

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 4, 2002**

CALL TO ORDER: 8:00 P.M.

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

INVOCATION: lead by Council Member Nancy Buescher.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

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

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

Absent was Engineer Thomas Beutler.

MINUTES - Corrections and Approval:

Regular Council Minutes of February 19, 2002

motion by Butkowski, 2nd by Buescher to approve

President Gillock: Are there any corrections or additions?

Yes, 7 No, 0

Clerk of Council Norris: Passes seven, zero.

President Gillock: Please note:

Parks & Recreation Commission Minutes of January 23, 2002

Civil Service Commission Minutes of February 19, 2002

Planning Commission Minutes of February 12, 2002

COMMITTEE REPORTS:

1) ADMINISTRATIVE COMMITTEE REPORT #7144. We have considered the matter of a change in Council By-Laws prepared by the Assistant Clerk of Council Paula Cope, as attached and recommend that this request be approved as presented.

Signed: Nancy J. Buescher, Josanne K. Pagel, Bernadine Butkowski.

motion by Buescher to accept, 2nd by Butkowski

President Gillock: Is there any discussion? Would someone from the Administrative Committee like to briefly explain what these are for?

Council Member Buescher: We have considered the matter of a change in Council By-Laws

prepared by the Assistant Clerk of Council Paula Cope and it basically has to do with cloture. President Gillock: Correct. Basically it's with the committee's and the Clerk's office itself, moving their cloture from Tuesday to Wednesday so Planning doesn't have to wait a month to get their report in. Is there any other discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: The report is approved seven, zero.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero.

2) **ADMINISTRATIVE COMMITTEE REPORT #7145.** We have considered the matter of the rental contract for the Multi-Purpose Room and recommend that this request be approved and proper legislation be drawn by the Law Director accepting the rental contract Proposal #2 as prepared by Sally Balog with legal specifications such as, no kitchen privileges, disclaimer, starting date of new contract proposed is June 1, 2002 with new fees (Proposal #2 attached) Signed: Nancy J. Buescher, Josanne K, Pagel, Bernadine Butkowski.

 motion by Buescher to accept, 2nd by Butkowski

President Gillock: Is there any discussion?

Council Member Pagel: Mr. President, this committee report, if the Chair would allow, was that Mrs. Balog made a good point on revising their contract to bring it up to standards of the Health Department, State Health Department also, as far as not allowing the kitchen to be rented and also the cost of rental of the room. We looked at it to hopefully achieve a cost neutral to cover utilities. Evidently, all the fees of the rental of space goes into the general fund and out of that is paid the utilities and they are looking at a seven thousand plus dollars versus a nine thousand cost for utilities. Hopefully, this will make it a cost neutral in the near future by increasing the rate there. We unanimously agree with this.

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

Yes, 7 No, 0

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

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

President Gillock: We now come to that point on the agenda for questions on the written reports of the Mayor, Safety-Service Director, Engineer, which we do not have. Mayor, might I ask, since people have been asking me, why we're not getting any or if we are going to get any?

Mayor Hill: Yes. What you asked for in a memo to me was for a reporting of significant events or happenings within the City. Normally, what I've done is, if you check my past Mayor's reports, what I've done is either make nominations for boards or commissions or in other capacities which I brought up under new business with the last Council meeting so, that's taken care of under new business and general public announcements. Now, since the reports are not going to be shared with the public, via orally, they're really not things that are before Council. If it's something before Council, certainly you'll get a written report on it. Which brings up a request that I was going to make under new business, if I may do so at this time because it's

relative to your question. I'd like to put legislation and administrative reports on the same time and date as everything else that meets cloture. You've just changed Planning Commission or committee reports or something to Wednesday, legislation and the Mayor's reports and the administrative reports are required on Tuesday so, we'd like to make it all the same on Wednesday. You've even changed the Auditor's report from Friday to Wednesday. So, everything except the correspondence and administration reports, I believe, are due on Wednesday. So, I request that that be changed so that everything is consistent and secondly, I will continue to go under new business for any nominations and so fourth but, the general public announcements that are important to those who watch, I would like to be able to give an oral report and I would like that to be considered. The Auditor gives an oral report. Other Council liaisons give oral reports. So I would appreciate being allowed the same, allowed the same, I'm searching for the word.

Council Member Olesen: Courtesy.

Mayor Hill: Courtesy, yes, thank you so much. So, two things to consider, the deadline allowing oral reports, nominations under new business and general public announcements orally.

President Gillock: I will refer both of those to Administrative. I might point out that the reason we changed the cloture for the Clerk and the Commission, basically for Planning which is part of the Clerk's responsibility is, we have cloture on Tuesday for everything else so, by having the Clerk on Wednesday, it gives her a day to receive the reports and get everything ready. The problem with the Planning Commission is they meet the second Tuesday of the month. Since that often doesn't meet cloture for the second council meeting of the month, they often have to wait a whole month for approval of their actions. So, by moving it to Wednesday, let them meet on that second Tuesday and get their report in the next day. So, that's why those changes are made, but we will refer both of these to Administrative as far as looking at cloture for administrative reports and legislation and to again look at the Mayor giving an oral report. We'll move onto the Law Director's report.

REFERRED TO ADMINISTRATIVE COMMITTEE, CLOTURE FOR ADMINISTRATION REPORTS AND LEGISLATION AND ORAL REPORT BY MAYOR.

Mayor: None

Safety-Service Director: None

Engineer: None

Law Director:

motion by Pagel, 2nd by Swindig to suspend By-Laws to allow discussion of the Law Director's report

President Gillock: Which was submitted but, didn't meet cloture. Is there any further discussion? If not, please call the roll.

Yes, 7 No, 0

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MARCH 4, 2002**

Page 4

Clerk of Council Norris: Motion carries seven, zero.

motion by Swindig, 2nd by Pagel to have the report read by the Clerk

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

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero.

To David Gillock, President of City Council; From Eric H. Zagrans, Director of Law; Subject is Law Department Report on Vending Ordinances; Dated February 27, 2002.

I have been asked by Josanne Pagel, chair of the Safety Committee of City Council, to report to Council regarding the vending ordinances in the City in light of the recent efforts by two residents to change current law in order to permit the operation of an ice cream truck on North Ridgeville public streets. I understand that no changes in the existing ordinances has been recommended by the Committee.

There are two sets of ordinances relevant to this issue. First in time, the City's Traffic Code was amended in 1969 to add Section 432.42 entitled "Vending From Vehicles Prohibited." It states that no one may operate a motor vehicle, meaning cars or trucks, on the streets of the City for the vending of any merchandise. Criminal penalties are provided for violation of this ordinance.

Please note that it is not limited to food items in general or ice cream in particular; it applies to the vending of any merchandise whatever, from comic books to American flags. "Vending" means selling, offering to sell, or soliciting the sale of any item to the public at large. Please also note that it does not matter if the motor vehicle is parked on the street, stopped at a corner, or turned into a driveway. If the vehicle was operated at any time on the streets of the City for the purpose of vending merchandise from the vehicle to the general public, it is prohibited.

Second, in 1971, Chapter 854 entitled "Peddlers, Canvassers and Solicitors" was added to the Codified Ordinances. The broad definition of a peddler, canvasser or solicitor is any person 18 years of age or older, it does not apply to minors, such as Girl Scouts selling cookies, who sells or offers for sale any merchandise, one by going house to house, or from place to place through the streets, taking their goods with them, or two, by subscription or by taking orders for future delivery.

Section 854.02 prohibits soliciting the sale of any merchandise, wares, foods, periodicals or other articles of value, for present or future delivery, on any public street or sidewalk.

Section 854.03 prohibits peddlers, solicitors, "hawkers, itinerant merchants or transient vendors", the ordinance does not define these last three somewhat troubling terms, from going in or upon private property for the purpose of peddling, hawking or soliciting orders for the sale of goods, wares or merchandise if they were not invited to do so by the owner or occupant of the private property, and declares such uninvited solicitation on private property to be a public nuisance.

Violation of either Section 854.02 or 854.03 carries criminal penalties for each day of violation.

Please notice that the ordinances prohibit the sale of goods or merchandise, but do not prohibit the sale of services. Please also note that Section 854.03 is drawn very broadly, perhaps too broadly if it were deemed to impinge on certain First Amendment rights. Indeed, the blanket prohibition on all uninvited commercial activity involving goods or merchandise might not pass

constitutional muster if challenged in Court. However, to the best of my knowledge, there has never been a criminal prosecution in the 30 years these ordinances have been on the books, and no case challenging their validity has been brought.

Ms. Pagel asked me to explain how the vending of ice cream from a truck differs from a customer who orders ice cream to be delivered from a store by a delivery truck. The distinction is straightforward. Section 432.42 prohibits vending from a truck to the public generally, who presumably would be attracted or drawn to the truck in order for sales to be made from the truck to the public. However, a delivery vehicle, as opposed to a "vending" vehicle, whether delivering ice cream, a pizza or something else, is not selling to the public at large. A particular customer has placed a specific order with the store for a specified product. The store has sent out a delivery vehicle as a convenience to the customer to save him or her the trouble of picking up the order. Furthermore, the delivery is made to the customer's house. There is no vending from the delivery truck on the street to the general public.

Section 854.03 is likewise not violated in the example about which Ms. Pagel asks because the intrusion onto private property by the delivery vehicle and person was at the express invitation of the property owner or occupant. It would be a violation of Section 854.03, and probably Section 432.42 as well, if a pizzeria had its delivery truck go up and down a street stopping in every driveway and offering to sell a large pepperoni pizza to each household.

I trust this explanation of the City's existing legislation will be helpful to your deliberations. Please let me know if there is anything further I can do to help in this regard. Signed Eric Zagrans.

President Gillock: Would you like to add to that or expand on it?

Law Director Zagrans: No, unless there are questions that any Member of Council has.

President Gillock: Questions of the Law Director? Auditor's report.

AUDITOR'S REPORT:

Auditor Costin: Mr. Chairman, there is no formal report scheduled for this meeting. I do have a comment and a request. I want to thank the Mayor for bringing your administrative By-Laws to my attention because I did notice that you are moving up the deadline for the Auditor's report. I would like you to reconsider that, in as much as, number one, the Auditor copies his own report and typically the reason for getting this information to your Council Clerk with this deadline is to give her adequate time to do the duplication so that she can disseminate to Council. Now, with regard to the Auditor's report, we do that process for her. With our particular written report, we can't begin that process until the prior month has ended and our process is to reconcile with the Treasurer, who reconciles his back statements which he won't receive for the first ten days. Moving this back even two days is going to be an undue burden on our office to meet cloture and I would like you to consider leaving it as it was which we developed quite some time ago unless, there's a particular reason for the contrary. I think the accuracies and the timing of this report mandates you give us as much time as we possibly can have. Otherwise, I'm fearful that what's going to happen is we're going to have certain reports through the course of the year, depending on how the calendar falls, that aren't going to meet cloture which means you'll have to wait one

more month to get a report and that makes it untimely. I think I prefer to see us remain on our present schedule so that you have our reports by the second Council meeting of each month.

President Gillock: I thought that it was indicated that the Auditor's office wouldn't have a problem with this but, this has got to be read at the next two meetings anyway. Did you have a second?

Auditor Costin: That was my only comment.

Mayor Hill: Following up on what Mr. Costin just said, it appears to me that the original cloture deadline of Thursday at the end of the business day or 4:30, whatever, met everybody's needs. I mean, it's very difficult for our office, over a week in advance at times, could be eight and nine days in advance depending on holidays, to make it up to date and news that the public would be interested in. By then it's probably been in all the papers anyway. So, Thursday worked for us, Thursday worked for Planning Commission, Thursday worked for the Auditor's office and we need to be consistent otherwise. I'll tell you what I'm constantly doing is, oh wait a minute, let's see, if there's a holiday on Tuesday or Wednesday, then it's due on Monday, no, then it's due on Tuesday, but this committee it's due on this day. If it were consistent and it worked with Thursdays, so, that would be my request if we were going to make some on Thursday to meet everybody's needs, let's make it consistent. Let's make it easy for everybody concern, the Clerk to make sure everybody's meeting those deadlines in all the different departments. So, I'll change my request from Wednesday, make them all Thursday.

President Gillock: Thursday doesn't work for the Council Members because when Thursday at 4:30 is the deadline and the packets don't get put together until Friday and most of us work Friday so, we don't get them until Friday evening and we don't want to call you at home on Saturday and Sunday so, that only gives us Monday. That's the purpose of why we moved cloture up, to give Council more time to review the material and contact City Hall or prepare questions. We'll take that into consideration, some how trying to compromise and reach an agreement.

Mayor Hill: Yes, I would request some consistency, so we all understand and the Auditor's report was not due until Friday at closing time, which was great. But, Council has a major responsibility for financial oversight. That's one of the two things that Council does and yet they didn't have those reports until Friday at closing time.

Auditor Costin: I might just respond to that. I think the fact that we got the additional day was also because we did our own processing. When the reports go to Council Clerk, she doesn't stand there and copy 35 copies. She's given those copies. All she has to do is add them to the packet. That gives us an extra day and we copy them for her so she doesn't have to spend the time to do that and then run out and do her postings.

President Gillock: Correct. Cloture dates weren't consistent totally before. Any other discussion in regard to the Auditor's report?

OTHER REPORTS:

Senior Citizens Advisory Board Liaison Report:

Council Member Butkowski: I just want to remind anyone that is interested in having people at

the Senior Center help them prepare their income tax, they should call and make an appointment.

Planning Commission Liaison Report: Planning Commission meeting of February 12, 2002

Applicant: Oster Construction, Inc., 6150 Park Square Drive, Lorain, 44053
Owner: Russell Preferred Properties, Inc., 36178 Center Ridge Road
Request: Preliminary subdivision approval for Stone Creek Estates
Subdivision.
Location: Stoney Ridge Road vacant land, west side, in R-1
Permanent Parcel No. 07-00-032-000-051
PC Action: Planning Commission approved this request, taking into
consideration the recommendations from the City Engineer and
Building Department.

motion to approve by Swindig, 2nd by Olesen

President Gillock: Discussion? Mrs. Pagel?

Council Member Pagel: I meant to mention this in the work session, but it is my understanding according to parliamentary procedure that this Council is, when we accept this report, we are accepting the report, we are not accepting any action and I would believe I would defer to Mr. Zagrans if he would clarify that but, I believe that's my understanding of parliamentary procedure. We are not accepting the action. I know in the work session we had talked about how can we accept a report when they still have contingencies on it but, we are just accepting the report, not the action that may follow through at a later time. That's my understanding of parliamentary procedure.

President Gillock: I don't know if it's parliamentary procedure but, you have to . . .

Council Member Pagel: It was brought up in our parliamentary class.

President Gillock: Add to that? Comment on that?

Law Director Zagrans: It is clear that what you're doing when you are approving the report, is you're approving the recommendation of the Planning Commission that is set forth in the report. I think Ms. Pagel is absolutely correct in saying that approving the recommendation of the Planning Commission in its report is not giving approval to any subsequent action.

Council Member Buescher: Mr. President, I think that's beating around the bush and even if that's according to parliamentary procedure, I don't think we should accept anything unless we know exactly what we're accepting.

President Gillock: I think it should be pointed out, this is for a preliminary approval. This application will have to come back for final approval before Planning for further discussion.

Council Member Olesen: Mr. President, just let me elaborate a little bit on this proposal. Stone Creek is an R-1 development of 166 homes located on Stoney Ridge Road of which 108 will be detached clusters in the thirteen hundred to eighteen hundred square foot range and it will be priced at 150 to 180 thousand dollars. Single family homes will have between eighteen hundred and thirty-two hundred square feet and priced in the 180 thousand to 300 thousand dollar price range. Planning Commission approved this request subject to the recommendations of the City Engineer and the Building Department.

President Gillock: Any other discussion?

Council Member Butkowski: Mr. President, I have two things. Some of the recommendations of the Engineer was to find out whether there was adequate water and sewer to service these homes. That has not been defined to us. According to the Charter, the Planning Commission, it says, 8.6 duties, all plans and recommendations made by the Planning Commission shall be submitted to Council for approval before the same shall be considered as official. So, once we approve it, according to our Charter, it is official.

President Gillock: But, it has to come back for final approval and those calculations have to be made before you get to final approval. This is a preliminary approval which doesn't require as detailed a document as the final will.

Council Member Buescher: Mr. President, what kind of legal problems would we run into then if we decide not to pass the final approval?

President Gillock: That's a legal question, Mr. Zagrans?

Council Member Buescher: After we've given the impression to the developer that he could go forward with this project.

Law Director Zagrans: If I'm understanding Ms. Buescher's question correctly, she's asking what would happen if the Engineer determined that there was some problem with, for example, the illustration Ms. Butkowski brought up, with the supply of water, and Council determine that that was not adequate and denied the final approval, that's a case I could defend very easily. There would be no legal basis to come back against the City in that event.

President Gillock: Doesn't the preliminary approval basically give you a topographical map, this is the project and this is the parameters, the density, generally where the roads and lots will be within this zoning classification, Planning reviews that and says preliminarily, this meets our ordinances?

Law Director Zagrans: Yes.

President Gillock: And then the Engineer makes the calculations and it comes back to Planning as to whether all the specific items are or not met.

Law Director Zagrans: Yes, that's generally the way it's done.

President Gillock: At which point Planning would then again review for final approval.

Law Director Zagrans: Correct.

Council Member Olesen: Mr. President, we should add that we also asked for the opinions of all City Officials in this process and that's what we look at during the meeting. That's the basis of our recommendation to approve subject to the City Engineer and Building Department restrictions.

President Gillock: Any further discussion?

Council Member Butkowski: It's not spelled out here in the Charter that, how that goes. It just says, before we shall consider, all plans or recommendations made by Planning Commission shall be submitted to Council for approval before the same shall be considered as official. We don't have, there's nothing in here of a schedule that this ever comes back again and we don't have that schedule. I assume it's in the ordinance some place but, we've never been given a time line or how these things follow.

President Gillock: I have recommended and I believe I've talked to the Chairman of Planning Commission that a procedural step by step plan would be helpful, not only to us but to Planning to make sure all the steps are followed. Mr. Zagrans?

Law Director Zagrans: I don't remember when it was, it was sometime either last summer or last fall, but I spelled out in a very lengthy presentation that some felt was too lengthily, the seven or eight steps in a step by step chronology of how a project is suppose, the stages that a project is suppose to go through in order to go from its initial design and planning phase through the construction phase of the project and that was taking into account all of the various ordinances that we have in our building code and I laid that out because there had been controversy and frankly some inconsistency in the way that things had been done from administration to administration as to when, for example, subdividers agreements were entered into, at what stage the various approval levels had to be. So, I went through that history and I laid out what the department was specifying and recommending as the proper steps in the process that should be followed for all projects whether they are R-1 developments, whether they're cluster developments, whether they're PCD developments. So, you should have that already, some months back.

Council Member Butkowski: I thought when the Law Director did that, that was more of the PCD and there's only three of us that were on Council before so, none of the others have that to follow.

President Gillock: We can look into developing that check list further.

Law Director Zagrans: Mr. President, I did put it in writing in a memorandum that was distributed around and as a matter of fact it specifically was for non PCD projects most, importantly, because the PCD ordinance that we have is very detailed and very specific whereas all of the non PCD developments, you had to look at five or six or seven different ordinances in order to understand how it all fit together.

President Gillock: Would you please make sure that we all get a copy of that memo once again.

Law Director Zagrans: Will be glad to, certainly.

President Gillock: Any other discussion? Mayor?

Mayor Hill: Yes Mr. President, I'm sure that since it was distributed to Council that your Council Clerk also has that if you want to check with her.

President Gillock: We will make sure this is distributed again. Anyone else on the Oster Construction application? If not, please call the roll.

Clerk of Council Norris: This is a roll on the Oster Construction application.

Yes, 4 No, 3 (Buescher, Butkowski, Johnson)

Clerk of Council Norris: Motion carries four, three to approve.

Applicant: Pulte Homes, Rob Izer, 30575 Bainbridge, Solon, 44139
Owner: Forest City, Sugar Chestnut LLC, 150 Terminal Tower, Suite 50,
 Cleveland, Ohio 44113
Request: Cluster site plan approval, Andover Place at Waterbury PCD
 (Please note name change from Country Haven to Andover Place.)

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MARCH 4, 2002**

Page 10

Location: Chestnut Ridge Road, Permanent Parcel No. 07-00-036-000-051
PC Action: Planning Commission accepted this proposal as submitted with the
 comments noted from the Administrative Officers.

motion to approve by Swindig, 2nd by Olesen

President Gillock: Open for discussion. I want to point out on this particular application, this is the first cluster application under the PCD ordinance. I believe the ordinance requires for review of a Planner's report and acceptance by the Planning Commission and it's come to my attention that that was not done. We have received the Planner's report but, it came in after the Planning meeting so, I would like to refer this back to Planning Commission if Council would so agree. Any other discussion?

Law Director Zagrans: Point of order.

President Gillock: Go ahead.

Law Director Zagrans: There's been a motion to approve and a second. I believe if you intend to refer it that the mover and the seconder would have to agree to withdraw the motion.

President Gillock: Yes, but I had to have that before I could open it up for discussion.

Law Director Zagrans: Okay, fair enough.

President Gillock: Any other discussion? Mr. Swindig, would you withdraw your motion?

Council Member Swindig: Yes, I'll withdraw my motion.

Council Member Olesen: I'll withdraw my second.

President Gillock: I will refer this back to Planning for review of the Planning report.

REFERRED TO PLANNING COMMISSION FOR REVIEW OF THE PLANNING REPORT.

Applicant: Mark Lesner Architect, 45180 Middle Ridge, Amherst, 44001
Owner: Land America, 1300 E. 9th Street, Cleveland, 44001
Request: Construction of one story brick veneer medical office building,
 7400 square feet, for Tri-City Family Medicine
Location: Emerald Street, Permanent Parcel No. 07-00-017129-074, in B-3
PC Action: Planning Commission approved subject to further negotiation on
 building design with the City Administration and variance
 approval.

motion by Olesen, 2nd by Swindig to approve

President Gillock: Is there any discussion?

Council Member Olesen: Yes, we saw the building plans on this addition and it's very, very contemporary. We had some discussion on that look in the City when we're talking about Western Reserve design. We did ask that the architect meet with the Mayor to discuss the building plans and I think they were modified to a certain extent. I would like, if permissible, to call on the Mayor at this time to get the text of the meeting that she had.

Mayor Hill: Yes, as a matter of fact, we did meet with the builder, with the architect and with a consultant that they had attending their meetings. In our discussions we talked about, there were three people who expressed concerns at Planning Commission about the building. One person was concerned about the ultra modern look and I also expressed some concerns with it. One

person was concerned whether mounting that extended over to another street would be left in tact and one person was concerned about the location of the opposite driveway because she has daughters and she was worried that they wouldn't negotiate backing out onto that street. The three people, the three representatives of Tri-City and I did meet. What we had concluded was that they are going to move the driveway a little bit and by the way, they did talk with these three ladies at the zoning meeting that followed, that there would be extensive landscaping that was not included in their original plans. That there would be less glass and more brick and finally the rotunda that extended quite a bit out would be moved back. According to three people who has expressed varying concerns, so there's really only one with the ultramodern but, two including me and we were able to successfully meet the request and address the concerns of the three people and they all three expressed to me their gratitude for what was done and they are pleased. President Gillock: Thank you. Any other discussion? If not, please call the roll.

Yes, 4 No, 2 (Buescher, Johnson) Abstain, 1 (Butkowski)

Clerk of Council Norris: Approval by a vote of four, two, one.

Request: General Services Co., Inc. requesting clarification on the process of completing the project located on Root Road that had been approved by Planning Commission on July 13, 1999.

PC Action: Planning Commission confirmed that this project started with the wetland process which took two and a half years to complete.

motion by Olesen, 2nd by Swindig to approve

President Gillock: Discussion?

Council Member Olesen: Mr. President, this project was approved by Planning Commission on July 13, 1999. Mr. McGee was concerned that this delay might affect the approval of his project. That is why he came back to Planning Commission. But, during that interim period he was negotiating with the Army Corp of Engineers, successfully, on the wetland's problem and also clearing the land. This is why he came back at a much later date then the application was issued. Planning Commission did not vote on this. I would move, there's a motion on the table sir?

President Gillock: There is a motion on the floor.

Council Member Olesen: I think that we are primarily voting on the acceptance of the Planning Commission action on this.

President Gillock: The issue is, once Planning gives its approval, the developer in this case normally has two years to do his project. It appears that this one had delays due to the wetland but, he was clearing the project or working on it and if I'm right, Planning accepts that as working on it and basically waived the two year requirements. We still feel the projects okay.

Council Member Olesen: Right and his report was signed and stamped in 1999 as recommended by Planning Commission.

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

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Request is approved by a vote of six, one.

OLD BUSINESS:

President Gillock: Is there any old business? New business.

NEW BUSINESS:

Clerk of Council Norris:

Received a renewal application for placement of farmland in an agricultural district from Joseph M. and Joyce Solomon for approximately 26.28 acres located at 5150 Avon Belden Road

President Gillock: I'll refer that to Buildings and Lands and a hearing is scheduled for March 18, 2002 at 7:20 P.M.

REFERRED TO BUILDINGS & LANDS COMMITTEE.

T 22-2002 An ordinance amending North Ridgeville Codified Ordinance Section 234.03.

President Gillock: This is an ordinance requesting that the Assistant Law Director be classified in Civil Service and I will refer that to Administrative.

Council Member Swindig: Mr. Chairman, I would prefer that to be referred to a Committee of the Whole, please.

President Gillock: We can do that. Change that to a Committee of the Whole and we will get it scheduled. I think that someone did mention that this is the request that did not comply with the Ohio Revised Code.

Council Member Buescher: Right. This position is under unclassified in accordance with the Ohio Revised Code and normally, I think it's a good idea to follow Revised Code in any of these situations.

President Gillock: Okay, we'll check that out prior to the Committee of the Whole. Mr. Zagrans?

Law Director Zagrans: Actually, I don't mean to differ from Ms. Buescher but, I don't believe that the Ohio Revised Code governs this. Actually, under the Ohio Constitution, as well as under our Charter, this position would be in the classified civil service rather than unclassified and I have some research and a research memo describing the provisions that I'm talking about and the case law that has so interrupted it, which I would like permission to distribute to Members of Council before the meeting of the Committee of the Whole.

President Gillock: That would be acceptable. T 23.

REFERRED TO A COMMITTEE OF THE WHOLE.

T 23-2002 A resolution for the purpose of adopting the Community Housing Improvement Strategy (C.H.I.S.) Update for the City of North Ridgeville, Ohio.

Mayor Hill: I would request that By-Laws be suspended for a first reading. The reason is and this is a program administered by the City Treasurer. These are required to be updated every two years, Required by the Ohio Department of Development. If we do not update it, we will be ineligible to apply for TIFF funds. The present one runs out April of this year and the new one has to be at the State by March 8, 2002. The problem that we run into every two years with this is they can't start having their meetings and they're required to have three public meetings which

they have had. They can't start having them until sometime in January. Then there's a delay of time, he told me, he believed it was two weeks between meetings that can take place so, you're already at seven or eight weeks. They've had their three meetings and they have C.H.I.S. Board who have met with the consultants to identify housing improvements which includes the grant that we recently got for the second year in a row which is for rehabilitation and repair of present home stock. The Board Members consist of Sally Balog, June Yost, Norm Bliss, that's First Merit Bank, Carol. . .

Council Member Pagel: Point of order Mr. President. I apologize for interrupting Mayor, she made a motion, I believe we need a second before we get into discussion. I don't believe we put discussion in the motion.

motion by Mayor Hill to suspend By-Laws to give this a first reading this evening and 2nd by Swindig

Mayor Hill: I apologize, just finishing the list. From Realty One, from our Fair Housing Board, Jim McVeigh from the City of North Ridgeville and George Zokle who is our consultant.

President Gillock: The Community Housing Improvement Strategy which was adopted in 1999, is that a document that we could get a copy of?

Mayor Hill: Ah yeah, and it's a recent one too but, the problem is that we need this done and submitted to the State by March 8, five days from now.

President Gillock: So you need this adopted this evening?

Mayor Hill: Yes and it's not the Treasurer's fault, it's no one's fault. As I've said before, the rest of the world does not go on our time schedule but, they are required to start their meetings in January and they have to have three and it has to be spaced out with, I think he said, two weeks in between. So, there's nothing we can do about it. Those are the rules.

Council Member Pagel: This is a State mandated strategy program and there are certain criteria that has to be met every two years when you renew these and I believe it is exactly what the Mayor says as far as if we want any more funding in the future, this has to be renewed every two years and I personally see no problems with adopting it tonight. I understand that they had trouble scheduling meetings and that. I would like them to be a little bit more punctual, but there are circumstances, I'm sure, beyond our control.

President Gillock: Is there any other discussion?

Council Member Johnson: Mr. President, I would be more comfortable with allowing it to have a little time before the public. If we hold it to the March 18 meeting, is our next meeting.

President Gillock: I think she said March 8.

Mayor Hill: March 8 it has to be in Columbus.

Council Member Johnson: Withdraw it.

President Gillock: Is there any other discussion? We'll have a vote. Call the roll on suspending By-Laws to give this its first reading this evening.

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend By-Laws carries seven to zero.

Chapter 452 regarding parking to increase and to standardize the waiverable fines as far as practicable.

President Gillock: This ordinance is submitted by Mayor Hill. Would you like to discuss this a little bit? Tell us what this is about?

Mayor Hill: I would love to but, I think I'll refer to the Law Director because, actually, it came from the Assistant Law Director who wanted to make it consistent.

Law Director Zagrans: It did and Ms. Morgan didn't give me any more of the details of her experience in trying to deal with, administer and prosecute the existing regulations under Chapter 452, other than to tell me that there were numerous inconsistencies within the existing set of ordinances and she felt that this proposed amendment to it would make standard and uniform the regulations that she's called upon to defend in court.

Mayor Hill: Mr. President, just one other item. This was requested by the Mayor's Court Clerk as well who helps to operate Mayor's Court. So, it was a concern of our magistrate, it's a concern of our Clerk of Court's, it was a concern of our Assistant Law Director who said these are not consistent and they are not in line with neighboring communities either. So, it was to update and make them readable and applicable.

President Gillock: In summary, this standardizes the fines for parking violations within the City. When you read through the ordinances, they were quite inconsistent as to amounts and when they apply and when they didn't and that is what this accomplishes.

Council Member Butkowski: When I was looking through, it looks like it made it, each one of these ordinances available to be waived.

President Gillock: When I read the waiver, I believe meant, you can pay your fine and waive the appearance in Mayor's Court.

Council Member Butkowski: That's what I meant, to go in and waive it and some of them it didn't look like it was available to do that. A few of them it increased the fines. Most of them are about the same.

President Gillock: Any other discussion on T 24. Mrs. Pagel, I believe you have an appointment to make.

Council Member Pagel: Yes sir, Mr. President, it has come to my attention that Jim Kilby, one of my Ward III appointments to the Flood and Drainage has resigned and I'd like to make a motion to appoint Chuck Bowman, from Ward III, to the Flood and Drainage Commission.

motion by Pagel to appoint Chuck Bowman as Ward III representative to the Board of Drainage and Flood Control, 2nd by Gillock

President Gillock: Any discussion?

Council Member Pagel: Mr. President, Mr. Bowman is here, if you'd like him to stand.

President Gillock: Any other discussion?

Clerk of Council Norris: What is the position?

President Gillock: He will be the Ward III representative on Flood and Drainage. Mr. Bowman has spent several years on the Civil Service Commission and has been involved in the City for some time. Any other discussion? If not, please call the roll.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MARCH 4, 2002**

Page 15

Yes, 7 No, 0

Clerk of Council Norris: Mr. Bowman is appointed by a vote of seven, zero.

CORRESPONDENCE:

Clerk of Council Norris: We have three items in correspondence.

1) Received correspondence from Mayor Deanna L. Hill reporting on conversations with Mr. Pastorial in regard to televising Council work sessions and noting that the cost for televising is \$75.00 per half-hour session. Received further correspondence from Mayor Hill noting that the total cost would be \$1,350 for the remainder of the year for two meetings per month.

2) Received written notification from Council Member Allen Swindig proposing amendments to the By-Laws as follows:

Amendment Number 1: Section 2: REGULAR MEETING B. to read as follows:

B. Meetings shall convene at 7:30 P.M. and adjourn no later than 10:00 P.M. unless extended by a two-thirds vote of the members present.

Amendment Number 2: Section 2: REGULAR MEETING D.

D. Delete this paragraph in its' entirety.

President Gillock: I'll refer it to Administrative.

3) Received from the Chamber of Commerce, a resolution of support for the railroad grade separation to be constructed over the Route 83 crossing to be situated on relocated parcels west of the existing roadway.

Council Member Swindig: Mr. Chairman, that recommendation is following our By-Laws that state it be read at one meeting and voted on at the next meeting.

President Gillock: It's still referred to Administrative Committee.

LOBBY:

President Gillock: We now come to the Lobby portion. Anyone wishing to speak, please fill out one of the forms in the back. You'll have three minutes. If not, we will recess until five after nine.

No one spoke.

RECESS: from 8:55 P.M. to 9:05 P.M.

FIRST READINGS:

T 23-2002 A RESOLUTION FOR THE PURPOSE OF ADOPTING THE COMMUNITY
948-2002 HOUSING IMPROVEMENT STRATEGY (C.H.I.S.) UPDATE FOR THE CITY
 OF NORTH RIDGEVILLE, OHIO.

First Reading

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

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

Yes, 7 No, 0

motion by Pagel to adopt, 2nd by Swindig

motion by Swindig to add the emergency clause due to the March 8th deadline in
Columbus

President Gillock: Do you need the emergency?

Mayor Hill: Yes, I believe we do. Has to be passed. Won't be adopted until 30 days otherwise.

Auditor Costin: I thought we were on 25?

President Gillock: No, we read T 23 first. This is the Community Housing Improvement
Strategy.

Mayor Hill: We'd appreciate the emergency just to make sure.

President Gillock: For the welfare of the citizens because, if we don't do this we don't get the
money.

Mayor Hill: Correct.

President Gillock: Any other discussion?

Council Member Swindig: We need a second.

2nd by Pagel for the emergency

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

Clerk of Council Norris: On the motion for the emergency.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero.

President Gillock: Any other discussion on the adoption. If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt carries seven, zero and becomes Resolution 948-2002.
Permanent Resolution No. 948-2002

T 25-2002 A RESOLUTION TO APPROVE WITH MODIFICATION THE APPLICATION
949-2002 MADE BY RICHARD L. & RUTH M. ZIEGAN TO HAVE CERTAIN LAND
 OWNED BY THEM DESIGNATED AS BEING LOCATED WITHIN AN
 AGRICULTURAL DISTRICT.

First Reading

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

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

Yes, 6 No, 1 (Johnson)

motion by Swindig to adopt, 2nd by Buescher

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MARCH 4, 2002**

Page 17

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt T 25 carries by a vote of seven, zero and becomes permanent Resolution 949-2002.

Permanent Resolution No. 949-2002

SECOND READINGS: None

THIRD READINGS:

Clerk of Council Norris:

T 155-2001 AN ORDINANCE AMENDING SECTION 246.01, COMPOSITION OF
[POLICE] DEPARTMENT.

Third Reading

Council Member Pagel: Mr. President, I'd like to request this be sent back to the Safety Committee please.

Council Member Swindig: I'll second that
(Tape 1, Side 1 ends)

REFERRED TO SAFETY COMMITTEE.

T 14-2002 AN ORDINANCE GIVING THE DIRECTOR OF TRANSPORTATION
3778-2002 CONSENT TO DESIGN AND BUILD A GRADE SEPARATION OVER THE
NORFOLK AND SOUTHERN RAILWAY IN THE CITY OF NORTH
RIDGEVILLE.

Third Reading

motion by Swindig, 2nd by Olesen to adopt

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

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero and becomes permanent Ordinance 3778-2002.

Permanent Ordinance No. 3778-2002

UNFINISHED BUSINESS:

President Gillock: Under unfinished business, it was brought to my attention during the recess that since Mr. Swindig's proposed By-Laws changes were in writing, we don't need to go to Administrative with those, we'll just vote on them at the next meeting. So, I will withdraw my referral to Administrative. Mrs. Butkowski?

Council Member Butkowski: Yes, I have an oral Finance report and I would like to request that the Auditor prepare appropriations for the year 2002.

President Gillock: Is that a motion?

Council Member Butkowski: That is a motion, yes.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING MARCH 4, 2002**

Page 18

motion by Butkowski, 2nd by Johnson that the Auditor prepare appropriations
President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7

No, 0

COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Safety Committee to meet Wednesday, March 6, 2002 at 10:15 A.M. in the Conference Room.

Public Hearing to be held Monday, March 18, 2002 at 7:20 P.M. regarding the Solomon application for placement of farmland in an agricultural district.

Council Work Session Monday, March 18, 2002 at 7:30 P.M.

Next Regular Council Meeting Monday, March 18, 2002 at 8:00 P.M. in Council Chambers.

ADJOURNMENT:

motion to adjourn by Swindig, 2nd by Olesen

President Gillock: Meeting adjourned.

Meeting adjourned at 9:12 P.M.

MOTION Butkowski 2ND Johnson DATE March 18, 2002

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL