

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 19, 2001**

CALL TO ORDER 7:30 P.M.

President of Council Jean Brown: I would like to call this meeting to order, the Regular Council meeting of North Ridgeville City Council, March 19th year 2001. We will have the Invocation, which tonight will be a silent Invocation and the Pledge to Allegiance.

INVOCATION

PLEDGE OF ALLEGIANCE by all.

President Brown: Thank you. Roll please, Mr. White.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski and David Gillock and President of Council Jean Brown.

Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Assistant Law Director Toni Morgan, Engineer Stewart Lovece, Auditor Chris Costin and Clerk of Council Jim White.
Law Director Eric Zagrans arrived at 7:40 P.M.

MINUTES

President Brown: Please note the

Special Council Minutes of February 16, 2001 regarding T 9-2001

Is there a motion to accept.

Council Member Butkowski: Madame President?

President Brown: Yes.

Council Member Butkowski: Can we group some of these Special Minutes? Three Special Minutes?

President Brown: Can we do that?

Council Clerk White: Yes. The three on February 16th.

Council Member Butkowski: Correct.

Council Clerk White: Okay.

President Brown: We can do that. Need a motion to accept all three.

Special Council Minutes of February 16, 2001 regarding T 9-2001;

Special Council Minutes of February 16, 2001 regarding T 10-2001; and

Special Council Minutes of February 16, 2001 regarding T 11-2001.

motion by Swindig to accept all three, 2nd by Borocz

President Brown: Any discussion? Take roll please.

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Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on all three Special Council meetings of February 16th.

President Brown: Please note:

Public Hearing Minutes of March 5, 2001 regarding T 4-2001

(Please note correction of time from 7:20 P.M. to 7:25 P.M.)

Public Hearing Minutes of March 5, 2001 regarding T 5-2001

(Please note correction of time from 7:25 P.M. to 7:20 P.M.)

I need a motion to accept.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to accept T 4 and T 5,

President Brown: Is there a second?

2nd by Borocz

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

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

Council Clerk White: Motion carries six, zero, one for Public Hearings of March 5th.

President Brown: Thank you Mr. White.

President Brown: Please note:

Regular Council Minutes of March 5, 2001

I need a motion to accept.

President Brown: Did you get that, Mrs. Butkowski and Mr. Gillock?

Council Clerk White: And who?

President Brown: Mr. Gillock.

Council Member Swindig: I did.

President Brown: Oh, you did? I thought it came from that direction, sorry.

motion by Butkowski to accept, 2nd by Swindig

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

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

Council Clerk White: Motion carries six, zero, one.

President Brown: Please note:

Planning Commission and Board of Zoning & Building Appeals Work Session Minutes of February 22, 2001.

President Brown: I would like a motion to suspend By-Laws and Rules for our Council meeting tonight. I have something that I would like to present to someone.

motion by Swindig to suspend By-Laws and Rules,

President Brown: Second Mrs. Butkowski.

2nd by Butkowski

President Brown: Any discussion? Please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend By-Laws.

President Brown: Good. I'd like to have Tommy Habenicht please come up and your parents if they're here and your Troop Leader. It is with great pleasure that I present to Tommy Habenicht a Commendation from the City of North Ridgeville.

WHEREAS, Tommy Habenicht will receive the highest honor that Scouting has to offer, namely the Eagle Scout Award on Sunday, March 25, 2001.

WHEREAS, this Council of the City of North Ridgeville, Ohio recognizes the stringent requirements in the areas of leadership, community service and outdoor skills that are necessary to earn the distinguished rank of an Eagle Scout.

WHEREAS, Tommy Habenicht has shown, a great dedication and commitment in his Community by taking an active roll in Boy Scouts, participating in Cross Country and Track, maintaining employment while attending school as a Senior at North Ridgeville High School and showing civic interest by attending Council Meetings and refurbishing the Pavilion at South Central Park.

NOW THEREFORE, the Council of the City of North Ridgeville does hereby extend, on this 19th day of March in the year 2001, their heartfelt congratulations to you, Tommy, and wish him success in all your endeavors.

Congratulations. I would like to shake your hand please. Congratulations. Thank you Tommy. That is quite an honor to be able to give an award like that to a boy that is in our High School and he deserves it very, very much. Also, I have to extend to the Troop and to all the members of the Troop, congratulations, because without your help, Tommy wouldn't of achieved this and I realize that. I'm a mother of two boys that went through scouting and I know what it means to be in scouting and being a mother of scouts. Congratulations again and thank you for coming.

Tommy Habenicht: Thank you very much everyone. I really appreciate this.

President Brown: Your welcome Tommy. We will continue on with our regular meeting. Committee reports, please.

COMMITTEE REPORTS

Council Clerk White:

1. FINANCE COMMITTEE REPORT #7064 Members of Council: We have considered the matter of mobile data terminals, not to exceed \$35,000 and recommend that this request be approved and proper legislation be drawn authorizing same.

SIGNED: Allen Swindig and Bernadine Butkowski

motion by Swindig to accept, 2nd by Butkowski

President Brown: During the discussion I would like to start the tape player please for the appropriations, Mr. White.

motion by Swindig that we suspend By-Laws to start the tape, 2nd by Butkowski

President Brown: Yes, we have to have a motion. Thank you.

Council Clerk White: You need to vote on it.

President Brown: Yes, you have to have a roll call please.

Council Clerk White: Motion carries seven, zero. Push the button. We have a motion before you.

President Brown: Yes, for 7064.

motion by Swindig to accept Finance Committee Report #7064, 2nd by Butkowski

President Brown: Any discussion? None, please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

2. FINANCE COMMITTEE REPORT #7065 Members of Council: We have considered the matter of Thermal Imaging Camera, not to exceed \$15,000 and recommend that this request be approved and proper legislation be drawn authorizing same.

SIGNED: Allen Swindig and Bernadine Butkowski.

motion by Swindig to accept,

President Brown: Second Mrs. Butkowski.

2nd by Butkowski

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

3. FINANCE COMMITTEE REPORT #7066 Members of Council: We have considered the matter of bids for concrete pads and recommend that this request be approved and proper legislation be drawn authorizing same.

SIGNED: Allen Swindig and Bernadine Butkowski.

motion by Swindig to accept,

President Brown: Second Mrs. Borocz.

2nd by Borocz

President Brown: Any discussion? Please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

4. FINANCE COMMITTEE REPORT #7067 Members of Council: We have considered the matter of bids for Pulva Mixing and recommend that this request be approved and proper legislation be drawn authorizing same.

SIGNED: Allen Swindig and Bernadine Butkowski.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to accept

President Brown: Second Mrs. Butkowski.

2nd by Butkowski

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

5. FINANCE COMMITTEE REPORT #7068 Members of Council: We have considered the matter of amending rate of pay in Ordinance 2762-93 to \$4,000.00 and recommend that this request be approved and proper legislation be drawn authorizing the same.
SIGNED: Allen Swindig and Bernadine Butkowski.

motion by Swindig to accept, 2nd by Butkowski

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

6. FINANCE COMMITTEE REPORT #7069 Members of Council: We have considered the matter of amending Ordinance 2744-93 to change rate of pay to \$4,000.00 and recommend that this request be approved and proper legislation be drawn authorizing same.
SIGNED: Allen Swindig and Bernadine Butkowski.

motion by Swindig to accept,

President Brown: Second Mrs. Butkowski.

2nd by Butkowski

President Brown: Discussion? None, take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

7. FINANCE COMMITTEE REPORT #7070 Members of Council: We have considered the matter of an ordinance transferring various funds of the City of North Ridgeville, representing reimbursement of administrative expenses or operating transfer and recommend that this request be approved and proper legislation be drawn authorizing the same.

SIGNED: Allen Swindig and Bernadine Butkowski.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to accept this committee report,

President Brown: Second Mrs. Butkowski.

2nd by Butkowski

President Brown: Any discussion? Mrs. Minnick?

Council Member Minnick: Mr. Swindig, this is awfully vague. Can you give me a bit more information on it?

Council Member Swindig: Madame Chairman, may I refer to the Auditor on this.

President Brown: Yes you may. Mr. Costin?

Auditor Costin: Yes, Mrs. Minnick what this represents is, the ordinance will be a replica of what we have used in prior years and there are certain funds whereby we make transfers to related funds and there are certain funds whereby there are administrative reimbursements to the general fund for representing the time City Hall spends related, particularly to the enterprise funds. The particulars will actually be laid out in the ordinance. This is similar to what we had in prior committee reports and the preamble of the ordinance will be similar to what we've used in the past. But, the actual operating transfers and the amounts will be indicated in the actual ordinance when it comes to Council. Now, in the past we've tried to do this as part of the appropriation process. The ordinance may not come till later in the year but it will be similar to the procedure we followed in numerous prior years.

Council Member Minnick: Okay, thank you.

President Brown: Any other discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

8. FINANCE COMMITTEE REPORT #7071 Members of Council: We have considered the matter of Screen Unit for French Creek to let out for bid not to exceed \$85,000.00 and recommend that this request be approved and proper legislation be drawn authorizing same.
SIGNED: Allen Swindig and Bernadine Butkowski.

motion by Swindig to accept, 2nd by Butkowski

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

9. FINANCE COMMITTEE REPORT #7072 Members of Council: We have considered the matter of Press Building roof for French Creek not to exceed \$15,000.00 and recommend that this request be approved and proper legislation be drawn authorizing same.
SIGNED: Allen Swindig and Bernadine Butkowski.

motion by Swindig to accept this committee report, 2nd by Butkowski

President Brown: Discussion?

Council Member Gillock: Question. Is this a repair?

Council Member Swindig: Yes.

Council Member Gillock: Why do we need to vote on it? It's under fifteen thousand dollars.

Council Member Swindig: We got into that with the Fire Department at the same time and they were doing a roof on station one, or no, station two and we had to stop because they ran into more problems. This way here, they let it out for bid.

Council Member Gillock: Okay.

Council Member Swindig: Okay.

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

10. FINANCE COMMITTEE REPORT #7073 Members of Council: We have considered the matter compactor for French Creek not to exceed \$68,000.00 and recommend that this request be approved and proper legislation be drawn authorizing same.

SIGNED: Allen Swindig and Bernadine Butkowski.

motion by Swindig to accept, 2nd by Butkowski

President Brown: Discussion? Mrs. Minnick?

Council Member Minnick: We have a hundred sixty-eight thousand dollars in these three improvements. I don't have a problem with all these expenditures for French Creek, but I do have a problem with the funds from tap in fees on the west side not going into the Improvement Fund, but rather into paying the westerly sewers. Those funds could, should, go into the French Creek Improvement and Sewer Fund and, with agreement they are not and we have big expenditures all the time from French Creek. That's all I have to say on that.

President Brown: Any other discussion?

Council Member Swindig: Madame Chairman?

President Brown: Yes?

Council Member Swindig: French Creek has always taken and the money they have used in French Creek has always been used to make money out there to keep our rates at a reasonable rate and to pass EPA and the other standards that they have to pass out there. Thank you.

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

11. FINANCE COMMITTEE REPORT #7074 Members of Council: We have considered the matter of T 15-2001. This will be taken care of by a line in Mayor Court Fund and recommend that this request be approved.

SIGNED: Allen Swindig and Bernadine Butkowski

motion by Swindig to accept, 2nd by Butkowski

President Brown: Discussion?

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: A couple of questions on this. It's my understanding in Mayor's Court, it used to be if you came before Mayor's Court you plead guilty or no contest, you knew what the fines were and you paid it and that was it and if you wanted to plead not guilty it went to Elyria Municipal Court. I know we now have a magistrate or someone trained to handle these, but I guess my first question, are we now trying cases here or putting ourselves in the position where we might send someone to jail? That's my first question.

President Brown: Mr. Zagrans? Do you have?

Law Director Zagrans: Yeah, thank you, if I may respond. That's an excellent question Mr. Gillock. No, we are not doing that and the funds from this appropriation would not be used for

that. This has nothing to do with the pleading or trial stage of a criminal matter. Rather, what it has to do with is that often there are orders that the traffic court issues that are not obeyed. I said traffic court, I meant the Mayor's Court, that are not obeyed and when they are not obeyed a bench warrant will issue from the magistrate. When the person is found who is the subject of that bench warrant and they come before the magistrate, they're coming before the magistrate to be sentenced on the question of contempt of the prior order of the Mayor's Court. That hearing or that status, in the view of the magistrate, gives rise to the need for counsel to be appointed and therefore, his request that we set up this fund so that in the case of people who cannot afford to hire private counsel, counsel will be provided for them. Admittedly this happens few and far between. But, when it does the magistrate wants to make sure that counsel would be available. Council Member Gillock: So this would be a ruling relating to basically contempt of court?

Law Director Zagrans: Yes Sir.

Council Member Gillock: Why wouldn't we send that to Elyria?

Law Director Zagrans: Because the Elyria Municipal Court takes the position that contempt of an order of the Mayor's Court has to be dealt within the Mayor's Court and that they would only hear and consider contempt of the orders of the Elyria Municipal Court.

Council Member Gillock: Okay. Does this have, how much money are we talking about in this fund? This is different than the one we were talking about last meeting with the seventy-five dollar fee to be established.

Law Director Zagrans: I didn't think it was different, I thought this was the same one.

Council Member Swindig: This is, this is T 15, but this was the recommendation of a.

Council Member Gillock: Okay, so this is seventy-five dollars. There's no cap on this? I know Elyria Municipal Court, they have a fifty dollar fee and it's capped.

Council Member Swindig: Madame Chairman?

President Brown: Mr. Costin?

Auditor Costin: This was discussed in appropriations and it was determined that based on a number of cases we've had in the past, the amount of money that we would be talking here would be probably something under a thousand dollars and that it was estimated that the time to be incurred would be something less than an hour for each particular situation. I can't answer from a legal standpoint, but from a financial standpoint, I think that's what you were asking.

Council Member Gillock: Can we cap it on an individual basis?

Mayor Hill: Madame President, may I respond to Council Member Gillock? What they figured is that there probably are ten cases a year. That seventy-five dollars per case. That comes out to approximately seven hundred fifty dollars a year and it's something we must provide for. So, it's seven hundred fifty dollars a year for approximately ten cases and they're called in just for that specific case and that's seventy-five dollars.

Council Member Gillock: Is there a way that we can cap for an individual case? I'm not so worried about a total amount, but on an individual case. Is it seventy-five dollars an hour or is it seventy-five total?

Mayor Hill: Madame President, it's seventy-five dollars a case. They come in to appear for their contempt charge and if they cannot afford an attorney, then this is how they're provided and we

must do it. As a matter of a fact, even when we did have the ability to hear not guilty cases, that's what this was used for. So, it's been used before in the City for anyone called in on a contempt charge. Not because they're pleading not guilty.

Council Member Gillock: Okay, thank you.

President Brown: Does that answer your question? Pretty well. Any other discussion? Please take the roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

12. FINANCE COMMITTEE REPORT #7075 Members of Council: We have considered the matter to authorize the Mayor to advertise for bids and enter into a contract for a phone system or purchase off the State list and recommend that this request be approved and proper legislation be drawn authorizing same.

SIGNED: Allen Swindig, Bernadine Butkowski and Larry Overby

motion by Swindig to accept, 2nd by Overby

President Brown: Any discussion? Mrs. Minnick?

Council Member Minnick: Shouldn't a dollar figure be put on this?

Council Member Swindig: The savings on this, because we have seventy lines coming in here, excuse Madame President, is it seventy lines we have coming in here Mr. Johnson?

Safety-Service Director Johnson: No, we have over a hundred. About a hundred and thirty.

Council Member Swindig: And the savings we will have by going with this new phone system will pay for itself within, I think it's four years, five years, over what we are paying for the present system. It is more of an update system and if we can turn the floor over to the Safety-Service Director, he can expand on it.

President Brown: Mr. Johnson?

Safety-Service Director Johnson: Yes, on the phone system, right now, currently, we have over a hundred phone lines coming in. We pay a dollar figure on those phone lines every month. Those figures come to thirty-five hundred dollars. With the new system that we've been looking into, our fees for those phone lines would be fourteen hundred dollars into the system when we do it in house through Tectronics, Teletronics, I'm sorry. Also, then, we would be purchasing seventy-thousand dollars worth of equipment on a lease basis over a five year period at fourteen hundred dollars a month. In turn that would come up to twenty-eight hundred dollars for the equipment and the phone lines which is actually seven hundred dollars less than what we pay right now for the system just for phone lines. So, in savings we would be saving eighty-four hundred dollars a year in buying our own system in the same cost. So it's actually, we'll be spending eighty-four hundred dollars less a year and have all new equipment. At the end of five years then we'll be back to fourteen hundred dollars a month versus thirty-five hundred. We'll be saving twenty-one hundred dollars a month.

President Brown: Who will be responsible for servicing those phones then?

Safety-Service Director Johnson: Teletronics.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: But, if we're expending more than fifteen thousand dollars, it's still going to have to come back to Council, right?

Auditor Costin: That's what this is.

Safety-Service Director Johnson: That's what this is.

Council Member Gillock: Well, you're the one, Chris, that has no dollar amount in it.

Auditor Costin: No, but I think this is the committee report for the ordinance to come forward to authorize the expenditure.

Council Member Gillock: Right. So, there's got to be an ordinance yet with a dollar amount in it.

Auditor Costin: I can't answer that. The fact that we're spending fifteen thousand dollars a year requires that we have the ordinance. The fact it is a public utility will give us a little bit more leeway in terms of preciseness. But, if you want to cap that, you certainly have the ability to do that.

Council Member Gillock: Does the Finance Committee have numbers on this?

Auditor Costin: Madame Chairman?

President Brown: Yes?

Auditor Costin: The numbers that were presented to the Finance Committee were those that the Safety-Service Director just discussed.

Council Member Gillock: Well, the only number I got out of that was it's going to cost seventy thousand dollars for the equipment.

Safety-Service Director Johnson: Pay back over five years at fourteen hundred dollars a month is the number you received.

Council Member Gillock: I understand the savings, but, the point that we got to get to is how much are we approving to be spent.

President Brown: Mr. Costin?

Council Member Gillock: I understand there's a monthly phone bill but, equipments, equipment.

Auditor Costin: Madame Chairman I believe we had the same misunderstanding. The twenty-eight hundred dollars that Mr. Johnson was alluding to, includes the lease purchase of the equipment. That's the total cost, give or take. You'll have things like long distance charges which maybe they're also invariable, but in terms what were averaging, the twenty-eight hundred dollars does in fact, if I understood it correctly, include the acquisition of the equipment over a period, a five year period. So, if his estimates are correct, on the new equipment, we'll be obtaining new equipment at a reduced telephone charge, monthly average cost of seven hundred dollars less.

Council Member Gillock: And our annual outlay would be sixteen thousand eight hundred for everything.

Safety-Service Director Johnson: For the phone system. That's fourteen hundred a month,

Council Member Gillock: That's twenty-eight hundred a month. Fourteen for the equipment and fourteen for the lines a month.

Safety-Service Director Johnson: Right.

Council Member Gillock: So, sixteen thousand eight hundred is just barely over that and includes you line charge.

Safety-Service Director Johnson: Now, of course we're already spending thirty-five hundred dollars a month that you don't have appropriated in here for phone lines. So basically, the phone lines will be built by Alltel as usual, just only using sixty instead of a hundred and thirty. We're cutting our line usage in half. The actual purchase of the phone is a lease contract at fourteen hundred dollars a month.

Council Member Gillock: Okay, thank you.

President Brown: Any other discussion?

Council Member Butkowski: Madame President?

President Brown: Yes Mrs. Butkowski?

Council Member Butkowski: Then the contract is for five years for a lease and it will be purchased at the end of five years or is it a continuing lease?

Safety-Service Director Johnson: No, that is, it will be out system at the end of five years.

Council Member Butkowski: Five years at fourteen hundred dollars a month.

Safety-Service Director Johnson: Which would be seventy thousand.

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

13. BUILDINGS & LANDS COMMITTEE REPORT #7025 Members of Council:

We have considered the matter of application by Michael and Sandra Vrooman to place farmland in an agricultural district and recommend that this request be approved and proper legislation be drawn authorizing same.

SIGNED: Larry Overby, Dave Gillock and Allen Swindig.

motion by Overby to accept, 2nd by Swindig

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

14. BUILDINGS & LANDS COMMITTEE REPORT #7026 Members of Council:

We have considered the matter of T 13-2001, minimum house size is covered in Ordinance No. 3295-97 and recommend that this request be approved.

SIGNED: Larry Overby, Allen Swindig and Dave Gillock.

motion by Overby to accept,

President Brown: Who seconded it?

Council Member Swindig: I did.

2nd by Swindig

President Brown: Thank you. Discussion?

Council Member Butkowski: Madame President?

President Brown: Yes Mrs. Butkowski?

Council Member Butkowski: That ordinance, it should be 3285-97.

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

Council Clerk White: You did say 3285-97.

Council Member Butkowski: Correct.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

15. **BUILDINGS & LANDS COMMITTEE REPORT #7050** Members of Council:
We have considered the matter of leasing park land and recommend that this request be denied.
SIGNED: Larry Overby, Allen Swindig and Dave Gillock.

motion by Overby to accept, 2nd by Gillock

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. That's all the committee reports that I have.

President Brown: Thank you to all the committees for doing their job. Moving on to the Mayor's report.

MAYORS REPORT

Mayor Hill: Thank you Madame President. I have no report.

President Brown: That's very refreshing. So, I guess we won't have any questions then, huh?

Moving on to the Safety-Service Director's report, Mr. Johnson.

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Johnson: Madame President, ditch cleaning and piping was performed on Olive, Island, Lear Nagle, Westfield Sewer Plant and the North Ridgeville Service Department.

The sewer vac was used on storm cleaning on Island, Avon Belden, Center Ridge, Fortune, Greenwich, Birch, West Point and Ridgeview. Sanitary sewers were cleaned on Main, McKinley, Frances and Jaycox.

Catch basins were either installed or repaired on the following streets: Tree Moss, Lorain, Birch, south Mills Creek, Luanne, Greenwich and Jaycox.

Spot berming took place on Bagley Road.

There were several sinkholes that developed in the storm line system. They were at Noll, two on Avon Belden, Center Ridge and Broad.

We would like to thank the City of Avon, one more time, for allowing us to borrow their road

grader so we could grade Barres Road.

I also ask that T 48, under new business tonight, be withdrawn. Thank you.

President Brown: Under new business.

Council Clerk White: T 48-2001?

Safety-Service Director Johnson: Yes.

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

ENGINEER'S REPORT

Engineer Lovece: Thank you Madame President. I guess I'll make up for the Mayor's short report or no report. Anyway, Council Person Minnick asked a question just now, just before about French Creek and the westerly sewer. I just want to mention that for every dwelling permit that's pulled with this proposed westerly sewer, there will still be money collected, set aside for French Creek in the amount of eleven hundred and sixty-six dollars per dwelling unit. That's year 2001 fees and they go up six percent every year. So, there's still, every permit, there will be money set aside for French Creek. As a matter of fact, the debt service should be paid off quicker with the construction of the westerly sewer by collecting these fees and sending them to French Creek.

I would like to request that Council pass unanimously and preferably as an emergency, T 36-2001. This is a resolution of necessity for the construction of sanitary sewers along Center Ridge Road from the Elyria line to State Route 83. I just want to go into some of the back ground here. There are two main reasons why septic systems have a high failure rate. One is, in North Ridgeville we have approximately 25 different soil types. Nearly all are considered poorly suitable for the disposal of sewage affluent from septic tanks and I got this information from this book prepared by the U.S. Department of Agricultural Soil Conservation Service. It's an old book but soils haven't change in the last few thousand years. So, the soil is mostly impervious and the water, instead of infiltrating into the ground, it runs along the ground and into the ditches. Second reason, a septic system is considered a mini sewage treatment plant and it cannot be maintained as well as a professionally managed. I know Don Daily loves this, professionally managed plants such as French Creek Wastewater Treatment Plant and that Plant has a superintendent, has operators, uses the latest technology. Your typical septic system is low technology, many of which are outdated or obsolete. So, you're not going to get the treatment necessary and that's why the Health Department and EPA always, they desire whenever a sewer, not desire, it's a State law whenever a sewer comes on near a home within 200 feet, that they must tap in. So, knowing what we know about high bacteria counts in the Ridgeway Ditch obtained during the cold month of February by the Health Department, and I just want to add, I know that there was some discussion about possible live stock or cattle and yeah, this bacteria called fecal coliform, it is contained in the digestive system of warm blooded animals, mammals.

I think there's more people than cattle that I see in the Lorain County area, at least in North Ridgeville and surrounding communities. I don't really anticipate much comes from farmland, but mainly from the septic systems. With that I would, I see no logical reason why we cannot vote for this proposed legislation this evening. Thank you.

President Brown: Thank you Mr. Lovece. Is there any questions of the Engineer's oral report?

Council Member Swindig: Madame Chairman?

President Brown: Yes?

Council Member Swindig: It's not a question of his oral report, but we've been having quite a few water breaks on Cornell and I would like to refer to the Engineer and the proper committee for a replacement water line on Cornell.

Engineer Lovece: Will be glad to look at that.

Council Member Swindig: Thank you.

President Brown: Moving on to Mr. Costin, the Auditor's report, please.

AUDITOR'S REPORT

Auditor Costin: Madame Chairman, first item of business is the February report which was handed out previously to Council.

Auditor's Written Financial Report for February 2001

motion by Swindig to accept, 2nd by Borocz

President Brown: Any discussion on the written report? Please take roll on accepting it.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Auditor Costin: Next item of business to discuss is the annual current appropriation ordinance that we pass by the second meeting of March so that it would be in effect, hopefully passed by emergency so it will be in effect on April 1st as required by Ohio Revised Code. For your assistance and in addition to the ordinance itself, you should of received some worksheets and 2001 appropriation highlights. I believe, were they not in your box as well?

President Brown: Um huh.

Auditor Costin: Okay, good. What I'll do is defer any discussion of the ordinance until it's read and if there are any questions, we'll be glad to answer them in detail and I would request that you pass it with the emergency tonight as we've done in the past as well. No further comments. Thank you.

President Brown: Any questions of our Auditor, his oral report? Mrs. Minnick?

Council Member Minnick: Mr. Costin, I don't have a question on a particular appropriation but, are you comfortable with the 19 percent increase over 2000 expenditures?

Auditor Costin: I am from the standpoint that while we, I'm sorry, Madame Chairman?

President Brown: Yes you may answer her back.

Auditor Costin: While we have only a two percent increase in the 2000 appropriations over what, let me back up, what she's referring to is the first item in the appropriation highlights, 2001 appropriations in the General Fund of just over nine million dollars are two percent higher than last years' appropriations. But, 19 percent higher than the amount we expended. The reason for that is, we never expend everything that's appropriated. The Department Heads are frugal. We have it there so that if any particular department has to use it they can. But historically we've never come close to spending all that money. We caution them as they get to the end of their budget. If the Department Head spending is quicker then is coming the end of the year, we remind them to be careful. So, if we would spend the entire amount appropriated, I would not be particularly comfortable. But, we never have. So, with that in mind, yes, I'm comfortable with the appropriation ordinance.

Council Member Minnick: Okay, thanks.

President Brown: Any other questions of our Auditor? Please, moving on now to the Law Director, Mr. Zagrans.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you. There are two matters on which I would like to report to the Council. First, you may have heard or read that the North Central Chapter of the ACLU has recommended to its State legal committee that it commence litigation against the City of North Ridgeville regarding events that took place at the February 20, 2001 Council meeting. That recommendation would then be considered by the legal committee, which is I understand it, currently has authority to decide to commence litigation or not to commence litigation. Frankly, speaking for the Law Department, we welcome the ACLU scrutiny. Both of the February 20th meeting and of the ongoing deliberations of this Council. Unlike the North Central Chapter, the members of the legal committee are all lawyers. It's a body on which I had the honor of serving for many years. They will readily recognize that what goes on at North Ridgeville City Council meetings, both on February 20th and at every other meeting, under this current Council, is the opposite of a first amendment violation. Anyone who has witnessed or attended a North Ridgeville City Council meeting knows that we do not stifle opposition, criticism or descent of the administration or of Council. Indeed, these meetings are sometimes lengthened by as much as 45 minutes or more because every citizen who attends the Council meeting has the right to speak for two minutes and in recent months, many of the same citizens, but we don't regulate that either, go on and on. Sometimes ad nauseam with their criticism, opposition and descent with respect to the actions of this Council or to the administration. So, it staggers my understanding to think that anyone can complain about the way this Council conducts its self or the fact that it makes public comment at lobby an available right to every citizen in North Ridgeville at every single Council meeting. What the legal committee will understand is that the first amendment should not be trivialized. What is at stake at the February 20th meeting was not deaf less words of liberty and justice. It was not the 21st century equivalent of Frederick Douglas or John Brown or Eugene V. Debs or any of the great descenders in American political history.

What was at issue was a license to mock, to jeer, to insult, and that is the line beyond which the Roberts Rules of Order, which this Council has adopted as it's structural pyridine, and the rules of Council that Council adopted several months ago, do not permit anyone to cross neither Council Members nor members of the public. The right to speak and to address Council is meant to address the issues. Meant to address the legitimate concerns that people have. Whether they are in favor of the administration or oppose to the administration. You can say that some City Official didn't do what he or she said they were going to do. You can say that some City policy is wrongheaded, it's mistaken, it makes no sense, it's illogical. Where the line is crossed is where people attempt to engage in personalities. Where people attempt to say so and so is a liar or dishonest or a crook. Those are comments that Roberts Rules and the Council Rules rightly prohibit. Now, the February 20th meeting, I submit to the Members of Council, was unusual. It was heated and there were comments raised and criticisms of the lobby session on both sides of the isle, so to speak. In fact, the first call to silence a resident was a resident who was speaking against STAMP and against a Member of this Council. And then unfortunately it degenerated from there. You know, I'm like a lot of people, when I watch a ball game, I'm one of the first to criticize the umpires or the referees when they blow a call, but, you know when you start actually do something that you criticize, you discover, well it's not so easy after all. It's easy to be a Monday morning quarterback, but, not so easy to be actually involved and Mrs. Brown, as President of Council, has a hard job which she does to the absolute best of here abilities. But, sometimes in the heat of things that are going on and people shouting back and forth, it's not so easy. I just hope that in the future, and I intend to see to it in the future, I make this commitment to the Members of Council, that things will not proceed so fast and events take place as so rapidly during our Council meetings, that she and I don't have time to confer and hopefully head off confrontations. And, I hope that the Members of the public will pick up the same spirit and act cooperatively to follow the spirit behind the rules. Descent all you want to, criticize all you want to, but don't cross over the line where it becomes a personal insult or a personal attack. The first amendment does not protect that any more than the liable laws would permit that in the State of Ohio.

The second issue that I want to report to Council on is a ruling by the Ohio Supreme Court since our last Council meeting on March the 7th. It entered an order awarding Mr. Phillips for the Kingston Place litigation attorney fees in the amount of twenty-two thousand three hundred and fifty-six dollars. Members of Council will recall that Mr. Phillips requested that the court award him approximately thirty-two thousand dollars in fees. You will recall that I objected to that amount on behalf of the City and suggested that a more appropriate sum would be thirteen thousand five hundred dollars. So, the Court's order is right about in the middle. Between the amount Mr. Phillips asked for and the amount that I suggested was a fair and reasonable amount. Now, contrary to certain public statements that you may have read and been concerned about. The award of twenty-two thousand dollars to Mr. Phillips as attorneys fees was not the consequence about rages or extreme conduct on the part of the City of North Ridgeville or its officials. Indeed, first that is not the legal standard by which the Court goes about considering

whether to award fees and if so, how much. The legal standard is simply that when a party prevails, a taxpayer party, and in this case as you'll recall, the STAMP committee prevailed by the narrowest of margins a four to three vote of the Ohio Supreme Court. But, when the taxpayer prevails, the statute entitles the Court to award fees in order to prevent the burden of the legal expense for taking up the litigation from falling solely on the shoulders of a taxpayer or small group of taxpayers. That is the legal standards. Second of all, the Supreme Court didn't say, that the City or its officials acted in an extreme or outrageous manner, the court said, we didn't follow the right procedure in repealing the ordinance that the STAMP petitioners asked us to repeal. So, the result of all of that is this, I will draft an ordinance to be introduced at the next Council meeting, authorizing the payment of attorney fees to Mr. Phillips out of the City treasury in the amount of twenty-two thousand three hundred and fifty-six dollars and I would ask for someone to introduce that ordinance at next Council meeting. Thank you Madame President. That completes my report.

President Brown: Thank you Mr. Zagrans. Does anyone have any questions of the oral report that Mr. Zagrans has given? Moving on, other reports.

OTHER REPORTS

Please note:

Mayor's Court Operating Trust Fund and Bail Trust Fund Report for February 2001.
Water Operation Report for February 2001;
Fire Department Report for February 2001; and
Visitors Bureau Annual Report for 2000.

Parks & Recreation Commission Liaison Report:
Council Member Overby: No report tonight.

President Brown: Planning Commission Liaison Report, Mr. Gillock:

Planning Commission Liaison Report:

Council Member Gillock: Yes, we will have four items that will be voted on later and I will address them at that time.

President Brown: Thank you.

Senior Citizens Advisory Board Liaison Report:
I have no report of the Senior Citizens.

Planning Commission Report to Council of Regular Meeting March 13, 2001:
Mr. White?

Council Clerk White: Mr. Gillock, please.

Council Member Gillock: The first one, the applicant was S & S Properties, doing business as

Stone River Homes. This is an application for a 25,000 square foot industrial building to be built on Butternut Ridge Road. This was before Council last meeting and we returned it to Planning because of concerns about potential pollution at the site. It came back to Planning and the applicant presented a phase one study from a reputable engineering firm stating that there been no building on the property since, I believe it was, 1857 and there was no evidence of any pollution and based on that Planning, again, recommended that the application be approved. Therefore, I do make a motion to approve.

motion by Gillock to approve, 2nd by Overby

President Brown: Any discussion?

Council Member Borocz: Madame President?

President Brown: Yes Mrs. Borocz?

Council Member Borocz: On Saturday I had a meeting with a couple of the residents on Lorain Road and we discussed their concerns and basically they, right now, revolve around the traffic patterns with trucks and any possible sewers versus septic up there. One of the other concerns was we were wondering what type of industry will be going into the building. I advise them that Mr. Smith, the developer, was willing to sit down with them and they expressed a desire to do just that. At this time there has not been a time for the meeting set up but, that's going to follow where the developer and the residents can get together and they can discuss their ideas together and as soon as that happens I would like to be able to report back to Council.

President Brown: Okay. Any other discussion?

Council Member Butkowski: Madame President?

President Brown: Yes Mrs. Butkowski?

Council Member Butkowski: I have a concern about this parcel. It's zoned I-2 and R-1 all in one parcel. It has exactly one parcel number, it's not more than one parcel and they're just going to build on the front part. What's to prevent them from storing stuff on back on the residential which is going to start causing problems with anybody that has the residential behind it. I figure if it's going to be industrial, it should be all industrial. We're running into that by rezoning some property now for, having to rezone it for, up by Arby's, because it was a split parcel. This is just one parcel. It should just be all one zone. I would like to send this back to the Planning Commission and have them just address that issue again and then there's some, Mrs. Borocz still have some things too. I think it should be sent back.

President Brown: Mrs. Minnick?

Council Member Minnick: I don't see anything on there that addresses any buffering. I realize at this point they are probably not required to do any buffering but I really would like to see some type of buffering for the residents in that area too. If Planning Commission could address that.

President Brown: Mr. Gillock?

Council Member Gillock: Madame President, the buffering is a matter of ordinance whether there is an industrial zone abutting residential. There is a 75 foot set back. There's certain buffering requirements that they will have to meet by ordinance, number one. Number two, Planning doesn't rezone, so I have a concern also with I-2 and R-1 on the same parcel but, it's not a Planning issue. That's Council, they're the only ones that can rezone. If they stored

commercial goods in the back on the R-1, that's a violation of the R-1 zoning code. They can't do that. However, it may be certainly something Buildings & Lands could look at and make a recommendation as far as the zoning of the R-1 portion of that parcel. The application before Planning is only for the one building that's on the I-2 and they really don't have a choice on that matter. So, everything that's been brought up, or that's been addressed, are not Planning issues. Planning's standpoint, they've addressed the technical aspects, set backs, buffering, applicability of the ordinance, whether it's polluted or not, there's really nothing else Planning can do.

President Brown: Would you suggest that it go to Buildings & Lands? I have heard that that R-1 is going to be landlocked. Is that true?

Council Member Gillock: I think you can refer the R-1 portion of the parcel to Buildings & Lands to look at, but I think this application has to go forward.

(tape one, side one, ends)

Law Director Zagrans: Let me state publicly what I just was discussing with the Council President. As I understand this request, this is a single request embracing both zoning parts of the same parcel. Is that correct?

Council Member Gillock: No. This one parcel is I-2 in the front and it's R-1 in the back. The request is to construct a twenty-five thousand square foot building. That building sets entirely within the I-2 section.

Law Director Zagrans: I see. Because I don't see how you can split the request and say the request is granted for part of the affected parcel of property and not granted or doesn't have any impact on the rest of the parcel if it's a single parcel. That's what I was saying to the Council President.

President Brown: Especially if that R-1 is going to be landlocked. There really isn't going to be any use for it.

Council Member Gillock: Well, it's his property whether it's landlocked or not. It's his back yard. That to me is not really an issue.

President Brown: Mr. Johnson?

Safety-Service Director Johnson: Yes, as far as properties with two different zonings, when we did the zoning, when it was done when we became a City, several of the areas was zoned commercial or industrial 500 feet back even though that parcel might be 987 foot deep, that parcel was zoned B-3 for 500 feet and the other 400 remained R-1 which is what we have with Arby's right now and the reason we had to rezone the back section of that, for the Community Care building. If you go up and down Center Ridge Road it states 500 foot back and almost every parcel on Center Ridge Road is B-3 or B-2 or B-5 in the front and beyond that 500 foot is R-1 and they are on single parcels.

Council Member Gillock: Madame President?

President Brown: Yes?

Council Member Gillock: Arby's is a good example of where a B-3 occupancy was in the front and Arby's was allowed to build even though the back of the parcel was R-1.

Council Member Butkowski: Madame President?

President Brown: Yes Mrs. Butkowski?

Council Member Butkowski: We became a City in 1960. We all, all of us that's old enough, made mistakes in 1960, this is 2001, let's not make the same mistake again. We're growing and changing, our laws have changed and let's, we have to start some place to start cleaning this up.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: Whether Council wishes to do, what Mrs. Butkowski is suggesting, or not, I think there is no legal impediment to proceeding with the application that is on motion before Council today despite the fact that there are two different zonings that apply to that parcel of property and if someone desires to rezone it so that it is uniform as Mrs. Butkowski is suggesting, that would be a separate action that would have to come back before Council. I don't think that affects the legal status of the application that is currently before Council.

Council Member Butkowski: Madame President, can we put this back in Planning Commission for them to redo it? Who would, would the property owner have to come forward to rezone it? Or who could rezone it?

President Brown: That's a question for you Mr. Zagrans. Don't sit there innocently.

Law Director Zagrans: Boy, and I try. Typically, rezoning applications are instigated by the property owner. I frankly haven't heard of a situation where a parcel like this, which, a piece of private property, has been asked to be rezoned by someone other than the property owner. But, that's something I could look into.

President Brown: Well, I hate to send this back to Planning Commission or Buildings & Lands right now, because it's before us. If it passed Planning Commission, I believe we have, our obligation to pass it and then perhaps, this man will come forward and want to change the whole thing to industrial, light industrial.

Council Member Butkowski: But he has no incentive to and it will cost him more in taxes, so, he has no incentive at all. We just, we don't have enough personnel to go out and keep watching that he doesn't make that residential thing a stock pile and we have to just keep, if he does we have to keep sending people out and we get complaints on other things that are properly zoned and everything.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: You know, you can send it to Buildings & Lands for discussion with the property owners, the neighbors, they may not want it rezoned to industrial. I think it is the property owners' intention to go I-2 on the entire parcel if the first building is successful. His plans indicate that he would like to build more buildings in the back. Part of his reasoning is that there's an industrial building in the front and it is kind of landlocked. Nobody's going to want to build houses behind it. So, if you want to send it to Buildings & Lands for discussions, I don't have a problem with that but there's absolutely no reason to send it back to Planning because they have no authority as far as the zoning goes. They have nothing to discuss.

Law Director Zagrans: And again, if you decide to send it to Buildings & Lands for discussion, as has been suggested, that doesn't have to impact the application that is currently before. That application can be addressed and voted on and then have that consideration that has been

suggested.

President Brown: Perhaps this can be discussed when Mrs. Borocz has her meeting with the neighbors and Mr. Smith.

Council Member Butkowski: Madame President, can we table a vote on this until it's been covered by Buildings & Lands for the zoning and then readdress this at the next meeting?

President Brown: What would you suggest Mr. Zagrans? If the Planning Commission passes?

Council Member Gillock: Make a motion.

Law Director Zagrans: Yeah, it's up to Council.

Council Member Butkowski: I'll make a motion to table this until we get a report back from the Buildings & Lands.

Council Member Minnick: Second.

Council Clerk White: We have a motion right now, before us, that's been second.

Law Director Zagrans: Yes, but a motion to table would be in order.

Council Clerk White: Okay.

President Brown: You second it Mrs. Minnick?

Council Member Minnick: Yes.

motion by Butkowski to table this until we get a report back from the Buildings & Lands,
2nd by Minnick

President Brown: Discussion?

Council Member Gillock: Yes. What are you tabling, until when again?

Council Member Butkowski: If it's for her to send it to Buildings & Lands and discuss the rezoning or the Board of Zoning Appeals, so that a rezoning issue can be discussed.

President Brown: I think we should send it to Buildings & Lands and have them look at it and see how many of these different things we have in North Ridgeville.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

Council Member Swindig: I was at that Planning Commission meeting and all they were talking about was industrial land. They were not talking about the R-1 and that's all they're building on is on the industrial land. They're not touching the R-1. So, I cannot see it being set up to hold up or anything because this R-1 and industrial can be addressed anytime, but I can't see holding up a business.

President Brown: Mr. Overby?

Council Member Overby: As Chairman of Buildings & Lands I don't have a problem bringing this to Buildings & Lands and discussing the R-1 and I-2, but I don't see any necessity to stop this because he's only dealing with the. . .

President Brown: Front part.

Council Member Overby: Right, and he's not encroaching on any R-1 at this time. But, refer it to Buildings & Lands and we'll discuss it and bring it to the meeting. Maybe he might want to rezone the whole property.

Council Member Minnick: Madame President?

President Brown: Yes, Mrs. Minnick?

Council Member Minnick: I've been through the papers from Buildings & Lands on this and I really don't see anything where the buffering is addressed and I think for the piece of mind for the residents in that area, I think they would like to know what kind of buffering would be involved. I think that would be a big concern from your people. Especially from the calls that I have received too and that's not even in my Ward. I think that should be spelled out.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock.

Council Member Gillock: It is spelled out in the ordinances what the buffering is required from an industrial to a residential. It requires a 75 foot set back plus mounding and it talks about the types of buffering that is allowed, pine trees every five feet or whatever the case may be. I don't remember the specifics, but it's spelled out in the ordinance what buffering is required.

Council Member Butkowski: Madame President?

President Brown: Yes?

Council Member Butkowski: I also was at that meeting and I don't remember that they talked about, they were talking about it in the front, actually the back of his property is also residential, R-1, and he would have to buffer it in the back then too because that's residential property in the back of his property also. So, he's going to be buffering in the front and in the back.

Council Member Gillock: The front, excuse Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: The front faces Lorain Road, buffering is not required where the property fronts a thoroughfare. You would have to buffer on the sides where he abuts residential. The rear of the property, which is R-1, is his own property and that more than provides any 75 foot set back if there's any more R-1 north of that.

President Brown: Well, I think we should take roll.

Council Member Borocz: One more question?

President Brown: Yes?

Council Member Borocz: Not to keep prolonging this, but I do know that one of the things that they were concerned about was the fact that it was going to be 75 foot from the road. They were concerned about what it would look like to the neighbors across the street and to all sides. So, I mean, there are several issues that really do need to be addressed without trying to delay this too long.

Council Member Gillock: Madame President, we did ask the developer or the builders about the possibility of a decorative wall or fence across the front of some manner that would help visually shield the building and they said they would be glad to consider that and discuss that with the residents. So, that's probably something that you would bring up during your meeting.

President Brown: Okay, then I think we should take a roll on the motion that Mrs. Butkowski made and Mrs. Minnick second it.

Law Director Zagrans: That is a motion to table the present motion to approve the Planning Commission report.

President Brown: Yes.

Yes, 3

No, 4 (Overby, Swindig, Gillock, Brown)

President Brown: How does that vote come out?

Council Clerk White: Four nos and three yeses. It fails. It didn't get a motion to table.

President Brown: Okay, now we'll vote on the ordinance itself.

Council Member Overby: It's not an ordinance.

Council Clerk White: Vote on the motion.

President Brown: On the motion.

Council Clerk White: For Mr. Gillock and Mr. Overby on the Planning Commission report.

President Brown: Uh hum.

Yes, 4 No, 3 (Borocz, Minnick, Butkowski)

Council Clerk White: Motion carries four, three.

President Brown: Mr. Gillock?

Council Member Gillock: The second application was from Faye Atkinson, an application to vacate 340.80 feet of East Street, now known as Breck Court. A representative was not there so it was tabled, or correction, it was re-posted for the April 10th meeting. Motion to approve the re-posting.

motion by Gillock to approve the re-posting, 2nd by Overby

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Council Member Gillock: The third application was from Convenient Car Sales, Kenneth Hasick, to erect a 2000 square foot building to be operated as a used car sales and service facility at 7054 Avon Belden Road. This is the parcel between the old gas station at 83 and Center Ridge and the attorneys office. This application was postponed by Planning until we received the phase two environmental study and the City Engineer has reviewed it. In the meantime the application, as requested and paid the fees for a special meeting, which is scheduled for March 27th at 7:00 P.M. I moved to approve.

motion by Gillock to approve, 2nd by Overby

President Brown: Discussion? Roll please Mr. White.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Council Member Gillock: And the last applicant was from Clark & Post Architects representing Lake Ridge Academy, they are constructing an addition to the Fine Arts building. After some discussions about sidewalks and bridges, you'll be glad to know Stewart, that they are taking that bridge, they're going to repair that and sidewalks will be installed during the later part of the construction phase. The application was unanimously approved by Planning and I move to approve.

motion by Gillock to approve, 2nd by Overby

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Old business, I don't have any. Do you?

Council Clerk White: No ma'am.

OLD BUSINESS None

President Brown: Okay then, let's move on to new business.

NEW BUSINESS

Council Clerk White:

T 35-2001 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.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

 motion by Swindig to suspend By-Laws to give T 35-2000 a first reading tonight,

President Brown: Is there a second? Second, Mrs. Borocz.

 2nd by Borocz

President Brown: Discussion?

Law Director Zagrans: Madame President?

President Brown: Mr. Zagrans?

Law Director Zagrans: I'd merely like to point out for the benefit of Council Members considering the motion, that the principal amount of the notes that are being requested by this ordinance of just under 6.8 million is a significant reduction in the cost of the westerly interceptor sewer as a result of the bidding that was done and the low bids that the City received. The City is going to be able to save over a million dollars, approximately a million and a half dollars beyond the original estimate of the cost of the project.

President Brown: That you Mr. Zagrans. Any other discussion? Mrs. Minnick?

Council Member Minnick: Well, the Supreme Court has not decided on Waterbury and Meadow Lakes yet and since the sewer agreement is tied to these PCD's, bonding companies don't usually issue bonds when there's pending litigation. I believe this is premature to go

forward with this.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: This is a matter that we have discussed with outside bond counsel and with outside securities consultant from McDonald & Company. They are comfortable and therefore, the City is comfortable.

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

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries six, one.

President Brown: To be read tonight.

Council Clerk White: For first reading for T 35-2001.

T 36-2001 A resolution of necessity for the construction of sanitary sewers along Center Ridge Road west of State Route 83.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

motion by Gillock to suspend By-Laws so that this can have its first reading, this evening,

President Brown: Second by Mr. Overby?

2nd by Overby

President Brown: Discussion? Mrs. Minnick?

Council Member Minnick: According to our Charter this needs to go to Planning Commission, Section 8.8.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: This is a resolution, this is not an ordinance, it does not have any money attached to it. In fact this resolution is a resolution of intent only. We originally received a letter from the EPA basically stating that commencement by April 2002 of the Center Ridge Road sewer up to Race Road and commencement by April 2004 of the Center Ridge Road is an amendable schedule for the sanitary sewer. Any further substantial delay will result in an escalation of enforcement activity. They also stated in 1991, 65 percent of the septic systems on Center Ridge Road were found to be, I think in their language, were failing or providing inadequate sewage treatment. That's ten years ago. I wonder what that percentage would be today. The EPA wants to know what or intentions are as far as sewerage Center Ridge Road. No where does this resolution refer to the westerly sewer. It's simply a statement saying that it is our intent of the Council to support efforts to put sewers down Center Ridge Road from Race to the western City limit by 2002 and from Race to Route 83 by 2004, regards to how that access is accomplished. Some Councilmen have stated they're not against sewers per say. Well this is where the rubber meets the road, as they say. You're either for the sewers or not. If you believe that sewers are not necessary, excuse me, if you believe they are necessary, you can't vote no on a simple resolution of intent. To me, a no vote would tell me that that particular Councilperson has no intention of providing sewers to the western portion of the City. In addition, we often

hear comments that we wished the administration would go a little slower on things like this. This puts the administration on notice that we want to provide this needed service and they need to start planning now so that the legislation necessary, including going to Planning for their review, can be accomplished and flow smoothly without all the dispensing of second and third readings and using the emergency clause to meet deadlines. Start planning now. We're saying what our intent is so that deadlines can be easily attained and maybe we can avoid some of this current controversy. Septic systems aren't working. Businesses can't expand. Some businesses are considering moving out. We've got excessive amounts of dangerous waste lying in our open ditches. It's time we join the 21st century and put sewers down as a main thoroughfare. I urge each and every Councilman to support this resolution of intent. It's not an ordinance. We're not spending any money yet. We're simply telling the community and the administration and the EPA, this is our intent.

President Brown: Thank you Mr. Gillock. Mrs. Minnick?

Council Member Minnick: I agree with you Mr. Gillock that the, we should move slower on this. Section one says, the sewer along Center Ridge Road from western North Ridgeville corporation limit to Race Road connecting into the westerly trunk sewer with construction commencing April 2002, I agree that sewers are needed on the west side of town. April 2002 gives us a big leeway. I know a community south of here have been under a federal mandate for some time and legal action has not been taken with them and I'm sure that the EPA understands what's going on in North Ridgeville and they realize that we are working towards sewerage. So, to have you say that any Council person voting against this is opposed, is entirely fabricated. Like I said, the construction commencing April 2002, there's plenty of time. Thanks.

Council Member Butkowski: Madame President?

President Brown: Yes Mrs. Butkowski?

Council Member Butkowski: I don't have a problem with this going through on a regular, it's 2002 to start, I don't have a problem with it going through regular, taking its three readings without an emergency. I don't have a problem with that. Why are we in such a hurry to just to put it through? I don't like emergencies on anything and I think we can just do this and follow our Council rules.

Engineer Lovece: Madame President?

President Brown: Stewart?

Engineer Lovece: Thank you. With regards to the time frame of April of next year, that's, are we waiting too long. I mean, the sooner the better. I'm not sure what the question was, but why, it takes time to design a project, to get funding, to pound the pavement and one funding source may be a special assessment. We'll try to get some help from the EPA. Possibly a low interest loan. There's many things that we're looking at. But, it's a realistic time schedule. I would not delay this any further. The sooner the better. It's long, long, overdue. It just amazes me, when I even started my appointment in North Ridgeville, that the main drag, Center Ridge Road is virtually no sewer from end to end and we look at all the improvements and things that are being done in Avon and Sheffield built on our sewer. That's what really, I mean, that's one issue that I find shocking. They're building on our sewer, nice businesses, you name it, in Avon and

Sheffield and we don't even have a sewer when we own the plant. So, this is something probably should of been done 20 years ago. But, we didn't and we really need that sewer on Center Ridge.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: May I respond to Mrs. Butkowski's question about the timing of not letting this go through its normal three readings and no emergency, etcetera? The reason for it has nothing to do with the commencement date of not later than April 2001. What it has to do with is Mr. Gillock was pointing out, notifying and signaling the EPA that this is the intention of Council because the EPA has made it very clear to Mr. Lovece that it is conditioning its issuance of a permit on the interceptor sewer on the City's willingness to build the sewer, the lateral sewer down Center Ridge Road. Now, the interceptor project is something this Council has already authorized. We have to have an EPA permit issued to us and we have to satisfy the EPA's condition of a willingness to build the Center Ridge lateral sewer. So, that's the reason for doing this now and not a month in a half or two months from now.

President Brown: Thank you Mr. Zagrans. Mr. Gillock?

Council Member Gillock: Madame President, I will not be asking for the emergency clause though. It's a resolution of intent and that has no effect. So, that will not be an issue.

President Brown: Thank you. Any other discussion?

Council Member Butkowski: Madame President?

President Brown: Yes?

Council Member Butkowski: I just have a problem. It's four more weeks and we can have a third reading and I don't see, if that was the case that we needed this, Mr. Lovece did not say anything about that when we pass the other thing. He did read about the sewer from the EPA, April 2002 and 2004. I don't see, I don't have a problem with this, but I think it should go through the regular channels like it's suppose to.

President Brown: Please take the roll Mr. White.

Council Clerk White: Suspend By-Laws for first reading.

President Brown: Right.

Yes, 6 No, 1 (Butkowski)

Council Clerk White: Motion carries six, one for suspending By-Laws for reading T 36-2001.

T 45-2001 An ordinance providing for the appropriations of money for current expenses and other expenditures for the City of North Ridgeville, Ohio for the period commencing January 1, 2001 and ending December 31, 2001.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to suspend By-Laws to give T 45 a first reading tonight, 2nd by Borocz

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 45-2001 will have first reading tonight.

T 46-2001 A resolution to approve the expenditure of funds.

Council Member Swindig: Madame Chairman?

President Brown: Yes Mr. Swindig?

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

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

 Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 46-2001 will have first reading tonight.

T 47-2001 An ordinance establishing jail time in lieu of payment of fines for Mayor's Court.

T 48-2001 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to enter into a contract with the American Federation of State, County and Municipal Employees, Local 3442, AFL-CIO.

Council Clerk White: Mr. Johnson requested this to be tabled. I need a motion from someone, and second to do that.

 motion by Swindig to remove T 48-2001 from the agenda, 2nd by Borocz

 Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 48-2001 is removed.

Council Clerk White: That is all the new business that I have. I have three pieces of correspondence.

CORRESPONDENCE

1) Received an Entry from The Supreme Court of Ohio ordering that the relators are granted \$22,356.25 in attorney fees and a refund of \$140.00 in costs and that relators request for additional fees is denied.

2) Received a letter from Lorain County Community Development Director Ronald Twining announcing that their next meeting will be March 21, 2001 at the Oberlin Public Library from 2:00 P.M. to 4:00 P.M. The agenda will focus on Developing Affordable Housing the Ups and Downs in Lorain County.

3) Received a letter from United States Senator Mike Define acknowledging receipt of our legislation regarding the high level of foreign steel imports and noted that legislation he wrote to fight against foreign dumping and subsidization has recently been approved by Congress.

That's all the correspondence that I have.

President Brown: Thank you Mr. White. Now we'll go into lobby session. I will start my timer as soon as you get done giving your name and your address and you have two minutes to address Council.

LOBBY

1) David Riley of 38134 Sugar Ridge Road spoke his opinion of STAMP being against the administration and more concerned with developers than residents. Spoke about Law Director's comments at the February 5th Council meeting. Stated that every time he has seen a deviation from the Master Plan it's been at the residents expense. Stated that the only hope that he has for representation from this administration is STAMP.

2) Joe Antush of 38500 Otten Road spoke in regard to the City having to pay for Mr. Phillip's attorney fees, the residents got a bargain since they got something for their money. They got to vote on the Kingston PCD development. Stated that we also have to pay Mr. Zagrans for his efforts to deny residents to vote. Stated that neither bill would have been necessary if it were not for the trampling of Citizens rights.

3) Gerald Phillips of 35955 Detroit Road spoke about his criticism of Council rules on December 4th and December 18th indicating that they were unconstitutional. Stated that if Council would attempt those rules he hopes that someone would challenge those and bring suit contrary to Mr. Zagrans opinion. Spoke about Mr. Zagrans conduct and hopes that the ACLU pursues action.

4) Bob Miles of 34582 Lorain Road spoke about rising utility prices, current and proposed projects. Asked who's going to pay for all of this. Spoke about the property zoned industrial on Lorain Road. Stated that he remembers a green house being there, that was just torn down not that many years ago. Asked if they build this business, are they going to extend a sewer down there.

President Brown: Anyone else wishing to speak?

5) Chris Crobaugh of 38460 Otten Road spoke about Mr. Zagrans mention of the Supreme Court decision last fall of a four to three vote. Stated that the four was preventing an absurd result. Stated that he is tired on people taking millions of dollars out of the City in development and making outrageous statements such as Bob Schmitt calling members of stamp and those opposed to the methods used, referring to them as terrorists. Spoke about the right to vote and read a quote. Read a quote from an English Statesman.

President Brown: Time is up Mr. Crobaugh. Two minutes, thank you.

Mr. Crobaugh: Do you want me to cease and de cease again?

President Brown: Thank you, if you would like. Anyone else would like to speak?

6) Nancy Buescher of 36669 Center Ridge Road stated that if the ACLU does pursue this lawsuit and Council was warned that the rules are unconstitutional, Mr. Zagrans is again going to

be paid a great amount of attorney fees paid by the City.

7) Josephine Perryman of 38565 Sugar Ridge Road, read a cartoon from Sundays Chronicle Telegram and stated that she hopes that we do not have this result in our City. Asked if they ever got an itemized statement from Mr. Zagrans on his bill that was requested on his work on the STAMP litigation.

8) Joyce Johnson of Center Ridge Road stated that she is a business owner on the west side of town and noted that we are in danger of losing some of the businesses on the west side if this sewer does not go through. Stated that she is also a resident that owns a home on the west side and feels that she has paid her fair share for the treatment plant.

9) Mary-Ann Miles of 34582 Lorain Road stated that she is glad that she didn't hear a lot of point of orders tonight and people could take constructive criticism. Read a quote regarding free speech. Stated that we have to accept differences of opinions and ideas.

10) Joe Antush of 38500 Otten Road stated that he is still wondering why the Mayor made the offer of the olive branch and the tree and offers that politicians talk with them. Stated that neither offer has been pursued.

President Brown: Anyone else?

11) Allen Retay from Retay's Welding on Race Road stated that his farther moved his business here from Lorain in 1964 in hopes that the business would be expanded. Stated that he has, to a certain point and can't any more because there are no sewers there. Commended the Council and administration on their efforts in trying to get this project through.

President Brown: Anyone else?

12) Chris Crobaugh of 38450 Otten Road stated that he's a long time member of the ACLU. Stated that he has bounced happenings of the February 20th meeting off of some ACLU lawyers and doesn't think that they are going to see it the way Mr. Zagrans tells their going to see it. Stated that people of STAMP and involved with STAMP are not anti-sewer but are pro-charter and pro-law.

President Brown: Thank you. I will call for, oh.

13) Dave Riley of 38134 Sugar Ridge Road stated that irregardless of STAMP he is not against sewers, his problem is the trust in this administration to represent his best interest. Spoke about the industrial park being constructed in his backyard and not 500 feet from the road. Spoke about the PCD development being put in irregardless of existing residents and their concerns.

14) Rosemary Berg of 37953 Center Ridge Road stated that when she asked about the plan in the Press and Light she was told it was a mistake, sewers were not going down Center Ridge. Now, sewers are going down Center Ridge. Stated that she is not opposed to the sewers, she is opposed to what is happening as far as the lack of the proper communication or the truth. Asked that residents be told the truth the first time and not bypass the truth.

Engineer Lovece: Madame President?

President Brown: Yes Mr. Lovece? Just a minute, let me set my timer.

Engineer Lovece: I just wanted to mention, the Center Ridge Road sewer that we're planning on that one year from now, starting construction, as a resolution of intent, we are going to try everything in our power to build sewers down the western end of Center Ridge. This plan of the westerly sewer, the only reason it showed a sewer on Center Ridge Road, that was an agreement between the City and the EPA originally to have drawings available and then they wanted more drawings. Then it got to be the point where it's too expensive and too time consuming to show all the drawings so we came up with a plan of a resolution of intent in lieu of the drawings so, that's where we were at now. Everything's above board.

President Brown: Just a minute Mayor. Okay.

Mayor Hill: Ready? To respond to Mr. Antush's comments regarding the Olive tree and it was not pursued. Actually it has been. First, after extending the Olive tree, of course I was hit with numerous letters to the editor and other not very nice comments about doing that. But, I ignored it and moved on. The next thing I did was in that speech when I offered it, I talked about learning how to work together, learning how to cooperate. As a matter of fact I contacted five agencies who help groups with conflict resolution and build into the budget, with the help of the Finance Committee, monies, twenty-five hundred dollars for professional development, which is the first step when you learn your roll, your rules and the requirements, and thirdly, he made a remark about, well I guess maybe we should contact the State officials ourselves then. Well actually, if you reread the Mayor's report, that's exactly what I asked people to do.

President Brown: Time's up. Thank you. Anyone else before Mr. Miles?

Council Member Butkowski: Madame President? Just briefly.

President Brown: Just a minute Mr. Miles. I have to set my timer. Okay

Council Member Borocz: It seems over the last year and a half that I've sat on Council all we do is constantly go back and forth with questions and answers and questions and answers and questions and answers. The questions that people hear, are answered. The perception of the answers are within the people who hear them. It seems that we get more and more confused over what is going on because nobody's listening to the answers that are being given.

President Brown: Mr. Miles.

Law Director Zagrans: May I Madame President?

President Brown: Yes you may.

Law Director Zagrans: Ladies and gentlemen and for those of you who are watching at home, the rules stated very clearly that anyone who wants to talk will be permitted to talk during lobby

session and then when no further member of the public wants to speak, Members of Council or the administration would be given a limited time of one minute a piece to respond to any questions or points that the members of the public made during lobby session. Now, this is the first time, to my knowledge, that a member of the public has gotten up after Members of Council have already begun their response session. So, Madame President, it's entirely within your discretion, I don't recommend that you forbid Mr. Miles to speak on this occasion, but I do want everybody to understand that that's the procedure. That everybody is given a chance to talk and once lobby session is concluded because nobody else is talking, that's when Council Members get their opportunity to respond. So, with that I would recommend Madame President, but it's in your discretion, that you permit Mr. Miles to speak again.

15) Bob Miles of 34582 Lorain Road stated that he is a member of AFSCME for 28 years, four term president, negotiated five contracts. Stated that Mr. Johnson put the AFSCME contract on hold and doesn't feel it's very good PR and asked that the contract be passed as soon as possible so they can get their just dues and continue doing their good services.

President Brown: Mr. Gillock?

Council Member Gillock: Madame President just one comment to Mr. Miles. It wasn't me that said there wasn't any buildings there since 1857. That was a quote from the registered professional engineers report that studied all the titles and deeds and walked the property and that's what he put in his report and I bring that out. That's what Planning has to rely on is, we have a registered engineers report, there's nothing there, just wanted to let you know. I've only lived here 22 years and I never saw it, so.

Council Member Swindig: Madame Chairman, on tabling or removing T 48 which is the AFSCME contract. That one was not the one the union passed. The one that they passed is forth coming. That was their old contract.

President Brown: Thank you.

Law Director Zagrans: Madame President?

President Brown: Yes?

Law Director Zagrans: Thank you. I'll be very brief.

President Brown: Hold on, I'll set my timer, just a minute. Okay Mr. Zagrans.

Law Director Zagrans: Thank you. In response to Mrs. Buescher's comment, she and others should be aware that I will not be defending the City alone if the ACLU were to file litigation, although it remains my hope and belief that it will decide not to. I contacted and hired the recognized foremost expert in the State of Ohio on first amendment law when we adopted the rules back in December. He will be representing the City of North Ridgeville along with me. Thank you.

Safety-Service Director Johnson: Madame President?

President Brown: Mr. Johnson, just a minute please. Go.

Safety-Service Director Johnson: On the contract, what has happened, there was a typographical error. The first page was right, it was the contract. The rest of the pages in it we discovered were

the 1999 contract. So, it would be senseless to try to pass a contract that was two years old and also the union did not ratify that contract yet. So, we are waiting for ratification also.

President Brown: Thank you Mr. Johnson. I will call for a ten minute recess please. At twenty minutes to, will reconvene. Thank you.

RECESS from 8:25 P.M. to 9:40 P.M.

President Brown: First readings please, Mr. White.

FIRST READINGS

Council Clerk White: First reading.

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

First Reading

President Brown: That constitutes first reading. Please. Mr. White.

Council Clerk White:

T 32-2001 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE OHIO
DEPARTMENT OF DEVELOPMENT FOR FUNDING UNDER THE
COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES
PROGRAM FOR A COMPREHENSIVE HOUSING IMPROVEMENT
PROGRAM (CHIP) GRANT.

First Reading

President Brown: That constitutes first reading.

Council Clerk White:

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

First Reading

President Brown: Constitutes first reading.

Council Clerk White:

T 34-2001 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF
3660-2001 CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE
VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO
APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE
UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL
ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

First Reading

President Brown: Constitutes first reading.

President Brown: Yes Mr. Swindig.

motion by Swindig to suspend second and third reading, 2nd by Borocz

President Brown: Discussion? Mrs. Minnick?

Council Member Minnick: I just like to say, I'm not opposed to these sewers. But, I am opposed to the agreement and my vote will reflect that.

President Brown: Please take roll call.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries six, one to suspend second and third readings.

motion by Swindig to adopt

President Brown: Second Mrs. Borocz.

2nd by Borocz

President Brown: Discussion?

motion by Borocz to add the emergency and the reason for the emergency is that this ordinance has been declared to be an emergency measure, it is necessary for the immediate preservation of the public health, safety and welfare of our City and for further reasons that this ordinance is required to be immediately effective in order to issue and sale the notes which is necessary, to enable the City to timely and to enter into a contract for and complete the improvement which is urgently needed to eliminate existing and potential hazards to public health and the environment, wherefore this ordinance shall be in full force and effect, 2nd by Swindig

President Brown: Thank you, please take roll.

Council Clerk White: Overby?

Council Member Overby: Yes.

Council Clerk White: Swindig?

Council Member Swindig: Yes.

Council Clerk White: Borocz?

Council Member Borocz: Yes.

Council Clerk White: Minnick?

Council Member Minnick: No.

Council Clerk White: Butkowski?

Council Member Butkowski: This is the vote on the emergency?

Council Clerk White: This is the vote on the emergency.

Council Member Butkowski: No.

Council Clerk White: Gillock?

Council Member Gillock: Yes.

Council Clerk White: Brown?

President Brown: Yes.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two on the emergency. On the adoption.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries six, one. T 35-2001 becomes Ordinance Number 3661-

2001 with the emergency.

Permanent Ordinance No. 3661-2001

T 36-2001 A RESOLUTION OF NECESSITY FOR THE CONSTRUCTION OF
916-2001 SANITARY SEWERS ALONG CENTER RIDGE ROAD WEST OF STATE
ROUTE 83.

First Reading

Council Member Borocz: Madame President?

President Brown: Yes?

motion by Borocz to suspend second and third readings,

President Brown: Second Mr. Gillock.

2nd by Gillock

President Brown: Discussion? Mrs. Minnick?

Council Member Minnick: Mr. Zagrans, is this a resolution of intent or necessity?

Law Director Zagrans: Well, it is styled a resolution of necessity because that's what the law prescribes. But, as Mr. Gillock indicated this resolution of necessity would express Council's finding that sewers along Center Ridge Road are necessary and will express to the public, to the EPA and to the administration, Council's intention of proceeding with a Center Ridge Road lateral sewer after the westerly interceptor sewer is constructed.

Council Member Minnick: Thank you.

President Brown: Roll call.

Yes, 5

No, 1 (Butkowski)

Abstain, 1 (Minnick)

Council Clerk White: Motion carries five, one and one.

motion by Gillock to adopt, 2nd by Borocz

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

Yes, 6

No, 0

Abstain, 1 (Minnick)

Council Clerk White: Motion carries six, zero, one. T 36-2001 becomes Resolution No. 916-2001.

Permanent Resolution No. 916-2001.

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

First Reading

President Brown: Constitutes a first reading

Council Clerk White:

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

DISTRICT.

First Reading

President Brown: Constitutes a first reading.

Council Clerk White:

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

First Reading

President Brown: Constitutes a first reading.

Council Member Gillock: Madame President?

President Brown: Yes?

Council Member Gillock: Just a small point, because we carry this through on the agenda. In the agenda it states that this is resolution made by Marcella Baldauf, to have certain land owned by him. That should be her.

President Brown: Yep, that should be her.

Council Member Gillock: I wanted to point that out.

Council Clerk White: I have her written her.

Council Member Gillock: Okay. Just fix it on the agenda.

Council Clerk White: Don't read the agenda, listen to what I said.

Council Member Gillock: That'll get me in more trouble.

Council Clerk White: You are correct. It does say him in there, but we do know that her is a she.

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

First Reading

President Brown: Constitutes first reading

Council Clerk White:

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

First Reading

President Brown: Constitutes first reading

Council Clerk White:

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

First Reading

President Brown: Constitutes first reading

Council Clerk White:

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

First Reading

President Brown: Constitutes first reading

Council Clerk White:

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

First Reading

President Brown: Constitutes first reading

Council Clerk White:

T 45-2001 AN ORDINANCE PROVIDING FOR THE APPROPRIATIONS OF MONEY
3662-2001 FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY
OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING
JANUARY 1, 2001 AND ENDING DECEMBER 31, 2001.

First Reading In Full

Council Member Swindig: Madame Chairman?

President Brown: Yes

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

President Brown: Okay, discussion? Roll on the suspension please.

Yes, 7 No, 0

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

motion by Swindig to adopt,

President Brown: Second Mr. Gillock.

2nd by Gillock

motion by Swindig to add the emergency due to the time restraints of it taking
effect April 1 when the temporary budget runs out.

President Brown: You second it?

Council Member Gillock: Um huh.

President Brown: Any discussion? Please take the roll on the emergency.

Yes, 7 No, 0

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 45-2001 becomes Ordinance Number 3662-2001 with emergency.

Permanent Ordinance No. 3662-2001

T 46-2001 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

917-2001 First Reading

Council Member Swindig: Madame Chairman?

President Brown: Yes Mr. Swindig?

motion by Swindig to dispense with second and third readings

President Brown: Second Mrs. Borocz.

2nd by Borocz

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

Yes, 7 No, 0

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

motion by Swindig to adopt, 2nd by Borocz.

President Brown: Discussion? Roll on adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 46-2001 becomes Resolution Number 917-2001

Permanent Resolution No. 917-2001

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

President Brown: Second readings.

SECOND READINGS

Council Clerk White:

T 26-2001 AN ORDINANCE REPLACING ORDINANCE 3486-99 AND ORDINANCE 3499-99 AND WITHDRAWING THE REQUIREMENT OF FLOW MONITORING METERS FOR NEW TAP-INS TO THE FRENCH CREEK INTERCEPTOR.

Second Reading

President Brown: That constitutes second reading.

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

President Brown: Going into the third please.

THIRD READINGS

Council Clerk White:

T 20-2001 AN ORDINANCE ESTABLISHING A BOARD OF ZONING APPEALS

3663-2001 SPECIAL MEETING FEE OF ONE HUNDRED DOLLARS (\$100.00).

Third Reading

President Brown: That constitutes third reading.

motion by Swindig to adopt, 2nd by Borocz

President Brown: Discussion? Take roll please on the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 20-2001 becomes Ordinance Number 3663-2001.

Permanent Ordinance No. 3663-2001

T 21-2001 AN ORDINANCE AMENDING CHAPTER 1282.11 (C) (4) (B) BY DELETING

3664-2001 NON-ESSENTIAL, INCONSISTENT REQUIREMENTS.

Third Reading

Council Member Borocz: Madame Chairman?

President Brown: Yes.

motion by Borocz to adopt

President Brown: Second, Mr. Swindig?

Council Member Swindig: Yes.

2nd by Swindig

President Brown: Any discussion? Take roll please.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries seven, one.

President Brown: No, six, one.

Council Clerk White: Six one. I added a member.

President Brown: You're getting bunchy.

Council Clerk White: Don't tell everybody. T 21-2001 becomes Ordinance Number 3664-2001.

Permanent Ordinance No. 3664-2001

T 22-2001 AN ORDINANCE REQUIRING NOTIFICATION TO THE FIRE

3665-2001 DEPARTMENT AND THE BUILDING DEPARTMENT OF A CHANGE OF
BUSINESS OWNER FOR SAFETY AND EMERGENCY PURPOSES.

Third Reading

motion by Borocz to adopt, 2nd by Swindig

President Brown: Discussion? Roll on the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 22-2001 becomes Ordinance Number 3665-2001.

Permanent Ordinance No. 3665-2001

T 23-2001 AN ORDINANCE PERMITTING THE EXTENSION OF WESTWOOD DRIVE
3666-2001 AND DEDICATING IT FOR PUBLIC PURPOSES.

Third Reading

motion by Borocz to adopt,

President Brown: Who second that?

Council Member Swindig: I did.

President Brown: Mr. Swindig.

2nd by Swindig

President Brown: Discussion? None, please take roll on the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 23-2001 becomes Ordinance Number 3666-2001.

Permanent Ordinance No. 3666-2001

That's all of the third readings that I have.

UNFINISHED BUSINESS None

President Brown: I don't have any unfinished business. How about committee meeting announcements, please Mr. White.

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White:

There are Public Hearings on Monday, April 2, 2001 at the following times:

at 7:03 P.M. on Wensink Agricultural District;

at 7:06 P.M. on Fate Agricultural District;

at 7:09 P.M. on Baldauf Agricultural District;

at 7:12 P.M. on M^CCaskey Agricultural District;

at 7:15 P.M. on Wroblewski Agricultural District;

at 7:18 P.M. on King Agricultural District;

at 7:21 P.M. on Slusher Agricultural District;

at 7:24 P.M. on M & J Co. Agricultural District; and

at 7:27 P.M. on Vrooman Agricultural District

Next Regular Council Meeting Monday, April 2, 2001 at 7:30 P.M.

Public Hearing Monday, April 16, 2001 at 7:25 P.M. on T 34-2001 and I have nothing else.

President Brown: Any committee meetings that we should hear of? Please call for adjournment.

NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MARCH 19, 2001

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ADJOURNMENT

motion to adjourn by Swindig, 2nd by Borocz
President Brown: Meeting adjourned.

Meeting adjourned at 9:55 P.M.

MOTION Borocz 2ND Swindig DATE April 2, 2001

YES 0 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL