

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 3, 2003**

CALL TO ORDER: 8:00 P.M.

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

INVOCATION: lead by Council Member Bob Olesen.

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 President of Council David Gillock.

Also, present Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Engineer Larry Griffith, Auditor Chris Costin and Clerk of Council Chuck Norris.

Absent was Mayor Deanna Hill.

MINUTES - Corrections and Approval:

President Gillock:

Regular Council Minutes of February 18, 2003

motion by Butkowski, 2nd by Johnson to approve the minutes

President Gillock: Are there any corrections or additions? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Minutes are approved by a vote of seven to zero.

President Gillock: Please note:

Planning Commission Minutes of regular meeting February 11, 2003;

Parks and Recreation Commission Minutes of regular meeting January 22, 2003; and

Civil Service Commission Minutes of regular meeting February 18, 2003.

COMMITTEE REPORTS:

President Gillock: We have no committee reports.

Council Member Butkowski: Mr. Chairman, I'd like to suspend the By-Laws to have the three committee reports that I passed out to you tonight, to be read, to be taken care of.

Council Member Johnson: I second that.

President Gillock: We should take these individually, 7227 first. Is there a motion to suspend By-Laws to accept Report Number 7227?

motion by Butkowski, 2nd by Johnson

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

Yes, 7 No, 0

1) FINANCE COMMITTEE REPORT #7227 Members of Council: We have considered the matter of amending Ordinance 2698-92 regarding the income tax split, change to 95/5 and recommend that this request be approved and proper legislation be drawn authorizing the above. Signed: Chairperson Bernadine Butkowski, Members Allen C. Swindig and Dennis L. Johnson and Council Member Nancy J. Buescher.

motion to accept by Butkowski, 2nd by Johnson

President Gillock: Is there any discussion on accepting the committee report? Someone, anyone want to explain why we're changing this? Normally the split is 85/15. We're going to 95/5.

Council Member Butkowski: Mr. Chairman, I'd like to defer to the Auditor.

Auditor Costin: Mr. Chairman, I would like to defer to the administration but, I'm sure I'm not going to be able to do that. When we went through appropriations this year planning for the 2003 budget, we discovered that we're having the same or similar fiscal problems as the other communities throughout the country and we determined that we would try to attack this by ways other than cutting staff and services. The approach was to try to minimize any overtime, any spending that we could to cut our discretionary spending based on 2002 budget and to postpone and eliminate the majority of our capital expenditures in 2003, postponed to 2004. In so doing, we could generate the monies that would otherwise, the portion that would otherwise be earmarked for capital projects, went through the change in this income tax split, now going to government operations and fund our personnel and that is the intention of the spit. Under this new recommended split, 95 percent of our monies that come through the income tax fund would be transferred to the general fund rather than 85 percent so, we're picking up another 10 percent of the amount of income tax monies available to fund our governmental fund operations. That's the intent of the legislation.

President Gillock: Thank you. Just to reiterate it, normally our municipal income tax has been split by ordinance. Eighty-five percent went to the general fund, 15 percent went for capital expenditures. Because of the way the economy is, we're changing that split to 95/5. Is there any other discussion?

motion by Butkowski to amend to make it applicable only for the year 2003, 2nd by Johnson

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to amend carries by a vote of seven to zero.

President Gillock: Therefore, if this is accepted it would only be for one year and then in 2004 we would go back to the 85/15. Is there any other discussion on accepting the committee report with the amendment? Please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion is accepted by a vote of seven to zero.

motion by Butkowski to suspend By-Laws to read the committee report 07231, 2nd by Buescher

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

Yes, 7 No, 0

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

2) FINANCE COMMITTEE REPORT #7231 Members of Council: We have considered the matter of transfer of funds representing operating transfers and administrative reimbursements as recommended by the Finance Committee and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Bernadine Butkowski, Members Allen C. Swindig and Dennis L. Johnson and Council Member Nancy J. Buescher.

motion to accept by Butkowski, 2nd by Johnson

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

Yes, 7 No, 0

Clerk of Council Norris: Committee report is accepted by Council by a vote of seven to zero.

motion by Butkowski to suspend By-Laws to read the committee report 07232, 2nd by Johnson

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend carries by a vote of seven to zero.

3) FINANCE COMMITTEE REPORT #7232 Members of Council: We have considered the matter of 2003 permanent appropriations ordinance as recommended by the Finance Committee and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Bernadine Butkowski, Members Allen C. Swindig and Dennis L. Johnson and Council Member Nancy J. Buescher.

motion to accept by Butkowski, 2nd by Johnson

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

Yes, 7 No, 0

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

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

President Gillock: We have no written reports from the administration this evening. Auditor's report, we have no report this evening.

AUDITOR'S REPORT:

Auditor Costin: None scheduled, Mr. Chairman.

OTHER REPORTS:

President Gillock: Please note:

Police Department Support Car Report for January 2003; and
Parks and Recreation Department 2002 Annual Report.

OLD BUSINESS:

NEW BUSINESS:

Clerk of Council Norris:

T 24-2003 A RESOLUTION DECLARING SUPPORT FOR PRESIDENT GEORGE W.
BUSH AND ALL UNITED STATES ARMED SERVICES.

motion by Johnson to suspend By-Laws for first reading tonight, 2nd by Butkowski

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend carries by a vote of seven to zero. T 24 will have a first reading.

motion by Butkowski, 2nd by Johnson to suspend By-Laws to give the Storm Water
Management Program ordinance a T number

President Gillock: Please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero and is assigned T 25-2003.

CORRESPONDENCE:

Clerk of Council Norris:

1) Received a letter from Zakee A. Rashid, VP/GM Cleveland Area, AT&T Broadband informing that effective March 15, 2003, Starz will move from Channel 70 as an analog service to Channel 321 as a digital service. Encore will move from Channel 71 as an analog service to Channel 328 as a digital service. This change is being made to bring FX to customers as a new standard cable service on Channel 70.

2) Received an invitation from Shara Davis, Director and John Corlett, Director of the Lorain County Community College Public Services Institute to hear a team of expert budget analysis about the intricacies and implications of the state budget on March 14, 2003.

3) Received a memo from Mayor Deanna Hill in regard to comments about Planning Commission and the Building Department.

4) Received a letter from Zakee A. Rashid, VP/GM Cleveland Area, Comcast in regard to the proposed state sales tax on cable television service and noting that customers and constituents will bear the burden of this additional tax through higher monthly cable bills if this tax is enacted. Asks that consideration be given to points relative to this issue.

Council Member Pagel: Mr. President, point of order, sir. I don't believe there was a motion to suspend By-Laws to consider this resolution that we discussed in the workshop. I believe we gave it a T number before we even motioned to suspend to consider it.

President Gillock: Which one are you talking about?

Council Member Pagel: The storm water. We gave it a T number. It was passed out to us today. I believe we needed a motion to suspend to even consider that it was given to us to give it a T number or is that not correct?

President Gillock: We really don't even need to suspend By-Laws to give a T number, just to assign a T number but, because we're going to meet on it Thursday, just wanted to make it official that we got it into the agenda. We're not discussing it. We just gave it a T number, so, we should be all right. There was no discussion on it.

Council Member Pagel: We considered it, sir. On the agenda we considered it by giving it a T number. I believe anything that's passed out, we need to motion to even consider.

President Gillock: I think we're fine. If you want to make a motion to go back and consider it, we can. I think it will be redundant.

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone wishing to address Council can certainly do so. You'll be given three minutes and we ask that you sign in using the sheets in the back and give us your name and address when you get to the podium. Anyone wishing to address Council at this time?

1) Tom Oster of Oster Homes, 6150 Park Square Drive, Lorain, Ohio, 44053 spoke in regard to T 22-2003. Request that Council consider suspending rules and passing the ordinance by emergency. Explained that they have numerous home sales and commitment dates and believes this is not a zoning ordinance, just an ordinance accepting the plat for recording and not accepting the improvements.

2) Lois Sullivan of 5880 Jaycox Road spoke in regard to a traffic study in the northwest section of the City. Noted, with the development in that area and influx of traffic from the new homes, she believes that will put a lot of traffic on Stoney Ridge Road and feels a study should be made for a light at Stoney Ridge Road and Center Ridge Road.

President Gillock: Isn't there some discussion of putting a light at Stoney Ridge and Center Ridge, now?

Safety-Service Director Johnson: Yes, Stoney Ridge and Center Ridge, a traffic study was done

for the Kingston Place PCD and it stated in that PCD that when they opened up onto Stoney Ridge Road and the homes would come to the east from Kingston Place, that one of the things would have to happen would be a light at Stoney Ridge Road, put in by that developer, and as you know, that hasn't happened because Kingston Place hasn't gone in. We've used that same study for Mr. Oster whenever he ties in his, Windsor Point, that when he opens up and starts sending traffic that way, that's one of the requests that we'll be asking Mr. Oster to do is to put a traffic light there. Thank you.

President Gillock: Anyone else wishing to address Council?

3) Betty Van Meter of Chestnut Ridge Road spoke about the increase for the fee for parking on snow emergencies. Stated that she is in total agreement. Spoke about the lack of signs of snow emergencies and asked, as a warning to other citizens, to make sure that citizens are aware that there is a snow emergency and suggested that notice be put on the water bill.

President Gillock: Something for the Safety-Service Director to consider since you have the responsibility for signs. You might want to look into the one on Chestnut. Anyone else wishing to address Council? If not, that concludes out Lobby portion. Does Council wish to recess or continue on?

motion by Butkowski to dispense with the recess, 2nd by Johnson

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

Yes, 7 No, 0

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

RECESS: Dispensed with.

FIRST READINGS:

Clerk of Council Norris:

T 21-2003 AN ORDINANCE ACCEPTING THE FINAL PLAT OF SANDLEWOOD
ACRES SUBDIVISION NO. 5 FOR APPROVAL AND FOR RECORDING
PURPOSES.
First Reading

T 22-2003 AN ORDINANCE ACCEPTING THE FINAL PLAT OF STONE CREEK
ESTATES SUBDIVISION NO. 1 AND VILLAS AT STONE CREEK
SUBDIVISION NO. 1 FOR APPROVAL AND FOR RECORDING PURPOSES.
First Reading

T 23-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
3882-2003 ORDINANCE SECTION 452.12 SNOW EMERGENCIES; PARKING

LIMITATIONS AND IMPOUNDING BY INCREASING THE FINE.

First Reading

motion by Butkowski to dispense with second and third readings, 2nd by Buescher

President Gillock: Is there any discussion on dispensing with the second and third?

Council Member Swindig: Mr. Chairman, I do. There's one thing on that. Being that we were notified that we do not have signs all over, let's give the Service Department a chance to order signs and get signs in so there's no sense really, upping the fine right now until we get our signs in. I think by the time we get our three readings in and get it past, we can have the signs in place.

President Gillock: Good point. Any other discussion?

Council Member Butkowski: Mr. Chairman, the only reason I did that was because we're expecting another snow storm and it's still the first of March and there has been some problems on some of the streets with people blocking the streets so they couldn't clean the streets. That was my reason for doing it.

President Gillock: I think it's general knowledge that when we have more than two inches of snow, the snow emergency rules are in effect. We do need more signs. Any other discussion on dispensing with second and third? If not, please call the roll.

Yes, 5 No, 2 (Swindig, Olesen)

Clerk of Council Norris: Motion's approved by a vote of five to two.

motion by Butkowski to adopt, 2nd by Johnson

President Gillock: Is there any discussion?

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

President Gillock: Purpose?

Council Member Johnson: For the safety and welfare of the citizens for snow removal and safety of the snow plow drivers.

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

Yes, 6 No, 1 (Swindig)

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

President Gillock: Any further discussion on the adoption.

Yes, 7 No, 0

Clerk of Council Norris: T 23 is approved by a vote of seven to zero with the emergency and becomes permanent ordinance 3882-2003.

Permanent Ordinance No. 3882-2003

T 24-2003 A RESOLUTION DECLARING SUPPORT FOR PRESIDENT GEORGE W.
968-2003 BUSH AND ALL UNITED STATES ARMED SERVICES.

First Reading in its' entirety

motion by Johnson, 2nd by Butkowski to dispense with second and third readings

President Gillock: Is there any discussion? Mr. Swindig?

motion by Swindig, to capitalize, in the first Whereas, the words "exerting to avoid any military conflicts", 2nd by Johnson

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

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Yes, 7 No, 0

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

President Gillock: Is there any discussion in regards to dispensing with second and third?
Please call the roll.

Yes, 7 No, 0

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

Motion by Johnson, 2nd by Butkowski to adopt

President Gillock: Is there any discussion? Mr. Johnson.

Council Member Johnson: I apologize for a prepared statement but, I want to make sure I get all the points I wanted to cover on this. We've been asked twice recently, to pass a resolution regarding the situation in Iraq. While I believe this issue is well outside the responsibilities of a suburban City Council, I can't in good conscious simply ignore the issue. I'm a veteran of the Vietnam War and I can tell you first hand that the public dissension such as we've seen the last two weeks emboldens our enemies and costs precious American lives and it weakens moral of our military. We have hundreds of thousands of sons, daughters, friends and neighbors standing in harms way. They were sent there by an elected President with the consent of an elected Congress. They deserve our unquestioned support until they are returned home. I understand many Citizens have concerns about the situation. I do too but, our chief concern must be for those who have volunteered to risk a life and limb in our name. That's the intention of this resolution before us tonight.

President Gillock: Are there any other comments? If not, please call the roll on the adoption.

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt is approved by a vote of seven to zero and becomes Resolution 968-2003.

Permanent Resolution No. 968-2003

SECOND READINGS:

T 4-2003 AN ORDINANCE AUTHORIZING THE SIMULTANEOUS SALE OF
OBSOLETE TRAFFIC CONTROLLERS WITH THE RECEIPT OF SAME
AND APPLYING THE SELLING PRICE TO THE PURCHASE.
Second Reading

THIRD READINGS:

President Gillock: We only have one third reading this evening, T 16-2003 and I am referring that to Planning Commission.

UNFINISHED BUSINESS:

COMMITTEE MEETING ANNOUNCEMENTS:

President Gillock: Mr. Johnson?

Safety-Service Director Johnson: I have one comment.

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President Gillock: In regards to?

Safety-Service Director Johnson: In regards to T 25. That's the ordinance for storm water management.

Council Member Pagel: Point of order, Mr. President. We have not suspended By-Laws to even consider this so, I don't think we can discuss this.

President Gillock: I believe she's correct. It's not on the agenda. You'd have to make a motion to suspend By-Laws to consider discussion.

motion by Acting Mayor/Safety-Service Director Johnson to suspend By-Laws to allow discussion in regards to T 25-2003, 2nd by Swindig

Yes, 7 No, 0

President Gillock: Mr. Johnson?

Safety-Service Director Johnson: Yes, I just want to make Council aware that you're having a meeting on Thursday night. That leaves us only Friday if you do approve it Thursday night. So, we will probably have to use a special carrier to get that to Columbus by Monday. Any day after Monday will be ten thousand dollar a day fine. I would like Council to take that into consideration and also our Engineer, maybe some questions you would ask him. He wasn't here earlier that if you have any questions now, you mentioned that earlier.

President Gillock: Frankly, I would prefer to wait until I read the plan and ask him on Thursday but, if anyone wants to ask questions now, they're certainly welcome to.

Council Member Buescher: Mr. President, I would just like to ask, this question has been asked before but, I would like to ask the Engineer, is it possible for us to get an extension or does it absolutely have to be in by the tenth?

Engineer Griffith: It absolutely has to be in.

Auditor Costin: Mr. Chairman, if I might, just a brief comment because I may not be able to make your Thursday meeting. This was discussed briefly in Finance appropriation meetings and the impact, my understanding this year from speaking with the Engineer and his discussions at the Finance meeting, are the monetary impact for this year would affect simply our surface drainage fund and accordingly, when we have the appropriation ordinance presented at the next Council meeting for your passage it will include appropriations for the amounts he requested related to that particular study. Thank you.

President Gillock: Do you know what kind of dollars you're talking for 2003, the surface drainage fund, the impact it might have?

Auditor Costin: I believe we're talking in the area of, between 50 and 55 thousand dollars.

President Gillock: I believe Mr. Johnson said earlier, 50 thousand this year and 50 thousand next year. So, that's the same 50 thousand?

Auditor Costin: Same 50 thousand. There's some work that has to be done, I believe, in our Service Garage, that's an additional amount of money, three to five thousand dollars and there are two 50 thousand dollar estimates one affecting this year and one affecting next, related to the mapping that I'm sure the Engineer will get into that detail. But, those amounts have been set aside and appropriated from the Surface Drainage Fund.

Engineer Griffith: Mr. President, I just wanted to comment that everything in that report refers to

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surface drainage.

President Gillock: Thank you. Any other discussion? Would the Clerk please read the committee meeting announcements?

Clerk of Council Norris:

Public Hearing Monday, March 17, 2003 at 7:15 P.M. to consider T 16-2003, Cellular Communications Systems

Building and Lands Committee to meet Friday, March 7, 2003 at 8:30 A.M. in the Conference Room.

President Gillock: Can I ask what that one is in regards to, Mr. Olesen?

Council Member Olesen: Certainly. What we're doing is we're continuing our review of the joint Planning and Zoning recommended ordinance changes. We're also, hopefully, if we have time to review some of the items that were referred to Buildings and Lands from Council.

Clerk of Council Norris:

Public Hearing to be held Monday, March 17, 2003 at 7:10 P.M. to consider the application for placement of farmland in an agricultural district by Joseph Simmons for property on Island Road.

Next Council Work Session Monday, March 17, 2003 at 7:30 P.M.

Next Regular Council Meeting Monday, March 17, 2003 at 8:00 P.M.

Special Council meeting Thursday, March 6, 2003 at 7:30 P.M. in Council Chambers.

ADJOURNMENT:

motion to adjourn by Swindig

President Gillock: Meeting adjourned.

Meeting adjourned at 8:41 P.M.

MOTION Butkowski 2ND Olesen DATE March 17, 2003

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL