor was doing was imposing the fee schedule on people who had pled guilty. By the way, I point out, that there is a current challenge working it's way through the court system about whether this decision applies where a Mayor is receiving a no contest plea and finding somebody guilty as opposed to a guilty plea. So, as I say, I have reported to Council, at least a couple of times in the past, that I have thought we were okay on the decision. It was not a matter free from doubt but I thought that was a distinction that was meaningful and made a difference. It seems as though, however, the clear trend of other minds throughout the State of Ohio is to the contrary. In deed, the biggest challenge that is being presented, is that because the Mayor is the Chief Financial Officer of the City, some judges and indeed some litigants are arguing that there's still a conflict of interest because there is discretion in imposing a range of fines or fees even with a guilty plea or a no contest plea. Certainly as the Chief Law Enforcement Officer someone could think that there was a conflict of interest in appearance even if there was no conflict of interest in fact or in actuality. Therefore, I recommend that we elect to go the way of the better part of valor and appoint a Magistrate, authorize a Magistrate to preside over the Mayor's Court and to exercise the judicial function of that court. I point out that this is prudent, not only because it may be what the law requires, but also to avoid any potential civil liability on the City and on the Mayor personally from not going the route of a Magistrate. For example: when the Mayor serves as Judge, she has both personal liability and civil liability created through the position as Mayor. A Magistrate would have only the civil liability aspect of that and would not have any personal liability to any litigant under any circumstances. Judges have absolute immunity under Ohio Law and under Federal Law. Moreover, the City itself may be placed in a weaker position arguing against some theory, however fanciful, that the City has exposure for having a Mayor rather than a Magistrate presiding over the Mayor's Court. So therefore, I would recommend and urge Council's adoption of T 51-2000 authorizing the appointment of a Magistrate. I point out to you that a Magistrate, whoever that person is, would be a lawyer who can still practice law, just not in Mayor's Court. That lawyer would be classified as a part-time judge for the judicial service that he or she would provide to Mayor's Court. I would also urge Council to consider adopting T 51-2000 as an emergency measure because I point out to Council that if we are concerned about the possible ramifications of DiPero vs. City of Macedonia, every week that goes by that has the Mayor presiding over Mayor's Court is just another week increasing the threat or the potential of somebody complaining about it or seeking to impose liability either against the city or the Mayor herself. So for all of those reasons and more, I urge you to favorably consider T 51-2000. And Madam President that concludes my report.

President Brown: Thank you. Is there any questions of Mr. Zagrans? Seeing none, okay, we'll have other reports.

OTHER REPORTS

Parks & Recreation Commission Liaison Report:

Council Member Minnick: The Commission approved spending \$14,000 for professional services of Larsen Architect and Turner Construction Co. to provide preliminary plans and cost estimates for a community center. Security lights will be installed at South Central Park. The entrance road to the soccer complex and the main parking lot at the Shady Drive Baseball Complex will be asphalted and underground electrical service to Fronteir Park will be installed. It was also decided that the Boosters will run the concession stand this year at the baseball complex. That concludes my report.

President Brown: Thank you. Are there any questions of Mrs. Minnick? Seeing none.

Planning Commission Liaison:

Council Member Johnson: Madam Chairman, I have no report tonight.

President Brown: No report, thank you.

OLD BUSINESS

President Brown: Old Business? None.

NEW BUSINESS:

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.

T 41-2000 An ordinance amending Section 232.01 (a) of the Codified Ordinances by changing the position of City Auditor to Part-Time.

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.

T 43-2000 An ordinance authorizing the Mayor to advertise for bids and enter into a contract according to law and in a manner prescribed by law for the reconstruction of Stoney Ridge Road, 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 \$400,000.00.

 moved by Johnson to suspend By-Laws for a First Reading tonight, 2nd by Swindig

President Brown: Mr. Swindig seconded. Discussion? Mr. Gillock?

Council Member Gillock: What kind of, what are we talking about here as far as reconstruction? Stewart, can you answer that?

Engineer Lovece: Yes I can. Reconstruction, grinding up the old base or the old asphalt, installing new asphalt at least 20-22 feet wide, probably about 6 inches thick, some drainage as required, striping and that's about it.

Council Member Gillock: Okay, so it's real reconstruction, not just a repair.

Engineer Lovece: Correct.

Council Member Gillock: And would you explain again where this is going to be?

Engineer Lovece: It will be from about 1000 feet south of Mills Road intersection because that was paved two years ago.

Council Member Gillock: Okay.

Engineer Lovece: And it will proceed approximately 6000 feet southerly and it will meet up where the last phase of Stoney Ridge Road was done in '95.

Council Member Gillock: So it's that entire section?

Engineer Lovece: That will complete. There's one missing piece of the jigsaw puzzle and that will complete Stoney Ridge.

Council Member Gillock: Thank you.

President Brown: Any other discussion? Mrs. Minnick.

Council Member Minnick: We have a \$270,000 grant you say.

Engineer Lovece: Yes.

Council Member Minnick: So that leaves \$130,000

Engineer Lovece: Yes

Council Member Minnick: And the funds are available for that with no problem?

President Brown: Yes, Mr. Costin.

Auditor Costin: The funds were originally earmarked out of our capital projects fund, however, when we discussed appropriations, there was indication that there would be no contingency in the Capital Projects Funds, so it was then decided that perhaps that \$130,000 which is our City portion would be taken from the Bond Anticipation Notes that we talked about at Appropriations. It's the Finance Committee and the City's intention to issue Bond Anticipation Notes against the first year, or against future, the next five years of our street levies collections, borrow one years worth, this year, in the approximate amount of \$500,000 and then pay one-fifth each year once our new proceeds begin to be collected starting in the year 2001. And it was thought that perhaps \$130,000 which is our portion of this public works project would be taken from the Bond Anticipation Note proceeds thereby relieving \$130,000 for contingency in our Capital Projects Fund for the year 2000 should other things come up.

Council Member Minnick: Thank you.

Auditor Costin: Is that a short answer to your question?

Council Member Minnick: Yes.

President Brown: Any other questions? Roll, please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for T 43-2000 to receive First Reading tonight.

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.

- T 45-2000 An ordinance authorizing the City of North Ridgeville to charge a resubmittal fee for commercial plans review.
- T 46-2000 An ordinance amending Ordinance No. 2439-90 pertaining to the compensation of the Part-Time Assistant Law Director/Prosecutor.
- T 47-2000 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to purchase a new snow-plow ready dump truck for the Service 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 \$75,000.00.

Council Member Swindig: Madam Chairman.

President Brown: Yes, Mr. Swindig.

motion by Swindig to suspend By-Laws and give this one a First Reading, 2nd by Johnson

President Brown: Seconded by Mr. Johnson. Discussion? Roll, please

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for T 47-2000 to have First Reading tonight.

(End of tape)

- T 48-2000 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to purchase a new Flail Tractor with telescopic mower for the Service 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 \$81,000.00.

Council Member Swindig: Madam Chairman.

President Brown: Yes, Mr. Swindig.

motion by Swindig to suspend By-Laws to give this a First Reading tonight, 2nd by Butkowski

President Brown: Mrs. Butkowski seconded. Any discussion? Roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for T 48-2000 to receive First Reading tonight.

- T 51-2000 An ordinance authorizing the Mayor of the City of North Ridgeville to appoint a magistrate for Mayor's Court at an annual salary of \$25,000.00.

motion by Johnson to suspend By-Laws for a First Reading tonight, 2nd by Borocz

President Brown: Second by Mrs. Borocz. Discussion? Mr. Gillock.

Council Member Gillock: Just a question. Under Section 2 that says the Magistrate shall be appointed by the Mayor and shall serve at the Mayor's pleasure. Why wouldn't this come under your jurisdiction?

Law Director Zagrans: You mean in the Law Department?

Council Member Gillock: Yes.

Law Director Zagrans: Because, ultimately, this is a person who is presiding over Mayor's Court.

The Law Department is the one who brings cases before the Mayor's Court to prosecute and if this were an employee of the Law Department, that might raise the kind of conflict of interest questions we are seeking to avoid. The people who are my employees in my Department, are the people who are going to be bringing cases and prosecuting cases before the Mayor's Court. So therefore, coming before this Magistrate for decision.

Council Member Gillock: And this is not a Civil Service Position?

Law Director Zagrans: That is the way the Ordinance is drafted, that is correct. It's in the position would be in the unclassified civil service.

Council Member Gillock: And it will not be subject to review or approval by Council? Strictly appointed by the Mayor?

Law Director Zagrans: That's the way the legislation is drafted. Yes Sir.

Council Member Gillock: Okay, thank you.

President Brown: Mrs. Minnick.

Council Member Minnick: Further on that. If to serve at the Mayor's pleasure, does that conflict any at all with our protecting the Mayor?

Law Director Zagrans: That's a good question. All employees of a similar nature or category serve at the Mayor's pleasure. In this case, the vice that was identified by the 6th Circuit would be the vice of having the Mayor have the power to review a decision by the Magistrate. That clearly the Mayor does not have and does not have by dent of this legislation either. So if the Mayor had that kind of control over the Magistrate, that would clearly be a problem. The mere fact that the Magistrate is someone who is appointed by the Mayor and serves at the Mayor's pleasure, I don't believe would be a problem.

Council Member Minnick: Are you sure?

Law Director Zagrans: Well, as you know, there is no black and white sure answers when you're talking about the law. There are only various shades of gray.

Council Member Minnick: It just seems conflicting. Thank you.

President Brown: Any other discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 T 51-2000 will have First Reading tonight.

T 52-2000 An ordinance amending Ordinance No. 3540-2000 by deleting the words "and accepting the streets for public purposes" from the caption and from the body of the Ordinance.

Council Member Johnson: Madam President.

President Brown: Yes, Mr. Johnson.

motion by Johnson to suspend the By-Laws to have First Reading tonight, 2nd by Swindig

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

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for T 52-2000 to receive First Reading tonight. Excuse me.

T 53-2000 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 purchase of Ferrous Chloride to be used by the French Creek Wastewater Treatment Plant.

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

President Brown: We will go into Lobby.

Council Clerk White: Let's have Correspondence.

President Brown: We will have Correspondence.

CORRESPONDENCE

Council Clerk White: Excuse me for not passing out the Correspondence to you tonight. It's my fault that the Clerk's office did not give you a copy of it. I have five pieces, I will read them to you.

- 1) Received a letter from Lorain County General Health District stating the local contribution portion of the Health District's 1999 Budget to be apportioned among the political subdivisions will be \$318,000.00, to be deducted in two settlements by the County Auditor.
- 2) Received a letter from Council Member Gail Minnick to all Council Members regarding her continuing opposition to T 137-99 (Ord. 3543-99) and T 145-99 (Ord. 3544-00).
- 3) Received a letter from the City of North Ridgeville, Parks & Recreation Department, listing the expenditures from the Licenses and Building Improvement Fund which have been approved..
- 4) Received a letter from the North Ridgeville Visitors Bureau enclosing their 1999 Annual Report with supporting brochures and advertising schedules.
- 5) Received a Memo from Mayor Deanna L. Hill stating that she will nominate Dennis Boose to fill the unexpired term of Doug Beach, which expires December 15, 1902, with the Parks & Recreation Commission.

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

President Brown: No, 2002.

Law Director Zagrans: 2002

President Brown: 2002

Council Clerk White: Well, we're going back 1000 years.

President Brown: Oh God, I was going to say the good old days.

Council Clerk White: That's why I didn't pass it out. Okay.

President Brown: Any other correspondence? Okay, now we'll go into Lobby.

LOBBY

President Brown: I will allow you two minutes to talk. We have a form in the back that must be filled out and left on the podium please. (Inaudible) Are you people going to speak?

- 1) John Prajner, 35140 Mildred St., thanked Council for allowing him to speak and presented Clerk of Council Jim White with a referendum petition, containing approximately 908 signatures, to have Ordinance No. 3543-99 submitted to the electors of the City for their approval or rejection at the General Election to be held November 7, 2000.
- 2) Holly Potting, Chestnut Ridge, stated she had been promised six foot mounding above street level with trees and shrubs landscaped on top, to be done before start of construction for the Staubuck property. Water and sewer lines were installed close to her property so Staubuck Group will not mound unless they can put it on top of the lines and the City is asked to take responsibility for repairs to the lines. As a result, nothing is being done and Ms. Potting asks who is responsible for enforcement of the mounding.
- 3) Frank Masny, 6050 Otten Road, stated he had been a resident for 50 years, detailed some of the City's history, and stated that he felt the City needs an east/west road through from Stoney Ridge
- 4) Sue Traut stated she was here on her parents behalf, Ernest and Helen Walraven of 36620 Center Ridge, whose barn had been shot at by a pellet gun recently, urged Council to draft an ordinance forbidding pellet and BB guns, and stated facts she had gotten off the internet.
- 5) Denis Boose, 6405 Denise Drive, thanked Council for approving him for the Parks & Recreation Commission, stated Council should respond to residents who speak to Council, reminded Council he still wants residents to have help with cleaning their homes when they live near a construction site and for someone to get back to him on the status of this suggestion, stated he thinks the City should be on top of better adult entertainment legislation, and agreed with the concerns noted earlier regarding pellet and BB guns.

RECESS from 8:37 to 8:42 P.M.

FIRST READINGS

President Brown: First Readings tonight, please.

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

- T 35-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW, AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE AND INSTALLATION OF CRACK SEALANT TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.
First Reading.
- T 36-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW, AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND INSTALL FULL DEPTH CONCRETE PADS TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.
First Reading.
- T 37-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW, AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND INSTALL PULVA MIXING TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.
First Reading.
- T 38-2000 AN ORDINANCE TO AMEND SECTION 1044.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE TO REVISE CHARGES PAYABLE FOR CONNECTION TO THE CITY'S SANITARY SEWER SYSTEM, AND THE TERMS UPON WHICH THOSE CHARGES MAY BE PAID, AND TO REPEAL SECTIONS 1044.03, 1044.04, 1044.05 AND 1044.07 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE.
First Reading.
- T 54-2000 AN ORDINANCE AMENDING CHAPTER 1030, ENTITLED STREET TREES, OF THE NORTH RIDGEVILLE CODIFIED ORDINANCES.
First Reading.
- T 55-2000 AN ORDINANCE AMENDING THE MASTER TREE PLAN AND MORE SPECIFICALLY SECTION 1032.06 ENTITLED PLANTING AND CARE WITHIN SPECIFIED AREAS, OF THE NORTH RIDGEVILLE CODIFIED ORDINANCES.
First Reading.

T 56-2000 AN ORDINANCE AMENDING ORDINANCE NO. 2755-93, INCREASING
3548-2000 THE COMPENSATION FOR THE CLERK OF COUNCIL.

First Reading.

motion by Johnson to suspend second and third readings tonight, 2nd by Swindig

President Brown: Mr. Swindig seconds. Any discussion? Mrs. Minnick.

Council Member Minnick: Reason?

Council Member Swindig: Well that is one of the positions that hasn't had a raise probably going back to '96, Chris, somewhere in through there, '95. That and the Auditor's position is two that hasn't been raised for quite a while. Council has gotten a raise but I don't think the Council Clerk got a raise at the last time Council got a raise.

President Brown: Mr. Gillock?

Council Member Gillock: The Ordinance states that the raise is to be effective April 1st, so...

Council Member Minnick: Would it be retroactive?

Council Member Gillock: ...that's no reason to

Council Clerk White: Don't ask me. I'm just here.

President Brown: Well this is discussion, that's what we're discussing. Anyone else? On the amendment.

Council Member Swindig: No, on the suspension of the second and third.

President Brown: Oh, okay. Suspending the second and third reading. Take the roll, please.

Yes, 6 No, 1 (Gillock)

Council Clerk White: Motion carries 6-1 to suspend Second and Third Readings.

President Brown: Roll call

motion by Johnson to adopt, 2nd by Swindig

Council Clerk White: Johnson and Swindig, okay.

President Brown: Any discussion? Okay, roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 becomes Ordinance No. 3548-2000 Thank you very much.

Permanent Ordinance No. 3548-2000.

President Brown: 35.

Council Clerk White: Got that?

President Brown: No. I didn't get it. What is it?

Council Clerk White: 3548-2000.

President Brown: Thank you.

T 57-2000 AN ORDINANCE AMENDING ORDINANCE NO. 2754-93 BY INCREASING
3549-2000 THE BASE SALARY FOR THE CITY AUDITOR.

First Reading.

motion by Johnson to suspend Second and Third Readings tonight, 2nd by Swindig.

President Brown: Seconded by Mr. Swindig. Discussion. Mr. Gillock.

Council Member Gillock: Same thing as before. The Ordinance has an effective date for the increase to go into effect April 1st so there no reason to suspend Second and Third Readings.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING**

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President Brown: Any other discussion? Roll call, please.

Yes, 6 No, 1 (Gillock)

Council Clerk White: Motion carries 6-1 to suspend Second and Third Readings
motion by Johnson to adopt, 2nd by Swindig

President Brown: Mr. Johnson and Mr. Swindig.

Council Clerk White: Okay.

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and becomes Ordinance No. 3549-2000.
Permanent Ordinance No. 3549-2000

T 58-2000 AN ORDINANCE AMENDING ORDINANCE NO. 3429-99 BY INCREASING
3550-2000 THE AMOUNT FOR THE PURCHASE OF MATERIALS AND THE
 INSTALLATION OF A SEPTIC SYSTEM AT THE SHADY DRIVE
 COMPLEX, NOT TO EXCEED \$30,000.00.

First Reading.

motion by Mayor Hill to suspend Second and Third Readings, 2nd by Swindig

President Brown: Discussion?

Council Member Gillock: Is there a hurry here?

Mayor Hill: Yes, there's a hurry because baseball season is coming up.

Council Member Gillock: Will we be able to get it done before baseball season practice starts in
30 days, May 1st, so...

Mayor Hill: Hopefully we will. We'll make every effort to do that. Otherwise, you're probably
waiting until next season.

President Brown: Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend Second and Third Readings

President Brown: Okay

motion by Johnson to adopt, 2nd by Borocz

President Brown: Discussion? Do we have to authorize the...

motion by Johnson to add the emergency, 2nd by Swindig.

Council Member Johnson: With the fact that even though it is adopted, it still is 30 days before it
is enacted, so without the emergency we wouldn't have in effect before April 1st.

President Brown: Right. Any Discussion? Roll please.

Council Clerk White: On the emergency

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to add the emergency. Now on the adoption.

President Brown: Now the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 58-2000 becomes 3550-2000 with the emergency.
Permanent Ordinance No. 3550-2000

President Brown: Ordinance.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
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T 59-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3551-2000 RIDGEVILLE TO PURCHASE USED CARS FROM THE STATE FOR
 VARIOUS DEPARTMENTS, NOT TO EXCEED IN THE AGGREGATE
 \$119,000.00.

First Reading.

motion by Johnson to suspend Second and Third Reading, 2nd by Swindig

President Brown: Mr. Swindig. Discussion?

Council Member Johnson: These, most of these aren't needed, but Utilities Department with their fires, the cars catching on fire, their unsafe vehicles, is the only ones we are really concerned with and since they are together we will tag them along.

President Brown: Right. Okay. On the...

Council Clerk White: Second and Third Readings.

President Brown: Yes,

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend Second and Third Readings

motion by Johnson to adopt, 2nd by Swindig

President Brown: Discussion?

Council Clerk White: Johnson and Swindig?

President Brown: Yes.

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

President Brown: Discussion?

Council Clerk White: Swindig

President Brown: No discussion? Okay, roll please.

Council Clerk White: On the emergency

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to add the emergency. On the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 59-2000 becomes Ordinance No. 3551-2000 with emergency.

Permanent Ordinance No. 3551-2000

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

First Reading.

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

First Reading.

T 62-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3552-2000 RIDGEVILLE, OHIO, TO PURCHASE A NEW AMBULANCE FOR THE

FIRE 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 \$135,000.00.

First Reading.

motion by Johnson to suspend suspend Second and Third Readings, 2nd by Swindig

President Brown: Mr. Swindig. Discussion. Mrs. Minnick.

Council Member Minnick: Reason?

President Brown: The reason?

Council Member Johnson: Reason. One of the ambulances we are using now is the long nose Chevy that is very hard to maneuver in emergency situations and it will be replaced and come off the squad. And this new one will go on. Basically and we have appropriated money toward it.

Council Member Minnick: I'm sorry.

Council Member Johnson: We have appropriated the money in Finance Committee.

President Brown: Mr. Costin, we have the money to cover this purchase?

Auditor Costin: It was appropriated in the Ambulance Fund.

President Brown: Thank you very much. Roll to suspend Second and Third Readings.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend Second and Third Readings.

motion by Swindig to adopt, 2nd by Johnson

President Brown: Add emergency?

Council Member Swindig: I don't think we need an emergency.

President Brown: Discussion? We don't need the emergency? (Inaudible) Fine and dandy.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and becomes Ordinance No. 3552-2000

Permanent Ordinance No. 3552-2000

T 63-2000 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS 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.

First Reading.

T 64-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3553-2000 RIDGEVILLE, OHIO, TO NEGOTIATE AND ENTER INTO A CONTRACT FOR THE UPDATING OF THE CODIFIED ORDINANCES, NOT TO EXCEED \$20,000.00.

First Reading.

motion by Johnson to suspend Second and Third Readings, 2nd by Gillock

President Brown: Second by Mr. Gillock. Discussion? None. Suspension of Second and Third, roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend Second and Third Readings.
motion by Johnson to adopt, 2nd by Gillock

President Brown: Second by Mr. Gillock, I guess, and Mr. Johnson made the motion.

Council Clerk White: Okay

President Brown: Any discussion? Roll, please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and becomes Ordinance No. 3553-2000.
Permanent Ordinance No. 3553-2000

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

Council Clerk White: Now we'll go back and pick up the items which we gave First Readings
to for tonight.

T 43-2000 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW FOR THE RECONSTRUCTION OF
STONE RIDGE ROAD, AND NEGOTIATE AND ENTER INTO A
CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS,
SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME,
NOT TO EXCEED \$400,000.00.
First Reading.

T 47-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO PURCHASE A NEW SNOW-PLOW READY DUMP
TRUCK FOR THE SERVICE 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 \$75,000.00
First Reading.

T 48-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3554-2000 RIDGEVILLE, OHIO, TO PURCHASE A NEW FLAIL TRACTOR WITH
TELESCOPIC MOWER FOR THE SERVICE 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 \$81,000.00.

First Reading.

motion by Swindig to suspend Second and Third, 2nd by Johnson

President Brown: Discussion? I'd like to ask Mr. Zirzow, is that one of those that has an arm on it that goes out and cuts the grass way on the other side of the berm?

Safety-Service Director Zirzow: Correct.

President Brown: Thank you. Any other discussion? Okay, suspend Second and Third.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend Second and Third Readings.
motion by Swindig to adopt, 2nd by Johnson

(End of Tape)

Council Clerk White: You needed a breather. I didn't mean to say that. Erase that. Go. The reason being, please, for the emergency.

Council Member Swindig: The reason being for the emergency is the dealership in Columbus found one tractor that meets our specs in New York and he put it on hold for us. If we don't get it, we may not get that tractor for the grass cutting season this year, or in other words, we may not get it till late August or early September and that's almost the end of the mowing season.

Council Clerk White: Okay.

President Brown: Any other discussion?

Council Clerk White: On the emergency.

President Brown: On the emergency

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to add the emergency. Now for the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and becomes Ordinance No. 3554-2000 with emergency

Permanent Ordinance No. 3554-2000

T 51-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3555-2000 RIDGEVILLE TO APPOINT A MAGISTRATE FOR MAYOR'S COURT AT
AN ANNUAL SALARY OF \$25,000.00.

First Reading.

motion by Johnson to suspend By-Laws for a Second and Third Reading tonight,
2nd by Borocz

President Brown: Mrs. Borocz. Discussion? Roll on suspension of Second and Third Readings.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend Second and Third Reading.
motion by Johnson to adopt, 2nd by Swindig

President Brown: Discussion?

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

President Brown: Discussion? Roll, please.

Council Clerk White: On the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to add the emergency. On the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 51-2000 becomes Ordinance No. 3555-2000 with emergency.

Permanent Ordinance No. 3555-2000

T 52-2000 AN ORDINANCE AMENDING ORDINANCE NO. 3540-2000 BY DELETING
3556-2000 THE WORDS "AND ACCEPTING THE STREETS FOR PUBLIC PURPOSES"
FROM THE CAPTION AND FROM THE BODY OF THE ORDINANCE.
First Reading.

motion by Johnson to suspend Second and Third Readings, 2nd by Gillock

President Brown: Seconded by Mr. Gillock.

Council Clerk White: Okay.

President Brown: Any Discussion? Roll call on suspending the Second and Third Readings.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend Second and Third Readings
motion by Johnson to adopt, 2nd by Gillock

President Brown: Seconded by Mr. Gillock, moved by Mr. Johnson. Discussion?
motion by Johnson to add the emergency, 2nd by Gillock

President Brown: Second by Mr. Gillock.

Council Clerk White: Okay.

President Brown: Discussion on.

Council Member Johnson: This actually is accepting the streets for public purposes, these streets are private streets so we don't want to accept them, in the previous Ordinance we did accept them, so we are correcting that.

President Brown: Any other discussion? Vote on the emergency.

Yes, 7 NO, 0

Council Clerk White: Motion carries 7-0 to add the emergency. On the adoption.

President Brown: On the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 52-2000 becomes Ordinance No. 3556-2000 with emergency.

Permanent Ordinance No. 3556-2000

Council Clerk White: That's all of the First Readings.

President Brown: Okay.

SECOND READINGS

Council Clerk White: I have no Second Readings.

THIRD READINGS

Council Clerk White: I have a Third Reading. And before I read the Third Reading, I gave you, your Agenda says there's an amendment. Amendment isn't necessary because T 31-2000 now reads like the Building and Lands Committee Report originally had it to be. So this is the Third Reading for T 31-2000.

T 31-2000 A ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
3557-2000 SUBDIVIDER/DEVELOPER AGREEMENT WITH THE HIGHLAND
DEVELOPMENT CO., AND ACCEPTING FOR RECORDING PURPOSES
ONLY THE PLAT OF THE DEERFIELD SUBDIVISION PHASE IV.

Third Reading.

motion by Johnson to adopt, 2nd by Swindig

President Brown: Mr. Swindig seconded. Any discussion? Mr. Gillock.

Council Member Gillock: Madam President. Perhaps a question for the Law Director. We accepted this from the Building and Lands Committee Report. I don't know if that report said accepting the streets for public purposes or not but we had two readings with that in there. Would we be better off being safe and amend the motion?

Law Director Zagrans: That is what I had originally thought Mr. Gillock, but in talking with Mr. White before the Council meeting began, he informed me that in fact, the language of the Committee Report is consistent with the language that is now before Council, which is to say without the erroneous words and accepting the streets for public purposes.

Council Member Gillock: Thank you.

President Brown: Any more discussion? Mrs. Minnick.

Council Member Minnick: I have a problem with agreeing with this. I would like to see the developer's agreement before we put our stamp of approval on it. That's all I have.

President Brown: Any other discussion? Roll call please.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries 6-1 and becomes Ordinance No. 3557-2000. That's all of the Third Readings I have.

Permanent Ordinance No. 3557-2000.

President Brown: Thank you Mr. White.

UNFINISHED BUSINESS

President Brown: We don't have any Unfinished Business carried over from last meeting.

Law Director Zagrans: Not carried over, well not carried over from last meeting but something that was raised earlier tonight.

President Brown: Okay.

Law Director Zagrans: If I may.

President Brown: Yes, you may.

Law Director Zagrans: Mr. Boose raised the issue of my having been requested some time ago to look into the current adult entertainment ordinances that are on the books in North Ridgeville, with an eye toward strengthening them if possible. I had indicated that we were waiting to see the results of a case that was wending its way through the Supreme Court of the United States. That decision came out a week ago. The name of the case is City of Erie, Pennsylvania, vs. Paps AM doing business as Candy Land. And the Ordinance in question in Erie, PA was an Ordinance that banned public nudity. Indeed the virtue of the Ordinance in terms of the way the case was presented to the court and the way the Supreme Court itself talked about it was that it was not aimed specifically at adult entertainment spots but rather was neutrally aimed at all public nudity. In the plurality opinion, and by the way the Court only garnered a plurality not a

majority, the Supreme Court plurality upheld the Constitutionality of the Ordinance. I point out that under that Ordinance, every single film that won an Academy Award a week ago would be banned from being shown. That is not the kind of Ordinance that I was asked to look at. I don't think it would be wise to change our current Ordinance to such an Ordinance. I am still waiting to see an Ordinance being upheld by the Supreme Court that is aimed at adult entertainment spots. When I have that kind of guidance, I then will address the revision of our current Codified Ordinance in that respect. But we are still waiting. Thank you Madam President.

President Brown: Thank you.

Safety-Service Director Zirzow: Madam President.

President Brown: Yes, Mr. Zirzow.

Safety-Service Director Zirzow: I apologize. Last week I was approached by one of the members of our Fire Department who is on the Committee who puts on our annual fireworks display on July 4th and they are asking me to bring forth to Council. Traditionally, every year Council does donate a portion of the money to the fireworks display. Last year it was \$2500.00. They are asking for that continuous support again this year. We are trying to get this done a little earlier, because if we get our order in before everyone else does, you get a little better display. So at this time, I would ask someone on Council for a motion and a second to orally approve the expenditure of \$2500.00 for the City's annual fireworks display. I believe that this could come from contingencies from the Auditor's office. I did check with the Deputy Auditor and she said that the funds are available.

motion by Borocz to approve the expenditure of \$2,500.00 for the City's annual fireworks display, 2nd by Butkowski

President Brown: Seconded by Mrs. Butkowski, moved by Mrs. Borocz. Discussion? Mr. Gillock.

Council Member Gillock: Where are these funds coming from and why if its under do we have to approve it? For \$2500.00?

Auditor Costin: I think that we approve an expenditure like this to verify proper public use. All you need to do is what we've done historically in the past is a verbal or oral committee report that requires no further legislation and then the money would be taken, I think what Mr. Zirzow meant to imply was that the Auditor's office said the money was available that it wouldn't be taken from the Auditor's office (inaudible) but we do have a contingency in General Fund under miscellaneous general government and that contingency amount, I believe, is \$100,000.00 and we will be able to charge that there at Council's wishes.

President Brown: I thought perhaps we could take it from Mr. White's raise.

Council Clerk White: I don't think there was enough there. I mean, I'll be glad to check, or give you the check.

President Brown: Any other discussion? Roll call please.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries 6-1.

President Brown: Now. Any...

Council Member Minnick: Madam President, I have one more question. Mr. Law Director, do you know any ordinance, ordinances presently going through the court system on the laws you just talked about.

Law Director Zagrans: Yes, there are several.

Council Member Minnick: There are? Okay. Do you have any time limit or time frame that we may expect that?

Law Director Zagrans: The most advanced, if they are subjected to review by the U.S. Supreme Court will not be ruled on for another year and a half at the earliest. If they go to review by the U. S. Supreme Court.

Council Member Minnick: Oh, that's a long time. Okay, thank you.

COMMITTEE MEETING ANNOUNCEMENTS

President Brown: Any Committee Announcements?

Council Member Swindig: Move to adjourn.

Council Clerk White: Wait, we have the one.

Next Regular Council Meeting is April 17th, 2000 at 7:30 P.M.

ADJOURNMENT

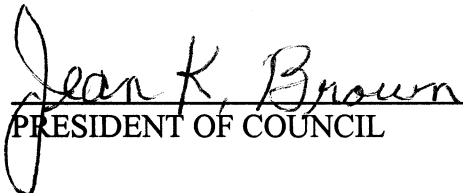
motion by Swindig to adjourn, 2nd by Johnson

Yes, 7 No, 0

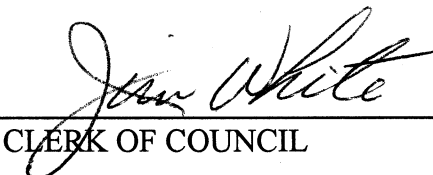
Meeting adjourned at 9:12 P.M.

MOTION Swindig 2ND Borocz DATE April 17, 2000

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL