

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING FEBRUARY 18, 2003**

CALL TO ORDER: 8:00 P.M.

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

INVOCATION: lead by Council Member Nancy Buescher.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

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

Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Engineer Larry Griffith, Auditor Chris Costin was represented by Deputy Auditor Donna Kiraly and Clerk of Council Chuck Norris.

MINUTES - Corrections and Approval:

President Gillock:

Regular Council Minutes of February 3, 2003

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

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

Yes, 7 No, 0

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

COMMITTEE REPORTS:

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

President Gillock: We have no reports from the administration this evening. Law Director.

Law Director Zagrans: Thank you, Mr. President. You had asked me to conduct an investigation looking into the two issues that were raised at the January 21 meeting or work session, actually. The first involved the Safety-Service Director and the question of the appropriate amount of tap charge that was charged to a business that he owns or property of. The following day, after you asked me to look into the matter, I contacted the Lorain County Prosecutor and apprized him of the issue. The Prosecutor, in turn, contacted the Chief of Police. We had a meeting together and the Chief of Police put a Police Captain on the investigation with the instruction that the Captain report to the Police Chief on a daily basis about the progress that he is making in conducting that

investigation. That has been on going since that week. I'm informed by Chief Thomas that he anticipates that the department will need another four to six weeks to complete their investigation into the matter. Following the conclusion of that investigation, the department and I will then begin the investigation, again I am going to leave it up to the department, of the conflict of interest issue that was raised with one of the Council Members-at-Large and a vote on an ordinance that may or may not involve his employ. That is the status of the investigation. President Gillock: Thank you. Are there any questions of the Law Director?

AUDITOR'S REPORT:

Auditor's Final Written Financial Report for December 2002

Auditor's Written Financial Report for January 2003

motion by Swindig, 2nd by Butkowski to approve

President Gillock: Is there any discussion in regards to the Auditor's written report? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Auditor's report is approved by Council by a vote of seven to zero.

President Gillock: Is there anything our assistant Auditor would like to bring up this evening?

Deputy Auditor Kiraly: No, I have no oral report.

OTHER REPORTS:

President Gillock: Please note:

Mayor's Court Operating Trust Fund/Bail Trust Fund Report for January 2002;

Public Water System Operation Report for January 2003;

Fire Department Report for January 2003;

Building Department Report for January 2003;

Police Department Activity Report for January 2003; and

Service Department Activity Report for January 27 through February 9, 2003.

Clerk of Council Norris:

Planning Commission Liaison Report:

APPLICANT: Alltel Ohio, Inc., Telemark Resources, Inc., 7 N. Main St., Ste. 124,
Oberlin 44074

OWNER: Pulte Homes of Ohio Corporation, 30575 Bainbridge Road, Ste. 150,
Solon, 44139

REQUEST: Placement of telephone electronics to serve telecommunication needs of
home owners within Waterbury and Andover Place subdivisions along
Victoria Lane.

LOCATION: Part of Block G of Waterbury Subdivision No. 2 and a part of Sub-lot 48
of Andover Place Subdivision

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING FEBRUARY 18, 2003**

Page 3

Permanent Parcel No. 07-00-036-000-123 and 07-00-036-000-013
PC ACTION: Approved and recommended to Council
 motion by Olesen, 2nd by Johnson to approve
President Gillock: Is there any discussion? If not, please call the roll.
 Yes, 7 No, 0
Clerk of Council Norris: Alltel report is approved by a vote of seven to zero.

APPLICANT: Oster Construction, Inc., 6150 Park Square Drive, Lorain 44053
OWNER: Oster Construction, Inc., 6150 Park Square Drive, Lorain 44053
REQUEST: Final subdivision approval of Phase 1 of Stone Creek Estates and the
 Villas of Stone Creek
LOCATION: Stoney Ridge Road, Permanent Parcel No. 07-00-032-000-051
PC ACTION: Approved and recommended to Council
 motion by Olesen, 2nd by Swindig to approve
President Gillock: Is there any discussion? Mr. Johnson?
Council Member Johnson: The Engineer notes that the performance bond was not complete at
the time and wonder if that's been completed already.
President Gillock: I talked to the Chief Building Official about his comments in regards to this
and this is a phase of Stone Creek and before he gets his final, final approval, all items on that list
have to be completed before he gets his permits. In addition there was a letter from Mr. Oster
stating that he would comply with all the requirements. I'm satisfied that the Building
Department will make sure they are addressed.
Council Member Johnson: I'm concerned, the other problems, I agree, they can be dealt with as
we go along but, I think the performance bond needs to be taken care of. Make sure that's taken
care of so that if something happens we're covered.
President Gillock: Absolutely. It's required by law. Any other discussion? If not, please call
the roll.

 Yes, 7 No, 0
Clerk of Council Norris: Report is approved by Council by a vote of seven, zero.

APPLICANT: Harvest Ridge Assembly of God, 35600 Lorain Road;
 Jim Kilby, representative
OWNER: Harvest Ridge Assembly of God, 35600 Lorain Road;
 Jim Kilby, representative
REQUEST: Approval for classroom addition, 40 foot by 72 foot
LOCATION: 35600 Lorain Road, in R-1,
 Permanent Parcel No. 07-00-024-101-081, 07-00-040-000-007,
 07-00-033-000-001, 07-00-033-000-002, 07-00-033-000-032, and
 07-00-039-000-019
PC ACTION: Approved and recommended to Council
 motion by Olesen, 2nd by Johnson to approve

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING FEBRUARY 18, 2003**

Page 4

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

Yes, 7 No, 0

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

OLD BUSINESS:

NEW BUSINESS:

Clerk of Council Norris:

T 18-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 1242.03, BUILDING PERMITS AND
CERTIFICATES OF OCCUPANCY REQUIRED; CERTIFICATES FOR
NONCONFORMING USES; ISSUANCE OF STREET NUMBERS FOR
STRUCTURES; TIME LIMITATION FOR COMMENCEMENT OF WORK.

motion by Gillock to amend Section 1.(b) to correct the word "draining" to "drawing", 2nd
by Swindig

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

Yes, 7 No, 0

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

President Gillock: REFERRED TO BUILDINGS AND LANDS COMMITTEE.

Clerk of Council Norris:

T 19-2003 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 1242.04, FEES.

President Gillock: REFERRED TO BUILDINGS AND LANDS COMMITTEE.

Clerk of Council Norris:

T 20-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE, OHIO, TO ENTER INTO THE LORAIN COUNTY
CORRECTIONAL FACILITY CONTRACT FOR HOUSING MUNICIPAL
ORDINANCE INMATES WITH THE BOARD OF COMMISSIONERS OF
LORAIN COUNTY, OHIO, AND AMENDING ORDINANCE NO. 3741-2001.

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

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

Yes, 7 No, 0

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

CORRESPONDENCE:

1) Received a memo from Mayor Hill forwarding a request from a resident requesting
Council consideration in passing a resolution similar to other cities in support of peace.

2) Received a letter from Jim Restifo stating his concerns in regard to his property at 31949

Mills Road which abuts the proposed development by Latina & Latina, The Woods of Stradford.

3) Received a letter from M. Robert Flanagan, Assistant Prosecuting Attorney requesting Council approval of legislation increasing the inmate incarceration fee to 75 dollars.

4) Received a memo from Chief Building Official Guy Fursdon noting builders requests to amend the ordinances to allow the use of seven-sixteenths inch plywood or OSB instead of the now required one-half inch plywood or OSB for exterior sheathing.
President Gillock: REFERRED TO BUILDINGS AND LANDS COMMITTEE.

5) Received a letter from Frank Bober stating his concerns in regard to the Lorain Road reconstruction project.

6) Received a letter from Auditor Chris S. Costin in accordance with Ordinance 2655-92, concurring with the City Engineer's correspondence dated February 11, 2003, no water rate increase is applicable for the year 2003.
President Gillock: REFERRED TO UTILITIES COMMITTEE. We may need an ordinance by passing an automatic increase.

7) Received Public Notice, notice of receipt of isolated wetland permit application, level 2 submitted by Pulte Homes for the project located east of State Route 83 in the City of Avon.

8) Received from Christopher Jones, Director of the Water Pollution Control Loan Fund, a copy of the Ohio Water Pollution Control Loan Fund Draft 2003 Program Management Plan for review and comment.

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone is welcome to address Council. We ask that you sign in using one the lobby sign in sheets in the back. Please give us your name and address when you are at the podium and you'll be given three minutes. Anyone wishing to address Council, may now do so. Seeing no one, we will move on.

motion by Pagel to suspend By-Laws to dispense with recess, 2nd by Johnson
President Gillock: Is there any discussion? If not, please call the roll.

Yes, 7 No, 0

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

RECESS: Dispensed with.

FIRST READINGS:

Clerk of Council Norris:

T 65-2002 AN ORDINANCE ESTABLISHING SPECIAL DEVELOPMENT
REVISED 2 DISTRICTS AS A NEW ZONING CLASSIFICATION IN THE CITY OF
NORTH RIDGEVILLE.

motion by Gillock that further action on this be postponed until we received the opinion
of the lawyer that's been hired to review this ordinance, 2nd by Pagel

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

Law Director Zagrans: I actually had a question and a request. The question was going to be,
who was hired? I just would want to contact him.

President Gillock: We're going to vote on that later in the meeting.

Law Director Zagrans: Okay, thank you. The request would be that I have heard much
discussion and concern about alleged irregularities or legal problems with this legislation and
separate and apart from whatever opinion Council may get from its' outside attorney, I would
like anyone who has any views or specificity about where they see legal problems with this
legislation lying, to feel free to contact either that outside counsel, if you permit it, or to contact
the Law Department so that we can address what those concerns are. Thank you.

President Gillock: Any other discussion on the postponement? Mrs. Pagel?

Council Member Pagel: I think that's a wonderful idea that the residents who have questions
can contact the Law Director but, if they contact our outside counsel, we may be billed for that. I
think we need to be careful about that.

Law Director Zagrans: Mr. President, I don't disagree with Mrs. Pagel. I just didn't want to step
on whatever Council wanted the outside attorney to do.

President Gillock: Yes and if anyone does wish to contact us through Mr. Zagrans office, I'm
sure that concerns or questions will be passed on. Any other discussion on the postponement? If
not, please call the roll.

Yes, 7 No, 0

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

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

T 20-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3881-2003 RIDGEVILLE, OHIO, TO ENTER INTO THE LORAIN COUNTY
CORRECTIONAL FACILITY CONTRACT FOR HOUSING MUNICIPAL
ORDINANCE INMATES WITH THE BOARD OF COMMISSIONERS OF
LORAIN COUNTY, OHIO, AND AMENDING ORDINANCE NO. 3741-2001.
First Reading

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

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

Yes, 7 No, 0

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

motion by Swindig, 2nd by Butkowski to adopt

motion by Swindig to add the emergency due to the date of this contract

President Gillock: And if we don't get the contract, we have no where to house prisoners.

2nd by Olesen

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

Yes, 7 No, 0

Clerk of Council Norris: The addition of the emergency is approved by a vote of seven, zero.

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

Yes, 7 No, 0

Clerk of Council Norris: T 20 with the emergency is adopted by a vote of seven, zero. Becomes permanent ordinance 3881-2003.

Permanent Ordinance No. 3881-2003

SECOND READINGS:

T 16-2003 AN ORDINANCE REVISING CODIFIED ORDINANCE CHAPTER 1462,
CELLULAR COMMUNICATIONS SYSTEMS.

Second Reading

THIRD READINGS:

UNFINISHED BUSINESS:

Council Member Butkowski: Mr. Chairman, at the last Council meeting we voted on and approved to hire an attorney to review the Special District legislation which is T 65. I have talked to an attorney in Elyria and would like your approval tonight. There is a memo in your box, if you check your box. The man's name is John Keyse-Walker. He's associated with the law firm of Fauver, Keyse-Walker and Donovan in Elyria. Did you want me to read his fee?

President Gillock: No, just make a motion.

motion by Butkowski to hire John Keyse-Walker, 2nd by Johnson

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

Law Director Zagrans: Just so that everyone knows, his name is John Keyse-Walker even though it's spelled in the way that Mrs. Butkowski pronounced it. It's as though the e and the s were inverted. It's Keyse-Walker. I've known the gentlemen for well over 15 years and he is an excellent attorney.

President Gillock: Thank you. Any other discussion? Mrs. Pagel?

Council Member Pagel: I'd like to reiterate just because it was mentioned that if residents do have concerns about this legislation to contact whoever we hire, I would like that they contact the Council people first so that it is directed through us to him because, if they do start doing phone calls and he accepts these phone calls or he should be directed to only speak with Council Members so that we are not getting billed because they do bill by the minute.

President Gillock: Any other discussion? Mayor Hill?

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING FEBRUARY 18, 2003**

Page 8

Mayor Hill: When there are memos of concern or questions coming before Council, as a nonvoting member of Council, I would appreciate receiving a copy from now on.

President Gillock: You should have gotten one. It was just put in the box today.

Mayor Hill: No, I did not.

President Gillock: We'll make sure you get one. Any other discussion? If not, please call the roll.

Yes, 7 No, 0

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

COMMITTEE MEETING ANNOUNCEMENTS:

President Gillock:

Public Hearing to be held Monday, March 3, 2003 at 7:15 P.M. to consider changes and/or modifications to Meadow Lakes PCD Phase II.

Next Council Work Session Monday, March 3, 2003 at 7:30 P.M.

Next Regular Council Meeting Monday, March 3, 2003 at 8:00 P.M.

Finance Committee meetings February 25, 26 and 27, 2003 beginning at 9:00 A.M. in the Conference Room.

ADJOURNMENT:

motion to adjourn by Swindig

President Gillock: Meeting adjourned.

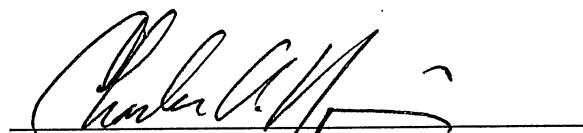
Meeting adjourned at 8:25 P.M.

MOTION Butkowski 2ND Johnson DATE March 3, 2003

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL


CLERK OF COUNCIL