

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING FEBRUARY 5, 2001**

CALL TO ORDER

President of Council Jean Brown: I would like to call the Regular Council meeting of North Ridgeville City Council, February 5th meeting, to order. Please stand for the Invocation and the Pledge of Allegiance.

INVOCATION lead by President Brown.

PLEDGE OF ALLEGIANCE by all.

President Brown: Roll call please, Mr. White.

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 January 16, 2001 on T112-2000

Council Member Borocz: Madame Chairman?

President Brown: Yes?

Council Member Borocz: I would like to move that we, can we group these all together?

President Brown: Can we group them all together, Mr. Zagrans?

Law Director Zagrans: Because they're for different Public Hearings I think they should be taken up separately.

President Brown: All right. I need a motion to accept.

motion by Borocz to accept,

President Brown: Who seconded it?

Council Clerk White: Overby.

President Brown: Okay, Mr. Overby.

2nd by Overby

President Brown: Any discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

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President Brown: Thank you.

Public Hearing Minutes of January 16, 2001 (T 140-2000)

motion by Borocz to accept, 2nd by Swindig

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Public Hearing Minutes of January 16, 2001 on T 141-2000

motion by Borocz to accept, 2nd by Swindig

President Brown: Discussion? Seeing none, roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Public Hearing Minutes of January 16, 2001 on T 142-2000

motion by Borocz to accept,

President Brown: Who seconded?

Council Clerk White: Overby.

2nd by Overby

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Public Hearing Minutes of January 16, 2001 on T 143-2000

motion by Borocz to accept, 2nd by Overby

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

President Brown: Regular Council Minutes of January 16, 2001

Motion to accept Mrs. Borocz, Mr. Overby seconded.

motion by Borocz to accept 2nd by Overby

President Brown: Discussion? Any corrections? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for Regular Council meeting of January 16.

President Brown: Please note:

Parks & Recreation Commission Minutes of December 6, 2000;

Civil Service Commission Minutes of January 10, 2001;

Board of Drainage & Flood Control Minutes of January 24, 2001;

Board of Zoning & Building Appeals & Planning Commission Work Session Minutes of January

25, 2001; Board of Zoning & Building Appeals Minutes of January 25, 2001; and Planning Commission Minutes of January 9, 2001

Are there any Committee Reports?

COMMITTEE REPORTS

Council Clerk White: I have none.

President Brown: None, good, moving on. Mayor.

MAYORS REPORT

Mayor Hill: Thank you Madame President. You will find T 12 on your agenda. This is a resolution in support of Congressman Brown's efforts to persuade President Bush to enforce antidumping laws regarding steel imports. Congressman Brown supported a House Resolution urging immediate action to provide relief and to ask for an investigation into illegal dumping by foreign nations. He followed up with a meeting with the United Steelworkers President and other members of the Congressional Steel Caucus to discuss the crisis and to consolidate efforts. Other proposals that are being considered include promoting faster trade dumping relief and new incentives for loans. If we do not defend the steel industry against illegal trade practices, we will surely set a dangerous precedent, and no American industry will be safe. During lobby, Jim Crupper, a resident of North Ridgeville and Vice President of United Steelworkers, Local 1157 will speak about the issue. I am asking that Council pass the resolution tonight, with the emergency, due to the urgency of the situation that increases every day the illegal dumping continues.

Low and moderate-income residents can apply for a \$250 break on this winter's heating bills. People can qualify if their household incomes are no higher than 200% of the federal poverty level. As a benchmark, \$34,056 for a family of four would qualify, and that's with gas customers. The program can be used in addition to other energy-assistance programs. It is possible some people who did not qualify for other programs would qualify for this one. The number to call and I'll say it twice, it's a Lorain number, is 244-4150, 244-4150 for more information.

We've been notified that Beckett Corporation has made the third installment payment of \$25,000 to our schools as part of the negotiated tax abatement agreement. Twenty-five thousand dollars will be donated annually until 2008 for a total, to the schools, of \$250,000.

In line with my offer of the olive tree, that has become famous or infamous, I have contacted five agencies that handle what is now called, "conflict transformation". They include the Nord Foundation, the American Center for Conflict Resolution, Public Services Institute at Lorain County Community College, the College of Urban Affairs at Cleveland State and the Federal Mediation and Conciliation Service. Each agency will be forwarding information to me. All this

is in the hope that the present conflict we unfortunately witness and read about can be transformed into a cooperative and civil commitment to the people of our City.

Lastly, everybody who came in and if the last folks didn't get one, we'll have them available. There was a flyer that went out, on the west side of town, I believe it was yesterday morning and someone brought it to me. So, I thought I'd take a look at it and try to answer some of the questions that we're included. The Administration's responsibility is to be clear and communicative. We are trying hard to do that. However, if questions or misunderstandings remain, we will do more. No question shall remain unanswered. That is our goal and our commitment. The logic to the sewer proposal is based on the financial benefit it will provide to the City and its taxpayers. For the first time in the history of the City, sewers will be available to every property owner when and if they want them. But instead of the taxpayers footing the entire eight to nine million dollar bill for the westerly trunk sewer, it will cost the City only 2.25 million dollars because we persuaded three large landowners to agree to be assessed for almost 75 percent of the cost of the sewer. The City's share of the cost of the project will pay for the other properties which will be benefitted by the trunk sewer but not assessed. Furthermore, we intend that the City's share of the cost of the project will be paid by new revenues generated by connection fees charged to unassessed properties that tap-in to the sewer system generally including the new line. Now, some of the questions that were on the flyers that were distributed and unfortunately I had nobody to contact because it was a non-signed flyer.

Why hasn't the City been holding Public Meetings to discuss the pros and cons along with the impact of the legislation?

I will ask the question that was on the flyer and then attempt to answer it.

There have in fact been several public meetings regarding the westerly sewer project, including a press conference at which it was announced, about two years ago, several Council meetings, Planning Commission meetings, and a town meeting held on July 15, 2000. Also, Safety-Service Director Johnson provided information in question and answer form over several weeks in the Press & Light. I think it was about 107 questions.

Why have negotiations been secret and closed to the public and conducted by the Mayor only?

The private landowners agreeing to be self-assessed for almost 75% of the cost of the trunk sewer have conducted private negotiations with each other, and with the City, regarding these matters. Successful business negotiations are never conducted in public. However, I publicly announced that I was engaged in negotiations with the private landowners, and that I was trying to divert the great majority of the cost from the taxpayers to them. The Mayor is the chief executive officer of the City, and it is the Mayor's duty under the City Charter to conduct such negotiations. Next question.

Should a Mayor who has received significant campaign contributions from developers be the sole negotiator with the developers?

Although the Mayor has ultimate responsibility for this or any other negotiation, I was not, in

fact, the sole negotiator. I assembled a team consisting of myself, the Safety-Service Director, the Auditor of the City, the Engineer of the City, the Law Director, the City's outside bond counsel who is here tonight and is with Squire, Sanders & Dempsey, and the City's outside investment advisor, to be intimately involved with the negotiations and to work on this project to protect the City's and the taxpayers' interests. Regarding the campaign contribution, out of \$8,400 in campaign contributions I raised in 2000, I received campaign contributions from two of the landowners who have agreed to be self-assessed for the sewer project. Forest City contributed \$400, less than five percent of the total, and Frank Dettore contributed \$200, about two percent. These are clearly insignificant both in total dollars and as a percentage of all contributions.

What happens if the developers default or go bankrupt, will the taxpayers be forced to pick up the cost of this eight million dollar plus project?

The City's security is the fact that the property assessments on the landowners' properties run with the land and bind the land to be assessed as a lien regardless of who owns the property or whether they are bankrupt.

Why hasn't the complete sewer agreement been attached to the information given to Council Members who have to study the proposal before they vote upon the legislation?

We are unsure of what is meant by the "complete" sewer agreement. All of the documentation regarding the landowners' agreement, the petitions for self assessment, the authorizing legislation for the project and the issuance of project bonds and bond-anticipation notes, and the detailed engineering plans, specifications and drawings, have been available to all Members of Council and to the public in the Council Clerk's office since Thursday, last Thursday at 3:00 P.M. All documents received by the Administration regarding this project are in the possession of the Council Members or are available, as called for in the law, in the Council Clerk's office.

Why haven't detailed sewer plans been submitted to Planning Commission for approval?

The Planning Commission approved the concept of the westerly sewer project in October and Council approved the Planning Commission's recommendation at the next Council meeting. The detailed plans have just been finalized, as I said, and are in accordance with the concept plan that Planning Commission approved.

Why does the sewer plan deviate from the Master Plan?

The Master Plan was created specifically as a concept, and this has been said many, many, many, times, a guideline and a living document. The route has been changed even though there were two routes, two different routes included in the Master Plan, because it was determined that both of the routes suggested by the Master Plan would have been cost prohibitive according to engineering studies. The route may not be the same, but it is the most economical means to do what the Master Plan intended, to provide a westerly sanitary interceptor from the stub on Case Road at the Avon border to the southern portion of the City at Chestnut Ridge Road. The proposed Master Plan route would cost almost twelve million dollars, but LORCO was expected

to pay approximately five million of that cost, leaving the City's taxpayers to pay the remaining seven million. Instead, under the City's current plan, the taxpayers will pay only 2.25 million.

Why must taxpayers pay 16 percent of the cost of the sewer project when only the developers and a few homeowners on Race Road will benefit? Sewers will not be free to all other homeowners on the West Side of the City.

The taxpayers will pay about 27 percent of the cost of the sewer project, up by 11 percent from our earlier estimate of the City's share. Thus, the City's taxpayers will pay about nine hundred thousand more than originally calculated as a result of, first, two landowners backing out of the self-assessment project, raising the City's share by six hundred ninety seven thousand, and secondly, the 200 acres known as Kingston Place going from a PCD to and R-1 zoning, which cost the taxpayers two hundred two thousand dollars. From the beginning, I gave my commitment that the developers would pay the connection charges and the cost of abandoning their septic systems for any homeowner along the interceptor route who would be mandated to tap into the sewer line by the EPA. There are 10 homeowners along Race Road who would be so affected, and their costs of mandatory connection to the interceptor sewer and closing down their septic tanks are being paid by the landowners. The remaining landowners on the west side of the City will not be forced to tap into the interceptor sewer, but will have the opportunity to tap into the sewer if and when they wish.

Why is the City going forward with this project before the courts rule on the legislation affecting the PCDs involved?

The landowners have submitted their petitions at this time. The City has no right to delay this project if, despite the current controversy and litigation involving PCDs, the landowners wish to proceed with paying for the lion's share of the interceptor sewer project.

What is the emergency to push this project forward with so many serious unanswered questions? An emergency exists because the sewer project is necessary for the immediate preservation of the public health, safety and welfare of the City, in order to enable the City to proceed timely with the improvement, which is urgently needed to eliminate existing and potential hazards to public health and the environment. Hopefully, as a result of the Administration's commitment to provide all the facts and information pertaining to this important project for the betterment of life for all the people of our community, by the time this process is concluded there will be no remaining unanswered questions. But if there are any unanswered questions or misunderstandings about any aspect of this matter, we will answer them. Thank you.

President Brown: Thank you Mayor. Anyone have any questions of the Mayor's oral report?
Mrs. Minnick?

Council Member Minnick: Yes Mayor, can you please tell me why LORCO was completely left out of the loop with the sewer agreement? It seems that if they had five million dollars to put into a share of the sewers than we could have made an agreement with LORCO, the developers

and the City and we would not have had to make an agreement with the developers for the PCD ordinance, in other words, greater house density. They wouldn't have had to put as much money in either if LORCO could have been in the loop to.

Mayor Hill: I'd be glad to answer that. First of all LORCO doesn't have five million dollars. As a matter of fact they borrowed eight hundred thousand, they have spent two hundred thousand and they effectively have no sewer. They will be ordered to repay what they have borrowed. They have a tentative agreement with Avon Lake to run the sewer line there. When I checked with the EPA and also Water Development, it appears that there has been no further movement by LORCO, and as a matter of fact EPA said that since the original agreement with French Creek Wastewater Plant was to service Sheffield Village, Avon and North Ridgeville we are obligated to do that without further expansion. The new expansion we just had, according to the EPA, only serves what we need to do per EPA requirements. There would have to be further expansion. We discussed that at some length over many, many months with LORCO, they declined to participate in the cost of that. So, basically, LORCO hasn't really done anything and they owe two hundred thousand dollars. Oh, what I was going to say is, I asked the specific question, could the City and our taxpayers be held liable if, because we service LORCO and all of the townships, I think there were like thirteen, would we be held liable if we could not then fulfill our agreement to service Avon, Sheffield Village and all people of North Ridgeville, and the answer was yes.

Council Member Minnick: Madame Chairman, I have a few other things. I had talked to LORCO not recently but, I had seen the paper work that they did have the funds available. But, on another note, you said that the remaining land owners on the west side of the City will not be forced to tap into the interceptor sewer but will have the opportunity to tap into the sewer if and when they wish but, then, at the end you're saying an emergency exists because the sewer project is necessary for the immediate preservation of the public health, safety and welfare of the City, but, that sewer will not be running through public lands, it will be running basically, for the most part, through developer land.

Mayor Hill: Okay, just, may I Madame President?

President Brown: Yes you may.

Mayor Hill: Yeah, as a matter of fact I don't know how long ago you talked with LORCO but I talked to one of the townships involved on Friday and they do not have funds, they do not have them available and they still owed the money that they spent. As far as, excuse me.

Council Member Minnick: I'll check into that.

Mayor Hill: Okay. As far as the emergency now, I think our Law Director wanted to respond to that.

Law Director Zagrans: If I may?

President Brown: Yes you may Mr. Zagrans.

Law Director Zagrans: As has been explained on a number of occasions, and what people need to fully appreciate, is that the EPA has been hounding the City for a period of time to get a sewer line developed along the western Center Ridge portion of the west side of the City. The interceptor sewer that we are talking about which runs north to south is the prerequisite for

having the lateral running east and west along Center Ridge Road which would be the second phase of this project. That sewer is necessary because of the businesses that go along that route for the immediate preservation of the health, safety, welfare of the community and its environment and we have been told that on any number of occasions by the EPA. So this is the first step in making sure that the entire west side is sewerred including, most importantly as far as the EPA goes, but not as far as those of us who live in the community go, the first step in getting the sewers put in for the entire western half of North Ridgeville.

President Brown: Thank you.

Council Member Minnick: One other question Mrs. Brown, if I may?

President Brown: If you have a question that's fine but I'm not going to allow you to debate.

Council Member Minnick: All right, fine. The Mayor, I would like to know how we can be informed that documentation is available because I did pick up my packet Saturday morning and no attachments were available to me at that time. I did go up to the office this morning and ask for them, it was quite a lot to read so, I would like to know what, how we can work it so that we are informed that these are available. I did not know that they were available February 1st. Like I said, I picked up my packet Saturday morning and the attachments were not there. I assumed that anything that would be needed to be decided on tonight would have been included.

President Brown: Mr. Zagrans, do you have an answer to that?

Law Director Zagrans: All right. It's because as a matter of ordinance in the City of North Ridgeville, documents like which you are talking about are required to be on file and available for the access of City Council Members in the Council Clerk's office. These were voluminous documents. They included such things as the design plans, such as are on the table there in front, which could not be conveniently copied and that's why our ordinance provides that any time you have legislation like this, all of the documentation will be on file in the Council Clerk's office for anybody wishing to come in and read them.

Council Member Minnick: My problem is knowing whether it's available. I did not know that the westerly sewer was going to be put on, I did not know that this was coming forward today and I did not know that material was available.

Law Director Zagrans: Okay.

Council Member Minnick: Until I received it.

Law Director Zagrans: It will always, whenever you get a package like this, now or in the future, and there are documents that go along with a legislative proposal, they will always be on file in the Clerk's office because that's the way our ordinance reads.

Council Member Minnick: All right, okay, if information is not available to us, as for the agenda until 4:00 Friday, I was not able to get in until no one was in the office. So, Monday I finally got copies made because we asked for it and I found they were available. It would have been a great help to be informed ahead of time that these were available. It's quite a lot to read, just like you had said. But it was not available to us and I did not know it existed.

President Brown: Mr. Gillock?

Council Member Gillock: This is a question of the Mayor. On T 12, is there any reason why this is only Sherrod Brown and not Voinovich or DeWine? Is there a way we can indicate to

them out support?

Mayor Hill: Yeah, we can amend it to include DeWine and Voinovich. The reason was that it was, number one, requested by a resident that will speak tonight and ask specifically for Congressman Brown to be part of this because he's part of the Steel Caucus. We most certainly can include the two Senators because it's going to the President. I understand Governor Taft was making an announcement today about the State funds so he's already moved quickly on it and besides which those are Congressmen who would have access more to President and closer in that line then in the State.

Council Member Gillock: I would like to make that amendment when we come to that ordinance.

Mayor Hill: Fine.

President Brown: Mr. Johnson, Safety-Service Director's report.

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Johnson: Yes Madame President. Ditch cleaning was performed on Shady Drive, Mills Road east of Jaycox, Helen, Lee, and Ridgeview.

The sewer vac was used for storm cleaning on Cornell, Chestnut Ridge and Dorchester. Sanitary sewers were cleaned on Cornell, Wallace and Olive.

Several catch basins were either installed or repaired on the following streets: Avon Belden, Rosebelle, Drake and Dorchester.

Seven hydrants were replaced on the following streets: Mills Creek Lane, west Cadet, Evergreen, Gail, Root and two on Joanne.

Three water leaks was repaired at Lee, Downing and Paula.

A crossover road pipe was replaced on Otten. Gloria and McKinley were stoned again. Barres and McKinley were graded. In addition, we would like to thank the City of Avon for the use of their grader.

Berming took place on Maddock and at the intersections of Lear and Chestnut, relocated 83 and Lorain and also several sinkholes caused by truck parking on Lorain.

Patching with winter mix has been ongoing with at least two, two-man crews whenever they were not busy salting and that concludes my report.

President Brown: Thank you Mr. Johnson. Is 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. Bainbridge Road reconstruction. Progress on the bridge is slow. Contractor is being penalized eight hundred dollars a day, each calendar day. That includes Saturdays, Sundays and holidays that the completion of the bridge goes beyond its scheduled date. Now, per contract they were allowed sixty days to do that bridge and with an addition of what you call winter protection for concrete. That was the only thing that was agreed in addition to that sixty days and they're beyond that completion date. Right now their about twelve thousand dollars in the hole. It's a disincentive type of thing, but it's something that's necessary, especially in this case. So, what that happens, that money is deducted from their progress payments and you know, it's giving, it's certainly giving them some incentive to complete the project in a more timely manner and we'll stay on top of the situation.

Westerly sanitary sewer. From an engineering standpoint it's a much needed project. It's been the dream of several administrations. Plans are on the table right in front of me and they're off to the Ohio EPA for approval. Project will be designed and constructed properly. The sewers design with adequate capacity and depth to service the entire service area and it does not include the townships or LORCO and it should not from an engineering standpoint and when we've been through it time and time again, the Mayor mentioned the issues with LORCO, it wasn't, it's not designed for it. That sewers design to accommodate the western part of North Ridgeville and not to go beyond that limit. That's all I have this evening.

President Brown: Thank you. Is there any questions of the Engineer's oral report? Seeing none; moving on to the Auditor's report, Mr. Costin.

AUDITOR'S REPORT

Auditor Chris Costin: Thank you Madame Chairman. At the last meeting we disseminated to you a preliminary December year end report and Council should of all received their final year-end report, December 31, 2000. This is available for your passage if you wish.

Auditor's Written Final Financial Report for December 2000

motion by Borocz to accept. 2nd by Swindig

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Auditor Costin: No other comments at this time.

President Brown: Thank you. Any questions of our Auditor, his oral report? Moving on, Law Director's report, Mr. Zagrans.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you very much. Members of Council you have before you tonight as new business, three pieces of legislation involving the westerly sewer project and I'd like, briefly, to describe how they interrelate and bear upon the project overall. The first is T 9-2001, that is a proposed ordinance authorizing the Mayor to sign on behalf of the City a landowners' agreement that has been negotiated and agreed upon by the principal landowners who are going to be paying almost 75 percent of the cost of the interceptor sewer project by means of self assessment. So that is what T 9-2001 would do. The City of course is made a party to that landowners' agreement because the City has certain requirements that the City, through the Mayor's negotiation, is imposing upon the landowners and that the Mayor has been able to persuade them to agree to accept and obviously the City has a share of the cost of the project as has been described, about a quarter of the cost or around two and a quarter million dollars. And by the way, I wanted to be clearly understood to the Members of Council, that it was the Mayor's original plan and what she persuaded the landowners to accept that they pay 100 percent of the cost of the sewer project for the interceptor sewer and leave the City's share at zero and she was ultimately able to persuade the landowners to do that. However it was legally impossible for us to carry that to foliation. The landowners could only agree to assess themselves to the extent that their properties would be benefitted. They couldn't agree to assess themselves the cost legally for properties that they did not own that would be benefitted by the sewer. So, unfortunately despite the Mayor's efforts, we were only to get them to agree to 75 percent of the cost as a legal matter, not as matter of which she was successfully able to negotiate. The second piece of legislation bears the temporary number of 10-2001. That is the resolution of necessity for the project itself for the special assessment, for the cost of constructing the interceptor sewer. It is the prerequisite for the ultimate issuance of bond anticipation notes and eventually the project bonds that will finance the project. And the last piece of interrelated legislation that will come before you and that you'll be asked to consider and approve is T 11-2001, that is the ordinance authorizing the City to proceed with the construction of the interceptor sewer that we are talking about. An interceptor sewer that will run from almost the Avon border to the north, along Case Road, down to a point by Chestnut Ridge Road south of the City at a terminus close to but not quite at the interchange of Route 10. That as I said will form the backbone for sewerage through the use of laterals and other smaller connecting sewers, eventually the network for the entire western half of the City of North Ridgeville. Thank you, that completes by report.

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

Council Member Minnick: Will the 200 acres that was Kingston, going to be using the sewers?

Law Director Zagrans: I would assume that they are going to be using the sewers, yes? They have agreed to the, the new owners of that project have agreed to be part of the self assessment.

Council Member Minnick: Okay, because it was my understanding from all this that the price went up because Kingston backed out.

Law Director Zagrans: The price went up because the, and I'll turn it over to Mr. Johnson in a second for the details of this, the price went up because of the change that was imposed by changing the 200 acres from PCD status where there would be a higher density, to R-1 status

which has a lower density, as a result of which there were not as many benefitted units or benefitted properties to spread the cost among, so the City's share went up by over two hundred thousand dollars as result of that.

Council Member Minnick: So in other words the developer wasn't going to making as much money because he couldn't put as many houses on there.

Law Director Zagrans: No. That has absolutely nothing to do with the legal calculation for how such a benefit is assessed. That may be a political perspective that you may have, but that's not part of the calculation for an assessment under the law. And if I may seed my time to Mr. Johnson who has more details about that.

Safety-Service Director Johnson: In determining how a property was assessed it was done by units per acre. The 200 acres that was Kingston Place was done at the figure of 3.24 density which would give 648 units. The average cost per unit, one thousand seventy-six dollars, that's six hundred ninety-seven thousand dollars. As is, property owners still signed the assessment at 2.3 density which is 460 homes at a thousand seventy-six dollars a home is four hundred ninety-four thousand. A total difference of two hundred two thousand dollars that became City share. In the mean time all these negotiations we had, signatures for everything even with people south of there over 200 acres. That when Kingston Place happened the way it did they backed out which gave the City another six hundred and ninety-seven thousand dollar City share charge, which you add the two together you're over nine hundred thousand dollars which takes us from a 2.1 to two, cost of the project went up about a quarter of a million dollars.

Law Director Zagrans: As I tried to say on a number of occasions, the threatening of the PCD's and the whole controversy that has been generated in the community over the course of the past many months, as the Mayor alluded to in her report, had the potential for seriously undermining the negotiations and the agreement that the Mayor was able to persuade the landowners to do and unfortunately it has had that effect to the tune of the nine hundred thousand dollars that Mr. Johnson was talking about, but, legally, legally, we cannot have any landowner agree to pay more of the project then their land will be benefitted. That is simply a legal requirement that we cannot evade or work our way around. So when the land goes to R-1, that is the most that that property can be assessed and therefore the City's share had to go up to pick up the difference. It's a shame that the taxpayers are going to be burdened by that.

President Brown: Thank you. Moving on to other reports.

OTHER REPORTS

Please Note:

Police Department Report for December 2000

Treasurer's Annual Report for 2000

Parks & Recreation Commission Liaison Report, do you have Liaison:

Council Member Overby: The new liaison for the School Board for the Parks & Rec Commission is Mike Gibson along with the new member Terry Murray that the Council approved at the last meeting. The Commission voted to approve the Boosters to run the concession stand at Shady Drive for a fund raiser project for themselves. They take the money they make and they put it back into the park out there. There are many people that are involved with the park at Shady Drive that are interested in the sewers going by so we can get rid of our plastic out houses that are being used at this time. There are a lot of people that would like to see this move forward. That concludes my report.

President Brown: Thank you.

Planning Commission Liaison Report, Mr. Gillock:

Council Member Gillock: No report. They'll meet next week.

Senior Citizens Advisory Board Liaison Report:

President Brown: That's me. Public meeting, North Ridgeville Community Recreation and Senior Center, Monday, February 12, 2001 from 6:30 to 7:30, Mayor Deanna Hill accompanied by Jim Spaulding from the Parks & Recreation and Sally Balog, Senior Center Director along with Richard Bowen & Associates will be presenting the conceptual design of the proposed community, recreation, and senior center of North Ridgeville. The meeting will be held here in the City Council Chambers and everyone is invited.

Also, about the Home & Garden Show, they have tickets at the Senior Center where you can save two dollars. The show is from the 10th to the 18th and you can save, the tickets are eight dollars, so there is a two dollar savings on each one. Also, AARP will be doing tax preparation. The service is free to seniors on Tuesday and Thursday afternoons. The Tax Aide Program was created to help middle and low income seniors with free basic income tax preparation and answer any tax questions. Call the center at 353-0828 to make an appointment. Also, there will be, it's called the train that's pulling into the station, Mr. Richard Urbas will be conducting a trip preview on Thursday, February 15th at 1:00 P.M.. Richard will give a colorful and informative presentation regarding the TBI train tours which is being offered through the Senior Center.

Touch of Quebec and the western Am Track adventure. Everyone is welcome to find out about these tours. Also, seniors are invited to join the North Ridgeville Special Education students at Brunswick Lanes in North Ridgeville for free bowling on March 2nd, 9th and 16th at 10:15 A.M. You will be providing the students with a positive influence on their lives. All the teachers will be at the lanes so you will not be asked to assume any responsibility for the students. For more information you can contact Sally at the Senior Center. Thank you very much.

Do we have any old business?

OLD BUSINESS None

President Brown: New business.

NEW BUSINESS

Council Clerk White:

T 7-2001 An ordinance amending 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 of securities issued and public obligations incurred to pay costs of that complex and other park and recreational facilities.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to suspend By-Laws to give T 7-2001 a first reading, 2nd by Overby

President Brown: Any discussion? On the suspension, take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 7-2001 will have first reading tonight.

T 6-2001 A resolution declaring the necessity of an election on 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.

motion by Swindig to suspend By-Laws to give T 6-2001 its first reading tonight

President Brown: Second Mr. Overby.

2nd by Overby

President Brown: Discussion? On the suspension, roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 6-2001 to have first reading tonight.

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.

T 9-2001 An ordinance approving an agreement between the City 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.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to suspend By-Laws to give T 9-2001 its first reading tonight,

President Brown: Second Mrs. Borocz.

2nd by Borocz

President Brown: Discussion? A roll on the suspension please.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two for T 9-2001 to have first reading tonight.

T 10-2001 A resolution declaring it necessary to construct 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.

Council Member Borocz: Madame Chairman?

President Brown: Yes.

motion by Borocz to suspend the By-Laws to give this a first reading this evening

President Brown: Is there a second?

President Brown: Who seconded it, Mr. Gillock?

Council Clerk White: Mr. Overby.

President Brown: Larry, okay.

2nd by Overby

President Brown: Any discussion? Take roll on the.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two for T 10-2001 to have first reading tonight.

T 11-2001 An ordinance determining to proceed with the 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.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

motion by Borocz to suspend By-Laws for first reading tonight

President Brown: Is there a second on the suspension? Mr. Overby.

2nd by Overby

President Brown: Discussion? On the suspension please take roll.

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries five, two. T 11-2001 will have first reading tonight.

T 12-2001 A resolution in support of the position of Congressman Sherrod Brown urging
President Bush to intercede regarding the import of steel from foreign countries.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

motion by Borocz to suspend By-Laws to give this a first reading this evening

President Brown: Second Mr. Swindig.

Council Member Swindig: Yes.

2nd by Swindig

President Brown: Discussion? Roll on the suspension please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven zero for T 112-2001 to have first reading tonight.

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.

T 14-2001 An ordinance implementing and authorizing the Town Center concept and
authorizing the Mayor to pursue implementation.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

motion by Borocz to suspend By-Laws for a first reading

President Brown: Second Mr. Swindig.

2nd by Swindig

President Brown: Discussion? On the suspension, roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 14-2001 to have first reading tonight.

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.

T 16-2001 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio to advertise for bids and negotiate 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.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to suspend By-Laws to give T 16-2001 a first reading tonight, 2nd by Borocz

President Brown: Discussion? Take roll on the suspension please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 16-2001 to have first reading tonight.

T 17-2001 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio to advertise for bids and negotiate 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.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

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

President Brown: Mr. Swindig seconded.

2nd by Swindig

President Brown: Discussion? Roll on the suspension please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 117-2001 will have first reading tonight.

T 18-2001 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio to advertise for bids and negotiate 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 sandstone to be used by the City of North Ridgeville, Ohio.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

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

President Brown: Second Mr. Swindig.

2nd by Swindig

President Brown: Discussion? Take roll on the suspension please

Yes, 7 No, 0

Council Clerk White: Motion carriers seven, zero for T 118-2001 to have first reading tonight.

T 19-2001 An ordinance authorizing the Mayor of the City of North Ridgeville to advertise for bids and negotiate 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 Borocz to suspend the By-Laws to give this a first reading this evening

President Brown: Second Mr. Overby.

2nd by Overby

President Brown: Any discussion? Roll on the suspension please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 19-2001 to have first reading tonight.

T 20-2001 An ordinance establishing a Board of Zoning Appeals Special Meeting fee of One Hundred Dollars (\$100.00).

T 21-2001 An ordinance amending Chapter 1282.11 (C) (4) (B) by deleting non-essential, inconsistent requirements.

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.

Council Clerk White: That's all of the new business that I have.

President Brown: Moving on to correspondence.

CORRESPONDENCE

Council Clerk White: I have six pieces of correspondence.

- 1) Received notification that a complaint for a writ of mandamus has been filed against Clerk of Council Jim White in the Supreme Court of Ohio, By Chris Crobaugh, Ron Hawk, and Mike Tyson by and through their attorney Gerald W. Phillips, Phillips & Co., L.P.A.
- 2) Received a letter from Avon City Council President Shaun Brady requesting Council's consideration of amending Ordinance No. 3154-96.
- 3) Received a letter from Sally Balog and Jim Spaulding announcing updates to the community center feasibility study.
- 4) Received a letter from Auditor Costin announcing that he concur's with the City Engineer's finding that a water rate increase of 4.808% is applicable for the year 2001.
- 5) Received a letter from Parks & Recreation Director Jim Spaulding and Senior Center Director Sally Balog extending an invitation to a public meeting for the presentation of the Community and Senior Center feasibility Study Monday, February 12, 2001 at 6:30 P.M. in City Council Chambers.

6) Received a petition from owners of properties identified therein, respectfully petitioning Council for the 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.

That's all of the correspondence that I have.

President Brown: Thank you. Moving on we'll go into lobby. I will allow you two minutes to speak. Give your name and your address.

LOBBY

1) Gerald W. Phillips of 35955 Detroit Road, Avon, voiced his opinion on the landowners' agreement before Council. Spoke about street improvements to Barres Road that are contingent upon approval of the PCD. Spoke about collection of the sewer assessment.

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

2) John Prajzner of 35140 Mildred Street, spoke his opinion in regard to the westerly sewers. Spoke about its impact and public meetings. Asked why negotiations have been secret and closed to the public. Read an article from The Journal.

3) Joe Antush of 38500 Otten Road asked why the complete sewer agreement wasn't given to Council Members well in advance. Asked why not give it to the public well in advanced?

President Brown: Anyone else wishing to speak.

4) James Crupper of 34015 Shelly Avenue, stated that he welcomes the addition of Senator Voinovich and Senator DeWine to the resolution. Spoke about illegal dumping of steel. Spoke about employment statistics of steel industries.

President Brown: Your time is up sir.

Council Member Gillock: Madame President?

President Brown: Yes?

motion by Gillock to suspend By-Laws to give this specific speaker any additional times he might need.

Mr. Crupper: Ten seconds.

2nd by Swindig

Mr. Crupper: We desperately need help on the . . .

President Brown: Wait, we have to have a vote from the Council. All in favor of allowing this man to continue to speak.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. Continue Mr. Crupper.

President Brown: You may.

Mr. Crupper: Spoke about held needed on a federal level and asked Council to support this resolution. Thank you.

President Brown: Thank you very much.

5) Nancy Buescher of 36669 Center Ridge Road asked what happens if the courts rule in the taxpayers favor. Will the developers still be responsible for 75 percent of the cost under R-1?

6) Bob Miles of 34582 Lorain Road clarified that the its 27.3 percent that the taxpayers will pay on the sewers. Commented on liens for the sewer if developers go bankrupt. Commented on the flyer that was on chairs. Spoke about public meetings on sewers and PCDs. Spoke about ten people getting the sewer for free.

7) Terri Tyson of 38466 Otten Road spoke about the November 3rd meeting of Planning Commission to approve conceptual plans for sewers. Spoke about Planning Commission referral on the final plans.

President Brown: Anyone else wishing to speak.

8) Josephine Perryman of 38565 Sugar Ridge Road objected to the placement of the podium. Asked if we have written notice from the EPA stating the City's requirement for putting in sewers.

9) Maryann Miles of 34582 Lorain Road stated that she has a lot of questions about the piece of paper from the Mayor. Asked if the Health Department, EPA or City mandated these sewers. Stated that a lot of people don't have the money to tie into the sewer.

10) Chris Crobaugh of 38460 Otten Road asked what happens if the referendum election scheduled on the two other PCD's are successful. Who pays for what then? Does the project stop? Continue at taxpayers expenses? Stated that these are questions that need answers.

11) Gerald Phillips commented on two of the comments by the Law Director on the emergency clause and the comment that the developers couldn't pay the 2.25 million dollars?

12) Karen Morell of 36457 Westfield Drive stated that there already appears to be a sewer line going in on Chestnut Ridge by Route 10 interchange. Asked if that is part of the project,

who's paying for it and why has it begun if the ordinance is just being presented.

President Brown: Anyone else wishing to speak?

Council Member Gillock: Madame President, I believe under our new rules we can respond. We have a minute to respond.

President Brown: If you wish.

Council Member Gillock: I would just like to point out to the young lady, that's not a sewer line. That's a 42 inch water line that's being run from Avon lake to Medina. Avon Lake's paying for that. In fact, we're getting some benefit off of that. (Inaudible)

President Brown: Mr. Johnson?

Safety-Service Director Johnson: Yes, I just would like to make one comment and that is on the City's paying its' share of the 2.25. Currently by ordinance per interceptor fees the cost is twelve hundred and seventy-two dollars. It goes up every year six percent, which in a turn of five years from now it will be over seventeen hundred dollars to tap into a sanitary interceptor. We built 264 new homes and condos last year. If we just base this on 200 homes a year of building, charges for that interceptor sewer, by year five, the City would have collected 1.4 million dollars of that 2.5. If we go to the year 25 the last year we're to pay, if we build 200 homes that year, that year alone, with the six percent increase per year, we'll be 1.23 million dollars. Thank you.

Council Member Borocz: Madame Chairman, in the last 24 years that I've lived in the City, my husband and I have seen a lot of growth. One of the things that keeps coming to mind is over the last 24 years I have heard repeatedly and repeatedly, the fact that we are going to be sewerred on the western portion of the City. At this time we've been presented with the perfect package.

Some people seem to have their noses a little out of joint because some of these people are getting their sewers for free. Can you fault the administration for being able to going ahead and negotiating this and getting this taken care of? The western portion of our City not only needs housing, but we also need industry. With these sewers in place we will have that opportunity.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: I just wanted to say, I'll be happy to try to answer Mr. Antush's, Mrs. Buescher's and Mr. Mile's questions during the recess and to try to get the answer to Mrs. Tyson's question during the recess to answer it afterwards.

Mayor Hill: And Madame President, my one minute. In 1991, we have a copy of a letter from the Lorain County General Health District, in which it states that Mayor Armbruster at that time had requested a study because of his concern about the septic tanks along Center Ridge Road and that's not addressing the older ones. Say there are 44 businesses in the area, not including Ridgeview Shopping Center, and 100 residents. Of the 44 businesses, 36 percent are in compliance. Now this is a response ten years ago. The other 28 businesses, 64 percent are not in compliance and that was in June of, not quite ten years ago, June of 1991 was the response.

President Brown: Thank you. I'm calling for a recess until 9:00 P.M. I call for a recess.

RECESS from 8:51 P.M. to 9:00 P.M.

President Brown: Okay Mr. White. Let's do the first readings.

FIRST READINGS

Council Clerk White:

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.

First Reading

President Brown: That constitutes first 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.

First Reading

President Brown: That constitutes first reading.

Council Clerk White:

T 7-2001 AN ORDINANCE AMENDING 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 OF SECURITIES ISSUED AND PUBLIC OBLIGATIONS INCURRED TO PAY COSTS OF THAT COMPLEX AND OTHER PARK AND RECREATIONAL FACILITIES.

First Reading

President Brown: Mr. Costin would like to say something.

Auditor Costin: Madame Chairman if I could, just a word of explanation. The next resolution

will be for a vote of the people to increase our income tax by four-tenths percent, two hundred four-tenths percent, for the major purpose of the new Multi-Purpose Community Center. Accordingly this ordinance is to amend our income tax ordinance to allow us to do that. What is recommended that we do at this time is add the emergency to this ordinance, have its first, second and third reading but not pass it until such time that the electorate would pass the resolution in which case then we would adopt the income tax ordinance under consideration. Should that not happen, then we would not adopt that income tax ordinance. That's why you have the two pieces of legislation before you. We need the income tax to pass or be ready to pass first.

Council Clerk White: Are you saying, so that I'm understanding, maybe they already understand, you want 7-2001 to go as an emergency?

Auditor Costin: I would like the emergency to be added.

Council Clerk White: Okay.

Auditor Costin: But it doesn't have to be passed tonight. In fact it shouldn't be passed at all. It can happen in the next couple of meetings until this resolution, until the election were to pass, it shouldn't be passed at all. The emergency should be added tonight, that would be my recommendation and it could have its second and third readings at the next two meetings and should the electorate pass. . .

Council Clerk White: 6-2001.

Auditor Costin: Yes, and approve the income tax increase and the construction of the center, then immediately thereafter, we would adopt the income tax ordinance. It would already have the emergency on it so there would be no question. This tells the electorate that this is what's going to pass if you pass this issue. This is what the income tax ordinance in fact is going to say.

Council Clerk White: I just wanted clarification.

Council Member Swindig: Madame Chairman?

President Brown: Yes Mr. Swindig.

motion by Swindig to suspend By-Laws to add the emergency clause to this ordinance

President Brown: To T 7-2001.

Council Member Swindig: To T 7-2001.

President Brown: Is there a second?

Council Clerk White: Who seconded?

President Brown: Mrs. Borocz

2nd by Borocz

President Brown: Any discussion?

Council Member Gillock: You don't have to suspend By-Laws, you just add it.

Mayor Hill: Madame President?

Law Director Zagrans: I agree.

Mayor Hill: Madame President?

President Brown: Yes?

Mayor Hill: For some clarification, number one, our bond counsel who wrote these and offered

the recommendation is here tonight. But, I believe what has been stated is that, to add, to amend it to add the emergency in the preface, he's nodding yes. In the preface of the ordinance so that we can insert the number of that ordinance into the Resolution which is next. You need to add that number of the ordinance into the resolution. Now should it pass, what the Auditor what saying is that then there would be a vote taken for that ordinance. If it is not passed by the electorate then it dies. So we need to amend to add the emergency in the preface of the legislation.

President Brown: For T 7-2001.

Mayor Hill: Yes.

President Brown: Mr. Zagrans?

Law Director Zagrans: Would you call on bond counsel to address this?

President Brown: If he could explain it to us that would help a lot.

Law Director Zagrans: Members of Council, may I introduce John Larson from Squires, Sanders & Dempsey who is the City's bond Counsel.

Mr. Larson: Good evening ladies and gentlemen. They have it exactly right. When a municipal Council submits to the electors a question of an income tax, what they are really asking is whether they should pass an ordinance providing for the increase in the income tax for a specified purpose. Thus, procedurally you introduce the income tax ordinance as it will be passed eventually, if the voters approve it. You then adopt a resolution submitting the question of the passage of that ordinance to the electors at an election. That resolution sets forth the full text of the ordinance as it is to be passed. In this instance we have introduced an income tax ordinance without an emergency clause as is the custom of this Council. Thus, and we are introducing a, tonight, and having first reading on a resolution that sets fourth the ordinance ultimately to be passed which doesn't include an emergency clause. Thus, we're asking that you add the emergency clause to the ordinance introduced so that it conforms to exactly that resolution which is being submitted to the electors.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: Because we are not being called upon to adopt an emergency clause tonight but only to add the emergency clause, it should be treated as any other motion to amend legislation. That's to say, once it has its reading someone can move to amend and that motion would be by majority rather than by two-thirds.

Council Member Swindig: I withdraw my motion and move to amend to add the emergency.

Council Member Borocz: I withdraw my second and re second Mr. Swindig's motion.

motion by Swindig to amend to add the emergency, 2nd by Borocz

President Brown: It's already been read.

Law Director Zagrans: Thank you.

President Brown: Discussion on the amendment? None? Do we have to take a vote now?

Council Clerk White: Yes.

President Brown: Okay, roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on the amendment.

T 6-2001 A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON 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.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

Council Member Borocz: Due to the emergency being added to ordinance T 7, I would like to go ahead and add emergency to this resolution so that it can be passed and be effective to submit to the Board of Elections by February 22nd.

Law Director Zagrans: Madame President?

President Brown: Yes?

Law Director Zagrans: May I suggest that that is slightly out of order. What we need first is a motion to suspend By-Laws to suspend second and third readings and then a motion to adopt and then the motion for the emergency.

Council Member Borocz: Then I will redo my motion to suspend second and third readings.
motion by Borocz to suspend second and third readings, 2nd by Swindig

President Brown: Discussion?

Council Member Butkowski: Madame President?

President Brown: On the suspension?

Council Member Butkowski: Yes. I would like to wait and vote at the next meeting since we're going to have public meeting to introduce all this and as a courtesy to the residents, let's wait until the next meeting to take a final vote on it. There still will be time to do it and still add the emergency but at the courtesy to the residents, let them present what they want and everything so that they at least would feel they have some input into this before we vote on it. There's still time.

Mayor Hill: Madame President?

President Brown: Yes?

Mayor Hill: It's due to the Board of Elections of February 22nd. If there should be any difficulties with the language or whatever, then, we probably would not get it on the ballot for the May primary. The purpose of the meeting on February 12th is simply to explain the process and explain what's offered. This is just a resolution allowing it to go to the Board of Elections for a vote in May and at that time the voters will have their final say. But the meeting is not for the purpose of gathering more input. We've had several, we've had many meetings on that so this is just to get it to the ballot.

Council Member Gillock: Madame President?

President Brown: Yes Mr. Gillock?

Council Member Gillock: I concur with Council Member Butkowski. I think if we have it right we have time to do it and we should hear from the residents.

President Brown: Any other discussion? Take roll please.

Council Clerk White: On the suspension of second and third readings.

Yes, 4 No, 3 (Minnick, Butkowski, Gillock)

Council Clerk White: Vote is four, three.

Law Director Zagrans: By-Laws are not suspended.

Council Clerk White: Thank you.

T 9-2001 AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY
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.

First Reading

President Brown: That constitutes a first reading.

Council Clerk White:

T 10-2001 A RESOLUTION DECLARING IT NECESSARY TO CONSTRUCT 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.

First Reading

President Brown: That constitutes a first reading.

Council Clerk White:

T 11-2001 AN ORDINANCE DETERMINING TO PROCEED WITH THE 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.

First Reading

President Brown: That constitutes a first reading.

Council Clerk White: T 12-2001.

Law Director Zagrans: Pardon me Madame President?

President Brown: Yes?

Law Director Zagrans: I'm not sure if we skipped T 9-2001?

President Brown: No.

Law Director Zagrans: Did we do that?

Council Clerk White: Yes

Law Director Zagrans: Where was I? Okay, sorry, I apologize.

President Brown: That time is over.

Law Director Zagrans: I apologize.

Council Clerk White:

T 12-2001 A RESOLUTION IN SUPPORT OF THE POSITION OF CONGRESSMAN

912-2001 SHERROD BROWN URGING PRESIDENT BUSH TO INTERCEDE REGARDING THE IMPORT OF STEEL FROM FOREIGN COUNTRIES.

First Reading

motion by Swindig to suspend second and third reading, 2nd by Borocz

President Brown: Any discussion?

Council Member Gillock: Madame President?

President Brown: Yes?

Council Member Gillock: I would like to amend the resolution, Section 2, I would like to add after Sherrod Brown the names "Senator Voinovich and Senator Dewine" so it would read "that the Clerk is hereby authorized and directed to forward a copy of this resolution to Congressman Sherrod Brown and Senators Voinovich and Dewine and to President Bush as an indication of the strong feelings of the officials of the City".

Law Director Zagrans: Madame President, point of order. May we vote when we have a vote on suspension and then a motion to adopt and then a motion to amend would be in order.

President Brown: Any other discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on suspension of second and third reading.
motion by Swindig to adopt, 2nd by Borocz
motion by Gillock to amend the ordinance to include the names Voinovich and
Brown after the, excuse me, Voinovich and DeWine after Sherrod Brown's name
in Section 2,

President Brown: Mr. Overby, thank you.
2nd by Overby

President Brown: Discussion?
motion by Swindig to add the emergency

President Brown: It's been added.

Council Clerk White: Who seconded please?

Council Member Gillock: I did.

President Brown: Mr. Gillock did.
2nd by Gillock

President Brown: Any other discussion? Vote on as amended.

Council Clerk White: Vote on the emergency.

Council Member Swindig: The amendment.

Law Director Zagrans: The amendment first, then emergency, then adopt.

Council Clerk White: Very good. I'm certainly happy.
Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on the amendment to add Senator Voinovich
and Senator DeWine to section 2. Now, 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 12-2001 becomes Resolution No. 912-
2001.

Permanent Resolution No. 912-2001

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

First Reading

President Brown: That constitutes a first reading.

T 16-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3644-2001 RIDGEVILLE, OHIO TO ADVERTISE FOR BIDS AND NEGOTIATE 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

President Brown: Constitutes first reading.

motion by Mayor Hill to suspend By-Laws, second and third reading

President Brown: Second by Mr. Overby.

2nd by Overby

President Brown: Discussion on the suspension? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third reading.

motion by Swindig to adopt, 2nd by Borocz

motion by Swindig to add the emergency so we can be ready for, as soon as they
can open up and start pouring concrete to get our streets in shape

President Brown: Is there a second?

Council Clerk White: Overby.

President Brown: Overby.

2nd by Overby

President Brown: Any discussion on the emergency? None, take roll please.

Council Clerk White: On the emergency.

Yes, 7 No, 0

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 116-2001 becomes Ordinance 3644-2001
with the emergency.

Permanent Ordinance No. 3644-2001

T 17-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3645-2001 RIDGEVILLE, OHIO TO ADVERTISE FOR BIDS AND NEGOTIATE 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.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

motion by Borocz to suspend second and third readings for the reasons so that we
can get a lower price and be ready to go when it's time to start pouring

President Brown: Is there a second?

Council Member Swindig: I did.

President Brown: You did Mr. Swindig.

2nd by Swindig

President Brown: Is there any discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third reading.
motion by Swindig to adopt, 2nd by Borocz
motion to add the emergency per Mrs. Borocz suggestion for trying to get a lower
price on the asphalt and to get ready for the paving season so we can get started,
2nd by Borocz

President Brown: Any other discussion? None, take roll please.

Council Clerk White: On the emergency.

Yes, 7 No, 0

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

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 17-2001 becomes Ordinance No. 3645-
2001 with the emergency.

Permanent Ordinance No. 3645-2001

T 18-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3646-2001 RIDGEVILLE, OHIO TO ADVERTISE FOR BIDS AND NEGOTIATE 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 SANDSTONE TO BE USED BY
THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

motion by Borocz to suspend second and third readings

President Brown: Second by Mr. Swindig. Any discussion? None?

2nd by Swindig

Council Member Borocz: Madame Chairman?

Council Clerk White: Hold it.

Council Member Borocz: Never mind.

Council Clerk White: Thank you.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.

motion by Borocz to adopt, 2nd by Swindig

motion by Borocz to add the emergency

President Brown: Okay.

Council Clerk White: Why?

for the reason of getting a lower price and being ready to go when the weather
permits, 2nd by Swindig

President Brown: Any discussion?

Council Clerk White: On the emergency.

President Brown: On the emergency. Take roll please.

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 18-2001 becomes Ordinance No. 3646-2001 with the emergency.

Permanent Ordinance No. 3646-2001

T 19-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3647-2001 RIDGEVILLE TO ADVERTISE FOR BIDS AND NEGOTIATE 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 Borocz to suspend second and third readings, 2nd by Swindig

President Brown: Did you get that?

Council Clerk White: Yes ma'am.

President Brown: Discussion please. None? Take roll on the suspension.

Yes, 7 No 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.

motion by Borocz to adopt, 2nd by Swindig

motion by Borocz to add the emergency so that we can get a lower price and be
ready to go when the weather breaks, 2nd by Swindig

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 19-2001 becomes Ordinance 3647-2001 with the emergency.

Permanent Ordinance No. 3647-2000

That's all the first readings that I have. Second readings.

SECOND READINGS

Council Clerk White:

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

Second Reading

President Brown: That constitutes second reading.

Council Clerk White:

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

Second Reading

President Brown: Constitutes second reading.

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

THIRD READINGS

Council Clerk White:

T 141-2000 A RESOLUTION RESCINDING AND REPEALING RESOLUTION NO. 894-
913-2001 2000, ADOPTED MARCH 6, 2000, WHICH GRANTED PRELIMINARY
APPROVAL FOR THE PROPOSED PLANNED COMMUNITY
DEVELOPMENT KNOWN AS KINGSTON PLACE.

Third Reading

motion by Gillock to adopt

President Brown: Is there a second? Mrs. Butkowski.

2nd by Butkowski

President Brown: Discussion?

motion by Minnick for an amendment to delete the two provisions in there: One
is the first Whereas paragraph that states, the status and rezoning of its property
revert to the circumstances existing prior to March 6, 2000; the second is to delete
Section 2 completely

Council Member Minnick: The reason is that Resolution 894-2000 granted preliminary
approval of 200 acres known as Kingston Place. Nowhere in that resolution did it mention the
property was automatically rezoned. When this ordinance was passed, two were written and
adopted, one for rezoning and one for preliminary plan approval as instructed by our Law
Director. There was a separate ordinance written for rezoning the property that was successfully
referendumed and voted down by the voters in November.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: I just want the Members of Council to know that I oppose Mrs.
Minnick's proposed amendment because the Whereas clauses accurately reflect the provisions of
Ordinance 3491-99 as adopted by this Council.

President Brown: Thank you. Please take a vote.

Council Clerk White: Who second?

Council Member Butkowski: I'll second.

Council Clerk White: Did you?

Council Member Minnick: Bernie second it.

Council Clerk White: Would you please give me a copy of that, my shorthand went out about

fifty-five or sixty years ago.

Council Member Minnick: Yes I will.

Council Clerk White: Thank you.

President Brown: Please take a roll.

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

Council Clerk White: Motion defeated two to five.

President Brown: Motion to adopt.

Council Clerk White: No further discussion I suppose. This on the motion to adopt.

Yes, 6 No, 1 (Minnick)

Council Clerk White: Motion carries six to one. T 141-2000 becomes Resolution 913-2001.
Permanent Resolution No. 913-2001

T 140-2000 AN ORDINANCE RESCINDING AND REPEALING ORDINANCE NO. 3630-
3648-2001 2000, ADOPTED NOVEMBER 6, 2000, WHICH GRANTED APPROVAL OF
THE FINAL PLAN OF DEVELOPMENT AREA FOR THE PLANNED
COMMUNITY DEVELOPMENT KNOWN AS KINGSTON PLACE.

Third Reading

motion by Gillock to adopt

President Brown: Second Mrs. Butkowski

2nd by Butkowski

President Brown: Discussion? Seeing none, take the vote please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 140-2000 becomes ordinance No. 3648-
2001.

Permanent Ordinance No. 3648-2001

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

Third Reading

Council Member Gillock: Madame President?

Council Member Overby: Motion by Overby to postpone.

Council Member Gillock: Go ahead, he's got privilege.

motion by Overby to postpone

President Brown: Motion to postpone.

Council Member Gillock: Until when?

Council Member Overby: Next meeting.

Council Clerk White: Until the next Council meeting?

Council Member Overby: Correct.

President Brown: That's February 19th. Do you have a calendar in front of you?

Law Director Zagrans: Yes it would be.

Council Member Minnick: Twentieth.

Council Member Gillock: Nineteenth.

Council Member Minnick: Nineteenth is a holiday.

President Brown: Twentieth, okay.

Council Clerk White: It's on the 20th. The 19th is a holiday. I have a motion, did someone second?

until the next meeting February 20th, 2nd by Borocz

President Brown: Take a vote please.

Council Clerk White: Want any discussion?

President Brown: Are we going to discuss it? Take a vote please.

Yes, 6 No, 1 (Gillock)

Council Clerk White: Motion carries six to one for postponement of T 156-2000 until February 20th.

T 157-2000 AN ORDINANCE AMENDING SECTION 1284.02(G)(18) OF THE "OFF-
3649-2001 STREET PARKING AND LOADING REQUIREMENTS" OF THE CODIFIED
ORDINANCES OF THE CITY OF NORTH RIDGEVILLE.

Third Reading

motion by Gillock to adopt, 2nd by Overby

President Brown: Discussion? Seeing none, roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 157-2000 becomes Ordinance No. 3648-2001.

Council Member Butkowski: Didn't we just have 48.

Council Clerk White: Did I?

President Brown: Yes. It's 49.

Council Clerk White: I new you'd catch me, 3649, I stand corrected. Thank you.

Permanent Ordinance No. 3649-2001

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

President Brown: Thank you Mr. White. Moving on to Committee meeting announcements.
We have no unfinished business.

UNFINISHED BUSINESS None

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White:

Next Regular Council Meeting Tuesday, February 20, 2001 at 7:30 P.M.

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

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING FEBRUARY 5, 2001**

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Public Hearing Monday, March 5, 2001 at 7:25 P.M. on T 4-2001
That's all that I have.

President Brown: Also, don't forget, let's add on the 12th the open meeting for the public to come about out Park & Rec/Senior Center/Community Center. Do we have a call for adjournment?

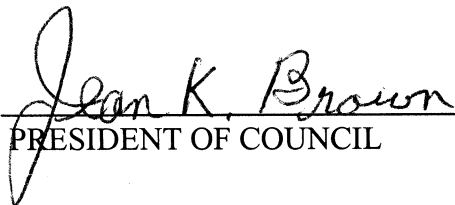
ADJOURNMENT

motion to adjourn by Borocz, 2nd by Swindig
President Brown: So moved

Meeting adjourned at 9:33 P.M.

MOTION Overby 2ND Swindig DATE February 20, 2001

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL