

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING FEBRUARY 22, 2000**

President of Council Jean Brown called the meeting to order at 7:30 P.M. with the Invocation and the Pledge to the Flag.

President Brown: Thank you. Just a friendly reminder that there are forms in the back that you must fill out if you are going to talk during Lobby or any other time at the podium. Thank you. I would like to have roll call please.

ROLL CALL

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

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

MINUTES

Regular Council Meeting of February 7, 2000

motion by Swindig to accept, 2nd by Butkowski

President Brown: Any discussion?

Council Member Minnick: I have one correction. On page 11, under Other Reports, line 10. It should say, "lastly I posted winter Park & Rec program on my website." "On my" words were left off.

Council Clerk White: Okay, so noted.

Council Member Minnick: Thank you. That's all I have.

President Brown: Okay. Any other discussion? Roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to accept the Minutes.

President Brown: Thank you.

Please note:

Board of Zoning & Buildings Appeals Minutes of January 27, 2000;

Civil Service Commission Minutes of February 16, 2000;

Planning Commission Minutes of February 8, 2000; and

Parks & Recreation Commission Minutes of February 3, 2000.

Council Member Swindig: Madam Chairman.

President Brown: Yes, Mr. Swindig.

Council Member Swindig: I would like to at this time make a motion to suspend By-Laws to continue with the Public Hearing.

motion by Swindig to suspend By-Laws to continue with the Public Hearing, 2nd by
Gillock

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend By-Laws to continue with the Public Hearing on T 137-99.

Regular Council suspended By-Laws to adjourn to the Public Hearing of T 137-99 at 7:37 P.M.
Regular Council reconvened at 7:45 P.M.

COMMITTEE REPORTS

1) FINANCE COMMITTEE REPORT #4101 We have considered the matter of issuing notes (B.A.N.) for funding of Wallace Boulevard water line replacement project, \$300,000.00 notes and recommend that this request be approved and proper legislation be drawn authorizing. Signed: Chairperson Allen C. Swindig, James L. Johnson, Bernadine Butkowski.

 motion by Swindig to accept, 2nd by Johnson

President Brown: Any discussion? Vote please. Roll call.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

2) FINANCE COMMITTEE REPORT #4102 We have considered the matter of Wallace Boulevard water line replacement. Eight inch with hydrants, engineering, restoration and authorize Mayor to let bids and enter into a contract. Approximately \$350,000.00 and recommend that this request be approved and proper legislation be drawn authorizing. Signed: Chairperson Allen C. Swindig, James L. Johnson, Bernadine Butkowski

 motion by Swindig to accept, 2nd by Johnson

President Brown: Any discussion? Roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

3) BUILDINGS & LANDS COMMITTEE REPORT #4096 We have considered the matter of William Schrauf new application for placement of farmland in an Agricultural District and recommend that this request be approved and proper legislation be drawn authorizing the above. Signed: Chairperson Jim Johnson, Gail Minnick, Allen C. Swindig

 motion by Swindig to accept, 2nd by Johnson

President Brown: Any discussion? Roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

4) BUILDINGS & LANDS COMMITTEE REPORT #4097 We have considered the matter of renewal application for placement of farmland in an Agricultural District by Benny Hamm and recommend that this request be approved and proper legislation be drawn authorizing the above. Signed: Chairperson, Jim Johnson, Gail Minnick, Allen C. Swindig

 motion by Swindig to accept, 2nd by Minnick

President Brown: Any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

5) **BUILDINGS & LANDS COMMITTEE REPORT #4098** We have considered the matter of renewal of application for placement of farmland in an Agricultural District for Michael J. Smith and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Jim Johnson, Gail Minnick, Allen C. Swindig

motion by Swindig to accept, 2nd by Jim Johnson

President Brown: Any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

6) **BUILDINGS & LANDS COMMITTEE REPORT #4099** We have considered the matter of purchasing Permanent Parcel No. 07-00-028-102-040 which is a gas station, for the beginning of a town center and recommend that this request be looked into as to the feasibility and financing of the above including procedures and expenses for removing underground storage tanks.

Signed: Chairperson Jim Johnson, Gail Minnick, Allen C. Swindig

motion by Johnson to accept, 2nd by Minnick

President Brown: Discussion?

Council Member Butkowski: Madam Chairman, what is the address of this property?

Council Member Johnson: It's on the corner of Center Ridge and 83, street address would be a Center Ridge address. It's the old gas station at the corner, southwest corner.

Council Member Butkowski: That's the same property that back in '97 we did a study on, spent about \$7,000.00 and found out that property was contaminated with benzene and quite a few other things and would be extremely expensive. We've already cleaned up similar things over at the Service Garage and the school is cleaning it up. Why would we want to look into purchasing such contaminated property?

Council Member Johnson: Madam President.

President Brown: Yes Mr. Johnson.

Council Member Johnson: Basically, there are funds available from the State for doing that and this is why we said to check the feasibility of purchasing it. We aren't actually saying purchase, we're saying the feasibility and that would be in checking to see what the clean up would be on it.

Council Member Butkowski: I would certainly think that if we are going to build a City Center we would want to build it on clean land and not have to spend that much money cleaning it up before, at a busy intersection like that. We've got a lot better property in this City right in our back yard right here. We've spent that money already to find out about it.

Law Director Zagrans: Current EPA requirements would be that before that land can be used by anybody or for any purpose, it would have to be cleaned up. The purpose, as I understood the legislation or the Committee Report, would be to check the feasibility of cleaning it up and

whether there would be State funds available to us so that North Ridgeville wouldn't have to spend any money to do that. Now if that were to come to pass, my understanding is what we would get would be a clean piece of property, a cleaned up piece of property, at no cost to us. If it can't be done, then the feasibility study would come back negative.

Council Member Butkowski: My question is, it's private property and I don't understand why the City wants to even do anything for a private owner to clean up their property. I think we've got a lot of things in this City that need to be taken care of and time spent to clean up for private property, how many other people have contaminated property that we want to clean up? I mean, I don't understand why we're doing this.

Council Member Johnson: We're not actually talking about cleaning up for a private property owner. We're talking that if it is cleaned up and can be done with State funds that there's a possibility that the City could own that piece of property in a cleaned up condition at very little cost to the City and if you look at our town square, that is one corner of it. I would love to see our City invest ourselves in our town center. Our Master Plan calls for the town center to be Routes 83 and 20. If you own the property as a City you have a lot more control of it than somebody else owning the property and doing anything there. Feasibility would be if we could buy the land cleaned up at, not our expense, just the expense of the land is all we're looking for. Thank you.

President Brown: Any other discussion? Mr. Gillock.

Council Member Gillock: Just a question. I believe that we should, if we can figure out a way to clean that property up, we need to move ahead and get it out of there. My question is, what's the status or what was ever done with trying to get the owner of that property involved which at one time was Citgo? Are they bankrupt? Is that the situation so there is no recourse toward the polluter so to speak?

Council Member Johnson: That's right.

Council Member Gillock: All right. In my opinion we can't just leave it lay there forever, so if we can get State money to clean this up, then I think it might be something worth looking into.

Council Member Minnick: I have an additional question. At the time of signing this report I did not know about the study. Will we be expending any more money on this while checking into the funding? Do you know?

Council Member Johnson: I think that would just be in checking, finding out the feasibility of purchasing, what it would cost to purchase it. I don't think that would cost in that.

Council Member Minnick: That won't require any additional funds?

Council Member Johnson: No, there shouldn't be.

Council Member Minnick: Okay. I think we need to find out, in reading the report, it sounds like the spill goes beyond the two properties or two or three properties. I don't know if the gas station is two properties. It's just one?

Council Member Johnson: Gas station's one.

Council Member Minnick: Because there's some question as to whether we have accurate Permanent Parcel numbers, too, but if that extends beyond the gas station and the house, if we are liable to clean that up and if we are, will that be covered by funding?

Council Member Zagrans: As I understand current EPA regulations, any contamination that

comes from a source and let's say the surface source is just this one parcel of property, once it goes underground it can spread out. The EPA requirements would be that once you begin a remediation process, you remediate the entire contamination field which means if it has spread underground to other parcels, you would be required to clean that up as well. Presumably, and I wouldn't think it would be a good feasibility study if it didn't do this, presumably the feasibility study will encompass the entire contamination field and will see whether or not that can be remediated. If so, what the cost is and if that cost is known, whether State funds are going to be available to pay the whole thing. That would be a prerequisite as I understand it to any consideration by the City to then buy the cleaned up property.

Council Member Minnick: And we are not incurring any more costs at this time by approving this Committee Report?

Law Director Zagrans: I know of no expectation of cost by the City at all.

Council Member Minnick: Okay.

Safety-Service Director Zirzow: Madam President, a quick note. The contamination theoretically has decreased since the last study was done. The EPA standard is to allow natural degradation of those chemicals. When we did the Service Garage, how that was done was introduction of natural algae to eat up all the benzene and other chemicals in there. It wasn't a removal of the dirt and replaced with clean fill. What you're looking at is the area has gotten a little better. Essentially though, some of the issue is, if the company has gone bankrupt, Rocket Oil, who eventually needs to clean it up? I think that's what this study is allowing us. As Mr. Johnson said, there are some funds available to government agencies which are not allowed to private individuals. That's what we're going to check into.

Council Member Johnson: One more thing, also, is at the time they owned that, before they went bankrupt, they would have had to have an insurance policy in effect. That insurance policy might still be liable for that clean up. I don't know this but I would think it would be.

Council Member Minnick: There were times in the report that I see that there was no insurance, but on the spillage spreading out, the tanks are still in the ground are they not? Do we know if there's any product in them or were they filled with something else?

Safety-Service Director Zirzow: No, the Fire Department checks into this. They have been in control of this. They have been caps sealed and that type of thing. I have had discussions with the existing property owner and this is not just one or two or three parcels. That company owns 40 stations that are on the BUSTR list, so we're one of many. He did ask if the City could come in and do a freebie and just clean it up for him. We politely said no.

President Brown: Thank you Mr. Zirzow. Any other discussion? Roll call please.

Yes, 6 No, 1 (Butkowski)

Council Clerk White: Motion carries 6-1.

7) **BUILDINGS & LANDS COMMITTEE REPORT #4100** We have considered the matter of purchasing Permanent Parcel No. 07-00-028-102-041 for the beginning of a town center and recommend that this request be looked into as to the feasibility and financing of the above.

Signed: Chairperson Jim Johnson, Gail Minnick, Allen C. Swindig

motion by Johnson to accept, 2nd by Swindig

Council Member Butkowski: Madam President, where is this property at? It's not on our sheets.

Council Member Johnson: Permanent Parcel is the one directly behind the gas station on 83 going south.

Council Member Butkowski: Do you mean the house?

Council Member Johnson: Single family home with a two-car garage. It is for sale now with a realtor.

Council Member Butkowski: That is not the property, that is not the number for the Juchem house. You have the wrong number for that.

Council Member Johnson: It's the one I got from the Building Department.

Council Member Butkowski: Well, I checked with the County. That is not the right number.

Council Clerk White: Do you have the right number?

Council Member Butkowski: Yes I do.

Council Clerk White: Could I hear it?

Council Member Butkowski: I think we could have another report to come back in another meeting for it. This is the number 6818 Avon Belden and that is the incorrect address and number for that property.

Safety-Service Director Zirzow: Madam President, the Building Department's numbers come directly from the County Auditors Office. I'd recommend to Council, if they so choose, the intent here is a home for sale and change the wording. If there is a dispute here over the accuracy of the numbers from the Auditors Department, we will correct that.

Council Member Minnick: I have a question, too.

President Brown: Mrs. Minnick.

Council Member Minnick: Will we be able to view this house? What I am hearing, that house is in pretty bad shape and you had mentioned refurbishing it and renting it.

Council Member Johnson: No ma'am, when we were talking I said an individual could do that. As a City I would suggest we demolish it.

President Brown: Tear it down.

Council Member Johnson: From the City's stand point (inaudible), I would also suggest demolishing the gas station so it would be vacant land instead.

Council Member Minnick: Yes but you thought we would be able to store the fire truck in the garage.

Council Member Johnson: I said they were talking of building a garage over by the Olde Town Hall for the fire truck and I said here is a garage that possibly could work that would save us the money of building a garage and adjoins the fire station.

Council Member Minnick: Once again the question is, would we have the opportunity to view this house?

Council Member Johnson: Sure, it's up by realtor. I'm sure you could call the realtor and go in and view it.

Council Member Minnick: All right, thank you.

Council Member Gillock: Madam President.

President Brown: Yes Mr. Gillock.

Council Member Gillock: Has there been any, do we know, is this land clean or is it polluted also or has the study been done here?

Council Member Johnson: If it would be polluted it would have to be cleaned by the same cleaning that Mr. Zagrans stated.

Council Member Gillock: But we don't know that it's contaminated.

Council Member Johnson: No way of knowing.

Law Director Zagrans: Mr. Gillock, the answer to that would have to be by what's called a Phase Two.

Council Member Gillock: Correct, but we don't have (inaudible).

Law Director Zagrans: And I don't know if there has been a Phase Two done on the property or not.

Council Member Gillock: Okay. We don't have a study like was done on the other parcel saying there is benzine or anything else there. We don't know.

President Brown: I have to have a motion for the amendment.

motion by Johnson to amend the Committee Report, 2nd by Swindig

Council Clerk White: Okay, what do you want me to amend it to say?

President Brown: What Mr. Zirzow said.

Council Member Johnson: That we use the house with the for sale sign directly south of the gas station on the west side of Route 83

Law Director Zagrans: With the correct Permanent Parcel Number to be ascertained.

Council Clerk White: Okay, and that was Johnson and Swindig.

Council Clerk White: Thank you very much.

President Brown: Now is there any discussion? Mrs. Minnick.

Council Member Minnick: This is still (inaudible).

President Brown: We're still talking about the Committee Report.

Council Member Minnick: Right. Phase Two remediation, would that be up to the City to pay for that study or would it be included in this supposed funding that we could possibly get?

Law Director Zagrans: The latter.

Council Member Minnick: It could be included in the funding?

Law Director Zagrans: Sure, you have to have a Phase Two before you can go to the Phase Three. The Phase Three is the clean up.

Council Member Minnick: Okay, will we, if there is a grant or funding available, will we get a written report of just exactly what would be included in that clean up?

Council Member Johnson: I would imagine we would get an EPA clean bill of health when it was done.

Council Member Minnick: Well here again, are we expending any more money.

Council Member Johnson: No.

President Brown: Any more discussion? Mr. Costin.

Auditor Costin: Madam Chairman, as a point of clarification, can I assume that to mean we're not incurring any outside costs? We can't do anything without doing some amount of cost whether it is studying or evaluating or whatever. That means we're not going to pay for a Phase Two study. Anything done by an outsider we won't be incurring at this point. That's the

intention.

President Brown: Any other discussion? If not, please take roll.

Council Clerk Brown: This is on the amendment.

President Brown: Amendment to the report.

Yes, 6 No, 1 (Butkowski)

Council Clerk White: Motion carries 6-1 on the amendment. Now you can vote on the report and if there's any discussion.

President Brown: Yes, now we can vote on the report itself. Any other discussion? Okay, roll call please.

Yes, 6 No, 1 (Butkowski)

Council Clerk White: Motion carries 5-2.

Law Director Zagrans: No, 6-1.

Council Clerk White: How did Mrs. Minnick vote?

President Brown: She voted yes.

Council Clerk White: I beg your pardon. Very good. Thank you very much, saves me writing an amendment.

President Brown: You'd better get that hearing aide checked.

Council Clerk White: I'd better get a hearing aide.

8) **BUILDINGS & LANDS COMMITTEE REPORT #4103** We have considered the matter of annexation and recommend that this request be approved and proper legislation be drawn authorizing a resolution for equitable annexation per attached.

Signed: Chairperson Jim Johnson, Gail Minnick, Allen C. Swindig

President Brown: Any discussion? Mr. Zagrans.

Council Member Butkowski: Maybe we'd better clarify what this means, annexation, because it doesn't sound good.

President Brown: I think that's why Mr. Zagrans is going to speak.

Law Director Zagrans: Madam President, this was going to be my Law Directors Report before I knew that this Committee Report was on the Agenda for tonight. So with your permission, maybe I can kill two birds with one stone.

President Brown: You may do that.

Law Director Zagrans: Thank you. I must respectfully oppose the Committee Report and recommendation on this topic. This City has been a dues paying member of the Ohio Municipal League for many years. The Ohio Municipal League has been opposing deleterious legislative attempts to prevent appropriate annexation for the public welfare. It's been through the efforts of the Ohio Municipal League that some pretty onerous statutes in the last few years have been rejected. The so-called coalition that has requested this City to pass a resolution in support of their efforts has been no where to be seen over the last decade when the Ohio Municipal League has been doing something. Now they come in to the picture and want a change in the way that the Ohio Municipal League has been conducting its lobbying efforts with the General Assembly. Let me briefly describe to you what some of the General Assembly efforts have been. On at least four occasions the Assembly has had annexation laws under consideration. They've been, the

present laws have been attacked by an association comprising townships that oppose the powers of municipalities such as our community. For two of the sessions the Ohio House has passed a bill that the Municipal League found to be completely unacceptable. This was designed to make annexations very, very difficult, if not impossible. The Senate failed to favorably consider the House bills. The Speaker of the House, Joanne Davidson, who by the way supports the position of municipalities and the Ohio Municipal League with respect to this issue, announced that the house would not act on any annexation effort until the Senate sent a bill to them and she has held true in this position for the last two legislative sessions. The Senate has placed annexation legislation in a special committee on two occasions. On one of those occasions the chairman of that special committee announced there was insufficient time to complete their work. On the second occasion he reported out a bill that the Ohio Municipal League again found to be totally unacceptable. Senator Cupp designated representatives of counties, realtors, home builders and NOMA to put together a compromise bill. That effort produced a final bill that was again unacceptable as far as the Municipal League was concerned and the effort to have the bill reported to the Senate floor for a vote failed when the Rules Committee defeated a motion to report it. So, at the next session, the Senate bill was referred to Ways and Means Committee which is chaired by Senator Bruce Johnson of Franklin County. Senator Johnson promised the Ohio Municipal League and the Township Association that he would consider a bill only if both factions brought to him an agreed compromise piece of legislation that they both could support. They didn't do so and the bill died in his committee. That was the last four sessions. In the current session, the Ohio Senate as you all know has three majority leaders, Senator Finan, Senator Cupp and Senator Johnson, involved with the annexation issue. Unfortunately Senator Johnson no longer chairs the Committee that he did formerly and those leaders again have been unable to forge a compromise but have informed both factions once more, the Township Association and the Ohio Municipal League, that they should negotiate a compromise bill and present it. They will promise their support and get it through the legislative process to adoption and that any unresolved issues, any issues that the two sides could not get together on, would be then decided by the Senate. The coalition that has sent up this request for our support has done so to many cities around the State and what they are doing is urging our community and other communities to lobby the Ohio Municipal League to change its position. I frankly don't know why they are doing that rather than directing their efforts to the actual legislators who have this proposal under consideration. But my concern is that this is a divisive tactic that will harm municipal efforts to avoid bad State legislation that would cripple economic development and the orderly growth of Ohio cities. I have a copy of a special committee report, the Committee of the Municipal League that was designated to hear out the concerns of this coalition. They have produced some draft amendments that were drafted by a gentleman by the name of Dick Brahm, who is a private attorney in Columbus. That special committee has recommended that the Ohio Municipal League not change its position, that they continue to advocate compromise and responsible legislation in this area rather than just saying we won't accept anything. One of the consequences, I fear, of any call by us to have the Ohio Municipal League change its position at this late date very well could compromise its efforts and result in unfavorable treatment by the Senate leadership on this issue. That would be the cure being worse than the disease. I'll just

close by saying that the current session runs through December of this year. No one can predict, obviously, the outcome of the Senate draft. The bill has not yet been formally introduced even. There will be hearings. If it passes out of committee and is approved by the Senate it will go to the House, obviously, where there will be numerous attempts to amend and probably trying to make it less favorable to municipalities. In that event, we need as vigorous and active and informed representation for the municipalities throughout the State of Ohio as we can get. That organization is and has been the Ohio Municipal League. I would urge our community not to take action that would undermine their efforts. Thank you Madam President.

President Brown: Thank you Mr. Zagrans. Yes Mayor.

Mayor Hill: Yes, unfortunately we didn't get a chance to talk about this prior to the meeting but, Mr. Law Director, so basically you're saying really put it on hold until it all falls out so that we know the true position.

Law Director Zagrans: This request by the coalition is a request by them to have our Council pass a resolution urging the Ohio Municipal League to change its position of trying to negotiate a compromise bill. No negotiation, no compromise, just stonewalling, and I believe that to be deleterious to the good efforts that the League is conducting on behalf of all cities throughout the State. So I would urge that we simply not adopt a resolution supporting the coalition position.

Mayor Hill: So we wait to see what compromises may come about.

Law Director Zagrans: Yes Mayor.

President Brown: Do we have to withdraw the motion and second? Okay.

Council Clerk White: Any other discussion?

President Brown: Any more discussion? Hearing none, take the roll please.

Yes, 0 No, 7 (Johnson, Swindig, Borocz, Minnick, Butkowski, Gillock,
Brown)

Council Clerk White: 7-0, 0-7 out.

9) **BUILDINGS & LANDS COMMITTEE REPORT #4104** We have considered the matter of Deerfield Subdivision Phase IV and recommend that this request be approved and proper emergency legislation be drawn authorizing the plat.

motion by Johnson to accept, 2nd by Swindig

President Brown: Any discussion? Hearing none.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. I have no more Committee Reports.

President Brown: Mayor.

Mayor Hill: Yes.

President Brown: Mayor's Report please

MAYOR'S REPORT

Mayor Hill: Thank you. I'm nominating Norm Frindt for the Fair Housing Board. The term expires July 5, year 2003.

motion by Mayor Hill to nominate Norm Frindt for the Fair Housing Board, 2nd by

Swindig

President Brown: Any discussion? Vote please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for Norm Frindt, Fair Housing Board.

Mayor Hill: Thank you. The Red Cross was designated by Congress in 1905 as the volunteer agency responsible for national and international relief in time of disaster. The Lorain County Chapter of the Red Cross has served our community by providing life saving information, training over 15,000 people, disaster preparedness and immediate relief for families. March has been designated as "Red Cross Month" by U. S. Presidential Proclamation. To celebrate the ongoing contributions of the Red Cross, I have issued a Proclamation declaring March as "Red Cross Month" in the City of North Ridgeville.

It is the responsibility of the Mayor to encourage programs which benefit the public welfare, to recognize occasions of outstanding significance and to honor special achievements. Therefore, I hereby proclaim the week of March 5, 2000 through March 11, 2000 as "Ohio 4-H Week" in the City of North Ridgeville to celebrate the work of 4-H Clubs that have instilled the qualities of responsibility, generosity, dedication and community awareness in children and young adults.

By now most of you have read about or heard about the \$200 million to be made available by the state for railroad grade separations. As you might imagine, I was thrilled to hear that ODOT, the Ohio Rail Commission, the federal government, the State and the railroads will be funding 95% of construction costs. Prior to the release of these funds, it was local contribution 95%, railroads 5%. An exact turnaround! As a City, we worked real hard to be heard. We met with railroad officials, our Congressman, the Rail Commission and ODOT many, many times over the years. We have submitted document after document verifying the need for at least one grade separation on Route 83. We have five in our City that do not have grade separations and that means underpass or overpass. I testified in Washington, D.C. before the Federal Transportation Board with our Congressman Sherrod Brown. We solicited letters of support from local businesses and the Chamber. Finally, we're seeing results in the form of \$200 million. It is now more important than ever that we do not relent in our efforts to see part of that \$200 million in North Ridgeville. I thank every member of this community who really did make a difference with your support, encouragement and action. We will continue to make sure our dream of a grade separation on behalf of our families' safety comes to fruition.

After deregulation of electric power by the State government, PUCO was assigned the task of formulating the rules for implementation including aggregation. Deregulation enables individual purchase of electric power, much like the gas industry was deregulated. Aggregation means that municipalities, if approved by the voters in each City, may join together to purchase power by volume for savings by homeowners. On January 28th, I received a fax from the Northeast Ohio Mayors Legislative Action Group asking that each Mayor and City Council in Northeast Ohio

pass a resolution basically encouraging PUCO to formulate regulations as part of deregulation that would facilitate aggregations, and I know all of these words are even hard for me to follow in the report, in order to allow the cheapest rates for consumers. I then contacted the Mayor of Avon Lake who had attended the Northeast Mayor Meeting at which PUCO was discussed. He referred me to the Mayor of Brookpark for further explanation. I invited Mayor Coyne to a work session with our City Council which was held on February 16th. The February 16th meeting was announced publicly on February 7th. Mayor Coyne graciously accepted the invitation and provided us with the information regarding the history of and necessary steps to take to ensure fair and equitable rules for aggregation. That brings us to the Resolution before Council tonight. A similar Resolution was passed by Avon Lake on February 9th and Elyria City Council last night. I ask for passage of the Resolution tonight so that we may move forward in our efforts to reduce the costs of electric power for our residents. There is a possibility of customer choice as early as January of 2001 and a significant amount of legal and organizational work must be done this year and early 2001 to take advantage of aggregation. Therefore, Madam President, I ask that the request for approximately \$2,000 for the hiring of a legal firm, which would be co-joined with \$2,000 from each municipality that's part of this and I believe it's \$1,000 from each village, hiring of a legal firm to represent our interests and I'm asking that it be assigned to the appropriate Committee. That concludes my report.

President Brown: Thank you Mayor. Okay. Is there a motion to accept this Resolution?

Law Director Zagrans: I think it's on the Agenda tonight, Madam President.

President Brown: It is on the agenda?

Law Director Zagrans: It is under New Business.

Mayor Hill: Madam President, I apologize for not making that clear.

President Brown: Thank you Mayor. Any questions of the Mayor? Okay, Safety-Service Director.

SAFETY-SERVICE DIRECTOR'S REPORT

Safety-Service Director Zirzow: Thank you Madam President, Members of Council. The Accomplishments for the last two weeks ending February 21st:

PATCHING, PAVING & CRACK SEALING:

We are patching potholes city wide as fast as trucks, manpower and weather will allow.

CONSTRUCTIONS & DITCHING:

There has been some cleaning of Ridgeway Ditch near Center Ridge. The job had been temporarily suspended because of a break down of our track excavator. Under New Business this evening you have T 22-2000 which is for the purchase with a trade-in of our existing track excavator so we can continue our major ditch cleaning. I would kindly request from Council your swift passage of this legislation. The funds per ordinance is available or appropriate fund. I will defer later to the Auditor but the funds are available in the Surface Drainage Fund. The track excavator is used almost exclusively for ditch digging. We would not have to go out to bid

because it is listed on the State Co-op list. If you have any questions, I'll be more than happy to answer them at the conclusion of my report.

We have replaced 22 feet of 18 inch driveway pipe at 36323 Sugar Ridge.

We are continuing to clean the Lee Street ditches.

After removing the blockage in French Creek by Root Road it was discovered that the creek in that area needs to be cleaned. We are presently attempting to do that.

The dirt section of Lincoln Street was leveled and stone was added.

Both east and west of 32452 Bagley Road the ditch was cleaned.

A storm drainage problem was discovered at 8739 Avon Belden. This was repaired.

We have enclosed an open drainage ditch just off Kensington. This enclosed area is being constructed for additional parking at the Service Department.

WATER BREAKS AND HYDRANT REPAIRS:

There was one water break that occurred in the last two weeks. This was on Olive Street.

At 5846 Meadow Moss a defective water valve was replaced.

At Chestnut Ridge and Hedgerow a large water valve was repaired.

There were two hydrants replaced, one at relocated Route 83 and Chestnut Ridge and the second at 4901 Case Road.

The Service Department repaired a two-inch water line that was found on Lee Street.

CATCH BASINS

We have added the final concrete to the repaired catch basins on south Mills Creek Lane, Creekside and Hickory Trail.

MISCELLANEOUS:

The sewer jet was used in the following areas: Sanitary Lines: Bainbridge Road from West Point to the Service Department, Aurensen, Noll, Behm and we are presently working in the Dorchester area. Storm lines: Floraline and the storm culvert for French Creek on Root Road.

The Service Department picked up a large amount of litter along Mills Road from Route 83 to Jaycox. Especially with the thawing snow, we ask our residents to please be litter conscious and to help keep our storm drainage areas clean.

Spot berming was done on the following streets: Case, north Lear Nagle, Sugar Ridge and north Root Road.

We are pleased to announce that both tandem trucks purchased from the city of Westlake are up and running. This allows us to hold back one very old snow plow truck in reserve to be used when we have a breakdown. That concludes my report.

President Brown: Thank you. Are there any questions of our Safety-Service Director? Thank you. Mr. Engineer.

ENGINEER'S REPORT

Engineer Lovece: Madam President, no report this evening.

President Brown: Okay. Any questions of our Engineer? Okay. Hearing none, we will go to Mr. Costin, our Auditor.

AUDITOR'S REPORT

Auditor Costin: Madam Chairman, the January Financial Report has been distributed to Council.
motion by Swindig to accept the January Financial Report, 2nd by Johnson

President Brown: Any discussion? Take the vote please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to accept the Financial Report for January.

Auditor Costin: Also for your reference, a final December 31st unaudited report has been disseminated to you as well. It will be subject to the audit by the State Auditor's Office in the next several weeks. That is a final report at this point with the final encumbrances in it. It does not require action by Council at this time. No further comments.

President Brown: Thank you. Are there any questions from Council to Mr. Costin? Okay.

LAW DIRECTOR'S REPORT

President Brown: Law Director, you already had your chance didn't you.

Law Director Zagrans: I talked too much.

President Brown: No, that's fine. Other Reports.

OTHER REPORTS

Parks & Recreation Commission Liaison Report:

Council Member Minnick: The Parks & Recreation Commission has approved expenditures from their improvement fund for three items which require verbal approval by Council. Legislation is not necessary. At this time I'd like to make three separate motions for approval of these expenditures.

motion by Minnick to expend \$2,707.00 for the purchase of a new trailer and hitch which includes a

trade-in of the old trailer, 2nd by Butkowski

President Brown: Any discussion?

Auditor Costin: Here Madam Chairman.

President Brown: Mr. Costin.

Auditor Costin: We do have the ability to verbally approve the expenditure. We might not have the ability to verbally approve the disposal of that asset, depending on its fair market value. If it exceeds \$1,000.00, we have other statutory procedures we need to follow. So we need to determine that.

President Brown: The value of the old one.

Auditor Costin: The item to be disposed. Did I hear you correctly? There was going to be a disposal unit.

Council Member Minnick: It includes a trade-in.

Auditor Costin: Do you know the value of the item being traded in?

Council Member Minnick: No, I don't. Do I need to find that out before we get the approval on this?

Auditor Costin: I think we should.

Council Member Minnick: Okay, I withdraw my motion.

Council Member Butkowski: I'll withdraw my second.

motion by Minnick to approve \$1,745.00 for the purchase of a new mowing deck, 2nd by Butkowski

President Brown: Any discussion? Is that okay Mr. Costin?

Auditor Costin: Yes ma'am, that will be fine. I would like to add, though, we're going to be having appropriation meetings in two weeks and I don't know what the rush would be in terms of these expenditures. We do request that the Department Heads prioritize all their expenditures unless there is a reason to move forward.

Council Member Minnick: He requested that I get these approved tonight.

Auditor Costin: Okay, there may be then some time constraints to waiting, but you certainly have the ability to approve these verbally.

President Brown: Okay. Other discussion?

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 on the mowing deck.

motion by Minnick to approve \$5,720.00 for the purchase and installation of security lights and electric power lines for the scoreboards at the Shady Drive Complex, 2nd by Butkowski

President Brown: Mr. Gillock.

Council Member Gillock: Are these new scoreboards? Are these the ones that have been laying out there?

Council Clerk White: We need a second.

President Brown: Mrs. Butkowski. Sorry.

Council Clerk White: Sorry.

Council Member Gillock: Are these new scoreboards or the ones that have been laying out there for 10-15 years?

Council Member Minnick: I don't have that answer.

President Brown: I do. They were donated by Coca-Cola.

Council Member Gillock: Several years ago?

President Brown: No, probably last year.

Council Member Gillock: Okay.

Council Member Minnick: Thank you.

President Brown: Any other discussion? If not, please take the roll.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

Council Member Minnick: Officially I received the exact figure of \$3,486.00 expended for

porta-potty rentals in 1999 by both the boosters and the Parks & Rec Department. In about four years the septic system can pay for itself not to mention the benefit of the health, safety and convenience of those who use the baseball park. That concludes my report.

President Brown: Thank you Mrs. Minnick. Are there any questions of the Liaison? Mrs. Borocz.

Council Member Borocz: I noticed in the minutes that you had said you were going to inquire about the possibility of tying the septic into the Westfield Package Plant. For your information, approximately four years ago that packaging plant was inspected as to a tie-in for another facility.

Council Member Minnick: I know.

Council Member Borocz: And it only holds 25,000.

Council Member Minnick: Right, we discussed that at the Committee Meeting.

Council Member Borocz: Okay, so you have totally ruled that out?

Council Member Minnick: Yes.

Council Member Borocz: Okay, thank you.

Council Member Minnick: You're welcome.

Planning Commission Liaison Report:

Council Member Johnson: Madam President, Planning Commission met on February the 8th and approved the plat of Deerfield Subdivision, Phase IV. That concludes my report. Thank you.

President Brown: Any questions of our Liaison? Okay. Moving on.

Please Note:

North Ridgeville Water System Monthly Operation Report for January 2000;

Building Department Report for January 2000;

Police Department Report for January 2000;

Mayor's Court Case Report for January 2000;

1999 Mayor's Court End of Year Report Operating/Mayor's Court Bail Trust Fund; and

1999 Mayor's Court End of Year Case Report.

President Brown: Now, moving on, is there any Old Business that should come before Council?

OLD BUSINESS

President Brown: None? Okay. Then we'll go into New Business.

NEW BUSINESS

T 22-2000 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to purchase a Kobelco 135SR Track Excavator from the State Co-op, or to advertise for bids and enter into a contract with an outside vendor according to law and in a

manner prescribed by law, for approximately \$55,000.00, plus the trade-in of a 7-year-old track excavator.

President Brown: Is there a motion?

motion by Swindig to suspend By-Laws to give it First Reading tonight, 2nd by Johnson

President Brown: Any discussion?

Council Member Gillock: Yes. Dan, maybe you could answer this. Could you tell us what happened to the existing piece of equipment and how much it would have cost to repair it? I mean, it's only seven years old.

Safety-Service Director Zirzow: Correct but we've been getting a heck of a lot of use out of it. We rate this equipment in terms of hour usage. The machine basically has a tank-type mechanism with tracks instead of wheels. For that you have two individual motors on each side helping to control it. We're looking at expending a minimum of \$2,000.00 this year into that piece of equipment. I'm not sure if we blew the head gasket or something to the motor that we need some head gasket work, be it milling of the heads or what, so I don't think it's that extensive yet. But I do know we have \$2,000.00 in repairs right now just to get the thing running again. We're looking at close to expending probably \$10,000.00 on it next year or so, however, the rebuilt of just one of the motors. Probably we can get another year. We're playing with luck again if we stretch it one more year past that. What we have is a situation where, while this is down, we spend monies, hundreds of dollars possibly even thousands of dollars in rental of equipment plus the repairs. We're looking at roughly a minimum of \$20,000.00 between the current and with the rebuilds that are due within the next two years on this piece of equipment. We have a good market value on the trade-in and at this point they anticipate an increase is what I understand coming from the Service Department from the sales people on the government pricing list, so the timing is right. The reason for going through now is this is our rainy season or another flood season coming upon us. We're down with the equipment. We'd like to get going instead of expending monies on rental of equipment and on the repair of this. We'll just go ahead and trade it in if that's Council's desire.

Council Member Gillock: So you're saying it's going to cost us about at least \$20,000.00 the next two years to keep the piece of equipment we've got.

Safety-Service Director Zirzow: Minimum.

Council Member Gillock: All right, number two, the new one is a track vehicle. Right?

Safety-Service Director Zirzow: It will have the track, it's a track excavator.

Council Member Gillock: Are we going to be coming back asking for a trailer or how are we going to get this thing around town?

Safety-Service Director Zirzow: We already have the trailer that we transport it on.

Council Member Gillock: We have a trailer available now?

Safety-Service Director Zirzow: Correct. We're keeping it, the trailer.

Council Member Gillock: Okay.

Mayor Hill: Madam President, if I may throw a few words in.

President Brown: Yes Mayor.

Mayor Hill: We were approached by the superintendent of the garage this past week who felt that

it was urgent that they have the new machinery to do the work and to continue all the work that they've been doing. Not only is it expensive to continue to either pay rental and/or repairs, which will reach a huge amount, more in a couple of years or three years than we're paying for this, but in the mean time you lose the trade-in value that we do retain at this point. Also, he's very concerned about getting the work done in as short a period of time and you can't do that with malfunctioning equipment and calling in other companies to bring in other machinery that we can rent because it is a long, drawn out process. So he's very, very concerned about the work that needs to be done that has been very successful with machinery that was continually broken down.

Council Member Gillock: If we go to the State, do we still trade-in the old one?

Mayor Hill: We're trading that one in, yes.

Safety-Service Director Zirzow: We're getting over \$20,000.00 on the trade.

Engineer Lovece: Madam President, if I may add something with that machine. Actually, the engine hours, which is instead of mileage on a car with heavy equipment you use engine hours, it's approaching the limit of its useful life. So even though it's seven years old, it's been used daily, typically, very extensively, cleaning the ditches and doing a lot of our improvements and that's a high wear and tear item as well. So it has high engine hours and it has a high wear and tear from the work that it's used for. That's why it's best to trade it in and get a new machine.

Council Member Butkowski: Madam President.

President Brown: Yes.

Council Member Butkowski: The day that this must have gone down or whatever, I happened to be over at the garage and they said that a lot of the (inaudible) equipment that's been added on can be taken off and put onto this new equipment, so they won't have to buy a lot of extra things. That's just sort of replacing the central part, but all the other stuff, so it's going to be in our best interest to get this.

President Brown: I agree. I imagine that it's something that's really needed for our City. We can't let them stand over there without having the right kind of equipment.

Council Member Swindig: Madam Chairman.

President Brown: Yes Mr. Swindig.

Council Member Swindig: I was over there and I asked about a couple of the added. One was a counter weight, was an extra on that, and they asked for hydraulic swing. I wanted to find out what the hydraulic swing is. The hydraulic swing is the tilting of the bucket side to side so they can continue in cleaning the ditch. Yes, that machine is seven years old, but I think the City purchased that machine used.

Mayor Hill: Yes we did.

Council Member Swindig: That machine is being used in the creek beds itself and it's a lot harder than what the contractor uses for digging on flat ground. The cost of repairing the drive motors for the tracks, I was told, one side is \$10,000.00 and they look for the other side to go right after that, so you're talking \$20,000.00. The time is right now where we can get the best trade-in out of it.

Mayor Hill: Madam President, just one other quick remark and that is, that's the machine that we've used for our aggressive creek and ditch cleaning program that has worked so well on

behalf of our residents that used to fear flooding every time the rain fell. The program has been very successful. On behalf of the residents, it's worth every penny.

President Brown: Thank you Mayor. Any other discussion? Roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for T 22-2000 to have First Reading tonight.

T 23-2000 A resolution expressing the sense of the Council and the Mayor urging the Public Utilities Commission of Ohio to encourage governmental electricity aggregation.

motion by Johnson to suspend By-Laws to have First Reading tonight, 2nd by Swindig

President Brown: Any discussion? Vote please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for T 23-2000 to have First Reading.

President Brown: Okay. Correspondence.

CORRESPONDENCE

1. Received a letter from Parks & Recreation Director Jim Spaulding announcing Parks & Recreation Commission's approval to expend from the Parks & Recreation Improvement Fund \$2,707 for the purchase of a new trailer and hitch including trade in of the old trailer; \$1,745.00 for the purchase of a new mowing deck; and \$5,720.00 for the purchase and installation of security lights and electric power lines for the scoreboards at the Shady Drive Complex.
2. Received a letter from Ohio Municipal League President Garry Hunter urging municipal officials to attend the Ohio Municipal League Legislative Conference on March 15, 2000.
3. Received a memo from Mayor Hill announcing her nomination of Norm Frindt to the Fair Housing Board.
4. Received a memo announcing Planning Commission's approval of the application for Phase IV of Deerfield Meadows Subdivision No. 4 with new drawings addressing the comments by the Mayor, Safety-Service Direct, Building Department, City Engineer and the Fire Department and said is recommended to Council.

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

President Brown: Thank you.

LOBBY

President Brown: Now we will have Lobby. I will give you two minutes to speak. Please speak into the microphone. Make sure that you do fill out the form from the back.

- 1) Carol Shroyer, 6857 Stoney Ridge Road, stated she felt the PCD's needed to be more

thoroughly researched and read a statement by a landscape architect regarding landscape design and suggested working more towards a town center, asking Council to vote against the rezoning to PCD in the area between Stoney Ridge and Case Road.

- 2) Ronald Angell, 6876 Stoney Ridge Road, stated he had visited some PCD's, felt they were tastefully done but was concerned about the commercial areas and since this is the first of possibly many PCD's he asked Council to look at them very closely as he didn't want PCD's as they are now designated with 20 acres of commercial area in each 200 acres to be built in the Stoney Ridge/Case Road area.
- 3) Albert Kutchera, 5660 Wallace Boulevard, spoke regarding trash in yards and parking of RV's on lawns in his neighborhood, displaying pictures as proof, and asking the City to do something about it before property values go down

President Brown: Sir, do you know you can go into the Building Department and fill out a complaint form and they will venture out there.

Albert Kutchera: We have done that and according to the City, they say it is legal to have as much trash as you want in the yard as long as you cover it up with a tarp. There's a picture of one in there where it's covered up with a tarp and the City says we have no ordinance to say they have to be removed, they have to be hidden. So they cover them up with a blue tarp, let the junk set there, and the City says it's legal. If you go up on Route 82 which is a commercial district, the junk yards up there, they make them put up solid fences so the people on 82 can't see the junk, then they can make them do that on Wallace.

President Brown: Thank you sir. Anyone else?

- 4) Bob Dyer with Pulte Homes, Bainbridge Road, stated he agreed with the lady who spoke about the importance of open space and wanted everyone to understand that with the PCD being discussed tonight, that of the 200 acres, 50 acres will be set aside as permanent and protected open space, both in its natural state and with recreation areas.

President Brown: Thank you. Anyone else?

- 5) Mary Kutchera, 5660 Wallace Boulevard, stated she didn't think Council needs new microphones but should just speak louder and feels trees should be left alone and Council should tell the developers to get out of here and leave the City alone.

President Brown: Anyone else? Okay, I would like to call a ten-minute Recess please. Let's make it 9:00, that will be less than ten minutes, but let's make it 9:00.

RECESS from 8:52 P.M. to 9:00 P.M.

FIRST READINGS

President Brown: Please be seated. First Readings.

T 7-2000 AN ORDINANCE ESTABLISHING PROCESSING FEES FOR SUBMITTING APPLICATIONS, PROPOSALS AND OR PLANS FOR PLANNED COMMUNITY DEVELOPMENT AREAS WITHIN THE CITY OF NORTH RIDGEVILLE.

First Reading

Council Clerk White: First Reading.

President Brown: First Reading.

T 8-2000 A RESOLUTION ACCEPTING GATESTONE ROAD (FROM BAGLEY
880-2000 ROAD TO GATEWOOD DRIVE) FROM BOB SCHMITT HOMES, INC. AND DEDICATING IT FOR PUBLIC PURPOSES.

First Reading

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

President Brown: Discussion please?

Council Member Minnick: May I ask the reason why?

Council Member Johnson: These streets are already in and there. They had their two years and this is just for dedicating the name of the street and would become our street then. There are several of those streets that have been in for the period of time that we require before we dedicate them and I can't see any reason why we wouldn't do all of them and save having three readings on it.

Council Member Minnick: Well, other than that there is a procedure that has been set forth and we should follow it.

Council Member Johnson: Jim can read it three times (inaudible).

President Brown: Any other discussion? Roll call please.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries 6-1 to suspend second and third readings.

motion by Johnson to adopt, 2nd by Swindig

President Brown: Any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and becomes Resolution No. 880-2000.

T 9-2000 A RESOLUTION ACCEPTING GATEWOOD DRIVE FROM BOB SCHMITT
881-2000 HOMES, INC. AND DEDICATING IT FOR PUBLIC PURPOSES.

First Reading

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

President Brown: Any discussion?

Council Member Johnson: Same as the first.

President Brown: Okay. Please take the roll Clerk.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries 6-1 to suspend second and third readings.

motion by Johnson to adopt, 2nd by Swindig

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and becomes Resolution No. 881-2000.

T 10-2000 A RESOLUTION ACCEPTING WOODSPRING CIRCLE FROM BOB
882-2000 SCHMITT HOMES, INC. AND DEDICATING IT FOR PUBLIC PURPOSES.

First Reading

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

President Brown: Any discussion? Roll please.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries 6-1.

motion by Johnson to adopt, 2nd by Swindig

President Brown: Any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and becomes Resolution No. 882-2000.

T 11-2000 A RESOLUTION ACCEPTING WOODSTONE CIRCLE FROM BOB
883-2000 SCHMITT HOMES, INC. AND DEDICATING IT FOR PUBLIC PURPOSES.

First Reading

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

President Brown: Discussion? Roll call please.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries 6-1 to suspend second and third.

motion by Johnson to adopt, 2nd by Swindig

President Brown: Any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and becomes Resolution No. 883-2000.

T 12-2000 A RESOLUTION ACCEPTING WOODHAVEN CIRCLE FROM BOB
884-2000 SCHMITT HOMES, INC. AND DEDICATING IT FOR PUBLIC PURPOSES.

First Reading

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

President Brown: Discussion? Roll please.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries 6-1 to suspend second and third readings.

motion by Johnson to adopt, 2nd by Swindig

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and becomes Resolution No. 884-2000.

T 19-2000 A RESOLUTION TO APPROVE WITH MODIFICATION THE
885-2000 APPLICATION MADE BY MELVIN H. AND MARIE G. TERNES TO HAVE
CERTAIN LAND OWNED BY THEM DESIGNATED AS BEING LOCATED

WITHIN AN AGRICULTURAL DISTRICT.

First Reading

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

President Brown: Any discussion? Hearing none, take a vote please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend second and third readings.

motion by Swindig to adopt, 2nd by Johnson

motion by Swindig to add the emergency due to the County Auditor's time frame,
2nd by Butkowski

President Brown: Discussion? Hearing none, take a vote please.

Council Clerk White: Roll call on the emergency?

President Brown: Yes, on the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to add the emergency.

Council Clerk White: The adoption?

President Brown: Yes.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 19-2000 becomes Resolution No. 885-2000,
Emergency.

T 20-2000 A RESOLUTION TO APPROVE WITH MODIFICATION THE
886-2000 APPLICATION MADE BY WENCES AND LILLIAN M. RAK TO HAVE
CERTAIN LAND OWNED BY THEM DESIGNATED AS BEING LOCATED
WITHIN AN AGRICULTURAL DISTRICT.

First Reading

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

President Brown: Discussion? Vote please on the suspension.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend second and third readings.

motion by Swindig to adopt, 2nd by Johnson

motion by Swindig to add the emergency due to the County Auditor's deadline,
2nd by Johnson

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to add the emergency. On the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and T 20-2000 becomes Resolution No. 886-2000
with an emergency.

T 21-2000 A RESOLUTION TO APPROVE WITH MODIFICATION THE
887-2000 APPLICATION MADE BY GEORGE GROSIK TO HAVE CERTAIN LAND
OWNED BY HIM DESIGNATED AS BEING LOCATED WITHIN AN

AGRICULTURAL DISTRICT.

First Reading

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

President Brown: Any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend second and third readings.

motion by Swindig to adopt, 2nd by Johnson

motion by Swindig to add the emergency due to County Auditor's deadline,
2nd by Borocz

President Brown: Any discussion? Roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to add the emergency. On the adoption

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and T 21-2000 becomes Resolution No. 887-2000
with an Emergency.

T 22-2000 **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO PURCHASE A KOBELCO 135SR TRACK
EXCAVATOR FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS
AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR
ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, FOR
APPROXIMATELY \$55,000.00, PLUS THE TRADE-IN OF A 7-YEAR OLD
TRACK EXCAVATOR.**

First Reading

President Brown: Is there a motion?

Council Clerk White: No, we don't need it. We're waiting to get it into appropriations so we
wanted a First Reading on it.

President Brown: Okay. Thank you.

T 23-2000 **A RESOLUTION EXPRESSING THE SENSE OF THE COUNCIL AND THE
888-2000 MAYOR URGING THE PUBLIC UTILITIES COMMISSION OF OHIO TO
ENCOURAGE GOVERNMENTAL ELECTRICITY AGGREGATION.**

First Reading

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

President Brown: Any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend second and third readings.

motion by Swindig to adopt, 2nd by Johnson

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

President Brown: Any discussion? Hearing none.

Yes, 7 No, 0

Council Clerk White: 7-0 to add the emergency. On the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and becomes Resolution No. 888-2000 with an emergency. That's all the First Readings that I have.
President Brown: Second Readings.

SECOND READINGS

T 137-99 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: APPROXIMATELY 200 ACRES SITUATED BETWEEN CASE ROAD AND STONEY RIDGE ROAD BORDERING THE CITY OF AVON AND SHOWN BY LEGAL DESCRIPTION BELOW; FROM R-1 RESIDENCE DISTRICT TO PCD PLANNED COMMUNITY DEVELOPMENT AS PETITIONED BY MATT ROSNER, PINE RIDGE ESTATES LLC.

Second Reading

Council Clerk White: That constitutes Second Reading.

President Brown: Yes sir.

Law Director Zagrans: Madam President, thank you. I would like to ask for a motion from the floor to amend this piece of legislation to combine it with T 6-2000 that appears on the next page, two pieces of legislation down. T 6-2000 is the prerequisite for any rezoning proposal that would be the subject of this request to rezone land into a PCD zoning. Regardless of whether Councilpersons support or oppose one or both of those proposals, since T 6-2000 is the legal prerequisite under our ordinances I would ask Council approval to combine them so it can be considered in the proper sequence. I don't know how they got separated but they should not be separated in this fashion.

President Brown: Is there a motion?

Council Member Gillock: I thought T 6-2000 was preliminary approval of Phase I of the project.

Law Director Zagrans: It is and under our PCD ordinance that we adopted on September 20th of last year you have to have Council approval of the preliminary plan as a prerequisite to Council approving the changing in the zoning. So as I say, regardless of whether you support or oppose these proposals, I would ask that you combine them in the proper sequence so that they can be considered in the way that our ordinances require them to do.

Council Member Gillock: Isn't that kind of backwards? I mean, I wasn't on Council in September but it would seem to me that before you considered preliminary approval of a project you would want to know whether the project was properly zoned.

Law Director Zagrans: That issue was discussed and I don't know Madam President if you want Mr. Zirzow to talk to that or me.

Safety-Service Director Zirzow: Mr. Gillock, you brought up a point which makes this legislation unique. Historically, Council has the task of disseminating the difference between do we want this area of land, do we want this area of land next to, for example, a railroad track to be our industrial property as opposed to, what does this individual project which is builder,

developer, homeowner want to do coming before Planning Commission fits in this area. Historically, Council likes to see what this person wants to build, why they are asking for that rezoning change. Legally, Council doesn't have that authority. Council separates the issue. You look to see, do we rezone this parcel of land and then step two is come back with your plans. Then we're going to make sure it fits into B-1, B-3, I-2, R-5, whatever it may be. Being involved in government we know, like we said, by petition most of the rezoning changes come before us from the property owner. When the Master Plan was adopted the City did not go through and just deem all the property within x number of feet within the railroad tracks to be industrial along Center Ridge, the interchanges. They did not just go and rezone those. What they do is they wait, in general, for that property owner to come to us. Council still has that option just to go and designate parcels whatever they desire, but it's a different type of rezoning of that property. When the PCD came in, one of the concerns was, we want to be able as a community to say, wait a minute, we don't want to grant you this because we don't like this plan. From experience we've said, wait a minute, we know on your typical zoning we have to grant zoning and then address your specific plan. What happens is you have cookie cutter type developments from that. If you have a parcel of land zoned R-1, as long as someone comes in, everything is in parallel streets with parallel side streets and 90' wide lots and 180' depth, then basically you almost have to grant it approval or the City will lose in court. What this concept does is finally turn it back around and what it says is that you have to come in, show us what you're going to build, show us where you're going to place it. Where are you going to place some of the light business area within it? Where are you going to put some of your heavy density housing compared to your open space? Show us. If we like it and then we will grant you that approval. If you come back afterwards and within that one year time period file for Phase I, whichever Phase I would happen to be, and submit for final approval and at that time is when you have all the covenants and restrictions and subdivider agreements come with it. Then as a matter of performance you are now given PCD status. What we did not want to happen was a property owner to come in, ask for this PCD status, which would allow in some areas an increased density, and then walk away from the project or something happen beyond their control, when you don't own the property any more, have someone else come in and go guess what. By this I can put up to 3.24 and then the City be at their mercy because they've rezoned this property. So, what this did was create the mechanism of the City Council, the Planning Commission must give their approval to that preliminary concept. As a matter of preliminary concept and then upon that performance, which is in that PCD legislation, it automatically becomes a rezoning as long as they move on it. If, however, they do not act on it within that time frame, then it stays at its current zoning. So if this gentleman, the gentleman who came forward with this PCD before us, if Council were to approve it. If they wait, for example, two years or three years before they come in and ask for final approval of their initial phase, guess what, it's a done deal. He cannot do it. They have to start the process all over again. They've lost their opportunity to build. So basically, what we are doing is, we've created the tool which finally allows Council to say, hey, we don't like your plan. As we heard one gentleman say, there are some PCD's which were laid out wonderfully compared to what we had and there are others that may leave something to be desired. So this finally gets Council and the Planning

Commission the flexibility to finally ask what are you going to do if we approve what we like? Then you get the rezoning.

Council Member Gillock: So T 6-2000 is not approval or preliminary for Phase I. It's approval of the PCD concept.

Safety-Service Director Zirzow: Correct. Their preliminary PCD.

President Brown: Mr. Zagrans.

Law Director Zagrans: Yes, I want to make sure that the Council Members are clear in what I was proposing. Mr. Costin signaled me that I'd better clarify this. I'm not suggesting that we put T 137-99 and T 6-2000 together in one legislative proposal because, as you know, we have a Charter provision that says each legislative proposal must talk about and address only one subject at a time. What I mean by combining them together is getting them in the right sequence. If T 6-2000 is the prerequisite for the T 137-99, my request for an amendment from the floor is for Council to consider them in that sequence and to make sure that Council votes on T 6-2000 which is the legal prerequisite before it considers and votes on T 137-99. That's what I meant.

Council Member Butkowski: Are you talking about the readings you want these both in the same reading and one passed before the other one? Is that what you're saying?

Law Director Zagrans: Yes, the way we have it now, because the one was apparently introduced last year and the other one introduced this year. As I say, I don't know the reason why they were split. That's wrong. The one that was introduced this year has to be considered by Council first as the prerequisite for the one that was introduced last year. The approval of the Resolution granting the preliminary approval to the PCD plan must be considered by Council first. Then if council approves it, then Council can consider the request to rezone.

motion by Swindig to amend the order of reading at the next meeting so the
Resolution T 6-2000 put on the agenda before T 137-99, 2nd by Johnson

Law Director Zagrans: That would do it.

Council Member Minnick: Second.

Council Clerk White: We already have a second. Let's don't get too carried away. It's getting late.

President Brown: Is there any discussion?

Council Member Butkowski: Madam Chairman, so we're voting on whether we want T 6-2000 first and T 137-99 second for the Third Readings next meeting?

President Brown: Correct.

Council Member Butkowski: Thank you.

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

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to put the order of T 6-2000 before T 137-99 on the next Agenda.

President Brown: Thank you.

Council Clerk White: T 137-99 now has its second reading.

T 145-99 AN ORDINANCE AMENDING SECTION 1240-01 OF THE CODIFIED
ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS

THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: 6200 LEAR NAGLE ROAD (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT, AND OWNED BY MAURICE F. SHAVE.

Second Reading

President Brown: Constitutes Second Reading.

T 6-2000 AN RESOLUTION GRANTING PRELIMINARY APPROVAL FOR THE PROPOSED PLANNED COMMUNITY DEVELOPMENT SITUATED ON APPROXIMATELY 200 ACRES BETWEEN CASE ROAD AND STONEY RIDGE ROAD BORDERING THE CITY OF AVON AND KNOWN AS KINGSTON PLACE.

Second Reading

President Brown: Constitutes Second Reading. Third Reading. Take your time.

Council Clerk White: Okay.

THIRD READINGS

Engineer Lovece: Madam President, if I may speak on T 1-2000, with your permission.

President Brown: I guess you can speak on it if you like. He's got to read it.

Council Member Swindig: He's got to read it and then we have to have a motion.

T 1-2000 AN ORDINANCE AMENDING CHAPTER 1030, STREET TREES, OF THE NORTH RIDGEVILLE CODIFIED ORDINANCES ENCOURAGING THE PLANTING AND RETENTION OF TREES WITHIN ALL SUBDIVISIONS AND DEVELOPMENTS.

Third Reading

motion to adopt by Gillock, 2nd by Johnson

President Brown: Any discussion? Mr. Johnson.

Council Member Johnson: Mr. Lovece I think has quite a few problems with this he'd like to address.

Engineer Lovece: Thank you. I would recommend that this proposed ordinance either be referred back to Committee or rescinded. Following is what I think is the justification. The ordinance wants, basically the intent of the ordinance is to plant trees on private property of a certain size and so on and to guarantee that such trees be guaranteed for at least a year. Here are some of the concerns I have. The tree, number one, may die or show signs of weakness after a year. What criteria warrants a tree replacement? In my opinion there's no one in City Hall, me included, who really has the expertise to make this decision. We can learn, something new to learn. I always have no problem with learning new things, but to become a tree doctor is probably something probably beyond our scope. I see a potential liability if a tree that is planted on private property and erected by the City, if it falls, causing injury or property damage. If the tree is planted too close to the foundation, damage to the foundation may result or to the footer tile. In fact, that has happened to my house where I live. If the tree is planted too close to a sanitary sewer service, these are the services going from the street to the home, either the sanitary

service, the water service or a storm drain, that could damage any one of those utilities. I've seen that happen quite a bit. If the tree is planted too close to walkway, patio or fence, it may damage those as well. Of course, some homeowners may not want a tree on their property. There are a lot of things that are open. I'm much in favor of trees that are naturally left in their place, healthy trees, and the developers do that already. They try to, before they sell a lot the homeowner says I want that oak tree, I want this, I want that. Developer and the builder do everything they can to preserve that, that's fine, as long as it doesn't interfere with drainage although the bad side of that, I'd say in about 50% of the cases, the trees die maybe a year later and the homeowner has to pay a tree company to remove it. So if it's not done very carefully, if you add any fill around the perimeter of a tree or subtract any fill or run heavy equipment over what they call the drip line of the tree, you're going to probably kill the tree. That's happened quite a bit. I like trees, but to put new ones on private property, there's a lot of issues that we can't really deal with, enforcement and possible liability.

President Brown: Mr. Lovece, don't we already have an ordinance regarding the trees being so many feet apart and so forth? Isn't that on the books already?

Engineer Lovece: There's two ordinances on the books in conflict with each other and T 2-2000 will actually correct that. That calls for no planting of any tree in the right-of-way or easement. I mean, there is something on the books now but there's a conflict between the two ordinances. We found that in two different Chapters and that's a problem. That's probably why it was never enforced by our predecessors as far back as maybe 10 or 15 years. T 2-2000 will clean that up but T 1-2000 I see as having some problems.

motion by Johnson to return T 1-2000 to Streets, Sidewalks and Bridges
Committee for further discussion, 2nd by Swindig

President Brown: Any discussion? Roll call.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to return T 1-2000 to Committee. Before we go, I think we need to move the motion and second that was on for the adoption. Do we not?

Law Director Zagrans: No, I think the motion to return to Committee supersedes.

Council Clerk White: Okay, very good.

**T 2-2000 AN ORDINANCE AMENDING CHAPTER 1032, MASTER TREE PLAN, OF
THE NORTH RIDGEVILLE CODIFIED ORDINANCES REGULATING THE
PLANTING OF TREES.**

Second Reading

motion by Johnson to adopt, 2nd by Swindig

President Brown: Any discussion?

Council Member Johnson: As Mr. Lovece says, this kind of clears up between the two we have. I'd like to see it tied in.

Council Member Minnick: Yes, if I remember correctly, T 1-2000 was sort of a compromise for putting in no trees in the right-of-way. So, I don't know, should that be returned to Committee also?

President Brown: Wasn't that to regulate, ask the people if they wanted a tree in their side yard

or front yard or back yard?

Council Member Minnick: It was a trade off because we weren't permitting trees in the tree lawn. So then they wrote this ordinance so that they got a tree.

Council Member Johnson: The ordinance does state that it's in the order for the City or any public or private utility to install, construct, replace, maintain or repair water lines, sewers, under drains, gas, electric, telephone, cable and facilities, etc. The planting of trees, hedges, shrubs or other obstructions is prohibited from being erected within the road right-of-way, tree lawns, or within any City of utility easement. What we're trying to do is keeping out of those easements (inaudible).

Council Member Minnick: Exactly, but that's why T 1-2000 was written then because that was a trade off because the builder was required to put a tree in the tree lawn and then this way they still got a tree but not necessarily in the tree lawn.

Council Member Johnson: Our existing ordinances do have trees. Every 50 foot, but that 50 foot could put it in an easement of a water line coming into the house or a sewer line. So if we insist that it's done every 50 foot and it goes over the top of the sewer line, we can use that ordinance but this will actually say, move that 75 foot away from the sewer line. That's why we're using this ordinance here, to enhance the other ordinance. The original ordinance in the book states that trees will be planted every 50 foot, it doesn't say where. Some lots could get two trees at 50 foot if it's a 75 or a 90 foot lot and it could be right in the middle of the driveway that 50 foot would fall. This will actually eliminate planting trees where they don't belong. But the ordinance still says that you will plant a tree every 50 foot. This says you can't plant it in a driveway or over a sewer.

President Brown: Or in the driveway, right-of-way or easement.

Council Member Gillock: Madam President, how does this affect subdivisions that now have trees in right-of-ways, such as Mills Creek.

Engineer Lovece: You can't go back retroactive.

Council Member Gillock: But I mean, they can still replace them, maintain them?

Engineer Lovece: That's a good one. There's an ordinance that we're required to maintain street trees, trees in the right-of-way, which we do from time to time, trim and sometimes remove them. Do we replace them? If the homeowner requests it we do and we try to find a place where it's not going to interfere with utilities.

Council Member Gillock: And they would be able to continue to do that?

Engineer Lovece: That's a good point. Would this violate that ordinance? If you're replacing something existing, I don't see why. It's something that existed prior to this legislation. Maybe the Law Director could elaborate on that. Good point.

President Brown: Mr. Zagrans?

Law Director Zagrans: I don't know but I certainly wouldn't suggest that we adopt something that could have the effect of being inconsistent with existing legislation until the issue has been looked into.

motion by Gillock that T 2-2000 ordinance also be referred back to Committee,
2nd by Minnick.

President Brown: Any discussion?

Council Clerk White: Who was the second please?

President Brown: Mrs. Minnick.

Council Clerk White: You have to make sure you talk into your microphone, he's not hearing you.

Council Member Minnick: It's getting late. I want to be back like this.

Council Clerk White: I'm not intentionally tuning anybody out either.

President Brown: Any discussion? Hearing none.

Yes, 7 No, 0

Council Clerk White: 7-0, T 2-2000 back to Committee.

T 3-2000 **AN ORDINANCE APPROVING A SUBDIVIDER AGREEMENT WITH
HIGHLAND DEVELOPMENT FOR DEVELOPMENT OF THE DEERFIELD
SUBDIVISION, PHASE 2 AND PHASE 3 AND ACCEPTING THE STREETS
FOR PUBLIC PURPOSES.**

Council Member Gillock: Point of order. I don't have a T 3 on my Agenda

Council Clerk White: Why do I?

Council Member Johnson: T 3 was adopted last week with the suspension.

Council Clerk White: Okay. That's a very good point of order. I will have to ask why I have one and I'm the reader. Who do I ask?

Council Member Swindig: You're the boss.

Council Clerk White: No, I'm not. Okay, that's all that I have then since I have more than you guys.

President Brown: Okay. Unfinished Business.

UNFINISHED BUSINESS

Council Member Butkowski: Madam President, I would like to thank Jerry Krueger and his crew for giving me a ride in a snowplow. It was an interesting experience and it's really nice to see the people that are out doing their driveways and that to wave and say thank you. It gives the people a good feeling and if you're out, stand back away from the snowplow while you're waving hello. One thing you must learn and you will learn it if you don't do this, is stay back when that snowplow comes because they can't stop that snow from flying very well. But thank you very much street crew for taking me for a ride.

Council Member Minnick: Madam President.

President Brown: Yes Mrs. Minnick.

Council Member Minnick: Mr. Costin and I discussed the purchase of the Park & Rec trailer and we have revised the motion so as to reintroduce it at this time, if I may.

motion by Minnick to approve \$2,707.00 for the purchase of a new trailer and hitch which includes a trade in of the old trailer contingent upon no conflict with State or City laws and regulations regarding such trade in, 2nd by Butkowski

President Brown: Any discussion on this? Hearing none, roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

President Brown: Any other Unfinished Business?

Mayor Hill: Yes, Madam Chairman.

President Brown: Yes, Mayor.

Mayor Hill: I know we have another Council Meeting the night before elections on March 7th. I will ask every citizen to make sure that they go to the polls to vote. We have a school renewal levy which as a Mayor and an individual I strongly support. The renewal is to run our schools, to operate them. It is a renewal. It's not any new taxes. The second one is a replacement levy for the Fire Department. The needs for that are obvious. I think it's on March 10th and I just quickly wrote a note to myself, I believe it's March 10th, that the census surveys will be mailed out to every home. Please, I know nobody likes an invasion of what they consider their privacy, but please help your community out by filling out those survey forms and returning them to the census bureau. Funding, Federal and State, for our community, for our residents, to help to get services that we can't always afford to or want to pay for, it enables us to get those funds. So I beg you, on behalf of the community as a whole, please make sure that you do return your census surveys. Thank you.

President Brown: Thank you. And may I take this opportunity to tell you that there is no new taxes in the renewing of both of these items and I would like to speak also as the Mayor did in supporting the schools because I remember when my children were small and going to school, it was senior citizens that voted for the levies and bond issues for the schools to help my two children go through school. So it's important that we remember that there are younger parents and kids that are attending our school and they do need the money. So let's consider that when you go to the polls. Thank you. Is there any Committee Meeting scheduled that we should hear about?

Council Member Swindig: Madam Chairman, I would like to announce that we will have a Finance Meeting along with the budget hearings in the Conference Room on Tuesday, March 7th and Wednesday, March 8th, starting at 9:00 A.M.

President Brown: I would like to make a correction on our Agenda.

Council Member Swindig: Regular Council meeting is on the 6th, not the 7th.

President Brown: I see that. Thank you.

Council Member Butkowski: Madam Chairman, the Public Hearing on March 6th for T 145-99 is scheduled for 7:25 P.M. There's going to be a lot of people here. We're going to run into that same problem that we did tonight. Can we rearrange that so that we don't have to do what we did tonight, because I'm sure there's going to be a lot of people there for it.

Council Member Swindig: Madam Chairman, may I explain to Mrs. Butkowski what happened?

President Brown: Yes Mr. Swindig.

Council Member Swindig: The notifications, if we have to re-mail out the notifications and that and we can't do it, so we're going to have to do that like we did tonight, start the public hearing, stop it, go into our Council meeting for the opening of our Council meeting, and then suspend our By-Laws to finish up with the Public Hearings.

Council Member Butkowski: Okay, as long as we know that.

Council Member Swindig: On account of the cost involved in changing the time after it was

already publicized.

Council Member Butkowski: All right, as long as they'll be sure that they'll have adequate time.

President Brown: It will. It will, believe me.

Council Member Gillock: Madam President, if I could I would like to clarify something that you said. On the tax levies, the school levy is a renewal and on that levy the school will receive the same amount of money that they received the last time it was passed. The fire levy is a replacement, which means the millage stays the same but the amount of money that the Fire Department or the City would receive would go up. So, they are two different issues. One's a renewal and one's a replacement.

President Brown: But I just mean it wasn't going to cost us more money.

Council Member Gillock: It could cost you more money.

President Brown: It could? Okay, anything else? Any other Unfinished Business?

Council Member Swindig: Move to adjourn?

Council Clerk White: No, not yet.

COMMITTEE MEETING ANNOUNCEMENTS

Public Hearing to be held Monday, March 6, 2000 at 7:10 P.M. on the Agricultural District Application filed by Smith.

Public Hearing to be held Monday, March 6, 2000 at 7:15 P.M. on the Agricultural District Application filed by Hamm.

Public Hearing to be held Monday, March 6, 2000 at 7:20 P.M. on the Agricultural District Application filed by Schrauf.

Public Hearing to be held Monday, March 6, 2000 at 7:25 P.M. on T 145-99.

Next Regular Council Meeting Monday, March 6, 2000 at 7:30 P.M.

ADJOURNMENT

President Brown: Now you can make the motion Mr. Swindig.
 motion by Swindig to adjourn, 2nd by Johnson

President Brown: Any discussion?

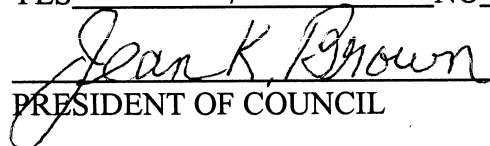
Yes, 7 No, 0

Council Clerk White: Vote is 7-0 to adjourn.

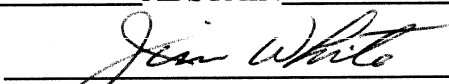
Meeting adjourned at 9:47 P.M.

MOTION Gillock 2ND Johnson DATE March 6, 2000

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL