

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
MINUTES OF  
REGULAR MEETING      FEBRUARY 7, 2000**

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

President Brown: Before we get started I would just like to announce that in the back are forms that you can fill out if you want to speak during the Lobby session. Thank you. I'd like to have Roll Call please.

**ROLL CALL**

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

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

**MINUTES**

Regular Council Minutes of January 18, 2000

motion to accept by Swindig, 2nd by Johnson

President Brown: Any discussion? Not hearing any, roll call please.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0.

President Brown: Please note Board of Drainage & Flood Control Minutes of January 26, 2000; Planning Commission Minutes of January 11, 2000; Board of Zoning & Buildings Appeals Minutes of January 13, 2000; and Civil Service Commission Minutes of January 18, 2000.

**COMMITTEE REPORTS**

1)      ADMINISTRATIVE COMMITTEE REPORT #6611 We have considered the matter of verbatim minutes for the Lobby at Council Meetings and recommend that this request be approved and proper legislation be drawn.

Signed: Chairperson Bernadine Butkowski and Gail Minnick.

motion by Butkowski to accept, 2nd by Minnick

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

Council Member Johnson: I feel this should go to Finance also. Right now our clerical staff is working very full. This will add to that. If we could assign that also to Finance.

Council Member Swindig: Madam Chairman, as far as the Minutes being verbatim, I was not able to attend this meeting, I was at rehab. My feeling on that is, we have the tapes that are available for a year on these. Not everybody stands and talks right into the mike so you cannot hear them and with our staff being at full hilt with the work they have to do, I really think we

should not have verbatim minutes.

Council Member Minnick: The reason this came up is because there were some very important Lobby sessions and they weren't readily available on the tape. They need to be referred to and if we have them verbatim we could have them at our fingertips. It was difficult to say, well, where necessary have these minutes verbatim, but there are instances where the lobby should definitely be verbatim as in a few of the residents from the Presidentials lobbying to have their warranty work completed, which it still has not been. That way we can go back on the record and look at it very easily. The tape would be destroyed in a year and there's outstanding warranty work even after a year. So that was the reason for this, to protect the residents of our City.

Council Clerk White: May I say something please? You made one statement there that I'm concerned about. You said, "Those minutes were not on tape." If they're not on tape, my office is not going to get them verbatim.

Council Member Minnick: I'm sorry. I may have made a faux pas, but if they are not in the minutes, if they are not recorded verbatim in the minutes from the tape, then it is difficult to go back and check with what the problems were. Then if the tapes are destroyed in a year, it's gone. As in a few Council meetings ago, the synopsis of what the person said was not really actually what she said. That was really very important what this lady had to say and it was not transposed properly.

Council Member Gillock: When people speak at Lobby, they're not under oath so those are just those comments. I really don't know what protection that might provide for us. I do think the Minutes need to be expanded a little bit. I know the specific case that Mrs. Minnick has referred to that the Minutes didn't really reflect what was said. I think maybe the Clerk reviewed that a little and maybe expanded or did a little bit better summarizing what was said, we would accomplish this without putting a lot of extra burden on the Clerk's Office.

President Brown: Mr. Gillock, I remember when the lady was here and she stood against the wall talking that way. She never even talked into the microphone, only when we asked her to. It makes it difficult. You can't force people to do something they don't want to do.

Council Member Butkowski: Madam President, we're talking about improving our P.A. system so that will make it a lot easier for them to get it on tape. Also, our biggest concerns were some of the comments that were made at a couple of those meetings at the end of last year and sort of for the protection of everyone with some of the statements that were made. Not only that, with all the things that are going on and the building expansion, we're probably going to have a lot more people in here that are complaining or bringing statements. If we can just pull out the minutes and get names of people and work with them, it will probably make all of our jobs easier so we'll have just what they said and what their concerns are when we have different meetings. I think down the line it's going to help everybody. These last couple minutes that we've been getting, they've been pretty close to verbatim anyway. I really don't think it's going to take that much longer to do it.

President Brown: It depends on the Lobby session, though. That will make a big difference.

Council Member Butkowski: Well, if we limit it to their two minutes, which we're probably going to have to do as we keep getting more people.

President Brown: I'll have to get my egg timer.

Council Clerk White: You can limit the two minutes, but you can speak 14 different times. At the present, if you're going to consider this legislation, I think you definitely need to go to Finance to get a cost. Because right now, I'm telling you, verbatim minutes, the staff in the Clerk's Office is not capable of doing that at the present time with the present stuff that's going through the Council Office. That's my statement.

Council Member Johnson: Madam Chairman, the microphone system that we are getting. That will be those mikes for up here. That is a quality mike. Basically, with that mike, if they are talking into it or close to it, it's much better than what we have here. The ones that they are replacing will be for us will be that mike right there. That is the best mike that they are going to have, even with the new system that we're going to get. If they are talking in that direction or this direction and not into the mike, they won't be able to pick it up anyway. I agree with Dave. We should have a little more on but I think what they tape when they do the minutes of the Lobby is they take the first two or three sentences that the people use because that's what they're hear to talk about and use that rather than the whole thing. I really don't think creating another job for our clerk is fair.

President Brown: Okay, please take roll call if there's no further discussion.

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

Council Clerk White: It's defeated 2-5.

### **MAYOR'S REPORT**

Mayor Hill: Students at Lake Ridge Academy grades K through 2 raised funds to assist anyone in need of food. In January, Sally Balog, Director of the Center for Older Adults, was notified that \$102 was being donated by the students at Lake Ridge to our Meals on Wheels program. It has to be understood that our Meals on Wheels are not funded by tax dollars. That's why they have to have so many fund raisers and please attend those spaghetti dinners, it helps. There are many individuals who cannot afford to pay. No one in need is ever turned down so this donation helps to cover the costs of a valued program that serves not only North Ridgeville residents but five townships as well. Lake Ridge has always been a good friend to the Senior Center and this is just one more demonstration of that friendship. We thank them.

I am now making a motion to reappoint Lois Schwachenwald to the Fair Housing Board for her third term. The term expires 7-1-2002.

motion by Mayor Hill to reappoint Lois Schwachenwald to the Fair Housing Board with the term expiring 7-1-2002, 2nd by Johnson

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

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0 for Lois Schwachenwald.

Mayor Hill: I am now making a motion to appoint Linda Dunham to an unexpired term on the Board of Zoning Appeals. That term expires 12-31-2002.

motion by Mayor Hill to appoint Linda Dunham to an unexpired term on the Board of Zoning Appeals expiring 12-31-2002, 2nd by Swindig

President Brown: Any discussion? Roll call please.

Council Member Minnick: Yes, with all due respect to Mrs. Dunham, I don't see anything on this resume that would qualify her for this extremely important position. I would prefer there be others. I know there are other resumes on file and I, for one, would like the Mayor to reconsider this appointment.

Council Member Borocz: Madam Chairman, Mrs. Dunham's appointment to me sounds like a very good idea. People cannot be qualified for every position that they are appointed to or elected to. People learn as they go along. Mrs. Dunham has expressed a desire to sit on the Board. I think the Mayor's motion should go forward.

President Brown: Thank you. Any other discussion? Mrs. Minnick.

Council Member Minnick: The only thing I see on here is that Mrs. Dunham has lived here for six years. Her husband has lived here his entire life and they are living in the home that he grew up in. She enjoys gardening, reading and she's interested in seeing growth and development in our City. She says that she has had dealings with different people in conflicting situations. I don't see that is a very good resume for this very important position with dealing with rezoning, with maps and all that goes along with that job.

President Brown: Mr. Zirzow.

Safety-Service Director Zirzow: This has come as a surprise, the questioning. It always is given due respect to the Mayor and the Mayor's appointments and Council generally appoints those people unless there is a major issue like people who have not even lived here long enough to register to vote, which happened during a previous administration for Planning Commission. That is about the only time. My first experience with Linda Dunham was attending Buildings and Lands Advisory Committees back in the early 90's which I know you have not gone through some of that information, Mrs. Minnick. One of the jobs and functions of the Advisory Committee was a complete review of the Zoning Code, residential, industrial and commercial. Anyone who took that volunteer position several years ago and took that active involvement to familiarize themselves with our existing zoning codes and laws and make recommendations I think has more background than most of the population within the community. So, I guess several years later, I'd like to thank you for attending those and showing an interest there and I hope the rest of Council will appreciate that commitment. Thank you.

President Brown: Mr. Gillock.

Council Member Gillock: Madam President, I don't know Mrs. Dunham personally either, but from my experience on the Zoning Board I know she has been involved at the Zoning Board in some issues and although her resume doesn't necessarily reflect some of this, I do know she's been involved and she's participated and I agree with the Safety-Service Director's comments. Unless we have a strong reason not to support the Mayor's appointment then I'll go along with it.

Mayor Hill: Thank you. I don't know exactly what the qualifications would be if there were qualifications that are specified in somebody's mind. Let me remind everyone that to either be Mayor or be a Council Member you don't have to list those qualifications. The Mayor simply has to live in the City for three years and be old enough to vote. That's how I qualified. For Council Members I believe it's live in the City for one year and be old enough to vote.

President Brown: Any other discussion? Seeing none, roll call please.

Yes, 6                      No, 1 (Minnick)

Council Clerk White: Motion carries 6-1 for Linda Dunham, Board of Zoning Appeals.

Mayor Hill: Congratulations Mrs. Dunham and thank you for volunteering. It's not an easy job. We usually can't find people and now we have a qualified one.

Mayor Hill: I am making a motion for Executive Session immediately following Lobby for the purpose of discussing litigation.

motion by Mayor Hill for Executive Session immediately following Lobby for the purpose of discussing litigation, 2nd by Swindig

Council Clerk White: That was after Lobby?

Mayor Hill: Yes.

President Brown: Any discussion? Seeing none, roll call please.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0 for Executive Session after Lobby.

Mayor Hill: I received a letter from Ron Twining, the Director of the Lorain County Community Development Department, addressing the concern for the Mills Road extension identified in the 1973 report, please remember that's 27 years ago, which was copied from the 1965 recommendations, that's 35 years ago. His letter confirms the problems we have identified with a thoroughfare plan from 1965, including changing conditions and circumstances and laws such as the federal mandates in reference to wetlands. He states that, "This type plan should be reviewed annually and updated every five (5) years." Actually that is the same recommendation noted on both the 1965 and 1973 plans which North Ridgeville City Council also adopted 35 years ago. Twining further remarked that the update is "long overdue" and that he has requested funds from the Board of County Commissioners in the 2000 budget to start the process of updating our County Thoroughfare Plan in the fourth quarter of 2000. As a head start on the County plan, I will be submitting a request to the Council Finance Committee for funding for a traffic study to evaluate the existing and proposed traffic conditions in the entire western portion of North Ridgeville. The study will define the limits of the study area, gather the existing information for the streets and key intersections, assemble information on existing land use as well as for proposed development and will include an analysis of deficiencies. Work will start immediately upon authorization and will be completed within 6 weeks.

The Northeast Ohio Mayors Legislative Action Group has been working on the electric utility regulation/aggregation of power issue currently being implemented by the Public Utilities Commission of Ohio. Basically, under Senate Bill No. 3, municipalities, townships and counties in unincorporated areas can act as governmental aggregators, meaning that as a City, if passed by our voters, we the City can purchase electric power with cheaper prices for our residents due to volume purchasing. The Mayors Legislative Group is attempting to convince PUCO to permit purchase by a consortium of cities, further reducing the price to individual homeowners. I have a copy which I'll distribute this week to Council of a resolution urging governmental aggregation for Council's consideration. There is also a proposal to hire a law firm to work with PUCO to

allow municipal aggregation. The cost would be approximately \$2,000 per City. This is clearly a complex issue. I've tried to follow it through the news articles. I get faxes one a week about it. There have been different publications but it's really complex. To sort through it all, I have asked the Mayor of Brook Park, Tom Coyne, to present a review to our City Council because he is the one who has spearheaded the efforts for aggregation. Mayor Coyne will attend a special Council meeting here in Council Chambers on Wednesday, February 16th at 6:30 P.M.. The public is invited. I am making a motion now to waive notice since you all heard it.

motion by Mayor Hill to waive notice of a Special Council Meeting in Council Chambers on Wednesday, February 16, 2000 at 6:30 P.M., 2nd by Johnson

President Brown: Any discussion? Please take roll call.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0.

President Brown: What is that date again, Mayor, please?

Mayor Hill: Wednesday, February 16, 2000 at 6:30 P.M. I believe we still have to notify the press, although you heard it.

Council Clerk White: Yes, ma'am.

Mayor Hill: Tonight I am introducing for Council's consideration two ordinances that are extremely important to our taxpayers. First, is an Ordinance establishing a \$5,000 deposit developers must submit to cover the costs of the City Planner. A review of a PCD by a City Planner is a requirement. The review costs can reach up to \$5,000 and we would like the developer of a PCD to pay those costs. I am making a motion to amend by substitution T 7-2000. The Clerk has distributed a copy of the substitution.

motion by Mayor Hill to amend by substitution T 7-2000, 2nd by Swindig

President Brown: Any discussion please? Roll call.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0 for the substitution for T 7-2000.

Mayor Hill: Thank you. Secondly, you will find an Ordinance requiring developers to install, provide and implement, at their cost, adequate and appropriate streets and traffic signs and signals in all developments, as determined, of course, by our City Engineer and the type of signs as determined by our Streets Department. The City has always inherited some of those costs with each development and we feel strongly that the developers should pay instead. In fact, considering that we have several developments coming before us in the immediate future, I would ask that the By-Laws be suspended for at least a First Reading at the appropriate time tonight. I think I have to do that later. That concludes my report.

President Brown: Any questions of the Mayor? Yes, Mrs. Minnick.

Council Member Minnick: Mayor, when will you be advertising for bids for the septic system at the Shady Drive Baseball Complex?

Mayor Hill: I don't know. I'll have to look into it.

Council Member Minnick: The legislation was approved on April 15, 1999.

Mayor Hill: I'll have to look into it.

Council Member Minnick: The Commission is anxious to get that installed for the baseball season this year.

Mayor Hill: I'm sorry, I wasn't listening.

Council Member Minnick: The Parks & Recreation Commission would like to have that installed for the 2000 baseball season.

Mayor Hill: Yes, and I've talked with Commission Members and I'll talk with them again. Thank you.

Council Member Minnick: I have one other question.

Mayor Hill: Sure.

Council Member Minnick: At the December 6th Council Meeting I raised several questions which I supplied to you in writing at your request. When may I expect a reply to those questions?

Mayor Hill: Well, I'll tell you what, Mrs. Minnick. I read through those questions. They were about four pages. Many of them were redundant. They were questions that have been asked over and over and over and answered. I don't know how many times to answer those. Secondly, some of them were just arguments in favor or opposed to different things so those were not answerable, really questions. The third thing, I can go through and sort through them again, the four pages, and I will choose the ones that haven't been discussed many times.

Council Member Minnick: Actually, Mayor, I dug them out. They've been sitting here waiting and it's only a page and a half and I don't believe they are redundant and no question is too stupid. I don't think you told your children that when you were teaching them and these are bonafide questions. I'm a Council Person and I have a right to have an answer to these questions.

Mayor Hill: You'll get an answer to the questions that I can answer without going through the same thing, and it was more than that. It was several pages but that's a silly argument.

President Brown: Any other questions of the Mayor? Going on to the Safety-Service Director's Report.

#### **SAFETY SERVICE DIRECTOR'S REPORT**

Safety-Service Director Zirzow: Thank you Madam President, Members of Council.

The pothole season is in full swing and weather permitting the city streets are checked daily for dangerous potholes. Route 83, Center Ridge, Case, and Stoney Ridge are roads that are in need of almost daily attention. They are being patched with cold mix as best as can be.

We finished cleaning the ditch behind Morris Pontiac on the south side of Route 20. This creek carries the water from Taylor Woods and was blocked. The blockage has been removed and that section of the creek was cleaned. The remaining area of the creek that runs to Ridgeview Shopping Center will be cleaned when the creek thaws.

The Ridgeway Creek is being cleaned of debris on both sides of Center Ridge.

When weather permits the Lee Street ditches are being cleaned.

A long-standing problem of standing water on the road at Hickory Trail and south Mills Creek Lane has been corrected by installing curb drains running to the catch basin.

A bad driveway pipe was replaced at 5542 Cornell.

The French Creek culvert at Root Road near Route 10 has been cleaned of debris that was causing problems.

Roadside drainage pipe is being installed at Jaycox and Mills Road to alleviate standing water on the roadway.

There was one water break that occurred Sunday February 6, 2000 on Stoney Ridge Road. Repairs were made.

A broken service line was discovered at the Antique shop on Center Ridge Road. This was the City's responsibility and the problem was corrected.

A major service line break was discovered at Lear North School. The repairs were complicated because the service line was connected to Rural Waters high-pressure transmission line. The City of North Ridgeville, Rural Water employees and Midview Excavating Company were used to make the necessary repairs. The total cost incurred by the City was approximately \$3,000.00. The City Engineer may be able to elaborate on any questions you have on that issue during his report.

There were three fire hydrants replaced. One at 34981 Chestnut Ridge, the second at Hickory and Fox Hollow and the third in front of Fire Station # 2 on Lorain Road.

We are working on the following catch basins: 6030 Creekside Lane, 6329 south Mills Creek Lane and 6042 Hickory Trail.

The sewer jet was used in the following areas: Sanitary Lines: Jason, Nikki area and the sanitary line on Root Road, from Lorain to Chestnut Ridge.

There were damaged trees reported across from 31868 Chestnut Ridge. The Service Department took down these trees.

Richard Tree Service was contracted to remove two large trees along Center Ridge Road.

We received the two tandem trucks from the City of Westlake. Although these are used trucks they are in very good shape and have been well maintained. I believe Council appropriated monies for these trucks approximately two years ago and we've been waiting for them. These two trucks will replace two plow trucks that are over 21 years old. We thank the last Council for allowing us to purchase these trucks. Madam President, that concludes my report.

President Brown: Any questions of the Safety-Service Director? Mr. Gillock.

Council Member Gillock: I'd just like to make one comment, Mr. Zirzow. I did have a chance to talk with Mr. Krueger from the Service Department. I just want to point out that the broken service line at the antique shop occurred at the same time as the break at Lear Nagle which was a major effort, which was at the same time that we were getting really pelted with snow. The Service Department, in my opinion, performed brilliantly in keeping up with all three of those and what they were under. I know they had to call in some outside help but they should be

commended for the job they did that often goes unrecognized. All three of these happened at the same time and they were able to deal with them.

Safety-Service Director Zirzow: I thank you and we'll pass that along. Working with these people daily, we know their level of excellence and their commitment to our residents and the appreciation will not go unnoticed.

President Brown: I have a comment that I'd like to make. I got several calls. I know people call Council people when they have a complaint, but these calls were thank you for having such good roads in North Ridgeville from my old friends the bus drivers and from neighbors and people that live in the boondocks. It was wonderful that we take care of all of our roads. We don't single out certain ones. We take care of them all. I did call Mr. Krueger and congratulate him and his staff.

Safety-Service Director: Thank you.

President Brown: Any other comments? Okay, Mr. Lovece, Engineer's Report.

#### **ENGINEER'S REPORT**

Engineer Lovece: Thank you Madam President, Members of Council. We have the FEMA flood insurance rate map ready for submittal to FEMA. In fact, I have it right behind me if I could just stand up here and I'll make a quick presentation, quick and painless.

President Brown: Be my guest.

Engineer Lovece: Thank you. It's similar to the map that we made public last October or in that area. The yellow is the portion that will be taken out of the flood plain if this map is approved. The scale of this map is one inch on this map represents 1,000 feet in the City. You can see some of the areas have shrunk over 1,000 feet, benefitting areas such as Muirwood, Dorchester, Chesterfield, Ridge Plaza, Root Road, big improvement along Davis Ditch by the Pitts area and also along French Creek. Like I said, we anticipate by the end of this year we should have an answer from FEMA. We have no reason to believe they will not approve it. I know there will be some dialogue back and forth because the calculations are actually about three inches thick of mostly computer programs and things like that. The big driving force to the improvement was the Westpoint Detention Basin. You can see some charts down at the lower right hand corner of the map. The yellow shows the peak flow in French Creek before, without the basin, and the red shows with the basin. You can see that's a 50 year storm and that's 100 year storm, and that's quite a difference. One thing you will notice, Robinson Ditch is still a problematic area. We now have plans and will be formulating plans to make further improvements along this area. It gets harder as you go along. It's like losing weight. The first few pounds are easier than the later pounds, but I won't go into that. That's a quick preview of the map.

Thank you. Just one other thing, the renovation at the Senior Center is substantially complete. Our thanks to the seniors and all the other people that use the senior center, including the staffing, for their patience. That's all I have this evening.

President Brown: Thank you. Mr. Gillock.

Council Member Gillock: Stewart, are these going to be exceptions to the current flood map or

are we trying to get a complete new flood map produced by the Corps?

Engineer Lovece: No, not produced by the corps, but we're trying to get a complete new map for French Creek, Robinson Ditch, the western portion, and Davis Ditch. If this is approved it will supersede the last map dated February, 1993.

Council Member Gillock: So it will be a new map.

Engineer Lovece: Yes.

President Brown: Mrs. Minnick.

Council Member Minnick: Do you have any plans to get the Mills Creek area out of the flood plain?

Engineer Lovece: Actually, some of that is underway by the developer.

Council Member Minnick: What developer?

Engineer Lovece: Actually, Dettore. Remember, early last year he submitted a map revision to FEMA for the eastern portion of Robinson Ditch and a portion of Mills Creek. The federal government reviewed that map and requested more information, including going further downstream along Mills Creek. Right now, that is in progress. Michael Zurich, the engineer who did the original study, is working on that as well as K. S. Associates. The cost is being paid by the developer. So there is some help for Mills Creek.

Council Member Minnick: Which portion? Would that be north and south Mills Creek or just south Mills Creek?

Engineer Lovece: I believe it will go, I don't know the exact limits, but it looks like it's going to go north of Center Ridge Road, so it will include...

Council Member Minnick: So it will be Creekside Lane, there's only a few houses there but there are quite a few houses on, I'm sorry, south Mills Creek has about five or six houses, and north Mills Creek has a lot of them.

Engineer Lovece: So there is some help in that area and we'll see where they leave off and how much more has to be done and that type of thing.

Council Member Minnick: Appreciate that. Also, speaking of flooding, there are three residents that I know of whose grades are not acceptable in the Presidentials. Is there something that you will be able to do for them to get those done for this spring or summer?

Engineer Lovece: I'm not sure. There's three?

Council Member Minnick: I know of three for sure.

Engineer Lovece: That I did not approve?

Council Member Minnick: That the grades were approved but they were not done according to your plans. I'll give you the names.

Engineer Lovece: You'd have to give me the addresses to look into that.

Council Member Minnick: Okay, I have the names. I can give them to you. I know you've spoken to them and I would like to see at least those three that have contacted me, try to get those done this spring or summer.

Engineer Lovece: Depending on the situation, I believe I talked to one, and there's really nothing that can be done. There's nothing wrong with it. If you forward that information to the Administration, then we can go further.

President Brown: Any further questions for the Engineer? Okay, thank you. Mr. Costin, Auditor's Report please.

**AUDITOR'S REPORT**

Auditor Costin: Madam Chairman, there is no report scheduled for this meeting. No comments.  
President Brown: Any questions of Mr. Costin? Seeing none, Law Director's Report.

**LAW DIRECTOR'S REPORT**

Law Director Zagrans: Thank you. The City was successful in pursuing and collecting almost \$20,000.00 in back water utility rates from a person that I will characterize as a reluctant rate payer. This signals the start, certainly not the end, of the Administrations efforts to insure that all of the taxpayers and rate payers within the City are treating the City fairly and evenly, just as the City intends to treat them. If there are people who have been tardy or late with substantial sums of money that they owe the City without having a legitimate or good reason for it, the City will pursue appropriate cases, as we did in this case, as I said, collecting just under \$20,000.00. The remainder of the Law Department report deals exclusively with litigation both existing and potential litigation and therefore I will deliver that in Executive Session.

President Brown: Thank you very much Mr. Zagrans.

**OTHER REPORTS**

Parks & Recreation Commission Liaison Report:

Council Member Minnick: Lou Vasi was elected Chairman and Doug Beach was elected Vice Chairman. Thanks to the Lions Club a picnic pavilion will be erected at the Shady Drive baseball complex. The Commission is spending over \$2,000.00 annually for porta-potties at the Shady Drive Baseball Complex and they request that the installation of the septic system be installed for the 2000 baseball season as approved by the Commission and Council in April. As I stated earlier, the Commission does not wish to wait until the talked about sewers are installed. It could be several years down the road. The Commission would like to work up a Master Plan for improvements at the complexes to be implemented as funds permit. Lastly, I posted the winter Parks & Rec Program web site for easy access for our residents. The web address can be obtained by calling either me or the Clerk of Council's Office. Thank you and that concludes my report.

President Brown: Thank you. Any questions of Mrs. Minnick?

Planing Commission Liaison Report:

Council Member Johnson: Madam President, no report.

President Brown: No report. Thank you.

Please Note:

Parks & Recreation 1999 Annual Report;

Parks & Recreation Director's Report for January 2000;  
Mayor's Court Operating Trust Fund/Bail Trust Fund Report for January 2000; and  
Treasurer's Annual Report for 1999.

President Brown: Now we'll go into New Business. Oh, I passed that up. Sorry. Old Business.

**OLD BUSINESS**

Council President Brown: Is there any Old Business? Mrs. Minnick.

Council Member Minnick: I would like to have T 145-99 put back into Committee. I have received many calls from residents that would be adversely affected by the zoning change and after reviewing B-3 zoning, I feel B-1 is more appropriate zoning district. B-3 should only be located along state, federal or other highways designated as major thoroughfares. B-1 district will, according to our Codified Ordinances, protect the surrounding residential areas against infiltration of commercial uses and B-1 would also comply with what the developer is planning, I believe.

Council Member Gillock: Madam President, I would like to support that myself. I believe that project is for offices, professional offices, which is a B-1 zoning. That area right now is R-1 and it abuts an R-1 area. If a project that the developer is pursuing is a B-1 occupancy, I see no reason to approve a B-3 zoning.

President Brown: Any other discussion?

Council Member Swindig: The Law Director.

President Brown: I'm sorry.

Law Director Zagrans: Not a problem. Madam President, T 145-99 is on the Agenda for a First Reading tonight and may I suggest to Mrs. Minnick and Mr. Gillock that a motion, if they wish to bring one or support one to recommit it to Committee, would be appropriate to be made at the time it comes up for First Reading.

Council Member Gillock: Thank you.

Council Member Minnick: Thank you. One other. I would also like Buildings & Lands to review Codified Ordinance Chapter 1288 to add mounding with landscaping as a requirement for buffering between residential and commercial areas.

President Brown: That has to go to a Committee?

Council Member Minnick: I would like, yes.

President Brown: Did you make the motion?

Council Member Minnick: I make that as the form of a motion.

motion by Minnick that Buildings & Lands review Codified Ordinance Chapter 1288 to add mounding with landscaping as a requirement for buffering between residential and commercial areas, 2nd by Butkowski

President Brown: Any discussion?

Council Member Butkowski: They're going over the ordinances right now so it would be, I would think you'd just put it back in that Committee and let them take it as a suggestion. I don't think we need a Committee Report or anything on it.

President Brown: Fine. Thank you. Just give it back to the Committee and have them look it over then. Right? Mr. White? I'm depending on you.

Council Clerk White: Don't depend on me all the time. You're the boss. You do what you want to do. You're the President.

President Brown: Okay, then we will send that back to Buildings & Lands. Is that all right with you Mrs. Minnick?

Council Member Minnick: Put it into Committee, not back into Committee. I don't believe it has been considered before. Yes, that would be Chapter 1288.

President Brown: REFER TO BUILDINGS & LANDS CHAPTER 1288 OF THE CODIFIED ORDINANCES. Now we'll go. Any more Old Business? Now we'll go to New Business.

**NEW BUSINESS**

Renewal Application for Placement of Farmland in an Agricultural District by Melvin H. and Marie G. Ternes for property located east of Bender Road and north of Chestnut Ridge Road, approximately 106.224 acres

Renewal Application for Placement of Farmland in an Agricultural District by Wences and Lillian M. Rak for property located on Barres Road and Otten Road, approximately 56.33 acres

Renewal Application for Placement of Farmland in an Agricultural District by George Grosik for property located on Island Road, approximately 33.97 acres

T 7-2000      An ordinance establishing processing fees for submitting applications, proposals, and/or plans for Planned Community Development areas within the City of North Ridgeville.

motion by Mayor Hill to suspend By-Laws to have First Reading, 2nd by Johnson

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

Yes, 7      No, 0

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

T 8-2000      A resolution accepting Gatestone Road (from Bagley Road to Gatewood Drive) from Bob Schmitt Homes, Inc. and dedicating it for public purposes.

T 9-2000      A resolution accepting Gatewood Drive from Bob Schmitt Homes, Inc. and dedicating it for public purposes.

T 10-2000      A resolution accepting Woodspring Circle from Bob Schmitt Homes, Inc. and dedicating it for public purposes.

T 11-2000      A resolution accepting Woodstone Circle from Bob Schmitt Homes, Inc. and dedicating it for public purposes.

T 12-2000      A resolution accepting Woodhaven Circle from Bob Schmitt Homes, Inc. and dedicating it for public purposes.

T 13-2000      An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to advertise for bids and enter into a contract according to law and in a manner prescribed by law for the purchase and installation of Highway guardrails along the approaches to Root Road and Maddock Road crossings, not to exceed \$40,000.00.

motion by Mayor Hill to suspend By-Laws to have First Reading, 2nd by Johnson

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

Council Member Gillock: This doesn't cost us anything, right?

Mayor Hill: Not one cent and it is pretty important. It is the first time that railroads and the Ohio Rail Commission have gone together, cooperated, with a municipality to take care of property that actually will extend beyond their property but for safety reasons it did take quite some time to talk them into it but eventually they agreed to do that. So, it's not one red cent from the City, however, our Engineer will approve the plans and we put out the bids.

President Brown: Any other discussion?

Mayor Hill: It's to replace chicken wire guard rails.

President Brown: Right. Please take the roll.

Yes, 7              No, 0

Council Clerk White: Motion carries 7-0 for T 13-2000 to receive First Reading tonight.

T 14-2000      An ordinance authorizing the Mayor of the City of North Ridgeville to advertise for bids and enter into a contract according to law and in a manner prescribed by law for the rental of equipment and related services for road repair and maintenance to be used by the Service Department.

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

President Brown: Discussion? Please take the roll.

Yes, 7              No, 0

Council Clerk White: Motion carries 7-0 for T 14-2000 to receive First Reading tonight.

T 15-2000      An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to advertise for bids and enter into a contract, for a twelve-month period, according to law and in a manner prescribed by law for the purchase of asphalt and related materials to be used by the City of North Ridgeville, Ohio.

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

President Brown: Is there any discussion? Hearing none, please take the roll.

Yes, 7              No, 0

Council Clerk White: Motion carries 7-0 for T 15-2000 to receive First Reading tonight.

T 16-2000      An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to advertise for bids and enter into a contract, for a twelve-month period, according

to law, and in a manner prescribed by law, for the purchase of limestone and sand to be used by the City of North Ridgeville, Ohio.

motion by Johnson to suspend By-Laws to have First Reading tonight, 2nd by Brown  
President Brown: Any discussion? Roll call please.

Yes, 7      No, 0

Council Clerk White: Motion carries 7-0 for T 16-2000 to receive First Reading tonight.

T 17-2000      An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to advertise for bids and enter into a contract, for a twelve-month period, according to law, and in a manner prescribed by law, to furnish and deliver concrete to be used by the City of North Ridgeville, Ohio

motion by Johnson to suspend By-Laws to have First Reading tonight, 2nd by Borocz  
President Brown: Any discussion? Roll call please.

Yes, 7      No, 0

Council Clerk White: Motion carries 7-0 for T 17-2000 to receive First Reading tonight.

T 18-2000      An ordinance requiring developers to install, provide, and implement, at their cost, adequate and appropriate street and traffic signs and signals in all developments and Planned Community Developments.

motion by Mayor Hill to suspend By-Laws to have First Reading tonight, 2nd by Johnson  
President Brown: Okay, the Mayor and second by Mr. Johnson. Is that right or wrong?

Council Member Johnson: That's right.

Mayor Hill: You're the boss.

President Brown: Any discussion? Roll call please.

Yes, 7      No, 0

Council Clerk White: Motion carries 7-0 for T 18-2000 to receive First Reading tonight and that's all the New Business that I have.

Council Member Swindig: Madam Chairman, being we received a memo from the Council Clerk dated January 10, 2000 on the new sound system and we had an opportunity for the Council Members to come up and try the new sound system to see how it works, I would like to make a motion for us to expend \$5,000.00 for the new sound system along with tape deck and mikes and so on that we can tape our Council meetings both here in Council Chambers and in the Conference Room and I'd like to put that into the form of a motion.

motion by Swindig to expend \$5,000.00 for the new sound system along with tape deck and mikes, 2nd by Johnson

President Brown: Any discussion? Mr. Gillock.

Council Member Gillock: Is this up to \$5,000.00 for everything?

Council Member Swindig: It's \$5,000.00 for the whole ball of wax, Dave, a little bit under.

Council Member Gillock: Okay. Secondly, I'm in favor of it as long as we have assurance that Media One can tie into it to pick up the audio direct off the microphones. If we leave them out and we're still picking them up out of the air like they are now we're not going to improve the

quality at home. So can you check into that?

Council Member Swindig: Madam Chairman.

President Brown: Yes Mr. Swindig.

Council Member Swindig: I was in the office today when Mrs. Cope was talking to the man. He said what they will do after it is hooked up, they will be able to tie into, I think it was the amplifier, instead of the way they are picking up now. Also, he will give us training sessions and when they have it all hooked up they will have set up with MediaOne to be able to come in and show MediaOne how to tie in there. The sound on the cable will be quite a bit better than we have right now.

President Brown: Mrs. Minnick.

Council Member Minnick: I'd like to ask Mr. Costin if the money is there, if it's appropriate?

Auditor Costin: We have an amount of money that sits in a contingency for things like this that come up before appropriations. What I would recommend that you do, though, is to use the term "approximately \$5,000.00" because as Mr. Gillock referred to, every now and then there's a glitch. We'd hate to have to come back because of a limitation like that. It doesn't require a formal ordinance because of the dollar amount does not require bidding. This is showing good intention. I think that would help.

Council Member Swindig: Well that basically was my question when I was here today when we got the cost estimate from the gentleman, Chris. It came in under. I think it was \$4,950.00 or something like that and I asked the question right there, should I ask for \$5,100.00 or something like that. But we can make it approximately.

Auditor Costin: If you say approximately \$5,000.00 that gives about another 10% if there is some wiring or some little thing.

Council Member Swindig: Okay, I will change my motion to say "approximately".

Auditor Costin: Thank you.

motion by Swindig to expend approximately \$5,000.00 for the new sound system along with tape deck and mikes, 2nd by Johnson

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

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0. Thank you very much.

President Brown: Thank you Mr. White. Now Correspondence please.

### **CORRESPONDENCE**

- 1) Received a letter from Joan Lowry of MediaOne updating Council on MediaOne's in-kind programming contributions to our community.
- 2) Received a letter from Wikel Agri-Services, Inc. Sales Manager Mark Jones introducing their company who specializes in the removal, transportation and disposal of biosolids and asks to be included on the list of contractors who receive bid documents for these types of service.

- 3) Received a memo from Mayor Hill announcing her appointment of Lois Schwachenwald for her third term on the Fair Housing Board and Linda Dunham for the remaining vacancy on the Board of Zoning Appeals.
- 4) Received a letter from Walter & Haverfield in regard to transfer of cable television franchises.

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

President Brown: Thank you Mr. White. We are ready for Lobby. I will give you two minutes to speak. If you have one of those things filled out, please leave it on the podium and you have to have your name and address. Any one?

**LOBBY**

- 1) Dale Cracas, 179 Cherry Lane, Avon Lake, candidate for House District #62 to introduce himself and say hello to everyone.

President Brown: Thank you Dale.

- 2) Joseph Antush, 38500 Otten Road, stated the Planning Commission said the developer was going to kick in on improving Case Road but couldn't say how much and he believes we should negotiate from strength, not with a maybe.

President Brown: Thank you Mr. Antush.

- 4) Jackie Beinlein, 33961 Lincoln Avenue, resident of Presidential Estates, stated she and the Presidential Estates oppose the rezoning at 6200 Lear Nagle Road, preferring that it remain residential and that they will be attending the Public Hearing of March 6th and every week until then.

President Brown: Thank you.

- 5) Mary Kutchera, 5660 Wallace Boulevard, stated after paying taxes here for 25 years and several years of hollering about Wallace Boulevard, of writing to Mayor Hill and of speaking to Mr. Swindig, there is still no improvement to Wallace.

President Brown: Thank you very much. Is there any other Lobby? Thank you.

- 6) Thomas Robinholt, 33815 Washington, resident of Presidential Estates, expressed his opposition to the plan for rezoning 6200 Lear Nagle because of congestion on Lear Nagle and would like it to remain residential.

President Brown: Thank you very much, sir. Any other Lobby Please?

- 7) Martha Horn, 33947 Washington Boulevard, resident of Presidential Estates, concerned about the rezoning at 6200 Lear Nagle Road and about the traffic congestion.

President Brown: Thank you Mrs. Horn.

- 8) David Bruening, 158 Fairfield Drive, Avon Lake, introduced himself as a candidate to the 62nd District, Ohio House of Representatives, spoke in favor of school reform and to contact him with any problems with the State.

President Brown: Thank you very much, sir. Any other Lobby? Seeing none, we will go into Executive Session and Recess.

Council adjourned into Executive Session at 8:33 P.M.

**RECESS**

Council reconvened from Executive Session at 9:33 P.M.

President Brown: Continuing on, I hope you enjoyed your Recess. First Readings please Clerk.

**FIRST READINGS**

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

First Reading

T 145-99      AN ORDINANCE AMENDING SECTION 1240-01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: 6200 LEAR NAGLE ROAD (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT, AND OWNED BY MAURICE F. SHAVE.

First Reading

Council Member Gillock: Madam President. I yield to Mrs. Minnick.

motion by Minnick to return T 145-99 to Buildings & Lands Committee to look at B-1 zoning rather than B-3, 2nd by Gillock

President Brown: Is there any discussion?

Council Member Johnson: Yes, I believe that rather than going to Committee, if everyone here is agreeable to B-1, why don't we just change it tonight instead of putting it in Committee. I can see no reason for that because everything is designed and that will go into B-1.

President Brown: Would you like to change that motion?

Council Member Minnick: Actually, I would also like to give the residents from the Presidentials a chance to sit in on the Buildings & Lands to give their opinion, too, since there were so many that spoke about their opposition to the rezoning.

President Brown: Didn't you mention that you'd like to have it zoned B-1.

Council Member Minnick: I'm sorry, pardon me?

President Brown: Didn't you mention that you wanted it to be zoned B-1?

Council Member Minnick: Yes, but then there were several Members in the Lobby that didn't.

Council Member Gillock: Madam President.

President Brown: Yes, Dave.

Council Member Gillock: I'm not saying I want it zoned B-1. I think it would be more appropriate if we were going to rezone it that the B-1 designation be used. I still think we want to discuss whether we're for it or not. I don't have a problem changing the designation from B-3 to B-1. We'll still have a Hearing on it.

Council Member Johnson: Right.

President Brown: Any other discussion? Take the roll please.

Council Clerk White: Now we're taking the roll to put T 145-99 back to Buildings & Lands.

Council Member Minnick: Committee, yes.

Yes, 3                      No, 4 (Johnson, Swindig, Borocz, Brown)

Council Member Swindig: Madam Chairman.

President Brown: Yes Mr. Swindig:

motion by Swindig to change B-3 to B-1 in Ordinance T 145-99, 2nd by  
Butkowski

President Brown: Any discussion?

Council Clerk White: Wait a minute. Who are you going to give me a second from. I heard one from both sides.

President Brown: Oh, well, I think Mrs. Butkowski. You're so little, you have to hold your hand up, Mrs. Butkowski, so I can see you.

Council Member Butkowski: I'll scream louder.

President Brown: Discussion?

Safety-Service Director Zirzow: Madam President, could we let this go one more reading and have the Law Director check into something. I believe this was a petition requested by the land owner. Correct? Went to Committee? This isn't the City going in and requesting the zoning change. If that's the case, can the City arbitrarily just go ahead and amend it to a different zoning classification without their approval? You can't suspend By-Laws or anything like that. I just ask that you let the Law Director, if he knows off the top of his head, or he can research that the next two weeks.

Law Director Zagrans: Was this in fact a petition from the land owner?

Safety-Service Director Zirzow: Yes.

Council Clerk White: Yes.

Law Director Zagrans: It would at least require his consent.

Safety-Service Director Zirzow: Because if it changes something that, if it increases taxes undesirably, if it can't help him build whatever he intends to build. I do not know that for a fact, but I'm saying that I believe could be a basis to look into this and see if that would suit his needs.

Law Director Zagrans: Well, it's coming on for Public Hearing, correct? On March 6th. Okay. So we have time. I will look into that but I think it requires at least his consent if not his

initiation of any change.

Safety-Service Director Zirzow: I was just asking that question before there was a roll call on the amendment.

President Brown: Would you people be willing to withdraw your motion?

Council Member Swindig: I'll withdraw mine.

Council Member Butkowski: I'll withdraw.

President Brown: Okay. Thank you very much. The Law Director will take care of that.

Council Clerk White: T 145-99 received its First Reading.

T 7-2000      AN ORDINANCE ESTABLISHING PROCESSING FEES FOR SUBMITTING  
3533-2000      APPLICATIONS, PROPOSALS, AND/OR PLANS FOR PLANNED  
                 COMMUNITY DEVELOPMENT AREAS WITHIN THE CITY OF NORTH  
                 RIDGEVILLE.

First Reading

motion by Johnson to suspend By-Laws for second and third readings tonight,

2nd by Swindig

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

Yes, 7      No, 0

Council Clerk White; Motion carries 7-0 to suspend second the third readings.

motion by Johnson to adopt, 2nd by Swindig

President Brown: Any discussion? Seeing none.

Yes, 7      No, 0

Council Clerk White: Motion carries 7-0.

Permanent Ordinance No. 3533-2000

T 14-2000      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH  
3535-2000      RIDGEVILLE TO ADVERTISE FOR BIDS AND ENTER INTO A  
                 CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY  
                 LAW FOR THE RENTAL OF EQUIPMENT AND RELATED SERVICES FOR  
                 ROAD REPAIR AND MAINTENANCE TO BE USED BY THE SERVICE  
                 DEPARTMENT.

First Reading

motion by Johnson to suspend By-Laws to have second and third readings

tonight, 2nd by Borocz

President Brown: Any discussion? Hearing none.

Yes, 7      No, 0

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

motion by Johnson to adopt, 2nd by Swindig

President Brown: Any discussion? Call the roll please.

Yes, 7      No, 0

Council Clerk White: Motion carries 7-0. T 14-2000 becomes Ordinance 3534-2000.

President Brown: T 13-2000

Council Clerk White: I don't have T 13-2000.

Council Member Butkowski: Madam Chairman, we did miss 13. That's the railroad one that's free.

Council Clerk White: Thank you very kindly. I have one. Okay. T 14-2000 becomes ordinance number 3535-2000. Sorry about that. Thank you.

Permanent Ordinance 3535-2000

T 13-2000      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH  
3534-2000      RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A  
CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY  
LAW FOR THE PURCHASE AND INSTALLATION OF HIGHWAY  
GUARDRAILS ALONG THE APPROACHES TO ROOT ROAD AND  
MADDOCK ROAD CROSSINGS, NOT TO EXCEED \$40,000.00.

First Reading

motion by Johnson to suspend By-laws to have second and third readings tonight,  
2nd by Gillock

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

Yes, 7      No, 0

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

motion by Johnson to adopt, 2nd by Borocz

President Brown: Any discussion? Seeing none.

Yes, 7      No, 0

Council Clerk White: Motion carries 7-0.

Permanent Ordinance No. 3534-2000

T 15-2000      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH  
3536-2000      RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A  
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW  
AND IN A MANNER PRESCRIBED BY LAW FOR THE PURCHASE OF  
ASPHALT AND RELATED MATERIALS TO BE USED BY THE CITY OF  
NORTH RIDGEVILLE, OHIO.

First Reading

motion by Johnson to suspend By-Laws for second and third readings tonight,  
2nd by Gillock

President Brown: Second Mr. Gillock. Any discussion? Roll please.

Yes, 7      No, 0

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

motion to adopt by Johnson, 2nd by Swindig

President Brown: Johnson and Mr. Gillock.

Council Clerk White: Mr.? It came from this side of the room.

Council Member Gillock: It doesn't matter. It was a tie.

Council Clerk White: Okay.

Yes, 7      No, 0

Council Clerk White: Motion carries 7-0.

Permanent Ordinance No. 3536-2000

T 16-2000      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH  
3537-2000      RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A  
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,  
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF  
LIMESTONE AND SAND TO BE USED BY THE CITY OF NORTH  
RIDGEVILLE, OHIO.

First Reading

motion to by Borocz to suspend By-Laws to have second and third readings,  
2nd by Swindig

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

Yes, 7      No, 0

Council Clerk White: Motion carries 7-0

motion to adopt by Swindig, 2nd by Johnson

Council Clerk White: Okay.

President Brown: Any discussion?

Yes, 7      No, 0

Council Clerk White: Motion carries 7-0.

Permanent Ordinance No. 3537-2000

T 17-2000      AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH  
3538-2000      RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A  
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,  
AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND DELIVER  
CONCRETE TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

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

President Brown: Any discussion?

Yes, 7      No, 0

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

motion by Swindig to adopt, 2nd by Borocz

President Brown: Any discussion? Call the roll please.

Yes, 7      No, 0

Clerk of Council White: Motion carries 7-0 and becomes ordinance number 3537-2000.

Council Member Swindig: Excuse me.

President Brown: Yes, that's wrong.

Law Director Zagrans: 3538

President Brown: Yes, it's 38.

Council Member Swindig: 3538 Mr. White.

Council Clerk White: Thank you very kindly.  
Permanent Ordinance No. 3538-2000

President Brown: You're earning your job tonight, aren't you Jim.  
Clerk of Council White: No I'm not. I'm going to suspend By-Laws to get rid of me.  
Council Member Gillock: Second.  
Council Clerk White: Good, let's have a vote now.

T 18-2000      AN ORDINANCE REQUIRING DEVELOPERS TO INSTALL, PROVIDE,  
3539-2000      AND IMPLEMENT, AT THEIR COST, ADEQUATE AND APPROPRIATE  
STREET AND TRAFFIC SIGNS AND SIGNALS IN ALL DEVELOPMENTS  
AND PLANNED COMMUNITY DEVELOPMENTS.

First Reading

motion to suspend By-Laws to have second and third reading tonight, 2nd by  
Swindig

President Brown: Discussion? Roll Call.

Yes, 7              No, 0

Council Clerk White: Motion carries 7-0 to suspend second and third reading.  
motion to adopt by Johnson, second by Swindig

President Brown: Discussion? Roll call, please.

Yes, 7              No, 0

Council Clerk White: Motion carries 7-0 and becomes Ordinance 3539-2000.  
Permanent Ordinance No. 3539-2000

Council Clerk White: That's all the First Readings I have. Second Readings.

**SECOND READINGS**

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

Second Reading

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

Second Reading

T 3-2000      AN ORDINANCE APPROVING A SUBDIVIDER AGREEMENT WITH  
3540-2000      HIGHLAND DEVELOPMENT FOR DEVELOPMENT OF THE DEERFIELD  
SUBDIVISION, PHASE 2 AND PHASE 3 AND ACCEPTING THE STREETS  
FOR PUBLIC PURPOSES

Second Reading

motion by Johnson to suspend third reading, 2nd by Swindig

President Brown: Discussion? Roll call please.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0 to suspend Third Reading.

motion by Johnson to adopt, 2nd by Swindig

President Brown: Discussion? Roll call please.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0.

Permanent Ordinance No. 3540-2000

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

Council Member Johnson: That's the one we just did.

Council Clerk White: Oh, we changed that. Okay ladies, thank you.

T 4-2000      AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES ONLY THE  
3541-2000      PLAT OF RIDGEFIELD HOMES SUBDIVISION NO. 5 AND ACCEPTING  
THE STREETS FOR PUBLIC PURPOSES.

Second Reading

motion by Johnson to suspend By-Laws to have the third reading tonight, 2nd by Swindig

President Brown: Discussion?

Council Member Butkowski: Excuse me, madam, I think we want to dispense with the Third Reading, not have the Third Reading tonight.

Council Member Johnson: Suspend By-Laws to have the third reading.

Council Member Butkowski: Well, we'll suspend the third reading then?

Council Clerk White: Right.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0 to suspend third reading.

motion by Swindig to adopt, 2nd by Johnson

President Brown: Discussion? Roll call please.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0 and becomes Ordinance 3541-2000.

Permanent Ordinance 3541-2000

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

**Second Reading**

President Brown: Motion?

Council Clerk White: No.

President Brown: All right, that's Second Readings.

**THIRD READINGS**

Council Clerk White: Third Readings, I have none.

**UNFINISHED BUSINESS**

President Brown: Mr. Johnson.

Council Member Johnson: Due to the time restraints set forth by the Ohio Revised Code of Applications submitted for Agricultural Districts, I make a motion directing the Clerk of Council to prepare legislation for the first reading at the February 22, 2000 meeting for the three renewal applications for placement of farmland in an Agricultural District.

motion by Johnson to direct the Clerk of Council to prepare legislation for the first readings at the February 22, 2000 meeting for the three renewal applications for placement of farmland in an Agricultural District, 2nd by Swindig

President Brown: Any discussion?

Council Clerk White: That's for all three, right?

Council Member Johnson: All three.

Council Clerk White: Okay.

President Brown: Take a vote.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0.

President Brown: Any more unfinished business? Mrs. Minnick.

Council Member Minnick: In reviewing the report that we received from the City Planner about her raising the concern about the traffic being understated to a significant degree and the traffic flow on specific roads, is that going to affect the status of the PCD that just had the third reading, second reading? The preliminary approval.

Mayor Hill: Madam President, no, I don't believe it does. We talked to the City Planner today. She said there's only one issue really remaining that she's concerned about, and that is the suggestion for turning lanes or widened lanes at Case and/or Stoney Ridge.

Council Member Minnick: In the report she also mentions the increased traffic, regional traffic on key roads such as Center Ridge, Case Road and Stoney Ridge.

Mayor Hill: That's why we're doing the traffic impact study of the entire western portion of the City, so that it's all coordinated.

Council Member Minnick: Should the approval or the third reading of that change of this PCD be held up until we get that study done.

Mayor Hill: I don't think so. By the time you do that study, get it approved through Finance and through Council, and they can begin the work, you're looking at six weeks just for that. That's

without study of the study itself, the report that is given to us. That's only the first phase of the entire impact study.

Council Member Johnson: Madam President, that PCD has done a traffic impact study which was presented to Mr. Lovece. Some of the things that the Planner has stated is in that impact study. This one actually has had a traffic impact study for this PCD. Future ones coming we want to make sure and that's why we're trying to set up the legislation, 3533-2000 ordinance, that the total west side be done as one unit.

Council Member Minnick: Yes, I understand that, but she raised a concern about the traffic flow study that was done, that was completed and did raise questions about that in this plan. I'm wondering how that will affect, how our new traffic flow plan will affect this PCD.

Engineer Lovece: Madam President, we have one engineering company hired by the developer. Actually, we recommended, they wanted to know which company to use and we actually gave them the recommendation. We have the City Planner, their engineering staff review it as well and naturally there's always some comments. The issue that's remaining, the last issue between their engineer and our engineer and myself, the last issue was the possible addition of a turning lane into the development, possibly some improvement at Case Road, at the intersection of Case and Center Ridge. That's the only thing that's really remaining. This reading here would be to give preliminary approval for this PCD. There are some issues that we're on top of and resolving and as the Mayor said, we're also studying the whole entire area. But we can't wait. It's not proper to stop everything and wait for the study but we're going to have this development integrated with other developments and see how we could make improvements through the whole western portion of the City.

President Brown: I'd like to have a motion to extend past 10:00.

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

President Brown: Please take a vote.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0. We may extend beyond 10:00 P.M.

Council Member Johnson: Madam President, also, our PCD steps, by this being a preliminary plan, the preliminary would have to be approved. Then it would go back to the Planning Commission after they draw up for finals. The results would be back before they come back for the finals. When they come back for their finals, that's when they will work with Stewart and the developer's agreement will be made up and you'll get what you want at that time.

Engineer Lovece: We'll fine tune. Things will evolve. There's meetings, there's constantly dialogue between the developer and the City.

Council Member Johnson: The time frame is probably June or July before this even gets to the final.

President Brown: Okay. Any other Unfinished Business?

**COMMITTEE MEETING ANNOUNCEMENTS**

Council Clerk White: There will be a Finance Committee Meeting Wednesday, February 9, 2000 at 1:00 P.M.;

Public Hearing to be held Tuesday, February 22, 2000 at 6:45 P.M.  
(Ternes Agricultural District Application);

Public Hearing to be held Tuesday, February 22, 2000 at 6:50 P.M.  
(Rak Agricultural District Application);

Public Hearing to be held Tuesday, February 22, 2000 at 6:55 P.M.  
(Grosik Agricultural District Application);

Public Hearing to be held Tuesday, February 22, 2000 at 7:00 P.M. on T 137-99;

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

Next Regular Council Meeting Tuesday, February 22, 2000 at 7:30 P.M.

That's all that I have.

President Brown: Any other Committees? May I have a motion to adjourn?

**ADJOURNMENT**

motion by Swindig to adjourn, 2nd by Johnson

President Brown: Please take roll.

Yes, 7                      No, 0

Council Clerk White: Motion carries 7-0 to adjourn.

Meeting adjourned at 9:59 P.M.

MOTION Swindig 2ND Butkowski DATE February 22, 2000  
(as corrected February 22, 2000)

YES 7 NO 0 ABSTAIN 0

  
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PRESIDENT OF COUNCIL

  
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CLERK OF COUNCIL