

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING MARCH 6, 2003**

CALL TO ORDER 10:30 A.M.

President of Council David Gillock: I'd like to call this Special Meeting of the North Ridgeville City Council to order. Would the Clerk please read the notice.

READING OF NOTICE

Council Clerk Norris: Dear Members of Council:

Notice is hereby given, in accordance with Section 3.9(c) of the Charter of the City of North Ridgeville, that a Special Council meeting will be held Thursday, March 6, 2003 at 7:30 P.M. This meeting will be held in City Council Chambers, North Ridgeville City Hall, 7307 Avon Belden Road, North Ridgeville, Ohio.

The purpose of this meeting is to consider Resolution T 25-2003, a resolution approving the adoption of a Storm Water Management Program (SWMP) for the City of North Ridgeville, as is required by the Ohio Environmental Protection Agency (OEPA).

The letter is signed, Deanna L. Hill, Mayor.

ATTENDANCE

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

Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Engineer Larry Griffith and Clerk of Council Chuck Norris.

President Gillock: Thank you. A couple of quick items we note for the record that the Mayor, Safety-Service Director and Engineer are here and Mrs. Buescher is absent. Her husband is ill.

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In discussing T 25-2003 this evening, I'm going to open discussion up, ask questions or if anyone makes comments, then I would ask that we have a motion to suspend By-Laws to give this a first reading and then we can proceed through the procedures should we want to adopt it and if we do, I believe they need the emergency clause. At least that's what they requested so they can get this down there Monday and I think that just keeps it simple. So, at this point I'll open it up for discussion. Mayor Hill?

Mayor Hill: Yes, Mr. President. I understand there were some questions about the timeliness of this plan and why it was late coming to Council, at least in Council's eyes. I'd like to give you a real brief outline of what we encountered, what we had to deal with. Localities became aware a couple of years ago that, eventually, they would have to submit plans addressing the issue of rivers and streams protection. There was a problem in that EPA notified municipalities, villages, townships, that they'd have to submit a plan. They notified us on January 21 of this year. The EPA did not issue their requirements to be included in the plan until February 4 of this year. You can see we're moving very quickly up to the Council meeting of March 3. The plan is essentially and very basically a statement of what we are doing and what we tentatively plan to do. Next,

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Berea did their plan the first week in February. It was explained to us that they basically had to guess what the final requirements were to be because the requirements, remember, did not come out until February 4. At a Lorain County Alliance that both the City Engineer and I attended on February 7, Andy Vidra, from NOACA, said the Berea plan would be released to cities to use as a model. As of March 3, that's the day of the Council meeting, the Berea plan had not been released. On the following day, March 4, the Berea plan was emailed to City Engineer Griffith. On February 12 at a Storm Water Task Force meeting, that's a county wide meeting, different model plans were discussed. On February 14, the SSD attended a NOACA meeting and asked Andy Vidra if the Berea plan was available and Mr. Vidra, at that time, said it was not ready and remember, it did not come to us until the day after the Council meeting. All the while, this March 10 required date for submission, hanging over our heads. Several letters are required to be included in the plan. The following were received and dated as written, not received, by us but as written on these dates. On February 18, we got a letter from the Lorain County Commissioners that we needed. On February 21, we got the Lorain County Emergency Management Agency that we needed or at least they were dated as written on those days. So, you figure two or three days later. On February 24, we got the County Engineer's letter. On February 24, written was the Lorain County Health District's letter. On February 27, the Lorain County Commissioners wrote a letter and mailed it on February 28. It was received on Monday, March 3, the day of the Council meeting but was not opened until March 4, the day after the Council meeting. Then, the plan was submitted to Council on March 3, still not being able to be completed because we had not received all the materials we needed and again it is required to be in Columbus by March 10. This is basically a resolution of support for the plan and if you notice some of the language included in the resolution is that the plan will be substantially the same as submitted. That gives you an idea of why we've had a little trouble getting everything together at the last minutes. I know that at least one locality in our area has said to send their's in without Council approval because it wasn't possible in time. So, that now gives you a summarized idea of the problems that we have encountered with this whole project.

President Gillock: I find it astounding that they expect you to do this in that amount of time and I commend you for what we did get done and I would wish that you would register a protest as strongly as possible that, we need time to digest this, I don't mean months and years but, to send something down like this and say, you have a week to finish it.

Mayor Hill: It's been very difficult for every municipality, every village and every township across the State but, as I have said time and time and time again, unfortunately, the rest of the world does not revolve on schedules of individual municipalities, villages or townships. We wished they did but, they plain don't and when we are given a requirement that carries a heavy fine, if we don't meet the requirements, we don't have much of a choice and it puts us all in a squeeze and I know I have to commend Larry Griffith because on his own time he worked over weekends, he worked here at nights and those were hours for which he does not get paid but, he was trying to do his very best to meet those time lines and even Tom Beutler, our former City Engineer, was trying to help us with it by attending meetings as well so that we could move this along and we're all in the same position.

President Gillock: I know the EPA, from my own practical experience, does exactly what you're saying. They do things their way and that's the way it's going to be. Mr. Johnson?

Council Member Johnson: I appreciate the difficulty of it. I understand the deadline is very hard to meet but, out of all those dates that were mentioned, Madame Mayor, I didn't hear one that was an update to Council and I think that's pretty much the problem here. It would have been nice to have the final draft earlier. I understand the reason for that but, there was a lot of thought process that went on it and section two of this resolution says the Council and the administration do hereby resolve to adopt and implement. This is a joint document that I think we should have been included in on a little bit more.

Mayor Hill: Mr. President, well I understand those sentiments perfectly. I've got to be honest with you, it would be difficult for me if I had to vote, to vote on something that I hadn't fully seen so, I do appreciate the concerns and all I can say is that every day was devoted to it, at least discussing and writing this and gathering materials. We could not possibly have given Council a completed plan, actually it wasn't completed because we were still missing one letter, but we had no choice at that point. It was mentioned at appropriations, I understand, and monies were set aside for the maps that have to be completed. It was also mentioned at the Board of Flood and Drainage, I understand, so, we've attempted to make public what we had. We didn't have the final requirements.

President Gillock: Before we start discussing it in the meat of it, I don't have my copy with me because I got called out of my office today and it's there and it's not a critique, on page six it refers to the Lake County Development, I believe, is that supposed to be Lorain?

(Inaudible)

Council Member Olesen: Mr. President, the only comment I have here, I think maybe some things could have been done differently to keep us informed but, the fact remains that we're dealing with the EPA and I confirmed that these letters of instructions were not sent out until February 4 and I'm sure that we cannot jump on them immediately and I really commend our Engineer for getting this report together in time. I think he's done a fantastic job. The other thing I found out today, incidentally, is that the Berea report was rejected. They jump the gun too much and didn't have enough in it.

Council Member Pagel: I'd like to get to the meat of the document. I just have two little questions and information only. On the part of the position paper with the EPA Phase Two, on page one, car wash waste water for illicit discharge, what do we do with our car washes in this City? Where are they discharging to?

Engineer Griffith: Sanitary sewers.

Council Member Pagel: Thank you. My second question is, the letter from the Lorain County Engineer, Mr. Carney, there is a sentence in there and I'm wondering if it just refers to townships or if it refers to everyone where they state, we will perform the mapping provided we give them, what is that reference to? Because, Mr. Johnson, you talked specifically about that. The cost of the mapping and that and it also said it wouldn't have to be done until 2006.

Engineer Griffith: That's the township.

Council Member Pagel: Just townships?

Engineer Griffith: Yes.

Safety-Service Director Johnson: Mr. President, I do believe though, that the County with the GIS system that they have, once we supply them we might have to pay them but, they would create the maps for us which would be a lot cheaper than us going outside.

Council Member Pagel: Is it 2006 for everybody though, the deadline for the mapping or is that just townships also, 2004?

Engineer Griffith: It is for all of us. The problem that you run into if you delay the process of developing the map, then that delays other parts of the program too, which you have to do like, for example, the location of the septic tanks, all of the out all locations that you have to identify. If we, at some point in time, find there is an illicit discharge and have to trace it up stream, it's always nice if you have a map to follow.

Council Member Johnson: I do plan on supporting this and also commend the Engineer for the hard work on it and Mr. Beutler before him. I do plan on supporting this but, just for the record, I'd like it noted that there are some errors in it and I understand it can't be corrected at this point, it's all ready to go and I'm not suggesting we do that. I'm not making a motion to that effect but, it does say on page three that we'll meet the requirements through dollars from the general fund. That should probably be from the appropriate fund since a lot of those dollars will come from other funds, most likely. On page six, it ends with, this program has a positive, no period, nor rest of the sentence. It starts another category on page seven. Just a couple of examples. I understand with the rush things get mixed up a little bit. I just want to note for the record that the document is not accurate.

Mayor Hill: May I ask Mr. Johnson, what are you saying about page six?

Council Member Johnson: The last sentence on page six. It's incomplete. It says, this program also has a positive. There's no period and there's no rest of the sentence.

Mayor Hill: Maybe it's just the copies weren't made correctly through the copy machine. It actually says, this program also has a positive impact on the quality of rivers and streams. So, it might have been the copier.

Engineer Griffith: One problem that we, I don't know whether you call it a problem, but, obviously this was a draft when we first put it out and I've reread it a couple of times. Other people have read it and we've picked up a number of errors, words that should have been capitalized, words that were left out, things of this nature.

Council Member Johnson: I'm not suggesting we change it right now.

Engineer Griffith: I just hope we found them all.

President Gillock: Mr. Griffith, not to put you on the spot but, like you said, you read it a couple of times and probably seen this more than anybody else, could you give us any kind of an overview or kind of a picture of an impact that you think this is going to have on this City? Is that possible?

Engineer Griffith: I can probably summarize things a little bit. The first two parts of this report cover public participation and outreach and public involvement. There may be some City funds required. They're depending upon how the agreements with the other communities, how that comes together and how everything's going to be paid for. Some of it, for example, NOACA

has, they said that their going to provide workshops. The Board of Health said that they will provide workshops but, at the same time there's going to be other things that are going to have to be done. Somewhere along the line there's going to be a cost involved. For example, Amherst Township, one of the things that they said that they are going to do, in Trustees meetings, they are going to add a section to their meetings called Environmental Issues. They said they're going to do that even though no one comes up to say anything or they have no issues to talk about. It's something they can tell the EPA that that's what they've done. Now, if we go into the illicit discharge, there were going to be some minor cost which I think we reduced since this report went out. We've not figured out, after talking to the French Creek people, that they're going to be able to do all the testing for us. There was going to be a charge there for doing some of the testing that we have to do with the samples that we take at all the out falls. Then, the storm water runoff and erosion from construction sites and post construction sites, there's going to be some training involved there. For example, everyone in the Engineering Department is eventually going to have to be trained on what to look for, what they have to do. There again, NOACA said that they promised to sponsor these workshops that are going to be needed so, hopefully, there won't be any charge in all of that. I have to, at some point in time, redo, this year I have to redo our ordinances because I think our ordinances only may be eight or nine lines but, they want something that's probably twenty or thirty pages long. Somewhere along the line I'm going to have to sit down and redo that. As far as housekeeping, governmental or municipal housekeeping goes, we do a pretty good job on that right now. The only thing that we're going to have to do that we're not doing is document everything. We're going to have to document all of our policies, document all of our training, document, just to give you an example, when we sweep the streets, we have to document what streets were swept, how many miles we sweep, estimate how many tons of material we picked up, what we did with that material and what we will be doing is putting it in a dumpster that BFI has at the Service Garage and then we have to document where that material is taken. All of that is done now except it isn't documented. From the Service Department stand point, they're going to have to do a lot of paperwork now that wasn't required prior. In a nut shell, that's essentially what it is.

President Gillock: Did I read it correctly? I'm looking at the impact of developers and homeowners' associations. Items such as, they're going to have to hire engineering firms to periodically inspect retention and detention basins and report to the City the condition of those.

Engineer Griffith: I don't read it that way.

President Gillock: No, then good.

Engineer Griffith: One of the themes that, most of the meetings that I went to, they stressed, do what you think you have to do but, don't go beyond that because, once you turn in your report and you've committed to something, it's a little difficult to back off. Whereas, if you send in your report and the EPA comes back and says, well no, you're not doing enough, we want you to do this also. Then you do that. Whatever it is but, at least you didn't commit to it up front.

President Gillock: Other questions?

Council Member Olesen: Just one observation. I'm really surprise that this program didn't come through the County Commissioners. It would seem that they would be in a better position to

coordinate the County then having every little municipality in the City scramble to get this thing done.

Engineer Griffith: In my opinion, the reason why they did that is because they would have had to research the ordinances and regulations of every community in the county and there would have been one big report but, at the same time, there would have been subsections for every community. I can see why they probably didn't want to come anywhere close to doing that.

Safety-Service Director Johnson: One thing on that also, NOACA has been working on a model plan. We've had several model plans and finally, the last one we received was right around the first of February, was a model plan that we should seek going. That's with a five county area in trying to work this situation out. It's actually done. A model plan was developed that each City could use, basically, telling us what to do, where to do it, when to do it. The fact that Larry mentioned that, give them just what you need to give them, don't over commit for something. That was the recommendation from the NOACA Board.

Council Member Johnson: For the Engineer, I'm looking at the Lorain County Health District note. It says that we will be willing to enter into a cooperative agreement to demonstrate the Ohio EPA that you have addressed those portions of illicit discharge that are within this HC's legal jurisdiction and responsibility. My question is, has there been any indication that the Health District is looking for money out of us to complete this project or they plan on doing it with the current billing?

Engineer Griffith: Had we wanted them to do testing for us for suspended solids, they would have wanted additional funds for that.

Council Member Johnson: Isn't that within their jurisdiction now?

Engineer Griffith: Not really. If it's something to do with septic tanks, yes.

President Gillock: We'll do a lot of testing at French Creek, correct?

Engineer Griffith: That's correct.

President Gillock: Will we do it for other municipalities or townships?

Engineer Griffith: Not to my knowledge. I don't know if anyone else has addressed French Creek people about that or not.

Council Member Butkowski: We discussed that at appropriations that they aren't doing it now but, he probably will be looking to get in more business.

President Gillock: Generate some funds.

Safety-Service Director Johnson: We also addressed, in appropriations, the fact that by the personnel we have now, that we would need additional personnel to do the testing. Some of the things that we are cable of testing that we do send out ourselves to other labs, so, basically it would amount to what we can test and what we can't test. As far as collecting samples, this can be done by French Creek and testing what we can test.

Council Member Pagel: For the Engineer, Mr. Griffith, if I read this correcting the STS's are already documented by the public health system but, is this saying that North Ridgeville is going to have to then, locate every STS system and make sure like, watchdog them?

Engineer Griffith: In my opinion, that part of the requirement is a big can of worms. First of all, the Board of Health, they don't really know where all the septic tanks are. When I was talking to

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them, they said that many of the older septic tanks, when the permits were issued, there were no addresses. It's a case of, well we don't really know, we have an idea of the approximate area where this house that this permit was issued for but, we don't know which one it is. They have to do a lot of work in actually locating where that is. There will be a point in time where we will have to put in our annual report the location of every septic tank in the City by address.

President Gillock: Other questions or comments?

Council Member Butkowski: Mr. Griffith is correct. We didn't need to have house numbers here in North Ridgeville. House numbers, I think they came out in the 50's. The Health Department is right. It's not like you came from Cleveland. They had numbers for a long time. We didn't have house numbers out here.

President Gillock: Anyone else? Do I have motion to suspend By-Laws to give this a first reading this evening?

motion by Pagel, 2nd by Butkowski to suspend By-Laws to give T 25-2003 a first reading
President Gillock: Is there any further discussion? If not, please call the roll.

Yes, 6 No, 0

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

President Gillock: That constitutes first reading.

motion by Butkowski, 2nd by Olesen to dispense with second and third readings
President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

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

Council Member Johnson: Did I get lost or did we do the first reading? Was it read?

President Gillock: No, we didn't read it. We had a motion to give it its' first reading. Should we read it?

Clerk of Council Norris: Properly, yes.

T 25-2003 A RESOLUTION APPROVING THE ADOPTION OF A STORM WATER
MANAGEMENT PROGRAM (SWMP) FOR THE CITY OF NORTH
RIDGEVILLE, AS IS REQUIRED BY THE OHIO ENVIRONMENTAL
PROTECTION AGENCY (OEPA).

President Gillock: Thank you and we have dispensed with second and third. Is there a motion to adopt?

motion by Butkowski, 2nd by Olesen to adopt

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

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

President Gillock: Is there any discussion on the emergency? Mrs. Pagel?

Council Member Pagel: I would just like to thank Mr. Griffith for all the hard work and the administration for moving this forward in whatever circumstances were here and we'll get it passed.

Council Member Johnson: Mr. President, I believe we need a reason for the emergency.

Council Member Pagel: Because the date is March 10 that this has to be submitted and we don't

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want a ten thousand dollar fine per day.

President Gillock: Which would be detrimental to the welfare of the people. Mayor Hill?

Mayor Hill: I'd like to thank Council for understanding the pressure that we were under and for recognizing Mr. Griffith's hard word at, I might add, no pay.

President Gillock: We really appreciate that. Is there any other discussion on the emergency? If not, please call the roll.

Yes, 6 No, 0

Clerk of Council Norris: Motion to add the emergency is approved by a vote of six to zero.

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

Yes, 6 No, 0

Clerk of Council Norris: Motion to adopt is approved by a vote of six to zero and it becomes permanent resolution 969-2003.

Permanent Resolution No. 969-2003

ADJOURNMENT

motion by Johnson to adjourn

President Gillock: Meeting is adjourned.

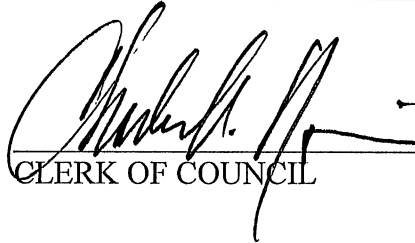
Meeting adjourned at 7:57 A.M.

MOTION Butkowski 2ND Olesen DATE March 17, 2003

YES 6 NO 0 ABSTAIN 1 - Buescher



PRESIDENT OF COUNCIL



CLERK OF COUNCIL