

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING FEBRUARY 20, 2001**

CALL TO ORDER

President of Council Jean Brown: I would like to call the Regular Council meeting of February 20th, year 2001 to order for the North Ridgeville Municipal Council. I as that when we do the Pledge of Allegiance and the Invocation that you please remove your hat and leave it off for the remainder of the meeting. Please stand.

INVOCATION lead by President Brown.

PLEDGE OF ALLEGIANCE by all.

President Brown: Thank you. Mr. White, please take the roll.

ROLL CALL

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

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

President Brown: Thank you Mr. White.

MINUTES

President Brown: Please note:

Public Hearing Minutes of February 5, 2001 (T 157-2000)

I need a motion to accept.

motion by Swindig to accept, 2nd Overby

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Thank you.

Regular Council Minutes of February 5, 2001

I need a motion to accept.

motion by Overby to accept, 2nd by Swindig

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Please note that the Special Planning Commission Minutes of February 14, 2001 is in your packet.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: There's a mistake in the Planning Commission Special meeting report. In the third paragraph under new business, in the third line down, it says it will be a 43 inch line, it should be 36 inch line.

President Brown: Thirty-six inch.

Council Clerk White: Mine has 36.

Council Member Gillock: Mine says 43.

Council Clerk White: Okay.

President Brown: Everyone get that? Okay, moving on to committee reports.

COMMITTEE REPORTS

Council Clerk White: I have no committee reports.

President Brown: Does anyone else have any committee reports? Moving on to the Mayor's report.

MAYORS REPORT

Mayor Hill: Thank you. I have received a letter announcing that the Postal Service has selected the former ByRite and former IGA building as their new location. They believe that this new site will provide the community with an upgraded, modern facility that offers a safe working environment for employees and the level of service expected by customers. No specific date for moving to that facility was provided.

I also received a letter from Ken Pearce, Lorain County Health Commissioner, noting that the term for the North Ridgeville representative on the Board of Health expires on April 1st. Steve Surovey has served on the Board since August of 1988. Ken states that Steve's "expertise and knowledge of the issues in North Ridgeville has been a great asset to the Board." Mr. Pearce respectfully recommends his reappointment.

I am making a motion to reappoint Steve Surovey to the Board of Health.

motion by Mayor Hill to reappoint Steve Surovey to the Board of Health, 2nd by Swindig

President Brown: Any discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. Mr. Surovey has been reappointed.

Mayor Hill: Thank you. According to Federal Reserve Chairman Greenspan, the United States is not in a recession and that the downturn we are experiencing could prove to be as short as it is sharp. He further predicts that unemployment and inflation will be small compared to the early

to mid 1970's. This is all leading me to the situation in North Ridgeville. Marconi, as you will see on the agenda tonight, applied to the Planning Commission and was approved for 10 temporary office trailers on Taylor Parkway. The announcement in the Chronicle today explained that 300 to 350 new jobs will be added to the payroll within five years. The addition to the plant will begin in May or June. The new employees will be engineers, buyers, and managers. We look forward to this most recent upturn in our local economy.

Lastly, I understand that Mr. Gerald Phillips faxed newspapers today calling our Council meeting tonight a quote showdown, and declaring that if Council passes the Westerly Sewer on an emergency, a recall petition will be circulated against your Mayor. I will be clear and unequivocal that I fully support the westerly sewers in the name of the protection of the health and safety of our families, the financial savings of this agreement to our taxpayers and the future economic development and related tax savings for our residents. Make no mistake about it, petition or no petition, I absolutely will continue to do my job to the best of my ability as I was elected to do and to stand strong in the face of political terrorism or personal attacks for the people of our community. They deserve no less. Thank you.

President Brown: Mayor, I would like to tell you that on the news tonight, they said a little bit about Marconi on Channel 8, so I thought you'd like to know. We did make the news in a good thing.

Mayor Hill: Good

President Brown: Anyone have any questions regarding the Mayor's oral report? Seeing none, moving on to the Safety-Service Director, Mr. Johnson.

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Johnson: Thank you Madame President. Ditch cleaning was performed on Barres, Floraline, Ridgeway Creek by Maddock Road and on the far east side of the City, the ditch that runs from Mills Road to Center Ridge.

The sewer vac was used for storm cleaning on Luanne, Monica, Carolyn, and Wallace. Sanitary sewers were cleaned on Blanchard and Main.

Catch basins were either installed or repaired on the following streets: Dorchester, Hickory, Mills Creek Lane, Paula, Birch, and Tree Moss.

Spot berming took place on Bagley, Lorain, Wallace, Lear Nagle and Elyria.

Ninety percent of the time, there has been three patching crews out on the roads.

Several sinkholes have been repaired on Case, Avon Belden and Mills Road.

In my report tonight I also have an old ordinance, 1429-78, had its' first reading on 9/18 and had all its' readings in full that same night and adopted. That ordinance was an ordinance to provide for the issuance of \$445,000 renewable notes in anticipation of the levy of special assessments, and in anticipation of the issuance of bonds, to pay the property owners portion and the City's portion of the cost of constructing sanitary sewers and necessary appurtenances, in certain easements and portions of Avon Belden Road and Aurensen Road and declaring an emergency. The City's share was 70 percent. The homeowners share, the landowners share was 30 percent in that ordinance which was passed by emergency on one night. We have had three readings on our sewer issue tonight and I just wanted to bring that up. In the past it has been passed by emergency and on the night it was introduced. Thank you. That concludes my report.

President Brown: Thank you Mr. Johnson. Are there any questions of the Safety-Service Director's oral report? Seeing none, moving on to the Engineer's report, Mr. Lovece.

ENGINEER'S REPORT

Engineer Lovece: Thank you Madame President. Westerly sanitary sewer, I'd like to discuss from an engineering standpoint the importance of the sanitary sewer and why I'd recommend it if Council so desires to pass the legislation tonight, that they pass it as an emergency. First things first, I believe that any time that we can abandon the septic system or have the ability to do so it's a good thing for the community, for the health of the environment, and I know that's what we did with the Bagley Road sewer. When we passed that legislation, we recommended the emergency due to the health issues and funding issues too. Recently I asked the Health Department, Lorain County Health Department, to conduct bacteria sampling along the Ridgeway Creek that runs and meanders through the western portion of the City. As an Engineer we're always interested in numbers and I always knew, oh there's contamination in the creek, let's quantify it. Now realize the sampling was done in February. The water is ice cold in the creek. Bacteria does not thrive in ice cold water so the counts would be low as opposed in the summer time when the water gets up to maybe 80 degrees and it festers. Plus there's been some gentle rains over the last few weeks and that causes a flushing action in the creeks so one would expect low bacteria counts. I Wanted to see, hey let's see how bad it is. What they did is they count what you call fecal coliform bacteria and let me explain, this is right off the internet, the Health Department gave this to me. In fact, tonight we have the Director, Mr. Jim Body, he's the Director of the Lorain County Health Department Environmental Division and he'll be speaking in the lobby about some issues as well. In this report, just to give a little back ground. The presence of fecal coliform bacteria in aquatic environments indicates that the water has been contaminated with the fecal material of man and other animals. At the time this occurred, the source water may have been contaminated by pathogens or disease producing bacteria viruses which can also exist in fecal material. Some waterborne pathogenic diseases include typhoid fever, viral and bacterial gastroenteritis and hepatitis A. The presence of fecal contamination is an indicator that a potential health risk exists for individuals exposed to this water. Fecal coliform bacteria may occur in ambient water as a result of the overflow of domestic sewage or non point sources of

human and animal waste. There has been something recently in the Plain Dealer about, I believe it's called the West Nile Encephalitis. Encephalitis is a disease carried by mosquitos and these mosquitos like to breed in water that's laying with bacteria. Now, to give you some of the criteria, I checked with Mr. Jim Body here from the Health Department and I said, well, how bad is, I know there's bacteria in everything, and what it is, if you have a count of 400 bacteria per millimeter of water, that's more justification to close a beach, that is, it is not suitable for bathing. Even if it's less than that they can close a beach. Now, the read, we took five readings, we, the Health Department took five readings, on February, well they took the samples on February 19th, now remember that number 400. At Maddock Road bridge west side, fecal count of 19,500. Race Road bridge west side, 1,600. One thousand foot north of Center Ridge Road, 1,900. Near shopping center, Ridgeview Shopping Center, 1,130. The lowest one here was by the apartments on the western part of Center Ridge Road of 200. So, what this means, it means that it's not recommended that anyone, human or pet, I'm not trying to make a scare, I'm just going by the numbers, but it's not recommended that anyone come in contact with any of this water in these creeks. And, remember once again, these counts are very low because it's February, it's not July or August when that stuff just stinks. The Engineering Department gets complaints and so do the other departments and we refer them to the Health Department for enforcement. That's the main reason, I believe, for the emergency. I gave copies to the media and also the February 9th letter from the EPA. Really, they rejected, they're not going to approve those plans unless we negotiate something with the EPA. That's what we're in the process of doing. The EPA wants sewers on Center Ridge Road. They want sewers from Race Road all the way to 83. That's why the letter, it sort of was a stern letter, saying you know, you didn't give us what you told us you were going to give us. Well, I apologize, it was a misunderstanding in a meeting from 1998. But, what we're going to do and we're going to have a resolution for the next meeting where we're going to have an agreement, the EPA has verbally agreed to this, where we have a specific time frame when we build the interceptor, when we build a sewer from Race Road to the Elyria, line and when we build the sewer from Race Road east to 83. This way it will give them something passed, hopefully, passed by Council, that they can have in their hands and they'll be able to issue a conditional permit and we can get this thing going.

Another problem too, from an engineering standpoint, we have a small sewage treatment plant, you call them package plant, located at the end of Westfield Drive. It treats about under 80 homes. Westfield Drive and Elda Way. It was built in the 70's. It's already obsolete because the technology back then for sewage treatment has changed so much. In fact, this year we're thinking about twelve to almost fifteen thousand dollars to satisfy the EPA and satisfy our permit for what they call, what we call, an ultraviolet disinfection system. So, we already, we've been sinking each year money into this little plant that treats less than 80 families. Something that's obsolete. When this sewer comes down, the westerly sewers built, we'll have the ability to expand a smaller line and pick up Westfield Drive. Get rid of the pumps. Get rid of that treatment plant. Because, we have, Service Department on a daily basis has to maintain that plant. So that will save us money on maintenance, on operating that small plant. That's our last

package plant in the City. So, like I said that's another reason and you know, Mayor and Service Director hit on the economy and it being an economic boom for the western part of Center Ridge, but I won't go into that. That's all I have this evening.

President Brown: Thank you Mr. Lovece. Is there any questions of the Engineer's oral report?
Mrs. Minnick?

Council Member Minnick: Mr. Lovece, I'm not an engineer, so, I looked at the sewer plans yesterday and the way I see it is the trunk line is 36 inches, only in the former Kingston Development and it has three 90 degree angles where the pipe is 30 inches. You stated at the Planning Commission meeting that there would be no pumping stations. How much does a pumping station cost and who will pay the additional charge, if it's needed, when the City is built out that way?

Engineer Lovece: Well realize, we're putting the sewer in as deep as we reasonably can. It's up to 32, 33 foot deep in places. Soil borings indicate there's rock, water. You go deeper and you're going to sink a lot more money into it. I believe this is as deep as reasonably can. It is also, by going down that center of the unsewered area that lines up with Race Road, that's approximately in the center of the unsewered area and laterals or smaller sewers can branch out in either direction and not have to be as deep. While no one can guarantee that the most remote point may not need a pump station, but it's in, reasonably deep, very deep and designed to accommodate that entire western portion of the City.

Council Member Minnick: I have one other question. Will the 30 inch pipe at Center Ridge Road be sufficient for all the development plus going down Center Ridge east and west?

Engineer Lovece: Yes it is and we have, in fact that's part of the criteria that the EPA reviews. We have a rather lengthy report that was submitted with these drawings that show the calculations at various points and it is calculated to accommodate the entire western portion of Center Ridge Road. It may not make it all the way, it's not going to make it all the way to 83. From approximately Stoney back to 83 would probably tie into this pump station, the one at BP. But, it will accommodate the rest of the western portion of the City.

President Brown: Thank you Mr. Lovece. Moving on to the Auditor's report, Mr. Costin.

AUDITOR'S REPORT

Auditor Chris Costin: Yes, thank you Madame Chairman. We had completed the report and I understand that there was a communication gap and you may not have received your report to yesterday or today and I apologize for that. We had it available and put it in the downstairs box instead of bringing up to the Council Clerk's office. I apologize for that, but you do have and should have now received your January report.

Auditor's Written Final Financial Report for January 2001

motion by Swindig to accept

President Brown: Who second that? Mr. Overby?

Council Clerk White: Mr. Overby
2nd by Overby

President Brown: Any discussion? Seeing none, please take roll.
Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to accept the January report.

Auditor Costin: One comment Madame Chairman. We passed along to the Council persons the agenda for this year's appropriation meetings. You should of also have received that handout right before this meeting. No other comments. Thank you.

President Brown: Any questions of the Auditor's oral report or written report? Mrs. Minnick?

Council Member Minnick: I do have some questions that I have been getting calls about and could you please explain the process of paying for the trunk sewer line?

Auditor Costin: The westerlies project you're talking about? The City portion?

Council Member Minnick: Yes.

Auditor Costin: Well the City's portion, as I understand it Mrs. Minnick, the entire process including the portion to be special assessments, there will be initially bond anticipation notes and bonds, ultimately bonds issued. The larger part which is the non City portion will be collected through special assessments on the property that will be built up. The City's portion will be paid for out of that anticipated revenues from the development in those areas. It's anticipated that the project itself will subsidize our portion as well.

Council Member Minnick: Can you please explain the difference between anticipation notes and revenue bonds?

Auditor Costin: Yes. Bond anticipation notes are notes that are issued in anticipation of the issuance of bonds. They're for a one year period and can be renewed. Ultimately bonds will be issued when we know the final project costs. Now, there are certain types of bonds you can issue. One category called general obligation and the other category would be called mortgage revenue bonds. I believe these will be special assessment general obligation bonds. I don't believe these are going to be mortgage revenue bonds by definition. What that is, is a bond that's backed by the full faith and credit of the City. However, the payment, the reason they're general obligation bonds, is to make them more sellable on the bond market. It's anticipated though that the payment of debt service, principal interest, will be from the revenue of the sanitary sewers. So it's not anticipated, we'll be using general fund monies or tax revenues to pay those bonds at all. We have a history of that in the City. The bonds that have been issued for our sanitary sewers in the past and for our water operations in the past with the exception of a mortgage revenue that was issued back in the 70's. The other issues that I'm familiar with have all been general obligation bonds but have been solely supported by the utility itself. We have not had to use general revenues, income tax revenue or property taxes, for those bonds that we've issued with the sole exception of the acquisition of French Creek Plant. That was acquired by a vote of the people and special voted on levy and that is being paid by general property taxes but that is the sole exception.

Council Member Minnick: Can the City obtain notes or bonds while there is litigation pending? The PCD's which are tied to the westerly sewers?

Auditor Costin: That is a legal question I cannot answer that question.

Council Member Minnick: I'm not against the sewers and I want to make that clear, but, I am concerned about putting the cost of them on the backs of the taxpayers. Is it true that if the notes are defaulted on the banks have the authority to impose a tax on every property owner in North Ridgeville?

Auditor Costin: The banks have an obligation?

Council Member Minnick: Yeah, do the banks have the authority to impose. . .

Auditor Costin: Again, that's a legal question I don't know the answer to and I could defer to our bond counsel that's in the audience, momentarily if the Chair would permit. But I would say it's an obligation of the City to pay those bonds so if in fact we did not have sufficient property tax revenue, I'm sorry, special assessment revenues, then it would be an encumbrance on the City to indeed try to make those debt payments. Bond holders in Ohio are highly protected. So, in this particular case we would be looking for other monies, if need be, to make good on our debt service payments.

President Brown: Thank you Mr. Costin. I would allow him to speak.

Mr. Larson: Sure, I think Mr. Costin, first of all, I'm John Larson from Squire, Sanders and I am serving as bond counsel to the City, Mr. Costin got it exactly right. In Ohio there are different means of financing improvements. The City has in this instance elected to levy special assessment to pay a portion of the cost of this project. Because of that, it has authority to issue general obligation securities in anticipation of collection of those special assessments. The special assessments are a lien of the properties that are assessed and they are collected in installments over a period of 20 years in this instance. The security for the property owners portion thus, is covered with special assessments. On the City portion of the cost of this project, it is a general obligation of the City. The intention is to use revenues from the sewer system and specifically from tap in charges to meet the City's obligation on its portion. In order to obtain the best interest rate for the City that is the most expedient way of financing this project.

President Brown: Thank you very much for explaining it to us.

Council Member Minnick: I have a few other questions Mrs. Brown.

President Brown: I think we've had enough questions, let's move on.

Council Member Minnick: Mrs. Brown this a very important issue. It affects all of us. I just have two more questions of Mr. Costin.

President Brown: Of Mr. Costin?

Council Member Minnick: Yes.

President Brown: Okay Mrs. Minnick I will allow you to do it.

Council Member Minnick: If a developer files bankruptcy, what assurance do we have that our taxpayers won't have to pick up that cost?

Auditor Costin: The question again, I think, or the answer to your question is similar to what it was before. There is potential there that we may have to at least temporally meet those debts, well, we'll be required to meet the debt service payments. Now, our security, and again this is

more of a legal question and I'll be glad to defer again to our bond counsel but my understanding is because out of curiosity I had the same exact question, what is the City's position and how can we, our interest is to secure it as great as we can.

Council Member Minnick: Right.

Auditor Costin: My understanding is that we would have a right against the property as we would with any other secure debt on property. In which case, if need be, in some point in time, we would acquire the property and resell the property to acquire our money back. But, in the interim, whatever period that be, there is a potential for us to have to come up with some additional monies to make good on those debt service payments and I'd like to defer through the chair, because again, I'm looking at it from a financial perspective and I think it would be appropriate to have the legal response as well.

President Brown: Mr. Larson can you answer that?

Mr. Larson: Yes. Again, Mr. Costin has it exactly right. The obligation of the property owner is secured by a lien on the property. The City would have full authority to foreclose on that lien if payments aren't made.

Council Member Minnick: Is that assuming that no liens are on the property? Because we're talking about a five year pay back and in the mean time construction loans could be taken out on the property. I'm going to assume that property could be used as collateral for those construction loans.

Mr. Larson: The lien of the assessment will relate back to tonight.

Council Member Minnick: Is there any provision for the developer to acquire like a post bonding just in case there's some financial problems?

Auditor Costin: Again Mrs. Minnick, I had the same inquiries to protect the position of the City and I did check with a number of sources and again I'll defer to our bond counsel. But, from what I can find out there isn't in existence that type of insurance at this time that I'm aware of.

Mr. Larson: I agree once again, completely. I know of no such insurance.

Council Member Minnick: Thank you.

President Brown: Thank you. Moving on to the Law Director's report, Mr. Zagrans.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you. Let begin by amplifying where we've left off in the discussion with the Auditor. There are number of myths that continue to swirl surrounding the legal issues of the sewer project. I emphasize they are myths. We have tried to address them in the past, let me see if I can put them to bed once and for all. First with respect to the question of whether the developer should be required to pay 100 percent of the cost of the sewer rather than only 75 percent or approximately 75 percent as they have agreed to do by means of self assessment. I have a legal answer to that and I have a practical answer to that. First the legal answer. It is a myth that developers in other circumstances at other times have paid more than the amounts by which their lands that they own have been benefitted by special assessment. It is illegal as I understand the law of the State of Ohio to do so. The property owners can only agree in a way that is legally enforceable. Because, if they agree to do more then this it is not legally

enforceable and it is subject to being opened up and unwound by action of subsequent title holders to the property. They cannot, legally and illegal enforceable way, assess themselves for more then the amount by which their properties will be benefitted by means of a special assessment. The engineer, and he are here with us tonight, Mr. Bishop, has done a series of detailed calculations on what those benefits would be and the developers have agreed and Mr. Bishop's calculations have enforced assessing them to the maximum extent that those calculations would allow them to be benefitted. There have been projects where developers have paid for 100 percent of the cost of constructing a sewer within their own subdivision or their own development, but not on the basis of sixty-five hundred acres in the entire western half of North Ridgeville. It simply cannot be done in a legally enforceable way beyond what Mr. Bishop's calculations have supported. My practical answer is, to call this the biggest tax payer rip off in the history of North Ridgeville is ridiculous and illogical. It is in fact the biggest taxpayer gift in the history of North Ridgeville. This is an eight and a half million dollar sewer project and it's going to happen one way or the other. Either we accept a six and a half million dollar gift from these landowners so that the taxpayers only pick up two million dollars plus, I say only, it's a lot of money, but it sure beats eight and a half million dollars by my arithmetic, or the gift goes away and the taxpayers can pay the whole thing. It's kind of like my getting a tv as a Christmas present from my wife and taking it back because she didn't get me a Rolex watch. That doesn't make any sense to me. This is a gift to the taxpayers and as long as it's done correctly it can be the biggest boom in the history of North Ridgeville. There is a second legal myth and that is a myth that was addressed in part by the colicky among Mrs. Minnick, Mr. Costin and Mr. Larson and that is what is the protection for the City? Again, I have two levels of answers, legal and practical. Legal you've heard already. The special assessments run with the land. That means they are liens on the properties that are assessed. That is the best kind of security that I know of under the law of the State of Ohio to protect the City now and for the next 25 years. There is no better legal protection of which either bond counsel or I am aware. Again, as a practical manner, what is the alternative? The alternative would be to fund the entire eight and a half million dollar sewer project as a general obligation of the City of North Ridgeville. That means not only to the taxpayers and ratepayers of the City of North Ridgeville foot the entire bill, but it also means that we lose the security of having the assessments that run with the land on 73 or 74 percent of that project. We would be unsecured in that event. That to me, again, is illogical to prefer that alternative to an alternative where we're getting 73 or 74 percent of the cost paid for and 73 or 74 percent of the cost collateralized by the land. My final legal point is on the need for the emergency. You've heard two important reasons. They have been discussed before, I apologize for repeating myself, but again there's a lot of myth about it that I hope to bury tonight. The first reason for the emergency is that the agreement from the landowners comes with a time table. This is not a gift to the City as I have been calling it that remains open in perpetuity, there is a landowners agreement that they have agreed to. It has a time table. The drop dead date for that time table is barely more then a month away. If we do not pass this by emergency tonight, they would have the right to cancel their agreement if they choose to do so and we would be in jeopardy of losing six and a half million dollars. I think that is worth your favorable

consideration as Members of Council and passage as an emergency. And the second reason is what you heard from the City Engineer about the need for an immediate improvement to the health, safety and welfare of the residents from the current existing septic systems, at best, that exist in the western half of the City. I will close my report with the following observation. The threat to recall Mayor Hill unless she acts in the way that the people of STAMP want her, is nothing short of blackmail. Despite all the protestations from the dozen or so people who are actively involved with STAMP that they're not against the sewer project, we now see their true colors and know that those prior statements are patently false and misleading. The battle over sewers in North Ridgeville has begun in earnest and will be fought tonight and in the future. Upon this battle depends the financial future and viability of the City, in my judgement. Upon it depends the quality of our life and the quality of the municipal institutions in the community. Now is the time for people of vision, integrity and moral courage to step forward and be counted. Say you've had enough, at long last, of bombast and blackmail. Say you've had enough of ten or 15 people trying to delay progress, paralyze City government and retard North Ridgeville's growth and development. This is not a backwater community. That's not what we are or what we deserve to be. We deserve to live in the twenty-first century, not the nineteenth. Thank you.

President Brown: Thank you Mr. Zagrans. Any questions of the Law Director's oral report?
Mrs. Minnick?

Council Member Minnick: Since Mr. Costin referred the question to you, can the City obtain notes or bonds while there's litigation pending on the PCD's?

Law Director Zagrans: Yes.

Council Member Minnick: I have a few more questions. Did you write the landowners agreement?

Law Director Zagrans: I don't represent the landowners Mrs. Minnick, I represent the City of North Ridgeville. So, no, of course I didn't.

Council Member Minnick: Did you have, you've reviewed it?

Law Director Zagrans: I have.

Council Member Minnick: And you know what's in it?

Law Director Zagrans: Yes.

Council Member Minnick: So I can ask you a few questions on it?

Law Director Zagrans: Sure.

Council Member Minnick: Okay. Can you please explain number six? Do you have your agreement with you?

Law Director Zagrans: No, I don't.

Council Member Minnick: Could you please explain number six, on page three, which says, the City has adopted the connection charge ordinance in a form attached hereto as Exhibit C, revising the charges imposed for connection to the City's sanitary sewer system to include an additional charge generally applicable for connections of properties that have not been assessed for a portion of the cost of the sanitary trunk sewer that will serve the property and thereby to provide a source of revenue to pay the City's portion of the cost of the improvement and other

proper costs of the system?

Law Director Zagrans: Sure. You may recall that Council voted to adopt a revised connection charge ordinance last summer. That revised connection charge ordinance was attached as an exhibit to the landowners agreement so that the landowners clearly knew and understood what the revised ordinance called for.

Council Member Minnick: Okay. Part of that was repealing the financial aid. So, with the legislation being introduced tonight reinstating that, doesn't this agreement need to be revised before passage?

Law Director Zagrans: Thank you Mr. Johnson. No, because your premise is a little wrong and your question makes an assumption that's very wrong. The premise that's a little wrong is that the revised connection charge ordinance that was adopted by Council last summer repealed the financial aid provisions of the existing legislation in total. It did not in fact do that. It did repeal inadvertently an important part of the financial aid package which was pointed out to us a couple of weeks ago and that is the reason why they bill was introduced or the proposed ordinance was introduced tonight, to restore that because that was an oversight and inadvertent. The fact of that oversight has been communicated with the property owners and they indicate that that's not a material change in their understanding or in their agreement and therefore the agreement stands as written.

Council Member Minnick: In number seven, page three, residents assessments for each resident affected by this paragraph shall be limited to a parcel of land within 100 feet. Who is paying for the 100 feet and who will pay for the remaining portion of the parcel?

Law Director Zagrans: Paragraph seven as you know refers to the ten single family residences along Race Road that happen to fall within 200 feet of the interceptor sewer line. That 200 feet distance is important because under EPA rules and regulations they would be required to tap into the interceptor sewer as oppose to having the discretion or the choice of whether to do so or not. The landowners have agreed, at the Mayor's insistence, that those people who would be required to tap into the interceptor sewer not be forced to pay for the cost of doing so themselves. So, the landowners have agreed to do that. The limitation that you point out to a 100 by 200 foot lot was merely the landowners attempt, I suspect, at limiting their liability for that so that it really would be for ten single family residences rather than for ten huge parcels of land that might be a greater cost than they were prepared to bare. My understanding is that all ten of the properties affected along Race Road fall within the 100 by 200 foot limitation and therefore are being paid for by the developers.

Safety-Service Director Johnson: I have a correction on that. All the homes, and one of them in general, has roughly seven acres that is being covered in total because it is zoned industrial and there is no way to decide between industrial and residential. The landowners have agreed at the last meeting to pay for his share also, which is ninety-four hundred dollars for the interceptor charge.

Law Director Zagrans: Thanks, I didn't know that.

Safety-Service Director Johnson: There's three commercial properties and two industrials that are being picked up even though they are residential and residents built on that land. They are

covering the total cost of the assessment.

Law Director Zagrans: So, what Mr. Johnson is saying is that even though this limitation exists in the agreement, the landowners have agreed to go beyond what they are contractually bound to do.

Council Member Minnick: What would be considered the City's breach of this agreement as discussed in number nine on page four?

Law Director Zagrans: Well, paragraph nine goes for most of the page, where are you referring to?

Council Member Minnick: Well, I want to know what is the City's breach of this agreement? What is considered the City's breach?

Law Director Zagrans: I am asking you, where are you looking?

Council Member Minnick: I read the whole paragraph and it says, I wonder, it refers to the City's breach of this agreement. What would be considered the City's breach?

Law Director Zagrans: That's what I'm asking you, where's the word breach?

Council Member Minnick: It's got to be here somewhere. I read these late last night and I was making notes. Here, in the third line down on number nine.

Law Director Zagrans: Oh, thank you. This says that in the event the improvement is not constructed for any reason other than the City's breach, then the landowners would indemnify the City for any out of pocket costs that are incurred in connection with this agreement. The City's breach would include something like if Council were to approve the sewer project tonight and to approve the issuance of bond anticipation notes in anticipation of bonds and the City didn't do it, didn't carry it through, that would be a breach.

Council Member Minnick: Would a decision by the courts forcing the City to put Meadow Lakes and Waterbury on the ballot be considered a breach of this agreement?

Law Director Zagrans: No, it would not.

Council Member Minnick: This agreement is based on the City adopting the PCD ordinance. If voters vote down Meadow Lakes and Waterbury, if the Court so say it goes to the vote of the people, what happens to this agreement?

Law Director Zagrans: Mrs. Minnick, the City did adopt the PCD ordinance. That ordinance has been on the books since September of 1999.

Council Member Minnick: So that would be two different issues?

Law Director Zagrans: That's right.

Council Member Minnick: Okay. If construction of the sewer begins no later than April 1st, as in number 16 page six, that is, if the voters don't approve the PCD's will they have to pay for the trunk line? Will the voters have to pay for the trunk line if the PCD's would get voted down in November?

Law Director Zagrans: Mrs. Minnick, to my understanding the PCD's are not on the ballot for November.

Council Member Minnick: Waterbury in November, that's because it's still in litigation and the Court hasn't made an agreement yet. I'm trying to weight all the implications of this because this is a lot of money for the City to be putting out and that if something happens, if the developers

back out, then are the taxpayers going to be liable for this? You know the City is moving on and the developers want to put the sewer in by April 1st, but the Courts haven't decided yet.

Law Director Zagrans: Mrs. Minnick, the landowners put not only their money where their mouths are, but they put their intentions where they have been speaking as well. They have not put in here a litigation contingency. They run a risk just as anyone else who is involved in litigation would run a risk. There is no litigation contingency set forth in this agreement.

Council Member Minnick: So in other words, if the sewers are going to go forward before April 1st, whether or not there's a decision made by the Courts, then is that putting, is that more or less blackmailing the citizens that they have to vote for the PCD's in November otherwise they're going to be stuck paying the cost of the sewers.

Law Director Zagrans: It is not blackmailing the citizens whatsoever. Again, there is nothing on the ballot for November. If there were to be something on the ballot for November, then the Citizens would have to weigh, just as they would have to weigh if this agreement never existed, whether or not they want to foot the cost of an eight and a half million dollar interceptor sewer that will form the backbone of the Center Ridge sewer line that the EPA is telling us we have to have. So they will, if they were to vote, it's my opinion, that they would vote to consider, gee do I want to spend eight and a half million dollars or two million dollars.

Council Member Minnick: Okay, I have read the February 9th letter and we both have different thoughts on whether the EPA is requiring the sewers, anyway. . .

Law Director Zagrans: Mrs. Minnick, wait a minute, excuse me for interrupting you, but there is no doubt about it. Based on the people who were at the meeting and the report of the people who were at the meeting, which includes our City Engineer and our hired consultant, there is no doubt about what the EPA's intention with respect to the City of North Ridgeville are.

Council Member Minnick: Actually, I read the attached notes and they were from 11/98. That's two and a half years ago and I didn't see it. But, I do have a few other questions. I don't want to get into a debate with you. If construction, page four last paragraph, why are we reimbursing the landowners for the engineering services, transaction costs and real estate transfer fees from these bond anticipation notes?

Law Director Zagrans: We're not.

Council Member Minnick: Upon the authorization and issuance of bond anticipation notes, the landowner shall be reimbursed for the cost of the engineering services, transaction costs and real estate transfer fees from said bond anticipation notes.

Law Director Zagrans: The engineering services, transaction costs and real estate transfer fees are part of the costs of the project. All of the costs of the project are being paid from the bond anticipation notes because the engineering services and these other costs needed to come up front instead of the City, going out of pocket in our general treasury or our general obligation accounts. The landowners agreed to front those costs and naturally they would be reimbursed from them as part of the cost of the project from the instruments that are going to pay those expenses which are the bond anticipation notes. But, this is a City project.

Council Member Minnick: I apologize for taking so much time but if we have meetings on this and haven't been given this at the last minutes, this all could have been discussed ahead of time

and I do have one last question. Actually, I have two questions. Will anyone on Otten Road be affected by the trunk sewer line?

Law Director Zagrans: Well, that's a question you'll have to ask Mr. Lovece.

Engineer Lovece: There's one property owner that's being assessed, Ron Granneman. But he signed the petition as a voluntary assessment. And realize Otten Road is in the service area for this sewer.

Council Member Minnick: Why did he sign up?

Safety-Service Director Johnson: I have the answer. When the water line went down Otten Road, he could have signed up for all his lots at a very low fee. Right now to sign up for those lots is twenty-seven hundred dollars. He could get it for three-fifty when the water line went down. He wants to guarantee his price at the cost of the interceptor, a thousand dollars and seventy-six, a thousand and seventy six dollars, not at what it will be five, ten fifteen years from now when the line goes down there. You can't assess him twice for the interceptor. He wants to pay his up front now.

Council Member Minnick: Did you tell the other landowners on Otten Road that they could do this?

Safety-Service Director Johnson: Mr. Granneman contacted me. We did not go out and solicit anyone to sign. Thank you.

Council Member Minnick: Well, everybody knows about it now so how do they go about putting their name on it.

Safety-Service Director Johnson: I would have to ask the Law Director or the Engineer. Is it possible that these people when the sewer goes in that they can lock in at today's current price of twelve hundred and seventy-two dollars and pay ahead of time for something that isn't coming, for the interceptor then when the lateral goes down?

Law Director Zagrans: I don't know the answer to that off the top of my head Jim. I'd have to see if that would be legal.

Council Member Minnick: So, all right. Who will pay to finish the collector road?

Law Director Zagrans: To finish the collector road?

Council Member Minnick: Yes.

Law Director Zagrans: The property owners who have agreed to spearhead this project for the assessment. The three main property owners have agreed to put in a two lane collector road from one end of the project to the other.

Council Member Minnick: Because it only shows, it doesn't show completion to Chestnut Ridge.

Law Director Zagrans: Well, Mr. Johnson has more of those detail, but what they have agreed to do as a legal matter is pay for the cost of a two lane collector road. The City would have the right at it's own expense, if it wished to do so some time later on, to widen that road to a four lane road. But, the cost of widening it would be the City's expense.

Council Member Minnick: But to finish putting it through to Chestnut will be the developers expense.

Law Director Zagrans: I don't know the answer to that.

Safety-Service Director Johnson: If you're talking to that, that's the developers that fell out at the last meeting. The reason our cost went up another million dollars is when Kingston Place was shut down. . . .

Council Member Minnick: No, no, no, no, no, I'm talking about the collector road. . .

Safety-Service Director Johnson: . . . the collector road. . . .

Council Member Minnick: . . . that's going from Meadow Lakes.

Council Member Gillock: Madame Chairman, I believe the Safety-Service Director has the floor.

Safety-Service Director Johnson: . . and you're talking down south. They will be done, the collector road will be built as the developers bring their phases and upon completion of their phases that road will be in. They won't build outside of their development. What you're talking about is from Forest City, through Sharpman, through Cohen's property down, that section is still open and they haven't been assessed so they are not part of the project now. They were last year, but they have yet to sign up.

Council Member Minnick: No, I'm talking about property for the road hasn't been completed yet and a collector road doesn't go through to Chestnut Ridge. So, who's going to pay for the property that the road will sit on?

Safety-Service Director Johnson: If they didn't want, if they don't develop their property, then if it does happen then the City would have to obtain the right-of-way and put the road in.

Council Member Minnick: The City will?

Safety-Service Director Johnson: They would to go on that far.

Council Member Minnick: So it's a collector road that goes no where at this point, unless the City pays for it?

Safety-Service Director Johnson: It would go from Forest City's property all the way to Case Road.

Council Member Minnick: But it doesn't go up to the freeway.

Safety-Service Director Johnson: Forest City's property does go to Chestnut Ridge so there actually would be a road through there to Chestnut and over to the freeway. So, it would be there, it just wouldn't be the road we would ideally like to have.

Council Member Minnick: Not the collector road. Thank you. That's all I have.

Law Director Zagrans: Again, these people are agreeing to pay the cost of the collector road for whatever percentage that it is, eighty percent, they're only paying eighty percent. It seems to me that if the City is going to have a collector road there, I would rather pay 20 percent of the cost for a collector road personally, then I would want pay 100 percent of the cost and I would think that the taxpayers who are thinking rationally about their pocketbooks, would feel the same way.

Council Member Minnick: Excuse me Mr. Zagrans, we were told that there would be a collector road that would help move the traffic that was created by these developments.

Law Director Zagrans: Yes ma'am and the efforts of your self and others who oppose the PCD's resulted in the lost of that 20 percent of the collector road as a direct result of that opposition, I'm sorry to say.

Council Member Minnick: I can't believe that. Thank you.

President Brown: Moving on to other reports.

OTHER REPORTS

Please Note:

Fire Department Report for January 2001

Water Distribution Report for January 2001

Police Department Support Car Report for January 2001

I would like to have a report from the Parks & Recreation Commission Liaison please.

Parks & Recreation Commission Liaison Report:

Council Member Overby: All I have this evening is to say again that this sewer project is important to Shady Drive Parks so we can get rid of the plastic out houses and get the sewers in there and have a concession stand that we can put young people to work and make some funds to offset the cost of the program. Thank you.

President Brown: Thank you Mr. Overby. Any questions of Mr. Overby? Moving on to the Planning Commission Liaison report.

Planning Commission Liaison Report

Council Member Gillock: Madame President, shortly after the Senior Citizens Report we will be going through the Planning Commission report so I would like to defer specifics until then.

President Brown: Okay, thank you. There is no report for the Senior Citizens Advisory Board so we can move right on to your Planning Commission.

Planning Commission Report for February 13, 2001 Special Meeting:

Council Member Gillock: Okay, at the Planning Commission meeting February 13th, there was a lot of items to go over so, will take these one by one. The first applicant was Divine Tower. This was a request to install new panel antennas on an existing tower at the east end of Center Ridge Road. The Planning Commission approved contingent upon compliance with the official requirements and some type of buffering and I would make a motion to approve that.

motion by Gillock to approve, 2nd by Overby

President Brown: Is there any discussion? Roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Council Member Gillock: The second item was a request from the Safety-Service Director in regards to the Special Development District application. Planning recommended that this be approved and upon approval by Council of the Planning Commission's actions I would request that this be referred to Buildings & Lands and I would make a motion to approve.

motion by Gillock to approve, 2nd by Overby

President Brown: I will REFER IT TO BUILDINGS & LANDS. Is there any discussion?

Council Member Minnick: Is this on the approval for, on the acceptance of the Planning Commission report or to put it in Buildings & Lands.

Council Member Gillock: This is to approve the Planning Commission's actions.

Council Member Minnick: Madame President, I would like to make one comment. Once again, for whatever reason, we didn't get all the complete information on this zoning change for special developments and I have one page of it. I have no idea how many pages of it there are. It's impossible to make an intelligent decision tonight.

Council Member Gillock: Madame President, all we're doing is approving the actions of the Planning Commission and that's why it's being referred to Buildings & Lands so it can be beat up and lashed out in detail.

President Brown: I was just going to say that, its GOING TO BUILDINGS & LANDS. I am REFERRING IT TO BUILDINGS & LANDS and we will have a report from them at a latter time.

Council Member Gillock: We have a motion on the floor for approving Planning's action.

President Brown: Yes, right. You have to take a roll Mr. White.

Council Member Gillock: We don't have a second, do we?

Council Clerk White: Yes we do. Overby seconded. Want a vote?

President Brown: Yep.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two.

Council Member Gillock: The third item that was discussed was an application by Marconi Communications which the Mayor discussed and was in today's newspaper. Marconi Communications is located on Taylor Parkway. They are expanding rapidly and while they build onto their building they've asked for a temporary trailers for 300 to 350 potential new employees. The application was approved for a maximum period of 24 months. I would make motion to approve.

motion by Gillock to approve, 2nd by Overby

President Brown: Discussion? Seeing none, take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Council Member Gillock: The next application was from Coldwell Banker Hunter Realty, the recommendation to extend City sanitary sewers on Main Street. The application was approved contingent upon the sewer line being extended from the northern end of an existing sewer line all the way to another line at the corner of May and Main upon the request of the Engineer so we do have a loop down there and this is, I make a motion to approve.

motion by Gillock to approve, 2nd by Overby

President Brown: Discussion.

Council Member Butkowski: Madame President? Who will pay for this? Has this been petitioned by the property owners or who's going to pay for this?

Council Member Gillock: Madame President, this is a developer putting in a line to serve homes he's going to build. It's not going by anybody there now. Everyone there now has sewers to my understanding.

Council Member Butkowski: So does that mean that the developers are paying for that?

Council Member Gillock: Yes, it's his own development.

Council Member Butkowski: Okay, I just was wondering.

Council Member Gillock: Yes.

President Brown: Any other discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Council Member Gillock: The next applicant was Forest City Land Group. This is for preliminary plan approval for Shawville subdivision. I made some comments at the Planning Commission, I was asked to review them again here. This is an application for a new development located on what was Phase I of Kingston Place. The same 80 acres. This is an R-1 development filed under the cluster subdivision. I was asked to point out the differences between the R-1 and the PCD that was previously under consideration. According to the Mayor's comments attached to the report, this R-1 development will have 3,000 more feet of pavement that the City will be required to maintain and plow as well as 3,000 more feet of piping, fire hydrants and so forth to maintain. In the R-1 there will be six homes facing Case Road and under the PCD there weren't any homes facing Case Road. Under the R-1 there will be 59 homes facing the main through street and with the PCD there were no homes facing that main through street. The right-of-way in this development will be 60 feet and in the PCD it was 100 feet allowing for growth. There's no bike path. There's no community center. This development has 24 percent open space where the PCD had 30. This development does have 65 less homes in it which results in approximately sixty-two thousand dollars less income to the City each year. The frontage on these houses will average 85 feet compared to 70 in the PCD. The only approval required for this development is the approval that we have here tonight which is the approval of Planning Commission's actions. There are no pre and final phase votes by Council or Public Hearings required. There will be no through street from Stoney to Case. There will be no turn signal or turn lane at Center Ridge Road. There will be no paving of 800 feet of Case Road and there will be no allowance for an extension of Mills Road through that property and lastly the only entrance to this development is one single entrance off of Case Road which we asked about providing some type of temporary road through to Barres or Stoney because of Fire protection and Police patrols and we were informed that was impossible so, I don't see why anybody would want this R-1 over the PCD, but that's the differences. So, I recommend, and there is no option basically of the Planning Commission's action. The development meets our ordinances. They're not asking for any variances. So, there's no reason to decline it. So I'll make the motion that this be approved contingent upon compliance with the

Engineer's requirements.

motion by Gillock that this be approved contingent upon compliance with the Engineer's requirements

President Brown: Second Mr. Overby
2nd by Overby

President Brown: Is there any discussion?

Council Member Borocz: Madame President, Mr. Gillock I understand and I read all the concerns that were listed in the packet, the only thing that I have, is there anything we can do to the developer regarding the naming of the development?

Council Member Gillock: That was brought up and Mrs. Sullivan brought it up. Shawville was a name used in North Ridgeville at a different area around Root Road and the railroad track, I believe.

President Brown: Yes.

Council Member Gillock: Or at 83, excuse me, and the railroad track and I think that is something we should look into and discuss with the developer to see if we might come up with a different name.

Council Member Borocz: Maybe we can kind of like take it along the historical aspects, Buescher's Hardware, all those, the town hall and we're trying to turn that into the town center, maybe we can look at it from that aspect. That's all.

Council Member Minnick: I'm going to assume that sidewalks will be required on this?

Council Member Gillock: I would assume so, yes.

Council Member Minnick: Also there's the master plan and the major thoroughfare plan that called for the extension of Mills Road to Case Road. Actually Kingston did not do that, it was jogged in and there were concerns about that, so, is there nothing the City can do to encourage extending Mills Road to Case Road?

Council Member Gillock: We can ask and we can encourage but, the Master Plan is not law, it's a plan, it's a guide until a better idea comes along but, you cannot force a developer, unless you pass some kind of ordinance to comply with the design of the Master Plan.

Council Member Minnick: Even the major thoroughfare plan?

Council Member Gillock: Even the major thoroughfare plan. To my knowledge there is not in existence an official major thoroughfare plan.

Council Member Minnick: There is, I have it at home, otherwise I'd show it to you.

Council Member Gillock: There was one put out by the County over 20 years ago which is not official thoroughfare plan.

President Brown: Yes, Mayor?

Mayor Hill: Mr. Gillock is absolutely correct Madame President. There is no official thoroughfare plan. The only official thoroughfare plan was one done by the County and we've talked about this a number of times.

President Brown: Yes we have.

Mayor Hill: Over 30 years ago. They're currently in the process of revising that plan for the County. Thank you.

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

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries six, one.

Council Member Gillock: The next application was from S&S Properties, doing business as Stone River Homes. The application was a request to build a 25,000 square foot industrial building on, it says Butternut Ridge Road, but I think we had a discussion and the legal name is Lorain Road, however it's in an I-2 area. The buildings in entirely in I-2 although their future plans include an R-1. The application was approved contingent upon compliance with the Engineer's requirements by Planning. I had made inquires to the administration about the possibility of a trade with industrial property and I don't, that's an option, that's not a requirement. In addition, most of us on Council today received an e-mail from one of the property owners in the area indicating at one time there were greenhouses on that land and when those greenhouses were torn down there may have been some asbestos and other toxic substances involved and he had talked to the Ohio EPA who was to look into the matter, to investigate it a little further. In light of that I would like to make the recommendation that we postpone, that we return this to Planning for further investigation to see if this is correct and if there's a problem there.

motion by Gillock that this be returned to Planning for further investigation, 2nd by Borocz

President Brown: Any discussion regarding that?

Council Member Borocz: In light of what Mr. Gillock said, excuse me Madame President, I also read the e-mails and deemed that it's in ward three I would like to take the opportunity in lieu of it being postponed to meet with the homeowners and to get their input so that I can bring it forth to the committee.

President Brown: Please take roll.

Council Member Minnick: Madame President, I have one more remark I would like to make. I understand that this has been I-2 property, since the zoning map was in existence since 1966, but it does say too, that there's R-1, I would also like to encourage Planning Commission to see the feasibility of putting an attractive brick wall such as Avon Commons has if that might appease the residents in the area. I think that would be really nice if this project does go forward.

Council Member Borocz: Madame President, I do know that the aesthetic is one of their major concerns and when I have the opportunity to meet with the homeowners I'll get all the information and all their requests and bring them forth to the committee.

President Brown: Good idea.

Council Member Butkowski: Madame President?

President Brown: Yes Mrs. Butkowski?

Council Member Butkowski: I also notice in the report from one of the City, I'm not sure which department it was, that entire parcel is not zoned industrial. Part of it is R-1 and I would think if they're going to go forward and build anything industrial, the whole plot should be industrial so that we don't have any problems in the future if they want an expansion because it's abutting

residential property also.

President Brown: I'm sure that will be taken into consideration when you meet with the people, Mrs. Borocz.

Council Member Borocz: Exactly.

President Brown: Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to return back to Planning.

Planning Commission Report for February 14, 2001 Special Meeting:

Council Member Gillock: Planning had a special meeting on February 14th of 2001 for consideration of final approval of the Westerly Sewer Project and the City's portion of the cost of that project. The application was approved unanimously for final approval of the Westerly Sewer Project and the City's cost portion of the project and that the approval be recommended to City Council. I would make a motion to approve Planning's recommendation

motion by Gillock to approve Planning's recommendation

President Brown: Second Mr. Overby.

2nd by Overby

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

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two.

President Brown: Going in to old business, T 156-2000.

OLD BUSINESS

T 156-2000 AN ORDINANCE APPROVING FINAL PLAN OF DEVELOPMENT AREA,
3650-2001 INCLUDING ACCEPTING THE PLAT OF MEADOW LAKES PCD PHASE I
FOR FINAL APPROVAL AND FOR RECORDING PURPOSES.

motion by Overby to adopt, 2nd by Swindig

President Brown: Discussion?

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to add the emergency being that this is an intraarterial part of this sewer project that we have coming, for the health, welfare and safety of the residents

President Brown: You second that Mr. Gillock?

Council Member Gillock: Yes.

2nd by Gillock

President Brown: Now, is there discussion?

Council Member Minnick: Yes. This is not on the emergency. This is the litigation itself. We still haven't heard from the Courts and I don't believe we should approve this until we hear from the Courts. Thank you.

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

Council Clerk White: On the emergency.

President Brown: Yep.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two on the emergency. For the adoption.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two. T 156-2000 becomes Ordinance 3650-2001 with the emergency.

Permanent Ordinance No, 3650-2001

Council Clerk White: That's all the old business that I have. New business.

President Brown: Okay, new business.

NEW BUSINESS

Council Clerk White:

Received a Petition from Faye Adkinson requesting to vacate approximately 340.80 feet of Breck Court, formerly known as East Street.

Council Clerk White: You should refer that to Buildings & Lands.

President Brown: Yes, I will REFER THAT TO BUILDINGS & LANDS please.

Council Clerk White: And Planning.

Received an Application for Placement of Farmland in an Agricultural District from Joseph J. and Shirley A. McCaskey for 72 acres located at 5515 Stoney Ridge Road

Council Clerk White: Would you refer that to Buildings & Lands.

President Brown: Yes, REFER, Mr. Overby, TO BUILDINGS & LANDS please.

Council Clerk White:

T 24-2001 An ordinance establishing the Satellite Sewer Discharge Control Program (SSDCP) mandated by the Environmental Protection Agency (EPA) by the discharge permit issued to the French Creek Regional Wastewater Treatment Works by the Ohio EPA.

Council Member Gillock: Madame President?

President Brown: Yes?

Council Member Gillock: Can we have this referred to Utilities?

President Brown: Yes.

(REFERRED TO UTILITIES COMMITTEE)

Council Clerk White:

T 25-2001 An ordinance combining, amending, and reinstating Ordinance 3091-95 and Ordinance 3453-99, both of which provided no-interest loans to users of the City's sanitary sewer lines and who tap into the City's sewer system.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to suspend By-Laws to give this a first reading tonight

President Brown: Second Mr. Gillock. Did you get that Mr. White?

2nd by Gillock.

Council Clerk White: Yes.

President Brown: Any discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 25-2001 to have first reading tonight.

T 26-2001 An ordinance replacing Ordinance 3486-99 and Ordinance 3499-99 and withdrawing the requirement of flow monitoring meters for new tap-ins to the French Creek Interceptor.

T 27-2001 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to enter into a contract with the Fraternal Order of Police/Ohio Labor Council, covering all full-time Patrolman.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

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

President Brown: Any discussion? Roll please, Mr. White.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 27-2001 to receive first reading tonight.

T 28-2001 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to enter into a contract with the Fraternal Order of Police/Ohio Labor Council, covering all Sergeants, Lieutenants, and Captains.

Council Member Swindig: Madame Chairman?

motion by Swindig to suspend By-Laws to give this a first reading tonight

President Brown: Is there a second?

2nd by Borocz

President Brown: Discussion? Seeing none, please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 28-2001 to receive first reading tonight.

T 29-2001 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to enter into a contract with the Fraternal Order of Police/Ohio Labor Council, covering all non-sworn employees of the North Ridgeville Police Department.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

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

President Brown: Discussion? Take roll please.

Yes, 6 No, 0 Abstain, 1 (Gillock)

Council Clerk White: Motion carries six, zero, one. T 29-2001 will have first reading tonight. That's all the new business that I have.

President Brown: Correspondence.

CORRESPONDENCE

Council Clerk White: I have one piece of correspondence.

1) Received a memo from Utilities Supervisor Jim Whitlock submitting the February 2001 water rate increase calculations and rates.

President Brown: Thank you. We'll have lobby at this time. I will allow you two minutes to speak. There is a form in the back that you must fill out and leave on the podium.

LOBBY

Thank you Madame President.

President Brown: Who are you?

Council Clerk White: Name.

President Brown: Name?

1) Bob Olesen of 6053 Field Stone spoke about the sanitary sewer plan that would clean up and develop our City's western border while protecting the health and safety of our residents. Spoke in favor of the project and referred to Mr. Lovece's comments in regard to health hazards. Spoke about the cost of the project increasing due to the Kingston Place project failing thanks to the STAMP referendum. Thanked the Mayor tonight.

President Brown: Thank you Mr. Olesen.

2) Frank Dettore, 37000 Center Ridge Road thanked everyone for the time and effort put into the sanitary sewer project. Spoke about STAMP's innuendoes and lies to scare the people. Spoke about the people on the west side paying tax bills and not getting the benefit from the treatment plant. Stated that this sewer will be a giant step for Ridgeville or, if it doesn't go, it's going to be a monopoly for him.

3) Rosemary Berg of 37953 Center Ridge Road, asked when Center Ridge was added to this plan. The plan from January 18, 2001 did not show it. Commented on a letter sent from the Law Director to the residents on Race Road stating that all residents within 200 feet of the trunk sewer will be required into the sewer. Noted ORC Section 6117.51 and Administrative Code 3701.22 under m. Stated that her as a resident must tap into the sewer. Who will pay the cost for connection to the sewer and removal of septic systems for the residents on Center Ridge? Stated

that to her knowledge the EPA has not mandated these sewers. If they have, requested to see the mandate in writing. Spoke about the lack of consideration given to residents by Council. Spoke about her past practice with lobby as a Council Member.

4) Arnold DeJong of 35215 Lorain Road representing neighbors for the business that's going in there possibly. Spoke concerns about clean ups, looks and concerns, and that this is in opposition to the master plan of the City. Submitted petitions for Council's review.

President Brown: Thank you Mr. DeJong. Is there anyone else wishing to speak. If there is any more applause, I will stop the lobby session.

5) Dave Glacken of 6442 Rosebelle Avenue stated that he was before Council in November of 98 and presented facts and figures about the money spent by the residents on NFPI, National Flood Insurance Program which the City belongs to but doesn't pay into. Asked why the City belongs to a program that its residents pay more into in four months then they get back in 24 years. Stated that the City receives grants for belonging. Spoke about the status of the flood map change. Urged residents who lie in a flood zone to apply for reduction in property taxes to the Board of revision.

President Brown: Thank you. Anyone else wishing to speak?

6) Joseph Antush of 38500 Otten Road stated that he knows approximately what it will cost him for a sewer for his house. What should be made known is how much per house in the new developments it is going to cost. How much is Beckett paying? The formula should be made available. Spoke about total costs of sewer hookups. Stated that the twenty seven hundred dollar sewer fee should be made available to everyone.

7) Nancy Buescher of 36669 Center Ridge Road spoke her objections to Council's passage of legislation without serious study and research. Stated that one piece of legislation depends on the passage of the 40 percent income tax increase to be placed on the May ballot but has nothing to do with the proposed community center itself. Stated that it's City Council's job to protect taxpayers and to approve legislation that prevents litigation.

8) Gerald W. Phillips of 35955 Detroit Road, Avon stated that the residents and citizens of North Ridgeville are not opposed to sewers or PCD's. They are opposed to bad legislation. They are opposed to bad agreements and deals. Spoke about costs of the westerly sanitary sewer project and the anticipation notes. Stated that the agreement needs to be modified and changed to address concerns.

9) Jim Boddy with the Lorain County Health Department elaborated on his staff, who is in charge of responding to nuisance complaints and failed systems. The elevated fecal coliform

levels in the Ridgeway ditch demonstrate that it is occurring in North Ridgeville as well as across the County. Spoke about sewage laden waters and the onset of the West Nile virus exposed in New York with seven fatalities. By October of last year that disease has moved its way across New York by migrating birds. That virus is 40 miles from the border. Health officials across the state of Ohio are expecting a full blown onset of West Nile virus within the bird population this summer. If it doesn't hit us this summer, it will hit us next summer. Explained the primary factor of the mosquito as a carrier. Asked that Council support the passage of the sanitary sewer project.

President Brown: Your time is up unless they want to extend it. Thank you. Anyone else wishing to speak?

10) Dennis Tenney of 33828 David Drive and currently the President of the North Ridgeville City Baseball Boosters spoke about past improvements bringing the complex closer to becoming a top rate facility. The most important improvement the City can implement within the complex is becoming a reality with the installation of a sanitary sewer system. Spoke about the septic system project put on hold by administrators in hopes of the sanitary sewer. Noted that the current sanitation is met by renting port-a-poties. Stated that the boosters has paid out nine thousand seventy one dollars in the last six years not including the amount of money the City has paid.

11) Dennis Boose of 6405 Denise Drove spoke in favor of the westerly sanitary sewer project. Stated that we need to get things cleaned up. Stated that another year has gone by and the Shady Drive complex is still without sanitary septic or sewer system. Spoke about the boosters expense so our City park could have port-a-poties. Stated that the boosters cannot make money like they have in the past because we do not have a septic system. Urged Council's support of the westerly sewer project.

12) Jim DuFala of 36269 Hedgerow Park Drive stated that he had questions of the sewer project and went to the horse's mouth, the Director of the EPA, for his opinion.

President Brown: Sir, you have to talk to Council and not to the people.

Jim DuFala stated that he asked him about statements that were made at a Council meeting that an emergency exists. Stated that Charles Allen totally disagreed with that statement. Stated that he would like to eliminate existing and potential hazards.

President Brown: Your time is up Mr. Dufala.

motion by Minnick to suspend the By-Law to listen to what Mr. DuFala has to say, 2nd by Gillock

Mr. DuFala: So. . .

President Brown: We've got to vote. Take a roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero, you may continue.

Mr. DuFala read a paragraph from a letter from the EPA given to the City on February 9th. Stated that the sewer program is an excellent program and would like to see it put in. Spoke his concerns that the EPA Director was not in agreement with the statements that were made by Mayor Hill and Law Director Zagrans. Stated that if there were better communications to the public, they would be more agreeable to what is happening.

13) Linda Dunham of 33302 Bagley Road thanked the Mayor and Engineer for the sewers that they have on Bagley Road. Stated that when the Health Department found hers' and neighbors septic systems in violation the City did come to their aid. Stated that Mrs. Minnick encouraged her and neighbors that they could fight this along with Mr. Cornish. Stated that Mrs. Minnick has lapses of memory.

Council Member Minnick: Mrs. Brown isn't there something in the rules.

President Brown: Yes, you cannot attack someone like that Mrs. Dunham.

Mrs. Dunham: I'm sorry. She just wanted people to understand that sometimes Mrs. Minnick doesn't always help.

President Brown: That's fine. Thank you Mrs. Dunham.

14) Robert Weisert of 5973 Eastview Avenue spoke about his involvement with the City baseball league at the Shady Drive Complex. Noted that children use the restroom facilities there and can't even wash their hands.

President Brown: Thank you Mr. Weisert.

15) Josephine Perryman of 38565 Sugar Ridge Road spoke about Mr. Gillock's response on encouraging PCD's. Spoke about the traffic congestion these extra houses will bring. Commented on the ordinance dealing with the 40 percent tax rate. Spoke about Section 880.01 relating to payment of general obligation. The heading on the ballot says nothing of that regard. It talks about a senior center and a rec center. Very misleading.

President Brown: Wait, one minute. They have an opportunity, one minute to answer.

Auditor Costin: Through the Chair, Madame Chairman, so I could respond to that.

President Brown: Yes you may.

Auditor Costin: We currently have an income tax ordinance on our books and we collect one percent. The vote of the people is to increase our income taxes to 1.4 percent. The .4 percent going to the recreational facility, that's intended, in order to do that we need to also amend our income tax ordinance and that's why the income tax ordinance has that collective language. It

actually duplicates what already exists for the one percent and now will add the four tenths percent to that and what's going to the vote of the people is whether or not that new income tax. But, the additional four tenths percent will be segregated into a separate fund used only for the purpose of the rec center, senior center and recreational facilities. That's the reason for the language, not to mislead the taxpayer, but we need to change that ordinance to allow us to collect that tax as well. Thank you.

President Brown: Thank you Mr. Costin for explaining that.

16) Jerry Canterbury of 325554 Northwood Court, stated that as a realtor, they do have a difficult time selling homes on the west side of town due to septic tanks. Explained process of inspection before a loan is approved. Because of failures, many home sales and property sales have not gone through. Money was lost, plans have changed, second mortgages taken or retirement postponed. Stated that if he understands the agreement Council is considering, it's a solution, it's a bargain and tremendous benefit to the City.

President Brown: Your time is up.

motion by Swindig to suspend the By-Laws to let him finish

President Brown: Is there a second?

Council Clerk White: Who second, please?

President Brown: David Gillock.

2nd by Gillock

Council Clerk White: Thank you.

Mr. Canterbury: If I understand. . .

President Brown: Wait, we have to take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. You may continue Jerry.

Jerry Canterbury stated that we could get rid of the eyesore of what use to be McDonalds and that whole complex. Spoke on the cost of the project. Spoke about the increase of value on existing homes. Urged Council to pass this.

President Brown: Thank you. Anyone else wishing to speak?

17) Marian Gardner Stafford of 7174 Fairacres talked about T 7-2001. Spoke about park development and the establishment of parks in each of the City's quadrants, Frontier Park, the Soccer Complex and the Metro Parks. Spoke about acquiring South Central Park and the 18 acres guarded from commercial development for a new recreation center.

President Brown: Your time is up.

motion by Swindig to suspend By-Laws to let Mrs. Gardner finish 2nd by

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. You may continue ma'am.

Mrs. Gardner-Stafford stated that we have the opportunity to complete the final phase of the master plan while interest rates are at its optimum for construction costs. Spoke about her caution, as a Council Member, to use the emergency, but this is not a new project.

President Brown: Thank you Mrs. Stafford. Anyone else wishing to speak? Please come forward.

18) Jeff Madisen of 6610 Nicoll Drive spoke about the passage of sewer legislation with the emergency. It would take away the citizens right to referendum or vote on this resolution if we disagree with it. Spoke about his concerns in regards to the financial risk with this legislation if developments fail to build. Stated that he's not against westerly sewers. Stated that this legislation is not fair to citizens. Would like to see sewer legislation that puts the risk on the developers, not the City.

19) Chris Crobaugh of Otten Road asked, if sewers are such a boom for development, what happened to the corner of Lear Road and Lorain? Commented on Mr. Boddy's comments. Spoke about information made that the EPA was going to mandate sewers that's not true. Stated that Council acts as clones if not . . . (inaudible).

President Brown: Excuse me Mr. Crobaugh.

Council Member Swindig: Point of order.

President Brown: You'll have to cease and desist. Please be seated Mr. Crobaugh.

Council Member Minnick: Why didn't you do that to Mrs. Dunham. Let Mr. Crobaugh continue.

President Brown: Mr. Crobaugh, please be seated.

Mr. Crobaugh: How about if the Council people at these meetings. . .

President Brown: Mr. Crobaugh, I will ask you one more time to take your seat.

Mr. Crobaugh: I don't get the same consideration Mrs. Dunham did?

President Brown: I'm sorry I didn't call her sooner, I should of, I didn't. Anyone else wishing to speak.

20) Gerald W. Phillips of 35955 Detroit Road, Avon spoke about his representation of a number of citizens' group and dealings with governmental agencies. Stated that he's never seen such an outright blatant assault on first amendment rights, freedom of speech and the right to petition your government. Spoke about sanctions on those who criticize powers to be. Spoke about abuse of power by the majority of Council . . .

Mayor Hill: Point of order.

Mr. Phillips: . . . as controlled by the Mayor.

President Brown: Mr. Phillips you will cease.

Mr. Phillips: . . .

President Brown: Mr. Phillips, you will cease and desist please.

Mr. Phillips: Stated it's time to make the Mayor accountable. . .

President Brown: Mr. Phillips.

Mr. Phillips: and responsible. . . .

President Brown: Mr. Phillips you are out of order. Go sit down.

Mr. Phillips: . . .recall petitions. . .this is violating . . .

President Brown: That's okay, sit down, there are people who want to see this.

Mr. Phillips: You cannot criticize the Mayor, you cannot criticize you.

President Brown: That's right. That's what the rules say.

Mr. Phillips: You have more freedom (inaudible).

President Brown: Just a minute Mr. Boddy, Bob Schmitt would like to speak, he's been wanting to speak. Come on up Mr. Schmitt.

21) Bob Schmitt of 8501 Woodbridge Court spoke about STAMPS allocations aimed at discrediting the proposed developments, developers and City officials. If they're not challenged, we could drift into paralysis of economical and vitality future. Spoke of importance of good school systems and objective and sound policies of the City government to attract good developers who invest millions of dollars, who and have as much concern for the City's future as they have for their project. Stated that Ridgefield is a PCD. Spoke about revenues it provides the City and schools.

President Brown: Your time is up Mr. Schmitt.

motion by Gillock to allow him to continue, 2nd by Swindig

President Brown: Take roll please.

Yes, 6 No, 1 (Minnick)

President Brown: You may continue Mr. Schmitt.

Mr. Schmitt: Stated that the surplus in taxes from Ridgefield is enough to educate an additional 116 children per year. Spoke about the school population. Stated that with all his development the school population went down. Spoke about years of public participation and public participation opportunities on the master plan which suggested PCD regulations. Stated there needs to be a public outcry to stop continuing efforts to discredit elected officials and developers and every activity and decision made. This is giving the City a bad name and can destroy opportunities.

President Brown: Anyone else wishing to speak?

22) Jim Boddy . . .

President Brown: Mr. Schmidt, please take your seat.

Jim Boddy stated that his name was mentioned by Mr. DuFala and wanted to say that he was misquoted. Stated that he put words in his mouth, he was misquoted and doesn't appreciate that.

President Brown: He's not here, I believe he left.

Council Member Gillock: No, he's here.

Mr. Crobaugh (inaudible).

Council Member Gillock: Point of order, Mr. Crobaugh does not have the floor.

President Brown: Mr. Crobaugh. Anyone else wishing to speak? Okay, lobby is over with, we will have...

Resident (inaudible)

President Brown: Oh, I'm sorry, that's why I said, does anyone else want to speak.

23) Dennis Boose of 6405 Denise Drive stated as a citizen and member of the Parks & Rec Commission he whole heartedly is in favor of the new community center and senior center. He is opposed to the way in which it will be funded as an income tax and not property tax. Commented on those residents who work outside the City versus inside the City.

President Brown: Your times up Mr. Boose.

Mr. Boose asked if that was two minutes?

President Brown: That was two minutes. Thank you. Anyone else wishing to speak? Mrs. Miles.

24) Maryann Miles of 34582 Lorain Road stated that if you're going to call point of order, start slinging your gavel. Stated that she's ashamed of what went on tonight. The camera was blocked so people can't see.

President Brown: We will now break, you're coming up?

25) John Prajzner of 35140 Mildred Street spoke about an effort to circulate a recall petition for the Mayor and recited reasons for the petition.

President Brown: Point of order. You are attacking the Mayor again and I think that is unnecessary.

Mr. Prajzner: Thank you.

President Brown: Yes, thank you. Does anyone else have anything nice to say about us?

26) Nancy Buescher of 36669 Center Ridge stated that she's heard Mr. Schmidt spoke of how wonderful Strongsville is and read in the newspaper that their new shopping center is not bringing in the expected revenue and the schools are not going to get the money they were

promised by this development. Sometimes development isn't as wonderful as you think it is.

President Brown: Recess.

Council Member Gillock: Madame President?

President Brown: Yes?

Council Member Gillock: I would just like to point out to Mrs. Berg when she talked about the lines going down Center Ridge, there was two maps floating around and I don't want to say the Press & Light was wrong, but the map they got was wrong. The map that was in Council Chambers also showed a line going down Center Ridge. I believe that was one of the Engineer's working copies. The westerly sewer, under discussion that we're talking about tonight, is only the truck line. It is not any of the laterals or lines that would go down Center Ridge east or west and future phases. That would be addressed at a later date. I just wanted to clarify that.

Law Director Zagrans: Madame President?

President Brown: Yes?

Law Director Zagrans: Like I did last Council meeting, if there's anyone who has any questions, factual or legal or financial about the sewer that haven't already been answered to your satisfaction, I would be glad to devote my recess to try and answer them.

President Brown: We will reconvene five to ten.

RECESS from 9:47 P.M. to 9:55 P.M.

motion by Swindig to extend the meeting past 10:00 P.M., 2nd by Overby

President Brown: Did everyone hear that on Council?

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to extend the meeting.

President Brown: Going on to first readings.

FIRST READINGS

Council Clerk White: First reading.

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

First Reading

President Brown: That constitutes first reading.

Council Clerk White:

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

First Reading

Council Clerk White: First reading.

President Brown: First reading.

Council Clerk White:

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

First Reading

President Brown: That constitutes a first reading.

Council Clerk White:

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

First Reading

President Brown: That constitutes first reading.

Council Clerk White:

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

First Reading

President Brown: That constitutes first reading.

Council Clerk White:

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

First Reading

President Brown: That constitutes first reading.

Council Clerk White:

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

First Reading

President Brown: That constitutes first reading.

Council Clerk White:

T 25-2001 AN ORDINANCE COMBINING, AMENDING, AND REINSTATING
3651-2001 ORDINANCE 3091-95 AND ORDINANCE 3453-99, BOTH OF WHICH
 PROVIDED NO-INTEREST LOANS TO USERS OF THE CITY'S SANITARY
 SEWER LINES AND WHO TAP INTO THE CITY'S SEWER SYSTEM.

First Reading

President Brown: That constitutes a first reading.
 motion by Mayor to suspend second and third, 2nd by Swindig

President Brown: Discussion? Roll please.
 Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings
 motion by Swindig to adopt, 2nd by Overby
 motion by Swindig to add the emergency due to where we omitted it by a clerical
 error, to correct the mistake

President Brown: Discussion?

Council Clerk White: You need a second.

President Brown: Second by Overby
 2nd by Overby

President Brown: Any discussion regarding? Take roll please.

Council Clerk White: On the emergency.

President Brown: On the emergency.
 Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. On the adoption.
 Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 25-2001 becomes Ordinance 3651 with
emergency. 3651-2001
 Permanent Ordinance No. 3651-2001

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

First Reading

President Brown: That constitutes a first reading.

Council Clerk White:

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

First Reading

President Brown: Constitutes a first reading.

Council Clerk White:

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

First Reading

President Brown: Constitutes first reading.

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

President Brown: Going on to second readings please.

SECOND READINGS

T 4-2001 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 0.6061 ACRES SITUATED OFF CENTER RIDGE ROAD BETWEEN PITTS BOULEVARD AND LEAR NAGLE (AS SHOWN BY LEGAL DESCRIPTION BELOW), FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT.

Second Reading

President Brown: That constitutes second reading.

Council Clerk White:

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

Second Reading

President Brown: That constitutes second reading.

Council Clerk White:

T 7-2001 AN ORDINANCE AMENDING SECTIONS 880.01, 880.03, 880.04, 880.06,
Postponed 880.14 AND 880.15 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, IN ORDER TO INCREASE THE MUNICIPAL INCOME TAX RATE FROM ONE PERCENT TO ONE AND FOUR-TENTHS PERCENT BEGINNING JANUARY 1, 2002, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY COSTS OF CONSTRUCTING, FURNISHING,

EQUIPPING, OPERATING, MAINTAINING AND IMPROVING MUNICIPAL PARK AND RECREATIONAL FACILITIES, INCLUDING A NEW MULTI-PURPOSE COMMUNITY CENTER COMPLEX WITH RECREATION ACTIVITY AND MEETING SPACES AND RELATED AND SUPPORTING FACILITIES FOR SENIOR CITIZENS AND ALL OTHER CITY RESIDENTS, AND PRINCIPAL OF AND INTEREST OF SECURITIES ISSUED AND PUBLIC OBLIGATIONS INCURRED TO PAY COSTS OF THAT COMPLEX AND OTHER PARK AND RECREATIONAL FACILITIES.

Second Reading

Council Member Borocz: Madame Chairman?

President Brown: Yes?

motion by Borocz to suspend third reading, 2nd by Overby

President Brown: Discussion?

Council Member Butkowski: Madame President, isn't this the one we're not suppose to pass until after the election? We could do the second reading on it but, we can't pass it.

Mayor Hill: I would ask the President to allow our bond counsel to speak to that, and I know you didn't hear because you were talking. Okay, the question was T 7, is the one we cannot pass until after the vote.

President Brown: We can go for the third reading regularly without having an emergency.

Mr. Larson: Yes and you may want to defer that third reading until after the election.

Council Member Overby: I withdraw my second.

2nd to suspend third reading withdrawn by Overby

Council Member Borocz: I withdraw my motion.

motion to suspend third reading withdrawn by Borocz

Council Member Gillock: Madame President?

President Brown: Yes?

motion by Gillock to postpone further action of 7-2001 until the first meeting after the May election, 2nd by Brown

President Brown: Any discussion? Take the roll please.

Council Clerk White: My shorthand is getting real short. Thank you.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to postpone until the first meeting after the May election.

Ordinance Postponed

T 6-2001 A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON
914-2001 THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO
AMEND SECTIONS 880.01, 880.03, 880.04, 880.06, 880.14 AND 880.15 OF
THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE,
OHIO, IN ORDER TO INCREASE THE MUNICIPAL INCOME TAX RATE
FROM ONE PERCENT TO ONE AND FOUR-TENTHS PERCENT

BEGINNING JANUARY 1, 2002, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY COSTS OF CONSTRUCTING, FURNISHING, EQUIPPING, OPERATING, MAINTAINING AND IMPROVING MUNICIPAL PARK AND RECREATIONAL FACILITIES, INCLUDING A NEW MULTI-PURPOSE COMMUNITY CENTER COMPLEX WITH RECREATION, ACTIVITY AND MEETING SPACES AND RELATED AND SUPPORTING FACILITIES FOR SENIOR CITIZENS AND ALL OTHER CITY RESIDENTS, AND PRINCIPAL OF AND INTEREST ON SECURITIES ISSUED AND PUBLIC OBLIGATIONS INCURRED TO PAY COSTS OF THAT COMPLEX AND OTHER PARK AND RECREATIONAL FACILITIES.

Second Reading

motion by Gillock to dispense with the third reading, 2nd by Butkowski

President Brown: Mr. Gillock, and Mrs. Butkowski seconded it. Discussion? Seeing none, take the roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

motion by Gillock to adopt

President Brown: You second it Mrs. Butkowski?

Council Member Butkowski: Yes.

2nd by Butkowski

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

President Brown: What's the emergency?

Council Member Gillock: Because we have to meet the deadline to file it with the Elections Board by Thursday.

President Brown: Any discussion? Take roll please.

Council Clerk White: On the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. On the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 6-2001 becomes Resolution No. 914-2001 with emergency.

Permanent Resolution No. 914-2001

T 14-2001 AN ORDINANCE IMPLEMENTING AND AUTHORIZING THE TOWN CENTER CONCEPT AND AUTHORIZING THE MAYOR TO PURSUE IMPLEMENTATION.

Second Reading

Council Member Borocz: Madame Chairman?

President Brown: Yes?

motion by Borocz to suspend By-Laws to give it a third reading

Council Member White: To suspend third?

Council Member Borocz: To suspend third. I'm sorry.

President Brown: Mr. Overby seconds that.

2nd by Overby

President Brown: Any discussion?

Council Member Minnick: Which ordinance is this?

Council Clerk White: T 14-2001.

President Brown: T 14-2001 regarding this town center. Mr. Costin has his hand up.

Auditor Costin: Madame Chairman, I'm sorry I didn't have a chance to read this, I was out of town, but I think that our Charter requires that, with regard to the passage of any such piece of legislation we have to have an appropriation that gives us the ability to sustain whatever the legislation calls for. So if this is being passed in concept that would be fine, but if it's negotiations for entering into a contract we can't do that without money. So at some point in time the City's going to have to either set aside some money out of Capital Projects to build upon or have money appropriated before a contract can be entered into according to our Charter.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans.

Law Director Zagrans: Mr. Costin is exactly right, however it is my understanding of T 14-2001 that this would be an ordinance authorizing the concept and authorizing the Mayor to pursue plans for implementing that concept and that those plans, once made concrete, would return to Council for approval and for funding. So, I think that this is only the concept. At least that was my understanding.

Council Member Gillock: Madame President?

President Brown: Mr. Gillock?

Council Member Gillock: Section one quite clearly states that the Mayor is authorized to negotiate and enter into an agreement for the purchase, development, lease and any options for said property at or near fair market value. In lieu of that and what our Auditor is saying, I think we should refer this to, perhaps, Finance Committee.

Council Member Butkowski: Madame President?

President Brown: Yes?

Council Member Butkowski: It says right in there, decisions to purchase.

President Brown: I have a question to the Mayor. Isn't this something that we discussed along time ago regarding buying that gas station and that home?

Mayor Hill: Yes as a matter of fact, I believe Madame President, was discussed while Jim Johnson was still on Council.

Safety-Service Director Johnson: Yes, February 22nd of maybe a year ago. Council gave the City a chance to check the feasibility of buying those properties for a town center.

Council Member Minnick: It never came back to Council with any recommendation or any finding of help for the City to reclaim the polluted properly. We have never heard anything from that. I remember that distinctly.

President Brown: With the EPA.

Council Member Minnick: Right.

President Brown: Yeah. Mr. Costin?

Auditor Costin: Again, If I might say, I'm not opposed to the concept. I think it's a wonderful concept. I would be first to jump on the band wagon to develop such type of center. But, I just have to caution Council that, I believe, our own Charter makes it perfectly clear that we can't enter into any ordinance, agreement contract or other unless the appropriation of money is already present. So, before we pass something that already on the surface would be invalid, I believe we would want to correct that, those particular sections that I was concerned about that. Council Member Gillock alluded to sections one and two.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: I do stand corrected by Mr. Gillock and Mrs. Butkowski. There is language in section one and in section two that would speak to specific agreements. So, that's correct.

Council Member Borocz: Madame President?

President Brown: Yes?

Council Member Borocz: One thing, can we keep in mind please, this is going to go back before the Planning Commission and the plans for a used car lot are not what we all would like to happen. Is there anyway we could amend this?

Council Member Butkowski: Madame Chairman, we have a Charter and we can't amend it in one evening. Let's just do this right and then we won't have any problems with it. We're having appropriations in two weeks. So let's just do it right the first time.

Council Member Minnick: Madame President, I saw copies of the report on the pollution of the land and it goes right up to that property line. I would assume it would go right over that property line and into that used car lot, the proposed used car lot. So, I would also be leery on wanting a report to see if there is financial help available to clean up that property and to also check to see if that property is in fact polluted from the gas station.

President Brown: I would think that, it could be very well.

Council Member Minnick: Very well could be.

President Brown: And with that leak in the land. Okay we'll. . .

Council Member Overby: Madame President, I'll withdraw my second.

President Brown: You're going to withdraw your second?

2nd to suspend By-Laws for third reading withdrawn by Overby

President Brown: Are you withdrawing your first?

Council Member Borocz: Yes, I did.

motion to suspend By-Laws for third reading withdrawn by Borocz

Safety-Service Director Johnson: Madame President?

President Brown: Yes Mr. Johnson?

Safety-Service Director Johnson: I would like to request that the Auditor, build in appropriations a sum of money to have that property check. This is the only thing that hasn't been there and the possibility of purchasing that for a town center which we had talked about over a year ago. So far no money has been appropriated for that.

President Brown: I do believe that when something like this is mentioned to anyone who owns property they always try to double or triple the price when they hear City wants to buy it. Let's hope that maybe we'll have some nice people that won't do that.

Council Clerk White: You want to do something with this piece of legislation because it's going to come up at the next meeting for the third reading and we'll do this again.

President Brown: Well, what about the Planning. . .

Council Member Butkowski: Madame President, we can refer it to the Finance Committee because that's where it's going to have the appropriations.

President Brown: To the Finance Committee. Is that okay.

Council Clerk White: What's your pleasure?

President Brown: We'll give it to the Finance Committee and when their appropriations are done they can bring it back to the floor. I will expect a report regarding this.

REFERRED TO FINANCE COMMITTEE.

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

THIRD READINGS

Council Clerk White:

T 1-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
DEFEATED THE ELECTORS OF PROPOSED ORDINANCE NO. 3621-2000 OF THE
 CITY OF NORTH RIDGEVILLE, OHIO.

Third Reading

motion by Minnick to adopt, 2nd by Butkowski

President Brown: Discussion? Take roll please.

Yes, 2 No, 5 (Overby, Swindig, Borocz, Gillock, Brown)

Council Clerk White: Motion is defeated two, five.

Ordinance Temporary No. 1-2001 Defeated

T 2-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
DEFEATED THE ELECTORS OF PROPOSED ORDINANCE NO. 3628-2000 OF THE
 CITY OF NORTH RIDGEVILLE, OHIO.

Second Reading

motion by Minnick to adopt, 2nd by Butkowski

President Brown: Discussion? Seeing none take roll please

Yes, 2 No, 5 (Overby, Swindig, Borocz, Gillock, Brown)

Council Clerk White: Motion is defeated two, five.

Ordinance Temporary No. 2-2001 Defeated

T 9-2001 AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY
3652-2001 AND R.W. BECKETT CO., FOREST CITY LAND GROUP AND FJD
 PROPERTIES, LLC CONCERNING THE CONSTRUCTION OF A SANITARY

TRUNK SEWER, THE ACQUISITION OF EASEMENTS AND RIGHTS-OF-WAY AND RELATED MATTERS.

Third Reading

motion by Mayor Hill to adopt, 2nd by Borocz

motion by Mayor Hill to add the emergency, 2nd by Overby

President Brown: Discussion on the emergency?

Council Member Butkowski: Madame President? I have a couple of questions. The statement was made in 1978 that we passed legislation and paid for sewers. Those sewers served existing homes, Middle School, City Hall and St. Peter's. This new sewer serves ten homes and open land. They'll have to have, to have additional sewers down Center Ridge or any place else, the homeowners will have to pay for it to alleviate any of the solutions that we were speaking about. I also have a question for the Auditor. We're going to incur bonding for this, once we're incurring all this bonding, will we have anything left in those first five years to do any more improvements in the City?

Auditor Costin: I'm not sure I understand your question. The proceeds of the bonds can only be used for this project. We're not going to be using, at this point, it's not intended to use our other sanitary sewer funds for this project.

Council Member Butkowski: Okay, but there's a maximum that this City can bond itself over the years because we only have a certain amount of income. When we go into, especially the first five years, the amount of expenses that hasn't been turned over to the builders yet or the other developers to pay for it, will we still be able to do other projects and still have enough money left over in our budget to, will it affect our ability to do any other projects in the City? Because, it's just like at home, you can only make a loan so much on your house because you only have so much of an income.

Auditor Costin: You're referring to our inside and outside millage, I believe.

Council Member Butkowski: Right.

Auditor Costin: Out ability to barrow general obligation debt.

Council Member Butkowski: Right.

Auditor Costin: Again, form a legal standpoint I'd like to defer to our bond counsel who probably can answer that better than I, if the Chair allows.

President Brown: Yes. Mr. Larson.

Mr. Larson: The answer is and I do not have the precise numbers available as we speak, but the debt that will be issued will be general obligation debt. The debt that represents the property owners portion is exempt debt as it relates to debt limitations with the City and to the extent that the revenues from the system, which would include taps, is sufficient to pay the City's portion of the borrowing. That portion would also be exempt from the direct debt of the City. The indirect or ten mill limitation would apply to the debt and there is ample lead way within that limitation for this debt, and more.

Council Member Butkowski: So you're telling me that during the first five years we would still have room to do additional bonding.

Mr. Larson: At any time.

Council Member Butkowski: Well, my biggest concern was the first five years before it went over and, the development that would be paying on it.

Mayor Hill: Madame President, I would like to provide the reason for adding the emergency. In order to secure a six million dollar plus benefit for the City, there is a time table that if not met, developers have the right to withdraw from this agreement. Also, the Health Department has made it very clear that they have determined that there's a present danger to our families as shown by the test data presented tonight. Thank you.

Council Member Borocz: Madame President, one further thing, we all read the EPA's letter of February 9th. It's apparent to me that there was an agreement between the City and the Ohio EPA. Just as there was back in the early 1990's. The administration may have error when using the word mandate. But this is clearly a recommendation and the last sentence of the letter reads, "That it hopes that a mandate is not required". There is no more clear and obvious signal. We as a City and I as an elected official would be foolish to not take this opportunity to be creative. Shift the majority of the cost and gain something beneficial for our City. I understand everyone's fear. I don't like change any better then you do. No one is comfortable with change and we all think we can stop what is going on around us. But, given constitutionally protected property rights and the rights of individuals, the best we can do is to guide and control. If we can get creative in that process, we can shift cost from the taxpayers to private companies. If by doing that, the City and its taxpayers gain, as do the private companies. Private companies do things that we have determined to be socially and financially beneficial to our City. One last thing, I find it ironic that the City who owns the sewage treatment plant and services three additional cities is the only City to not be completely sewered.

Council Member Minnick: Madame President, I would just like to say that I'm not afraid, I for one am not afraid of growth. I am afraid though, of this agreement. I am not against sewers in the west side, that is the farthest thing from my mind. I am very concerned about the agreement, the wording in it, etcetera, etcetera. It's all been said before, I won't continue with that. I do, it was brought to my attention during lobby, that some of the samples from the creek may have been taken near a farmland and until we teach animals to use the toilet, that is going to be a problem in our City unless of course it gets bought by a developer and he builds houses and does away with the farm. That's all I have, thank you.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: I believe that the County Health Department can determine the difference between animal waste and human waste in their tests.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: The westerly sewer concept has been around a number of years. Finally we have the ability to address this pressing need to provide sewer services to the western portion of our City. I find it rather ironic that we have this wonderful facility in the French Creek Wastewater Treatment Plant which all the residents of our City pay for, but yet, over 65 percent of the City does not have use of that facility or have sewers. For about ten years now the Ohio

EPA has been breathing down our necks to do something about sewers in the western portion of the City. Over ten years ago we promised them to install sewers. During the Armbruster administration we promised to install sewers. The master plan states that the prime importance is the construction of the westerly sewer project. We now have the ability to construct the sewer with the majority of the cost to be born by developers and others that will benefit from the new sewer line. I certainly would not expect those who are going to be assessed to pay their portion of the cost to do so if they were not going to benefit. We have an opportunity here to finally quite dumping our human waste in the ground, to aid the City in developing new areas wisely and finally give us the ability to address development west along Center Ridge. With sewers we can finally do something about the shopping center that has been an eye sore at the western gateway to our City. If we do not do the westerly project, we do not stop the development of Meadow Lakes or Waterbury, planned community developments. Meadow Lakes can be served by a fifteen-inch sewer line ran directly to Meadow Lakes and Waterbury has easements to construct a force main line through Meadow Lakes. But, the City would not benefit in any way from this scenario and the developments will still be built, it doesn't matter whether R-1 or PCD. Because of the assessments agreed to by the landowners, the City's portion can be paid by future permits and tap-in fees. Taxes will not have to be increased to pay for this project. No plan is perfect. No route will be agreeing to by everyone. But, we have a significant opportunity too here to work together for the benefit of all the taxpayers in the City. We can make sure future growth is health and give us the ability to address present needs and concerns. It doesn't matter who brought this to Council for approval or what party they belong to. It's the administrations responsibility to negotiate with landowners and present a plan to Council. It is Council's responsibility to review that plan and approve it if it is in the best interest of the City. Several people called me, e-mailed me and dropped off letters at my house. Most say they do not oppose sewers, not all of them. Some say their only concern is adding the emergency clause, but, I feel the administration has demonstrated why the emergency must be added to comply with the requirements of the agreement. Some legitimate questions and concerns have been asked and these we can answer. Others simply threaten recall and or litigation. Intimidation does not have a place in these discussions. I will not listen to those for whatever reason refuse to listen to the facts, refuse to work together and are simply opposing to everything this administration or Council tries to do. We need to work together and move forward. Even in the face of the nay sayers and activists who have their own agendas that have nothing to do with the welfare of the City. We need this sewer interceptor and we should not wait any longer. I urge each of the other Councilmen to vote for the adoption of this plan.

Council Member Butkowski: Madame President, while I agree we do need sewers, I don't agree this is the best thing that we can do. This sewer will not service anybody but ten homes. It will not clean up the ditches that are dirty because it's servicing only open land. It will not do anything to the shopping center until the people on Center Ridge pay to have the sewer line put down on Center Ridge and they will be assessed. Unlike the ten people that are getting their sewers now. Yes, it is going to be paid for by, this sewer line is going to be paid for by the developers, but it is not going to benefit the people living here in this City because they will have

to pay for a sewer line that goes in front of their home. That will have to take their septic tank out and they will have to pay their tap fees. All we're going to get is the trunk line which is expensive but, it is not going to solve, very soon, the problems that are in the ditches right now. Council Member Minnick: Madame President, I would also like to say, and it has been said on the floor before, that if the laterals are to be run, the residents will have to petition to have that done. There are many people on the west side that have recently replaced septic systems or they're new houses and they have recently but in new ones. So, I agree with every thing Mrs. Butkowski says and again, I do not like the wording in the agreement. It would have been nice if we would have been consulted with this, if we would have had meetings of this, if they would have gone to committee, been given input, but that did not happen. I still say it favors developers and it's putting a burden on the taxpayers if anyone defaults on paying the sewer back.

President Brown: Thank you. Any more discussion?

Council Member Overby: Madame President, this may only be a trunk line but, it's the most important part of the sewer system. Without that you don't have anything so, we've got to start some place and this is where you have to start. It has to be done.

President Brown: Thank you Mr. Overby. Roll please.

Council Clerk White: Roll on the emergency.

President Brown: Yep.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two on the emergency. Now for the adoption.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two on the adoption. T 9-2001 becomes Ordinance No. 3652-2001 with emergency.

Permanent Ordinance No. 3652-2001

T 10-2001 A RESOLUTION DECLARING IT NECESSARY TO CONSTRUCT A
915-2001 SANITARY TRUNK SEWER, TOGETHER WITH THE NECESSARY
APPURTENANCES AND WORK INCIDENTAL THERETO, FROM AN
EXISTING MANHOLE IN CASE ROAD AT THE NORTHERN CORPORATE
BOUNDARY OF THE CITY SOUTH IN CASE ROAD A DISTANCE OF
APPROXIMATELY 300 FEET AND THEN EASTERLY AND SOUTHERLY
IN CITY EASEMENTS, PROPERTIES AND RIGHTS-OF-WAY, DEDICATED
AND TO BE DEDICATED, TO A POINT APPROXIMATELY 2,400 FEET
EAST OF AND 2,600 FEET SOUTH OF THE INTERSECTION OF RACE
ROAD AND SUGAR RIDGE ROAD.

Third Reading

motion by Borocz to adopt, 2nd by Overby

President Brown: Discussion?

motion by Borocz to add the emergency, 2nd by Overby for the same reasons that
were listed earlier

President Brown: Discussion? On the emergency, take roll please.

Law Director Zagrans: Madame President, just a point of order if I may? If Mrs. Borocz would just specify, for the record, the same reasons listed earlier, by whom.

Council Member Borocz: By the Mayor, I'm sorry.

Law Director Zagrans: Thank you.

President Brown: Take the roll on the emergency.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two on the emergency. For the adoption.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two. T 10-2001 becomes Resolution No. 915-2001 with emergency.

Permanent Ordinance No. 915-2001

T 11-2001 AN ORDINANCE DETERMINING TO PROCEED WITH THE
3653-2001 CONSTRUCTION OF A SANITARY TRUNK SEWER, TOGETHER WITH
THE NECESSARY APPURTENANCES AND WORK INCIDENTAL
THERETO, FROM AN EXISTING MANHOLE IN CASE ROAD AT THE
NORTHERN CORPORATE BOUNDARY OF THE CITY SOUTH IN CASE
ROAD A DISTANCE OF APPROXIMATELY 300 FEET AND THEN
EASTERLY AND SOUTHERLY IN CITY EASEMENTS, PROPERTIES AND
RIGHTS-OF-WAY, DEDICATED AND TO BE DEDICATED, TO A POINT
APPROXIMATELY 2,400 FEET EAST OF AND 2,600 FEET SOUTH OF THE
INTERSECTION OF RACE ROAD AND SUGAR RIDGE ROAD.

Third Reading

Council Member Borocz: Madame President?

President Brown: Yes?

motion by Borocz to adopt, 2nd by Overby

Council Member Borocz: Madame President?

President Brown: Yes?

motion by Borocz to add the emergency for the reasons that the Mayor stated
earlier, 2nd by Overby

President Brown: Discussion? Mrs. Minnick.

Council Member Minnick: I would just like to say that the Courts still have not ruled in this case and by proceeding on this it is giving the tax payers an ultimatum if the Courts decide in the referendum favor that you either vote for the PCD's, Meadow Lakes and Waterbury, or you pay for the entire sewer because what this is giving permission to proceed with construction. That's all I have, thank you.

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

Council Clerk White: On the emergency.

President Brown: On the emergency.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two on the emergency. For the adoption.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING FEBRUARY 20, 2001**

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Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two. T 11-2001 becomes Ordinance 3653-2001 with the emergency.

Permanent Ordinance No. 3653-2001.

Council Clerk White: That's all of the third readings that I have. I have no unfinished business.

UNFINISHED BUSINESS None

President Brown: I don't have any unfinished business either. Committee meeting announcements please.

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White:

Buildings & Lands Committee meeting will be February 27, 2001 at 5:15 P.M.

There will be a Public Hearing Monday, March 5, 2001 at 7:20 P.M. on T 5-2001.

There will be a Public Hearing Monday, March 5, 2001 at 7:25 P.M. on T 4-200.

The next Regular Council Meeting will be March 5, 2001 at 7:30 P.M.

There will be a Finance Meeting with the appropriation meetings on Tuesday, March 6 at 9:00, Wednesday, March 7 at 9:00; and Thursday, March 8 at 9:00 if needed.

That's all of the announcements that I have.

ADJOURNMENT

President Brown: Call for adjournment please.

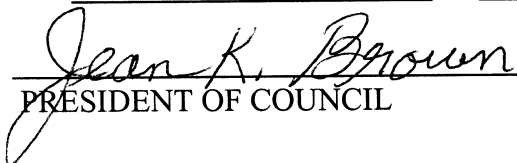
motion to adjourn by Swindig, 2nd by Overby

President Brown: Meeting adjourned.

Meeting adjourned at 10:42 P.M.

MOTION Borocz as corrected 2ND Swindig DATE March 5, 2001

YES 6 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL