

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 5, 2001**

CALL TO ORDER 7:30 P.M.

President of Council Jean Brown: I would like to call the Regular Council meeting of March 5th year 2001 to order for the North Ridgeville Municipal Council. Please stand.

INVOCATION lead by President Brown.

PLEDGE OF ALLEGIANCE by all.

President Brown: Please take roll Mr. White.

ROLL CALL

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

Absent was Council Member Larry Overby.

Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Engineer Stewart Lovece, Auditor Chris Costin and Clerk of Council Jim White.

Council Clerk White: Mr. Overby did call me and indicate he had business out of town and would not be here tonight.

President Brown: Thank you Mr. White.

MINUTES

President Brown: Please note the
Regular Council Minutes of February 20, 2001
motion by Swindig to accept, 2nd by Borocz

President Brown: Any discussion?

Council Member Borocz: Madame President, on page 21, underneath Council Member Borocz, in light of what Mr. Gillock said, there is the spelling of the word fourth, f-o-u-r-t-h, it should be f-o-r-t-h, and then a little further down the page aesthetics is misspelled also.

Council Clerk White: Okay, so noted.

President Brown: Thank you. Mrs. Minnick?

Council Member Minnick: Yes, I have two right together on page seven. Anticipate that the project will subsidize, instead of subsidized and the next line down which is line 12, can, it's not Council will you please explain, it's can you please explain.

Council Clerk White: What page is that?

Council Member Minnick: That's on page seven, lines 11 and 12.

Council Clerk White: So noted.

Council Member Minnick: Thank you.

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

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero.

President Brown: Also, please note the

Planning Commission Minutes of February 13, 2001;

Board of Zoning & Building Appeals Minutes of February 22, 2001;

Parks & Recreation Commission Minutes of January 24, 2001; and

Tax Abatement Review Board Minutes of February 20, 2001.

COMMITTEE REPORTS

Council Clerk White:

1) BUILDINGS & LANDS COMMITTEE REPORT #7052 Members of Council: We have considered the matter of application request by Robert Wensink for placement of farmland in an agricultural district and recommend that this request be approved and proper legislation be dawn authorizing the above, with modifications as approved in prior years.

SIGNED: Larry Overby, Allen Swindig and David Gillock

motion by Borocz to accept, 2nd by Swindig

President Brown: Any discussion?

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: Can we as a rule of procedure, the first seven are all renewals placing farmland in an agricultural districts, can we group those into one motion?

President Brown: Can we do that Mr. Zagrans?

Law Director Zagrans: Sure.

President Brown: You make a motion to accept all of them Mrs. Borocz?

Council Member Borocz: Yes I do.

Council Member Swindig: I'll second that.

motion by Borocz to accept all seven renewal applications of farmland in an agricultural district, 2nd by Swindig

President Brown: Any discussion regarding all seven?

Council Member Butkowski: Madame President?

President Brown: Yes?

Council Member Butkowski: You might want to read everyone's name for the record.

President Brown: Mr. White would you please read the names of the people who have put the applications in.

Council Clerk White:

7053 was Nancy Fate;
7054 was Marcella Bauldauf;

7055 was Shirley and Joseph McCaskey;
7056 was Raymond and Sarah Wroblewski;
7057 was James King;
7058 was Robert Slusher.

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

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero.

8) BUILDINGS & LANDS COMMITTEE REPORT #7063 Members of Council: We have considered the matter of the City retain the services of a professional Planner at the rate not to exceed \$50,000.00 per year and recommend that this request be approved and proper legislation be dawn authorizing the above.

SIGNED: Larry Overby, Allen Swindig and Dave Gillock
motion by Borocz to accept, 2nd by Swindig

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

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero.

BUILDINGS & LANDS COMMITTEE ORAL REPORT

Council Member Swindig: Madame Chairman, at this time I'd like to make an oral committee report on M & J Company for their placement in an agricultural district. It is also a renewal.

President Brown: M & J?

Council Member Swindig: M & J Company, 33008 Woodhaven Circle, North Ridgeville.

motion by Swindig to accept, 2nd by Gillock

Council Member Swindig: That is so we can go ahead with the Public Hearings all at the same time.

President Brown: Okay. Is there any discussion regarding this? Please take the roll on that.

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero.

President Brown: We can include that all (inaudible).

Council Clerk White: That's all the committee reports that I have.

President Brown: Mayor's report.

MAYORS REPORT

Mayor Hill: Yes Madame President. March is Chamber of Commerce month in Ohio and this month the North Ridgeville Chamber will be celebrating its 25th Anniversary.

The Chamber is, in fact, eight years older than the Declaration of Independence. Not North Ridgeville's, but national.

The Chamber of Commerce acts as a central agency for community development for business, industry, the professions and civic interests. It is financed by investment memberships to

encourage and stimulate the building of a strong community in which to visit, work and live. Now, therefore, I do hereby proclaim March as Chamber of Commerce Month in North Ridgeville and commend its members who have promoted our City.

We have with us Mr. Bob Liston who is President of the local Chamber of Commerce and Bob, I'd like to give this to you.

Mr. Liston: The Chamber of Commerce, here in North Ridgeville, greatly appreciates the cooperation that we get from the City government and our on going solid relationship with the City, the Mayor, the Safety-Service Director. It's been a great relationship and I think we're all working towards the future together. Thank you.

Mayor Hill: Congratulations.

Secondly, the PCD's and Westerly Sewers that my administration has supported and the majority of Council has passed, are good, financially beneficial projects for the city, its future and its taxpayers. The type of planning, planned community development, smart growth, sustainable growth, whatever name it goes by, and basic sanitary infrastructure to serve the 65 percent of the City that has no wastewater treatment, are supported and recommended by every planning and regulatory agency on every level of state and federal government, as well as the private sector. I am asking, for the sake of sound fiscal policy, that STAMP and Councilwomen Minnick and Butkowski, sit down with Forest City and FJD representatives to discuss the specifics of their plans. Sit down with Lorain County officials, the County Engineer, the Commissioners, the County Board of Health. Ask them if what is proposed in terms of development and sewers is recommended and appropriate for the third largest city in the county and the city that owns a regional wastewater treatment plant. Sit down with members of the Lorain County State Delegation, that would be State Senator Armbruster and State Representative Jeff Manning, and ask them what the policy recommendations are of the State of Ohio, Ohio EPA, Department of Natural Resources, Department of Development, the Western Reserve Conservancy. They don't have to take a position. Just represent the policies and recommendations of the state and its agencies. Sit down with John Larson, our bond counsel from Squires, Sanders and Dempsey. I will be sure he attends the meeting to talk about, not only the law, but those things that are both usual and beneficial. I ask that you be in touch with former Governor and now Senator George Voinovich. Senator Voinovich has made a career out of public-private partnerships and making them work for taxpayers. There must be a dispassionate and objective evaluation of proposals of smart and sustainable growth and sewers that, I honestly and sincerely believe, will enable North Ridgeville to finally stop putting human waste into our ditches and to grow as a true community. I ask the media to do the same. That concludes my report.

President Brown: Thank you Mayor. Does anyone have any questions of the Mayor's oral report?

Council Member Butkowski: Madame President, I do. This isn't exactly for your report, but a lot of people are asking about electric aggregation. Have you heard anything about that?

Mayor Hill: Nothing further and when people do call we refer them to the phone number. The

only thing that we know is that NOPEC had negotiated an agreement. This has all been in the newspapers, with Green Mountain Energy. They took bids prior to reaching an agreement. They are negotiating further, switching fees, which will be five dollars, and they're moving on from there. The local government really has no control as the voters elected to join NOPEC and join in the aggregation as well. It is in their hands and we wait.

Council Member Butkowski: Thank you.

President Brown: Any other questions of the Mayor's oral report? Moving on to the Safety-Service Director Mr. Johnson

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Johnson: Thank you Madame President. Ditch cleaning was performed on Frances, Main, Otten, Olive, also the Wagner-James ditch cleaning project has been completed, along with the Floraline pipe project.

The sewer vac was used on storm sewer cleaning on Island Road. Sanitary sewers were cleaned on Jaycox, Frances, McKinley, Olive, Main, and the Plantation development.

Catch basins were either installed or repaired on the following streets, Birch, Paula, Lorain, Luanne, Greenwich and several on Tree Moss.

Spot berming took place on Center Ridge Road, Jaycox and on Island Road.

One hydrant was replaced at the corner of Otten and Case Roads.

The Service Department has begun hand sweeping several areas of our city due to the large amounts of road debris put on the tree lawns from our snow plows. When spring arrives, all curbed streets will be contracted out to be swept. Thank concludes my report. Thank you.

President Brown: Thank you Mr. Johnson. Does anyone have any questions regarding Mr. Johnson's oral report? Seeing none, moving on to Mr. Lovece.

ENGINEER'S REPORT

Engineer Lovece: Thank you Madame President. On Friday, March 2nd, we opened bids for the construction of the westerly sanitary sewer. Thirteen bids were opened, which is an excellent turnout. The apparent low bidder was Underground Utilities out of Monroeville, Ohio. The bid amount was four point, four million three hundred seventy-nine thousand one hundred eighty-six dollars and fifty cents which is about 25 percent below the engineers estimate. We really, we did good on these prices, I believe for three reasons, one, good advertising, number two, good timing. This time of the year contractors are hungry to get a full plate of work for the construction season and a good set of plans that they understood very easily. We look forward to

awarding the contract soon.

Please find on your desk a faxed copy of a letter from the Ohio EPA dated today regarding Center Ridge Road sanitary sewers. This letter reinforces what we've been talking about. We, as in City, the Health Department, regarding the problem with the Ridgeway Ditch and about the failing septic systems along Center Ridge Road and we've worked out a schedule with the EPA of when we desire to start construction of the sanitary sewers along Center Ridge Road. Now the start date that they found acceptable is April of next year for the sewers from Race Road westerly to the Elyria line and April of 2004 from Race Road easterly to State Route 83. This gives a time table. We're putting together a resolution that we'll have for the next meeting. We were trying to do it for this one but I prefer to get the letter from the EPA that they agree to this before we have a resolution passed and they say, no that's not quite what we want. So, we've come to an agreement on the timetable and hopefully at the next meeting we'll have a resolution and hopefully have it passed for the construction of the sewers along Center Ridge Road. A resolution of intent where we will pursue in good faith to construct sanitary sewers by a certain date.

And, last but not least since, everyone's preoccupied with the sewers, I'll talk about Bainbridge Road. I won't get too many heckles, but, Bainbridge Road reconstruction update, the contractor should complete the east abutment wall, pouring the concrete this week. They are scheduled to commence the installation of a precast concrete bridge deck two weeks from today, weather permitting. We're still pushing for opening the bridge to traffic by the end of this month. The bridge won't be complete but at least we're pushing to get it open to traffic. In the mean time the liquidated damages clock is ticking at eight hundred dollars a day so, the faster they can get done and at least open it to traffic, it'll help their wallet a little bit. That's all I have this evening.

President Brown: Anyone have any questions of our Engineer's oral report? Seeing none, moving on to Mr. Costin our Auditor.

AUDITOR'S REPORT

Auditor Chris Costin: Madame Chairman, no report.

President Brown: Then I guess there won't be any questions. Moving on to our Law Director Mr. Zagrans. Your report please.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you. First thing to report is that this afternoon I faxed the following letter to attorney Jerry Phillips at his office in Avon:

On Tuesday, February 27, 2001, my office received your letter dated February 23, 2001, which demanded on behalf of your clients, John Prajzner, Mike Tyson, Ron Hawke and Chris Crobaugh, that I take, quote, the necessary legal action, end quote, under Sections 733.56 and

733.58 of the Ohio Revised Code, quote, to remove the illegal emergency clause affixed to Resolution No. 915-01, end quote.

As you know, Resolution 915-2001, constituting the resolution of necessity for the westerly sewer project pursuant to Section 727.12 of the Ohio Revised Code, was introduced as T 10-2001 at the February 5, 2001 regular City Council meeting and received its first reading that evening. The legislation had its second reading at the special Council meeting held on February 16, 2001. Its third and final reading, and its adoption and enactment as an emergency measure by identical five to two votes of City Council, occurred at the regular Council meeting on February 20, 2001.

You claim that the emergency clause is, quote, "illegal" for two reasons. First, you believe that there are five parcels of land missing from the petition for self-assessment which were included in the application for the Meadow Lakes PCD. You are mistaken as a matter of fact on this point. Second, you note that the City's share of the project includes other properties which would be benefitted by the project but not assessed. You contend that the exception to the prohibition on declaring the necessity of improvements constructed by general or special assessment as emergency measures set forth in Section 3.13 of the City Charter applies only if all real properties to be benefitted from the petition project, excuse me, from the project, petition to be assessed for it. Your interpretation of the City Charter is mistaken as a matter of law.

Section 3.13 of the City Charter provides that a resolution of necessity for constructing an improvement that will be paid in whole or in part by general or special assessments may not be declared an emergency measure unless one exception applies. Such a resolution may be declared to be an emergency measure if the improvement, quote, has been petitioned for by owners of 100 percent of the front footage of the property to be benefited and assessed therefor, end quote.

Thus, the exception to the prohibition on declaring an emergency applies if 100 percent of the properties to be benefitted and assessed have signed a petition for self-assessment. This is exactly what has happened in connection with the westerly sewer project. The owners of every one of the properties to be specially assessed for the project have signed a petition therefor. No property whose owner has not signed a petition for self-assessment will be specially assessed for the project. Amounts allocated to any benefitted properties which have not petitioned for self-assessment will become part of the City's share of the cost of the project. The City plans to recover its share of the costs of the project from tap-in or connection charges imposed on properties not specially assessed for the project at the time such properties are connected to the City's sanitary sewer system.

You are incorrect in concluding that Section 3.13 means that all benefitted properties must petition and be assessed in order for the improvement to be declared an emergency measure. Your reading would be correct if Section 3.13 stated that the exception applied to, quote, any improvement paid for in whole or in part by general or special assessments if it has been petitioned for by owners of 100 percent of the properties to be benefitted, close quote. But that is not the language of Section 3.13 of the City Charter. Section 3.13 provides that 100 percent of the properties to be both benefitted and assessed must petition for self-assessment in order for a resolution of necessity to be adopted as an emergency. Again, that is exactly what has happened

here. One hundred percent of the properties which will be both benefitted and assessed for the westerly sewer project have petitioned for that improvement. The remaining properties that will be benefitted from the improvement will not be specially assessed for it; they will be included in the City's share of the project.

The prohibition on emergency clauses set forth in Section 3.13 of the City Charter was designed to permit any property owner who would be involuntarily assessed for an improvement, even though his property may be benefitted from such improvement, to seek a referendum on such project. No similar protection is needed for property owners whose properties are not going to be generally or specially assessed for the project. In this case, again, there are no property owners who would be involuntarily assessed for the westerly sewer project.

Therefore, Resolution 915-2001 was validly and legally enacted by City Council as an emergency measure on February 20, 2001. The resolution declaring the necessity of constructing the Westerly Sewer Project improvement for the health, safety and welfare of the Citizens of North Ridgeville, to be paid in part by special assessments, was petitioned for by the owners of 100 percent of the front footage of the properties to be benefitted and assessed therefor, in compliance with Section 3.13 of the City Charter.

I hereby reject your taxpayer demand made pursuant to Sections 733.56 and 733.58 of the Ohio Revised Code that I bring a mandamus or injunction action against the City of North Ridgeville and its City Council to remove the emergency clause added to Resolution Number 915-2001. The emergency clause does not violate the City Charter, and is lawful, valid and effective. City Council has exercised its legal prerogative in finding and declaring the necessity of constructing the westerly sewer project to be an emergency measure.

Second, Madame President, I'd like again to comment on the errors as a matter of law and fact that continue to be asserted about this project. I've stated them at the last couple of Council meetings but they continue to be misrepresented or stated as law and fact. Publicly and most recently in an advertisement which I note, though it is a political ad, did not have the name of its authors or sponsors affixed to it, which may be in violation of law. The statement that two million two hundred and fifty thousand dollars will be paid from a tax increase from funds of the City is simply not true. I don't know how else to put it as I had stated it at the last three Council meetings. That is not the case. The two million two hundred and fifty thousand dollar City share of this westerly sewer project will be paid for, the City anticipates, by the recovery of connection charges as people who are not specially assessed for this project connect to the City's sanitary sewer system. That is the source of payment of the City's share. To say that the residents of our community will pay the two million two hundred and fifty thousand dollars City share, which won't be available to pay for other services of the City is likewise blatantly not true. This project will not have an effect, good, bad or indifferent on the remaining City services that residents presently enjoy. The only fact that the residents will notice on their services will be the improvement that they will have from being able to connect to the sanitary sewer system and that is it. It is untrue to claim otherwise. The statement continues to be made, hey, normally developers pay for 100 percent of the cost of building a sewer. Why aren't they doing it here? It

is true that normally developers pay for 100 percent of the cost of the sewers in the subdivisions they are constructing. Within the subdivisions, I've said this before many times. In this case, the developers own approximately eighteen hundred acres out of the sixty-five hundred acres on the westerly side of North Ridgeville. They are constructing a sewer outside the subdivision that they are building. Developers do not normally pay 100 percent of the cost of building a sewer outside their own subdivisions. But they are doing so in this case. Up to approximately 73 or 74 percent of the cost. I want to point out again, in response to the false statement that the City would be liable to make debt payments if the developers go out of business or go bankrupt, that this is as secure a project as the law permits. The City's protection, as I have stated before to Council, is in the fact that special assessments are a lien on the real properties to be assessed. If the developers go out of business, the City is protected by the assessment running with the land, not running to the developers and is a lien on those properties. Finally, some of the most outrageous things that are being, continued to be said, is the twin falsehood that the Mayor was the sole negotiator, she worked out a sweetheart deal with these developers for their benefit, not the City's and the developers could of paid for 100 percent of the cost of the westerly sewer project if only the Mayor had negotiated a better deal. That is simply not true on multiple levels. The least important of those levels is that the Mayor wasn't the sole negotiator on behalf of the City. She wasn't the only member of the North Ridgeville administration to be involved in negotiations. Directly involved in those negotiations besides the Mayor were the Safety-Service Director, the Law Director, the City Engineer, the City Auditor and the City's outside bond counsel and they attended, in part or in total, all of the meetings where negotiations on behalf of the City were being conducted. But, far more important then that, is the untruth that the City could have gotten the developers to agree to pay for 100 percent of the project. No, we couldn't, because the Mayor tried. It is simply not legally enforceable for the landowners to agree to be self assessed beyond the value that their properties will be benefitted by the project. When the landowners understood they could not legally enforce, greater that the 73 percent of the cost that their properties will be benefitted, they declined and refused to pay more than that and there was nothing the City can do to compel them. Again, as I have said, on several occasions, the alternative, if we didn't like the deal, the best deal that we could get, we could of said no and then they would have paid for none of it rather than paying for 73 percent of it. So, please, I say this to the Members of Council, I say this to the members of the Community, please don't be misled and sucked into thinking that these kinds of statements that continue to be spread around the community, have any legal or factual validity to them. They do not. Thank you that concludes my report.

President Brown: Thank you Mr. Zagrans. Does anyone have any questions of the Law Director's report? Mrs. Minnick?

Council Member Minnick: Mr. Zagrans do you recall at the last Council meeting I had a multitude of questions for Mr. Costin and right here in the Council minutes it said when I asked about the obligation bonds, it's an obligation of the City to pay those bonds, so, if in fact we did not have sufficient special assessment revenues and it would be incumbent on the City to indeed

try to make those debt payments. Then, when I asked about liens on properties, with construction loans, the obligation of the property owners secured by a lien on the property, but my concern was if the developer put a lien on that property with a construction loan and the answer I received was there isn't in existence that type of insurance at this time that I'm aware of. So, with the economy cooling and it is a real concern of mine, especially with the answers that I did get at the last Council meeting.

Law Director Zagrans: Mrs. Minnick, you're mixing apples and oranges. When you asked a question about insurance and performance bonds, you got the answer that you just recalled. That has nothing to do with the assessments being on the tax duplicates as a lien against the property and those assessments will be a priority lien over and above any construction loans that the contractor would take out. So, the City would have a superior position to any bank in the event that there were a problem with the properties.

Council Member Minnick: I was told that it's a five year (inaudible), so that if there is a bankruptcy that everything just goes in a pot and then it is divided accordingly. That no particular entity takes precedence.

Law Director Zagrans: Well, I disagree. That's not correct. Certainly the IRS comes before the local bank that has a lien. You would agree with that?

Council Member Minnick: I'm not an attorney.

Law Director Zagrans: Okay, well the IRS takes' precedence. Special assessments that are liens on the property would take precedence. The bankruptcy administrative cost would take precedence and then general unsecured creditors would divvy up the pie. The City would not be in the positions of being a general unsecured creditor. The City would be secured.

Council Member Minnick: I wish I had that confidence that you have.

Law Director Zagrans: Well, Mrs. Minnick, as the Mayor, I'm not trying to be, to debate this point, but the Mayor said that she invited the Members of Council, the members of STAMP and anyone else who continues to feel that this project is, in any respect, disadvantageous for the City of North Ridgeville, to sit down with, if you don't like my answers, sit down with our outside bond counsel. If you don't like our outside bond counsel, will get you half a dozen other lawyers. You can sit down with any one of them and if you hear any answers that cause you any continuing disturbance, I will be the most surprise person in Lorain County because you're not going to hear that. You're going to hear the same answers that you're going to be getting repeatedly from me, from outside bond counsel and from everyone else regarding the legal aspects of this project. The City is as protected in this project as we can be. There is no totally free lunch in this world, but the administration has negotiated a 73 percent free lunch and that seems to me to be pretty darn good.

Council Member Minnick: Well, excuse me Mr. Zagrans, there is another deeper issue too, that the way the City has handled this in going forward before the Courts have settled the opinion of the referendum petition. The way that this has been handled, it has in fact taken away the Citizens rights under the law to express their opinions at the voting booth.

Law Director Zagrans: Well, again, without meaning to be contentious about it, obviously the Citizens have the right under certain circumstances to petition for the referendum of certain

decisions. They do not have that right for every decision and under every circumstance under our City Charter. Obviously, if this project did not move forward in a timely fashion, we would of lost the benefit of the developers agreeing to be self assessed for 73 percent. That is the overriding necessity that required action to be taken when it was. Thank you.

President Brown: Thank you Mr. Zagrans. Under other reports.

OTHER REPORTS

Please note the Mayor's Court Operating Trust Fund and Bail Trust Fund Report for January 2001.

Our Parks & Recreation Commission Liaison is not here tonight.

Council Member Swindig: Madame Chairman?

President Brown: Yes.

Parks & Recreation Commission Liaison Report:

Council Member Swindig: I talked to Larry Overby before he left and he asked me to put into a motion for \$8,000 for the renovation of diamonds three and four at Shady Drive Complex, I put that as a motion.

motion by Swindig for \$8,000 for the renovation of diamonds three and four at Shady Drive Complex,

President Brown: Second?

2nd by Borocz

President Brown: Is there any discussion? This is to upgrade what?

Council Member Swindig: This comes out of Parks & Recreation Improvement Fund.

President Brown: Is that correct Mr. Costin?

Auditor Costin: I was going to inquire. I think the intent of the motion would be to, Council authorize the expenditure of funds from the Park & Rec Improvement Fund for the matter you just said.

Council Member Swindig: Right.

President Brown: Of eight thousand?

Council Clerk White: For the renovation of diamonds three and four.

President Brown: No discussion? Please take roll.

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero.

President Brown: Thank you Mr. Swindig.

Planning Commission Liaison Report Mr. Gillock?

Council Member Gillock: There's been no meeting. No report.

President Brown: No meeting, no report and I have no report from Senior Citizens Advisory Board. Moving on, we have no old business. We'll go into new business, Mr. White.

OLD BUSINESS None

NEW BUSINESS

Council Clerk White:

Request for D5 and D6 liquor permit transfer from Golden Margarita Café Panache Inc., DAB Lite Rock Café, 39462 Center Ridge Road 1st floor to Lite Rock Café of North Ridgeville, Inc., DBA Tiffanys Place, 39462 Center Ridge Road 1st floor

T 30-2001 An ordinance amending Ordinance No. 3496-99 which amended Section 222.03 of the Codified Ordinances of the City of North Ridgeville, Ohio, by increasing the cost of certain fees to reflect the actual costs of services rendered.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

 motion by Swindig to suspend By-Laws to give T 30 a first reading and I will explain at the time of the first reading the reason for it,

President Brown: Thank you Mr. Swindig.

 2nd by Borocz

President Brown: Any discussion? Please take roll.

 Yes, 6 No, 0

Council Clerk White: Motion carries six, zero. T 30-2001 will have first reading tonight.

T 31-2001 A resolution approving the transfer of the balance of Accurate Electronics' Class 1 Tax Abatement to Tri-State Laboratories.

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.

T 33-2001 An ordinance authorizing payment to Lorain County Transit for transit service.

T 34-2001 An ordinance to approve the editing and inclusion of 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.

Council Member Minnick: Madame President?

President Brown: Yes?

Council Member Minnick: Who's T 34-2001 introduced by?

President Brown: Would you please repeat that again?

Council Member Minnick: Who was T 34-2001 introduced by? Its left blank.

Council Clerk White: It had to come out of my office. I don't think I can authorize, Council okayed the expenditure of funds to do the Codified Ordinances, but I don't have the authority to introduce it but it has to be introduced.

Mayor Hill: Madame President, my name may be attached to that.

Council Clerk White: Thank you Mayor.

President Brown: Can you make a note of that Mrs. Minnick?

Council Member Minnick: Yes I did, thank you.

President Brown: Thank you.

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

President Brown: Correspondence Mr. White.

CORRESPONDENCE

Council Clerk White: I have four pieces of correspondence.

1) Received a letter from Gerald W. Phillips filing a certified copy of a recall petition prior to circulation.

2) Received a letter from the Ohio EPA regarding the Water Pollution Control Loan Fund Draft 2001 Program Management Plan.

3) Received a letter from Gerald W. Phillips filing a certified copy of Resolution No. 915-01 prior to circulation of a referendum petition.

4) Received a letter from Parks Director Jim Spaulding announcing Parks & Recreation Commission approval to expend \$8,000.00 from the Parks & Recreation Improvement fund for the renovation of diamonds #3 and #4 at the Shady Drive Complex. Request verbal approval from Council which Council just did that.

That's all the correspondence that I have.

President Brown: Thank you Mr. White. We will go into lobby and I would just like to explain to you that I do have a timer for two minutes. I will not start that timer until you have given your name and address. Anyone wishing to speak?

LOBBY

1) Gerald W. Phillip of 35955 Detroit Road, Avon spoke about the Citizens right to vote and the United States Supreme Court Forest City case recognizing the constitutionality of the right to referendum. Asked why the Mayor and majority of Council are against the residents right to vote. Spoke about the Law Director's legal opinion on PCD's. Spoke his opinion on the abuse of adding emergency clauses.

President Brown: Anyone else wishing to speak? Please come forward.

2) John Prajzner of 35140 Mildred Street spoke about conduct at the last Council meeting. Spoke about his criticism and carefully choosing the words he speaks. Spoke about Citizens's rights to speak during lobby.

3) Joe Antush of 38500 Otten Road spoke about Citizens's right to vote and right to referendum. Asked why five members of Council and Mayor keep Citizens from voting on issues that will have an impact on the community. Stated that STAMP Committee is many. Those who voted against the Kingston PCD development are STAMP members. Asked how the people can get that twenty-four hundred tap fee?

President Brown: Anyone else wishing to speak?

4) Terrence Keenan of 34131 Jade Circle spoke in favor of the proposed Senior Center/Recreation Center project. Stated that the location is very good and the idea of bringing the library closer will be a very good compliment.

President Brown: Anyone else wishing to speak?

5) Rosemary Berg of 37953 Center Ridge Road stated that there are a couple of different plans for the sewer project and asked where that sewer is going to end. One plan shows almost going to Eaton Township and one ending at Shady Drive.

President Brown: Anyone else wishing to speak, please come forward.

6) Carol Shroyer of 6857 Stoney Ridge Road stated that the dialog between Mrs. Minnick, Mr. Zagrans and Mr. Costin at the last Council meeting on the westerlies sewer was a positive example of government in action. Spoke on changes and how they are difficult to accept. Stated that when change is implemented people need to know ramifications, how they will affect people, community and what the financial aspects are, time tables for changes so that the unknown becomes known. Spoke about representation by Council Members. Asked for reserve use of emergency legislation for issues of serious natures that develop suddenly.

President Brown: Anyone else wishing to speak?

Engineer Lovece: Madame President? Oh I'm sorry. After everyone speaks, if I can give an answer to a question. After lobby session is over.

President Brown: Mr. Phillips, we have a lady coming up that hasn't spoke yet.

7) Joyce Johnson of Center Ridge Road stated that she is a resident of North Ridgeville and business owner on the west side of the City. Spoke her opinion on the need of sewers. Spoke of

STAMP's actions to stop sewers and development. Spoke about seeking advice from a nonresident and the nonresident billing the taxpayers for his wages on lawsuits filed by STAMP. Spoke about the delays to City projects and asked to join efforts to stamp out STAMP.

8) Jim Tweardy, owner of Jim's Electric, 39221 Center Ridge Road spoke in favor of the westerly sewer project. Stated that his sewage treatment plant is outdated and needs replaced and would rather put money into an addition then into a treatment plant that will be obsolete. Spoke about the businesses in favor and people who don't understand the facts opposing this. Asked Council to come up with a way to educate Citizens. Commended Mr. Zagrans on his presentation on finances. Stated that the Citizens need to know all the facts.

9) Jerry Canterbury of 32554 Northwood Court, stated that we should fire all the politicians because Mr. Phillips wants to put everything up for a vote so why have a Council to make decisions. Explained that construction loans are paid out as the work is performed.

10) Nancy Buescher of 36669 Center Ridge Road stated that Mr. Phillips never gets paid one hundred seventy-five dollars by the taxpayers unless the Courts find that the City is in error.

11) Chris Rangus of 9132 Reed Road stated that the infighting needs to be put aside. Stated that there needs to be more education. Stated that Council needs to work together.

President Brown: Anyone else?

12) Josephine Perryman of 38565 Sugar Ridge Road stated that Joyce Johnson is the spouse of Jim Johnson and is the owner of a business in the path of the sewer to get free sewers and City Attorney Mr. Zagrans is not a resident of the City.

13) Eugene Kleinholz of 7324 of Dyke Road stated that we aren't moving fast enough on sewers. Stated that people who have sewers vote for whether people who don't have sewers, whether they need them or not. Those who have them don't know what those who don't have them go through.

14) Nancy Buescher, Center Ridge Road stated that STAMP is not opposed to sewers, good, or anything that's going to benefit the City. They are absolutely opposed to the way these things have been handled and that the people have not been included in the process.

15) Chris Crobaugh of Otten Road spoke about the Mayor's talk about dialogue with people. Stated that all they want is open meetings. Backed up what Mrs. Buescher had to say and noted that he is not a member of STAMP, the lawsuit he's involved with, with the City, is as a taxpayer only. Stated that he is not opposed to the sewers or PCD, he is opposed to the methods, closed door meetings. Stated that it is not education to throw emergency clauses in what many believes

is a violation of our Charter. Stated that the Courts found for the taxpayers and not the City's position.

President Brown: Anyone else wishing to speak?

Safety-Service Director Johnson: I would like some response.

16) Gerald Phillips of 35935 Detroit Road commented on the sewers in response to comments made by the Law Director. Said that he knows of no legal reason why the assessment cannot be done quicker to give a better, more protected, secured position for the City. Commented on Law Director's comments that if we don't accept this sewer agreement, the City will get nothing. Commented on Mayor's negotiations of developers paying 100 percent. If the developers wanted to pay for it all, they could have.

President Brown: Now, Mr. Johnson?

Safety-Service Director Johnson: An answer to the fact that my wife does own the business, yes she does. Will I benefit? Will the business benefit? Yes it will. There will be a sanitary sewer go by there. But, every dollar of the cost has to be paid by the business. Doesn't say that commercial property will benefit and be paid for. As with Retay Welding which is paying seventy-seven thousand dollars, as which Medina Supply which is about twenty-seven thousand dollars. All of the businesses and industry on that street pays their own way, including myself and I will benefit, yes, because I own the property and there will be a sanitary sewer through it. Mr. Tweardy won't benefit. It doesn't go down Center Ridge. It won't go down there until he signs a petition with all the other people on Center Ridge to take it that way and Mr. Kleinholz here, who lives on Dyke, will have to get a petition to cover Dyke Road. People who live on Otten who wants to pay for them up front right now, if they're willing to pay twenty-seven hundred dollars an acre which is what everybody else is paying residential, then they should have petition their self to put this in and joined with those other landowners like Mr. Granneman did, their neighbor. He requested to join and he is paying twenty-seven hundred dollars an acre. If you want to pay that for your property for something you can buy right nor for twelve hundred and seventy-two dollars, that's fine, for one home. Why should you pay for it if you have 40 acres, pay twenty-seven hundred dollars an acre? If you want to put all your property in, I would appreciate it. The City would appreciate it. Our City share would go down. You have several, where's the sewer going? We have several plans for the sewer. Mr. Lovece will have that. The original plans came. . .

President Brown: Mr. Johnson? Your minute is up Mr. Johnson.

Safety-Service Director Johnson: I'm answering seven questions. Thank you.

Council Member Borocz: Madame President?

President Brown: Stewart wanted to talk.

Engineer Lovece: Thank you Madame President. Just real quick.

President Brown: I'm going to put it on one minute Stewart.

Engineer Lovece: Okay.

President Brown: Okay.

Engineer Lovece: Ready, go. To answer Rosemary Berg's questions, there's two endings for the sewer meaning, our plans that we submitted to the EPA show it going down to Chestnut Ridge so we can get a permit to go all the way to almost Eaton. Now, there was two landowners that basically pulled out of the assessment for whatever reason and that's why the plan you saw just goes to Sugar Ridge.

Mrs. Berg: Shady.

Engineer Lovece: Yeah, Shady, Sugar Ridge area, just south of Sugar Ridge. Although we did, when we bid it out, we bid it all the way to Chestnut with an alternate deduct. If these landowners pull out, which I believe they have, so there's two plans based on what the people that are willing to be assessed for. Thank you.

Law Director Zagrans: Madame President?

President Brown: Wait, just a minute. Go.

Law Director Zagrans: Mayor got in before I did.

President Brown: Mayor?

Mayor Hill: Okay, several comments that have been made and several letters to the editor written, inferring that we did a wrong thing or a bad thing to try to get, since it's the interceptor line along Race Road, and those people would have to tap in by EPA requirements that some how this is a wrong thing that I worked very hard and it took a very long time to negotiate with the landowners to get them to pick up the fees for the sewers along that line for the people who would be directed to tap in. Actually, I'm very proud of it. I'm glad that we worked as hard as we did to negotiate that. It benefits those people directly and immediately. Thank you.

President Brown: Thank you.

Council Member Borocz: Madame President?

President Brown: Just a minute. Okay.

Council Member Borocz: As to the issue about the EPA's letter and Mr. Phillips comment about the sewers being forced upon us, I'm sorry but, when the EPA says to us that there's e-coli in all those bacterias found in the water, it just kind of strikes a cord in my mind that we need to do something for the safety and health of our residents. Maybe people are using that terminology a little too often. But, I remember going to a party a few years ago and the stench in the backyard was so bad that I could not eat my own dinner. One other thing, as far as the people being able to be aware of what is going on, ladies and gentlemen, I don't know about the rest of the Council Members, except for maybe Mrs. Minnick, the rest of us would cherish a phone call or two to let us know what's going on in your minds. If we have answers, will provide them to you. If we don't, we will work to get them for you. Thank you.

President Brown: Thank you, your time is up. Anyone else?

Law Director Zagrans: Yes, Madame President?

President Brown: Yes Mr. Zagrans? Wait until I set it. Okay, go.

Law Director Zagrans: Three responses, first, I can't believe what I'm hearing the people continue to claim that STAMP is not against the sewers, they're just against the way in which it was done or the lack of information. We try to do as much by way of giving information before

this, as we could, including town hall meetings etcetera. If people still want more information, I'm sure that the Mayor, the Engineer and I can organize additional Citizens meetings to give you additional information because some of the comments made by the gentleman back there, by the lady there, about information I think are good. The second comment in response to Mrs. Perryman, she said one thing that was right and one thing that wasn't right. She was right about the fact that I don't live in North Ridgeville and I am paid by the City. She's wrong about the fact that Mrs. Johnson's property is getting a free sewer. I don't know where that came from. Mrs. Johnson's property is going to pay over a hundred thousand dollars for having that sewer line. That is not a free sewer in my book.

President Brown: Thank you. Your minute is up. That we'll call. We'll have, I'll let you speak for one minute Mr. Crobaugh.

17) Chris Crobaugh of Otten Road spoke about an issue needing clarification, that a Ron Granneman on Otten Road has paid for and locked in a price for sewer no matter when it goes in. Asked if it is true? Can it be done? Stated that he would like to hear discussion on that.

President Brown: Thank you. I will call for a recess until, oh, you're going to answer? Wait till I set the minute. Okay go.

Safety-Service Director Johnson: I have two answers. I have to answer two questions, two separate times.

President Brown: No, one minute.

Safety-Service Director Johnson: Mr. Crobaugh's questions about Mr. Granneman. Anybody at all who wanted to join that assessment could have joined that assessment. He locked in a price, sure. If you are being assessed for an interceptor, there's no way the City can charge you another time for that interceptor. When the lateral comes down the street, he'll have to pay for a lateral, he'll have to pay for a tap just like everybody else. But, he won't have to pay for the interceptor use. We have three charges. Lateral, which is fourteen hundred and eighty-four dollars, interceptor use which is twelve hundred and seventy-two dollars and for twelve hundred and seventy-two dollars we get the French Creek improvement and inspection fees, which comes to a little over four thousand dollars. Mr. Granneman is locked in on the first thing of twelve seventy-two on a thousand forty-eight dollars, whenever, because he's going to pay for it if he never gets the sewer. He'll be paying that because it will be assessed to his property.

President Brown: Thank you.

Safety-Service Director Johnson: There was another answer to a question.

President Brown: Okay, wait til I set my timer, okay.

Safety-Service Director Johnson: In response to Mrs. Shroyer as far as communications that she thought that was great. I thought it was great too. I know that she was at the town hall meeting, I know that she's been at every Planning Commission meeting and I know that questions asked by Mrs. Minnick, the night she was talking about, were the same questions that the Mayor addressed the week before, the very same questions, and passed out the answers to everybody in the audience and read them in her report, very same questions. Who would pay for it? How much is

it going to cost? Everything was answered. If there's a default, all those questions were there, answered two weeks prior to that, answered again at that meeting, answered again at the town hall meeting, every where and I believe you were at every one of those. Really, I don't know how else we can to people unless they really call us. I'll answer anybody's questions. My doors opened any day of the week for anyone who wants to come in and answer a question.
President Brown: Times up. Thank you. I will call for a recess and we will reconvene at nine.

RECESS from 8:50 P.M. to 9:00 P.M.

President Brown: Moving on, first readings.

FIRST READINGS

Council Clerk White: First reading.

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.

First Reading

President Brown: That constitutes first reading.

Council Clerk White:

T 30-2001 AN ORDINANCE AMENDING ORDINANCE NO. 3496-99 WHICH
3654-2000 AMENDED SECTION 222.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, BY INCREASING THE COST OF CERTAIN FEES TO REFLECT THE ACTUAL COSTS OF SERVICES RENDERED.

First Reading

President Brown: That constitutes first reading.

Council Member Swindig: Madame Chairman?

President Brown: Yep?

Council Member Swindig: I'd like to suspend second and third readings.

President Brown: And you said you were going to explain it to us.

Council Member Swindig: After I get the second.

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

Council Member Swindig: The reason for the suspension of second and third is we received the Building and Housing Code, our code books, the update of the Codified Ordinance books, the insert on that. All we are doing is passing on the actual cost of what it's costing us. Each unit was weighed and divided by the shipping cost. The shipping cost is included in it on a per ounce charge. An additional thirty-five cents was added for a clip, but, we cannot find a clip big enough to go through the Codified Ordinance book right now. We're looking for it. We need almost a four inch clip and we can't find that one so I did some shopping around at Staples and I

seen a four inch loose leaf binder notebook for about ten dollars and that's the only cost in what we're doing. (Inaudible) so our Clerk's office can release the updated material.

Council Member Butkowski: Madame Chairman?

President Brown: Yes?

Council Member Butkowski: I was talking to Paula too this afternoon. Why don't we raise the one hundred seventy-six dollars to a hundred eighty-six dollars, then it will cover it.

Council Member Swindig: Because I think we can only recoup our actual costs.

Council Member Butkowski: Well that you said was ten dollars.

Council Member Swindig: But we don't know if that's in there yet. We may have to come back and amend it when we get a price at cost. But if you want to take it at, and make it a hundred and seventy-five dollars . . .

Council Member Butkowski: It's a hundred seventy-six dollars, now let's not lower it. I was just thinking about putting ten dollars in. I don't think we'll be off that much.

Council Member Swindig: It's thirty-five cents on the clip, (inaudible). But, no, we cannot make money on selling these. All we can do is sell them for our actual cost.

Council Member Butkowski: I was just wondering. By the time we take the time and the money to put out more legislation, why don't you just buy a ten dollar booklet or binder and just raise it ten dollars to protect us.

Council Member Swindig: I'm all for it, raising the Codified Ordinance book, okay, I'm looking at two different sheets here. Okay, I see what you're saying. Raise the Codified Ordinance in section one to render a hundred eighty-six dollars.

Council Member Butkowski: That sounds good because it's going to cost us more than that if we come back with more legislation.

Council Member Swindig: All right. I have no problem with making a motion for amending a hundred seventy-six to a hundred eighty-six dollars.

President Brown: A hundred and eighty-six?

Council Member Swindig: In section one.

President Brown: Will you put that into a second Mrs. Borocz?

Council Member Borocz: Yes I do.

 motion by Butkowski to amend it to a hundred eighty-six dollars, the Codified Ordinances,

President Brown: And who will second that?

Council Member Swindig: I do.

 2nd by Swindig

President Brown: Okay Mr. Swindig. We have a motion before us to increase the price of the Codified from one seventy-six to one eighty-six. Is there any other discussion? Okay, please take the role on the amendment.

 Yes, 6 No, 0

Council Clerk White: Motion carries six, zero to raise the Codified Ordinances in section one from one hundred and seventy-six dollars to one hundred and eighty-six dollars.

President Brown: Right. Let's vote on it.

Council Clerk White: There's a motion to suspend second and third reading on the floor that's been seconded. Is that what you want to vote on?

President Brown: Yep.

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero.

motion by Swindig to adopt, 2nd by Borocz

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

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero. T 30-2001 becomes Ordinance 3654-2001.

President Brown: Would you please repeat that?

Council Clerk White: Thirty-six fifty-four, two thousand and one.

Permanent Ordinance No. 3654-2000

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

President Brown: Okay. Wait till I catch up with you. Second readings.

SECOND READINGS

Council Clerk White:

T 8-2001 AN ORDINANCE AMENDING ORDINANCE NO. 3481-99 AND
AUTHORIZING THE LAW DIRECTOR TO PROVIDE LEGAL SERVICES IN
CONNECTION WITH LITIGATION INVOLVING THE CITY OF NORTH
RIDGEVILLE, OHIO WITH APPROVAL OF CITY COUNCIL AND
REQUIRING THE SUBMISSION OF A DETAIL BILLING STATEMENT
WITH RESPECT TO SAID LEGAL SERVICES.

Second Reading

President Brown: I would like to take and refer this please, to the Finance Committee.
REFERRED TO FINANCE COMMITTEE

Council Clerk White:

T 13-2001 AN ORDINANCE AMENDING CHAPTER 1282.11 BY DELETING (B)(3), TO
REFLECT THAT THE REGIONAL DWELLING HOUSE CODE IS NO
LONGER USED.

Second Reading

President Brown: That constitutes second reading.

Council Member Butkowski: Madame President?

President Brown: Yes?

Council Member Butkowski: Can we refer that to committee or have it rewritten so it's spelled out where the minimum size of a single dwelling is spelled out in the Ohio Residential Code and where's it's going to be listed in the new Codified Ordinance book?

President Brown: We can give that to Buildings & Lands.

Council Member Gillock: Madame President?

President Brown: Yes?

Council Member Gillock: Don't our building codes specify what the minimum dwelling sizes are?

(Inaudible)

Council Member Gillock: Okay, I don't have a problem with it.

(Inaudible)

President Brown: To Buildings & Lands.

REFERRED TO BUILDINGS & LANDS COMMITTEE.

Council Clerk White:

T 15-2001 AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A MAYOR'S COURT INDIGENT CRIMINAL DEFENDANT FUND AND PROVIDING FOR THE UTILIZATION OF SUCH FUNDS FOR THE PAYMENT OF ATTORNEY FEES FOR MAYOR'S COURT INDIGENT CRIMINAL DEFENDANTS AT THE RATE OF \$75.00 PER HOUR.

Second Reading

President Brown: That constitutes second reading.

Council Member Minnick: Madame President?

President Brown: Yes?

Council Member Minnick: I'd like to have that referred to Finance. There is no cap stated in here and also I would like to know what other Mayor's Courts do. So if we could refer that to Finance.

President Brown: Finance Committee?

Council Member Minnick: Yes.

President Brown: Okay.

REFERRED TO FINANCE COMMITTEE.

Council Clerk White:

T 20-2001 AN ORDINANCE ESTABLISHING A BOARD OF ZONING APPEALS SPECIAL MEETING FEE OF ONE HUNDRED DOLLARS (\$100.00).

Second Reading

President Brown: That constitutes second reading.

Council Clerk White:

T 21-2001 AN ORDINANCE AMENDING CHAPTER 1282.11 (C) (4) (B) BY DELETING NON-ESSENTIAL, INCONSISTENT REQUIREMENTS.

Second Reading

President Brown: That constitutes second reading.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: Before we proceed, can we go back to T 15 that you referred to

Finance?

President Brown: Uh hum.

Council Member Gillock: I believe the Auditor had a question about, maybe this might not be better in Administrative then in Finance.

Auditor Costin: Yeah, it's a financial ramification maybe the dollar amount, but setting a policy it probably would be better handled by Administrative Committee.

President Brown: Administrative Committee?

Auditor Costin: That would be my thoughts. I could look at it from a financial stand point (inaudible). Is it not the intention of the (inaudible).

Mayor Hill: Madame President?

President Brown: Yes?

Mayor Hill: No, are you talking about for indigent criminal defendants?

President Brown: Yes.

Mayor Hill: Okay, that was recommended by our magistrate to make sure that we have someone to provide attorneys for those who are indigent. His concern, the magistrate out of Mayor's Court, his concern is having that available to all clients which we are obligated to do. So, I don't think that. . .

Auditor Costin: (inaudible)

Mayor Hill: That's why it should be in Finance.

Council Member Minnick: How about both.

President Brown: I was going to suggest perhaps Administrative and Finance so that they can both work on it. Would that be okay with you Mr. Costin?

Auditor Costin: That's fine.

President Brown: Okay.

Mayor Hill: Madame President?

President Brown: Yes?

Mayor Hill: The only request is to get this done as soon as possibly. He has a concern about this.

President Brown: Okay. I will assign them to both committees, Administrative and Finance.

Council Member Gillock: Thank you.

President Brown: Thank you.

REFERRED TO ADMINISTRATIVE COMMITTEE AND FINANCE
COMMITTEE.

Council Clerk White:

T 22-2001 AN ORDINANCE REQUIRING NOTIFICATION TO THE FIRE
DEPARTMENT AND THE BUILDING DEPARTMENT OF A CHANGE OF
BUSINESS OWNER FOR SAFETY AND EMERGENCY PURPOSES.

Second Reading

President Brown: Constitutes second reading.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: I think I'd like to make an amendment to this on the second sentence of the first paragraph. It says, whereas it is important to the public welfare and safety for both the police and building departments to be informed of the current tenants of a business, commercial or industrial space. I'd like to change that word tenants to occupancy. Because a building owner is not a tenant and we want to let them know, whoever is in the building. I make a motion to change the word tenants to occupancy.

 motion by Gillock to amend by changing the word tenants to occupancy, 2nd by Minnick

President Brown: Is there any discussion regarding this?

Council Member Gillock: Or occupant.

President Brown: I was going to say occupant.

Council Member Gillock: That's better. Thank you.

President Brown: Any discussion? Seeing none.

 Yes, 6 No, 0

Council Clerk White: Motion carries six, zero to change in the first paragraph tenants to occupant.

President Brown: That constitutes second readings.

Mayor Hill: Madame President, just to go back one as Mr. Gillock did before with the indigent fees or attorney fees. If either committee would like an explanation from the magistrate, I will have him put it in writing to me and I will submit it to those committees.

President Brown: It might be a good idea to do that Mayor so that they're aware.

Mayor Hill: If they request that from me I will take care of it.

President Brown: Okay. Thank you.

Council Clerk White: That's on T 15-2001.

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

 Second Reading

President Brown: That constitutes second reading.

Council Clerk White:

T 27-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF
3655-2001 NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE
FRATERNAL ORDER OF POLICE/OHIO LABOR COUNCIL, COVERING
ALL FULL-TIME PATROLMAN.

 Second Reading

President Brown: That constitutes second reading.

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

President Brown: Any discussion on the suspension?

Council Member Minnick: Can we have a reason?

President Brown: Is there a reason Mrs. Borocz?

Council Member Borocz: I think that to move this along in a timely fashion to get our Police Officers and make sure if there's anything that has to go into the appropriations, it can be brought up (inaudible).

President Brown: That's right because tomorrow is appropriations meeting and Wednesday. Is that good enough Mrs. Minnick?

Council Member Minnick: Yes.

President Brown: On the suspension of the third readings, please take roll.

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero to suspend third reading.

Council Member Borocz: Madame President?

President Brown: Yes?

motion by Borocz to adopt, 2nd by Swindig

President Brown: Any discussion on the adoption. Seeing none, take roll please Mr. White.

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero. T 27-2001 becomes Ordinance Number 3655-2001.

Permanent Ordinance No. 3655-2001

T 28-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF
3656-2001 NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE
FRATERNAL ORDER OF POLICE/OHIO LABOR COUNCIL, COVERING
ALL SERGEANTS, LIEUTENANTS, AND CAPTAINS.

Second Reading

President Brown: Constitutes a second reading.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to suspend third reading

President Brown: Okay Mr. Swindig. Second Mrs. Butkowski.

2nd by Butkowski

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

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero to suspend third reading.

Council Member Borocz: Madame President?

President Brown: Yes?

motion by Borocz to adopt, 2nd by Swindig

President Brown: Any discussion? Take roll please.

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero. T 28-2001 becomes Ordinance Number 3656-2001.

Permanent Ordinance No. 3656-2001

T 29-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF
3657-2001 NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE
 FRATERNAL ORDER OF POLICE/OHIO LABOR COUNCIL, COVERING
 ALL NON-SWORN EMPLOYEES OF THE NORTH RIDGEVILLE POLICE
 DEPARTMENT.

Second Reading

Council Member Borocz: Madame President?

President Brown: Yes?

 motion by Borocz to suspend to give this a third reading

President Brown: Second by Mr. Swindig.

 2nd by Swindig

President Brown: Discussion on the suspension? Roll on the suspension.

 Yes, 5 No, 0 Abstain, 1 (Gillock)

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

Council Member Borocz: Madame Chairman?

President Brown: Yeah.

 motion by Borocz to adopt, 2nd by Swindig

President Brown: Discussion on the adoption? Please take roll Mr. White.

 Yes, 5 No, 0 Abstain, 1 (Gillock)

Council Clerk White: Motion carries five, zero, one. T 29-2001 becomes Ordinance Number
3657-2001.

 Permanent Ordinance No. 3657-2001

That's all the second readings that I have.

President Brown: Okay, going into third readings.

THIRD READINGS

Council Clerk White:

T 4-2001 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED
3658-2001 ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS
 THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND:
 APPROXIMATELY 0.6061 ACRES SITUATED OFF CENTER RIDGE ROAD
 BETWEEN PITTS BOULEVARD AND LEAR NAGLE (AS SHOWN BY
 LEGAL DESCRIPTION BELOW), FROM R-1 RESIDENCE DISTRICT TO B-3
 HIGHWAY COMMERCIAL DISTRICT.

Third Reading

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

 motion by Gillock to adopt,

President Brown: Did you get that?

Council Clerk White: Gillock and Swindig I heard first. You're the boss.

President Brown: Mr. Swindig.

2nd by Swindig

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

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero. T 4-2001 becomes Ordinance Number 3658-2001.

Permanent Ordinance No. 3658-2001

T 5-2001 AN ORDINANCE AMENDING AND MAKING ADDITIONS AND
3659-2001 DELETIONS TO ORDINANCE 3287-97, THE OHIO BUILDING OFFICIALS
ASSOCIATION ONE, TWO, AND THREE FAMILY DWELLING CODE OF
1996.

Third Reading

motion by Gillock to adopt,

President Brown: Second by Mrs. Butkowski.

2nd by Butkowski

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

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero. T 5-2001 becomes Ordinance Number 3659-2001.

Permanent ordinance No. 3659-2001

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

President Brown: Okay, and we don't have any unfinished business. Going into committee announcements, Mr. White.

UNFINISHED BUSINESS None

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White:

I show a Public Hearing Monday, March 19, 2001 at 7:20 P.M. on T 13-2001.

A Public Hearing Monday, March 19, 2001 at 7:25 P.M. on T 21-2001.

The next Regular Council Meeting is Monday, March 19, 2001 at 7:30 P.M.

Council Member Swindig: Madame Chairman, there is a Finance Committee meeting starting at 9:00 tomorrow morning and finishing up the one day schedule and we will come back Wednesday morning at 9:00 and finishing and if need be we will have a finance meeting on Thursday (inaudible).

President Brown: Okay, that's appropriations?

Council Member Swindig: Appropriations.

President Brown: Thank you very much. Okay, I need a motion to adjourn.

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ADJOURNMENT

President Brown: Motion to adjourn Mr. Swindig, who second it?

Council Member Borocz: Me.

President Brown: You did? Okay.

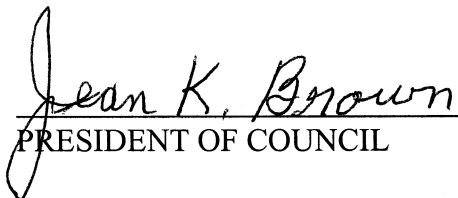
motion to adjourn by Swindig, 2nd by Borocz

President Brown: Adjourned.

Meeting adjourned at 9:21 P.M.

MOTION Butkowski 2ND Swindig DATE March 19, 2001

YES 6 NO 0 ABSTAIN 1 - Overby



PRESIDENT OF COUNCIL



CLERK OF COUNCIL