

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING FEBRUARY 4, 2002**

CALL TO ORDER: 8:00 P.M.

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

INVOCATION: lead by Council Member Bernadine Butkowski.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

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

Also, present were Mayor Deanna Hill, Law Director Eric Zagrans, Engineer Thomas Beutler, Auditor Chris Costin and Clerk of Council Chuck Norris.

Absent was Safety-Service Director Jim Johnson

MINUTES - Corrections and Approval:

Public Hearing Minutes of January 22, 2002 regarding T 141-2000
motion by Pagel to approve, 2nd by Butkowski

President Gillock: Is there any discussion? If not, please call the roll.
Yes, 7 No, 0

Regular Council Minutes of January 22, 2002
motion by Butkowski, 2nd by Pagel

President Gillock: Any additions or corrections?

Council Member Buescher: On page seven, the votes for T 11, 12 and 13 should read, six yes, and no, one in place of the abstention by Buescher, on those three.

President Gillock: Anything else? If not, please call the roll.
Yes, 7 No, 0

Clerk of Council Norris: Passes seven, zero.

President Gillock: Please note:

Civil Service Commission Minutes of January 15, 2002;

Planning Commission and Board of Zoning & Buildings Appeals Work Session Minutes of January 24, 2002; and

Board of Zoning and Building Appeals Minutes of January 24, 2002.

COMMITTEE REPORTS:

1) UTILITIES COMMITTEE REPORT #7120. We have considered the matter of T 3-2002, which is the natural gas aggregation program; and recommend that this request be approved. Note the February 21, 2002 Board of Election's deadline.

Signed: Dennis L. Johnson, Nancy J. Buescher and Bernadine Butkowski

motion by Johnson to accept, 2nd by Buescher

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

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero.

President Gillock: I would like for the Council to consider suspending By-Laws to give this its first reading tonight in lieu of the fact that there is a February 21 deadline to get this to the Board.

motion by Johnson, 2nd by Pagel to suspend By-Laws to give this its first reading

President Gillock: Is there any discussion? Please call the roll.

Yes, 7 No, 0

2) UTILITIES COMMITTEE REPORT #7121. We have considered the matter of T 4-2002 which is constructing sewers from Race Road west to corporation lines on Center Ridge Road and recommend that this request be approved.

motion by Johnson to accept, 2nd by Butkowski

President Gillock: Is there any discussion?

Council Member Johnson: Mr. Chairman, I'd like to note that this is for engineering on that project, not approval of the project itself.

President Gillock: Any other discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Passes seven, zero.

President Gillock: I'd like the Council to consider suspending By-Laws to give this first reading tonight and also, that it is a sewer issue.

motion by Pagel, 2nd by Olesen

President Gillock: Is there any discussion? Please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Passes seven, zero.

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

President Gillock: We do not have any written reports this evening.

Mayor: None

Safety-Service Director: None

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Law Director: None

T 15-2002 A resolution acknowledging and commending North Ridgeville resident Thomas
Dake for this participation as a Torchbearer in the 2002 Olympic Relay.

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

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

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero.

T 16-2002 A resolution to approve the expenditure of funds.

President Gillock: We have to adopt this within 30 days.

motion by Mayor Hill to suspend By-Laws for a first reading, 2nd by Swindig

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

Yes, 7 No, 0

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

T 17-2002 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 install pulva mixing to be used by the City of North Ridgeville, Ohio.

motion by Pagel to suspend By-Laws to have T 17-2002 to have its first reading, 2nd by Olesen

President Gillock: Is there any discussion?

Council Member Johnson: Mr. Chairman, what was the date of the last contract ending?

Someone mentioned that before.

President Gillock: They mentioned March or April. Do we know the exact date on this one, Mr. Costin?

Auditor Costin: I don't know the exact dates on any of these, except, I know they start expiring in March and April.

President Gillock: Just for the lobby's understanding, we have three or four of these coming up which are for purchases. This one is for pulva mixing, the next one is for concrete depth pads, the next one is for chemicals for French Creek. These are annual cost of doing business types of expenses. We got to have asphalt and concrete to fix the roads. We do this every year. They come up in March and April. If we start this evening and we let this go through the regular procedures, without any acceleration, have the first reading tonight, which it's only submitted as new business, if we have the first reading tonight and the second reading in February and the third reading in March and adopted and gave it 30 days it will take effect, we could be beyond the contract on some of these. That kind of gives you an idea of why we might dispense with second and third reading to move some of these ahead or to suspend By-Laws to consider them tonight. Any other discussion on suspending By-Laws? If not, please call the roll.

Yes, 7 No, 0

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

T 18-2002 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 install full depth concrete pads to be used by the City of North Ridgeville, Ohio.

motion by Pagel to suspend By-Laws to have a first reading tonight, 2nd by Swindig

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

Yes, 7 No, 0

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

T 19-2002 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 chemicals to be used by the French Creek Wastewater Treatment Plant.

motion by Swindig to suspend By-Laws to give T 19-2002 a first reading, 2nd by Olesen

President Gillock: Is there any discussion? I might just point out that this one is for the French Creek Wastewater Treatment Plant, for the acquisition of chlorine, lime, carbon, alum, ferric chloride, ferrous chloride and various other chemicals. Any other discussion? If not, please call the roll.

Yes, 7 No, 0

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

T 20-2002 An ordinance authorizing the Mayor to negotiate and enter into a contract with a consulting engineering firm to provide basemaps for the reconstruction of the Mills Creek Lane water lines from Center Ridge Road north to Shady Moss Lane, not to exceed \$8,000.00.

President Gillock: I've got a question of the Engineer on this. We had a couple others of these that you might explain. Can you tell me exactly what this is? These are reconstruction of water lines which, we assume we know where the old ones are, why do we have to spend eight thousand dollars to create new basemaps or what is a basemap or a bitmap.

Engineer Beutler: Basemap is a map, basically, gives the back ground. The survey information is necessary to actually prepare the final plans for the reconstruction of that water line. This is just for the surveying and for the preparation of those maps and the engineering department is going to redesign those water lines in house so that those lines could be reconstructed.

President Gillock: Are we going to do this in house or do we contract an outside firm to do these?

Engineer Beutler: These water line replacements I plan on doing in house, yes.

President Gillock: So even though this does authorize the Mayor to enter into a contract, the intent is you're going to do those yourself, if possible?

Engineer Beutler: Yes. This is just for the basemaps which is the information I need.

President Gillock: Okay, this is to give you the information that you need to proceed with. Mr. Johnson?

Council Member Johnson: It's a relatively new development, aren't the drawings that were

submitted when the development was built, aren't they sufficient?

Engineer Beutler: Since the development has been done, other houses and things of that nature have basically progressed in that area and I need to know basically where, what information is, basically, physically out there so I can design the water line for the reconstruction accordingly.

Council Member Johnson: The age of the water line, why are we replacing it already? Have there been a lot of breaks there? Is there a reason?

Engineer Beutler: They've been having a sufficient amount of waterline breaks there, yes.

President Gillock: Are we seeing a lot more water line breaks because of pressure with the new tower?

Engineer Beutler: Not with the new tower. These breaks have been ongoing for a while and it's just a recurring thing that's been happening over some time.

Auditor Costin: Mr. Chairman, this is an example that we talked about during the work session. You don't have eight thousand dollars in the line items per say but, what we do have is, we have money set aside in contingencies so when Council passes these types of items we don't have to follow up with an immediate amended appropriation ordinance. We then would, accordingly, take this money and move it to the proper line item when we do our permanent or next amended appropriation ordinance. This is that example I was alluding to.

President Gillock: Is there any discussion?

Council Member Buescher: Mr. President, I was just wondering if the lines that will be replacing the old lines will be different material that will last a longer period of time?

Engineer Beutler: The water lines are going to be designed. I've got to, it'd be part of the design to investigate what kind of materials we've had, investigate the type of soils and things of that nature and I think the corrosion of the soils have been the leading cause of most of the water main breaks we've had.

President Gillock: Anything else?

T 21-2002 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.

President Gillock: Mayor, would you like to expand on this one because, although it's not clear, I do believe this is an annual recurrence also.

Mayor Hill: Yes, it is.

Auditor Costin: I can do that as well. This is another unit price contract where we have in place rental of equipment for the services performed by the Street Department during the year. This is similar to the other items except to the preceding T 17, 18 and 19, except that it's for services and rental of equipment, not for actual product purchased. Any time we have items that are going to be fifteen thousand dollars or more, which is the threshold in the Ohio Revised Code, which are Charter alludes to, it requires a bid and that's to protect, obviously, the public funds and that's why we have so many of these coming up. This is the time of the year that we enter into those unit price bids.

Council Member Olesen: Is there a yard stick that we use, Mr. Costin, as to when it's advisable to purchase this item and when it's advisable to rent it?

Auditor Costin: Correct. These decisions are recommendations that come from the Service Department. They have an on going ten year plan for equipment and they determine which equipment is more feasible to rent, versus to purchase.

President Gillock: Any further discussion?

Council Member Pagel: Mr. President, if I could ask Mr. Costin, do you have an idea when this contract is up this year? As far as, is it still like March or April?

Auditor Costin: Correct. These unit bid contracts, as we said during the work session, typically are passed in January or early February and we go through the process of gathering the information, publicizing it in the newspaper and entering into the contract shortly thereafter. They are one year contracts that we have and accordingly, based on when we entered into them last year, we passed the legislation around this time. We entered into a series of them but, we do the bids chronologically, they're not all done the same day. It wouldn't be feasible. So, they'll start expiring late March, early April, I'm going to guess from past experience.

Council Member Pagel: Mr. President, is it possible by the next Council meeting that we can have the expiration dates of these such contracts for information purposes?

Auditor Costin: We can get this calendar for you.

motion by Pagel to suspend By-Laws to have T 21-2002 first reading tonight, 2nd by
Buescher

President Gillock: Any other discussion?

Mayor Hill: Notice that this rental of equipment for road repair and maintenance and the season is quickly upon us. As soon as the weather clears, they get out there and they start working. They work long before the asphalt plants are even open and that's another reason to get this done and over so that they can contact the rental companies and make arrangements because there's only so much rental equipment to go around and typically cities don't buy all of their own equipment, they do a lot of rentals.

President Gillock: And, you'll note within the ordinance itself, it says for the street paving program which is schedule to begin in April so, we wouldn't want to hold them up. Mr. Costin?

Auditor Costin: Just as a reminder, our process is, we go through the appropriations which we'll be doing in the next few weeks and we set in the appropriation ordinance, Council would determine how much we're going to spend for each of these activities. It's the Ohio Revised Code that says when that activity is fifteen thousand dollars or more, it requires you to bid. So, you have control over the expenditures. This is the compliance now, that we're working on passing and putting in place. If Council determines, for whatever reason, we're not going to appropriate anything for one of these particular matters, the fact that we have a bid accepted and in place doesn't mean we're going to exercise to spend that money. We won't spend any more money than Council appropriates.

President Gillock: Any other discussion? If not, please call the roll on the suspension.

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend passes seven, zero.

Council Member Swindig: Mr. Chairman, I would like to reconsider T 20 for the basemaps for the water line. It was discussed at the Utilities meeting that when he goes out....

President Gillock: You're making a motion to reconsider T 20?

Council Member Swindig: Right.

President Gillock: Is there a second?

Council Member Pagel: I'll second.

motion by Swindig, 2nd by Pagel to reconsider T 20

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to reconsider passes seven, zero.

T 20-2002 An ordinance authorizing the Mayor to negotiate and enter into a contract with a consulting engineering firm to provide basemaps for the reconstruction of the Mills Creek Lane water lines from Center Ridge Road north to Shady Moss Lane, not to exceed \$8,000.00.

motion by Swindig to suspend By-Laws to give T 20-2002 a first reading tonight, 2nd by Olesen

President Gillock: Is there any discussion?

Council Member Swindig: The discussion at the Utilities meeting on this is, we have a couple others where he was going out for doing the basemaps and while we have that company in here, why don't we just go ahead and get the third one in there and he can go with all the basemaps for all three of the water line replacements. Probably get a savings for the City.

President Gillock: Is it just these three, Mr. Beutler? Any other discussion? If not, please call the roll on suspending By-Laws to give T 20 its first reading this evening.

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend passes seven, zero.

President Gillock: That concludes our agenda items for new business. Mayor, is there anything that you would like to bring up or discuss under new business at this point?

Mayor Hill: No.

Auditor Costin: I'd like to just add one more comment to my comments. What we're talking about on these unit price bids, it occurred because in prior years we've gone through the appropriation process. Council sets their appropriation, the street department was anxious to get started in certain of these areas and low and behold we find out we don't have a bid in place and it throws us back 30 to 60 days. What we did a few years ago, we reversed the process. We decided, let's get the paper work started early and then when we get to appropriations everything is in place. All we need to do is set the dollar amounts when we let the contracts and we accept the bids we put an estimated contract amount in the contract that we accepted, in the bid that we accepted that is synonymous with the amount that was set by Council during the appropriations. That's how this came to be this way. I think you'll be more comfortable second time around

after you go through the appropriation process.

President Gillock: And these are items we know are going to go out for bid every year.

Auditor Costin: Correct, because of the dollar amount.

CORRESPONDENCE:

Clerk of Council Norris:

- 1) Received an invitation for your presence from the First Congregational Church at the installation of the church's pastor Sunday, February 10, 2002 at 4:00 P.M.
- 2) Received notice of an appeal by Josephine Perryman et al, appellants, versus City of North Ridgeville, et al, appellees in the Lorain County Court of Common Pleas in regard to City Council's decision of approving Ordinance No. 3754-2001 at the December 17, 2001 Council meeting.
- 3) Received notice of meeting dates from the Lorain County Community Alliance.
- 4) Received a Proclamation from Mayor Hill congratulating the Buescher Family for their 65th anniversary of doing business in our City.

President Gillock: Would the Clerk please read that Proclamation.

Clerk of Council Norris: I'd be happy to read that. Proclamation:

Whereas, on December 1, 1936 Buescher Hardware opened their business in our City and provides hardware goods and services to our residents and surrounding communities; and

Whereas, Buescher Hardware celebrated its 65th anniversary on December 1, 2002; and

Now, therefore, I Deanna L. Hill, Mayor of the City of North Ridgeville do hereby congratulate the Buescher Family for their 65th Anniversary of doing business in our City.

President Gillock: Congratulations to the Buescher Family, a representative on Council. Thank you.

- 5) Received a memo from Senior Center Director Sally Balog to President David Gillock requesting a review of the contract for rental of the Multi-Purpose Room.

President Gillock: I'll refer that to the Administrative Committee.

REFERRED TO ADMINISTRATIVE COMMITTEE.

- 6) Received a memo from Assistant Clerk of Council Paula Cope to Council Members in regard to a requested change in the 2002 - 2003 Council By-Laws.

President Gillock: I'm going to refer that, also, to the Administrative Committee.

REFERRED TO ADMINISTRATIVE COMMITTEE.

- 7) Received the Lorain County Board of Mental Retardation and Developmental Disabilities 2001 Annual Report.
- 8) Received a letter from AT&T Broadband informing the City that due to a legal settlement relating to AT&T Broadband's Internet Service, as of March 15, 2002, they may no longer use the mediaone.net domain name on e-mail accounts and personal Web page ID's. Customers must change their current domain name to attbi.com prior to this date.
- 9) Received a memo from the Civil Service Commission announcing officers. Chairman James P. Yost, Vice-Chairman Diane Seth and Secretary Stephen Hales.
- 10) Received a memo from the Board of Zoning and Building Appeals announcing officers. Chairman John Gasior, Vice Chairman Joan Lissner, Liaison to Board of Drainage and Flood Control Linda Dunham and Secretary Sandy Hall.
- 11) Received a letter from Mayor Deanna Hill in regard to the questions pertaining to the railroad overpass agreement.

LOBBY:

President Gillock: We now come to the Lobby portion of the agenda. Those wishing to speak, we have a sign up sheet in the rear. Please be sure to fill that out in case we have to respond to you and that way we have a record. Anyone wishing to speak? Please approach the podium.

- 1) Joe Antush of 38500 Otten Road spoke about Ohio Schools Facilities Commission requirements of an elementary school being built on a minimum of ten acres plus one acre for each 100 children. Stated that the Waterbury PCD Development is suppose to give six acres for a proposed elementary and is not close to the acreage required. Stated that this donated acreage was counted as a significant amenity. Stated that the Council, Mayor, School Board should have known this wasn't big enough. Asked whose responsibility it is to check out things like this. Spoke his opinion on amenities that would benefit the citizens that would encounter all the problems of a PCD development. Stated that one of the issues with STAMP when negotiating with developers to drop their suit was that the school acreage would have to be increased. Spoke about the School Board's interest of putting a levy on the ballot in anticipation of a big increase in pupils because of PCD developments. Spoke about their lack of comments when PCD developments were being introduced.
- 2) Carol Shroyer of 6857 Stoney Ridge Road spoke about a recent article in the Chronicle Telegram and hopes that North Ridgeville can take advantage of securing funds from the State to keep green space in our community. Stated that applications are now available for Clean Ohio Conservation Program. Spoke about 1.7 million dollars of State funds being split between government and non profit agencies in Lorain, Huron and Medina counties to be used for

purchase of public parks, forests, wetlands, areas protecting endangered species and passive recreation. Explained the program and evaluation criteria. Noted that applications are due March 15th.

President Gillock: Anyone else? Would anyone like to respond?

Mayor Hill: In response to the funds for green space, I was on and chairman of Ohio Public Works Commission when this all came about so, I'm quite aware of it and was part of formulating the granting system. The funds for green space we have realized is less than two million dollars for every city, village and township in three counties. So, that's not a heck of a lot of money for every city, village and township. However, we do have the applications. I've made some calls and we're looking at what we can do that would fit the criteria that you must meet prior to even applying.

President Gillock: I also have a copy of the applications and looked at them and to get them complete and in before March 15th would take a full time job with somebody from the City. Mr. Zagrans?

Law Director Zagrans: I wanted to respond to Mr. Antush's point. Council should be aware that Waterbury, just like any other PCD that is approved in this City, must comply with all existing State and City laws and regulations. A PCD ordinance, once approved, doesn't supercede any other law or regulation that would either be to the contrary or impose additional requirements and the land owners' agreement pursuant to which the initial PCD's were being develop and the sewer project was being funded, specifically provide that all existing laws, whether they are State or local, must be complied with. So, if indeed there is a State requirement of greater acreage, that will be complied with.

President Gillock: However, the schools are a separate entity and the fact that the developers are donating the land to the school, doesn't mean that the school has to build there either.

Law Director Zagrans: Exactly right.

President Gillock: They can sell the land.

Law Director Zagrans: True.

President Gillock: That's a different issue.

Law Director Zagrans: My point is only that if a school is developed, the developer will have to comply with all existing laws.

President Gillock: We'll take a recess until ten till.

RECESS: from 8:40 P.M. to 8:50 P.M.

FIRST READINGS:

Clerk of Council Norris:

T 15-2002 A RESOLUTION ACKNOWLEDGING AND COMMENDING NORTH
946-2002 RIDGEVILLE RESIDENT THOMAS DAKE FOR THIS PARTICIPATION AS

A TORCHBEARER IN THE 2002 OLYMPIC RELAY.

First Reading

motion by Butkowski to suspend By-Laws to dispense with second and third readings, 2nd by Pagel

President Gillock: Any discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero.

motion by Butkowski to adopt, 2nd by Buescher

President Gillock: Any discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero and becomes Permanent Resolution 946-2002.

Permanent Resolution No. 946-2002.

President Gillock: Mrs. Butkowski, would you like to present the resolution to Mr. Dake?

Council Member Butkowski: Thank you, yes I will. First of all I will read the resolution that we just pass.

WHEREAS, The Olympic Torch Relay has been a tradition since 1952 when it was adopted from an idea proposed by a chairman of the 1936 Berlin Games; Symbolizing spirit, knowledge and life, this event delivers the Olympic Flame from Greece to the host country; and

WHEREAS, The Olympic Flame of the 2002 Winter Games was lit November 19, 2001, in Olympia, Greece; it traveled to Athens before arriving in Atlanta, Georgia where on December 4, 2001 the Olympic Flame began its journey and more than 11,500 Torchbearers will help carry the Olympic Flame cross country through 250 United States cities and 46 states for the Opening Ceremony in Salt Lake City; and

WHEREAS, The men and women nominated and selected as torchbearers have made a difference by inspiring others, serving their community in an exemplary manner, overcoming adversity and embodying the Olympic Spirit in their every day lives; and

WHEREAS, Americans from all walks of life will share in the honor of carrying the Olympic Flame; and

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL
OF THE CITY OF NORTH RIDGEVILLE, OHIO:**

SECTION 1. That the Council of the City of North Ridgeville, Ohio does

hereby acknowledge North Ridgeville resident Thomas Dake for the honor bestowed upon him in his participation as a Torchbearer in the Olympic Torch Relay on January 1, 2002 in Cleveland, Ohio.

SECTION 2. That the Council of the City of North Ridgeville, Ohio does hereby commend North Ridgeville resident Thomas Dake for his community dedication and hereby recognizes Thomas Dake for his years of public service and representation of our City.

President Gillock: Tom, would you face the camera and show them your torch? Thank you.

Clerk of Council Norris:

T 155-2001 AN ORDINANCE AMENDING SECTION 246.01, COMPOSITION OF
[POLICE] DEPARTMENT.
First Reading

T 7-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND
3762-2002 ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM
FOR PLANS AND SPECIFICATIONS, FOR THE RECONSTRUCTION OF
LEAR NAGLE ROAD AND CHESTNUT RIDGE ROAD INTERSECTION
PAVEMENT AND SIGNALS, NOT TO EXCEED \$35,000.00.
First Reading

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

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

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Motion carries six, one.

motion by Swindig to adopt, 2nd by Olesen

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt carries seven, zero. Becomes Ordinance Number 3762-2002.

Permanent Ordinance No. 3762-2002

T 8-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND
3763-2002 ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM
FOR PLANS AND SPECIFICATIONS, FOR THE RECONSTRUCTION OF
LORAIN ROAD AND ROOT ROAD INTERSECTION PAVEMENT AND
SIGNALS, NOT TO EXCEED \$35,000.00.
First Reading

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

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

Yes, 6 No, 1 (Johnson)

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Clerk of Council Norris: Motion carries six, one to suspend.

motion by Swindig to adopt, 2nd by Pagel

President Gillock: Is there any discussion? Please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero and is Ordinance 3763-2002.

Permanent Ordinance No. 3763-2002

T 9-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND
3764-2002 ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM
TO PROVIDE BASEMAPS FOR THE RECONSTRUCTION OF WATER LINES
ON MILDRED STREET FROM AVON BELDEN ROAD TO RHONDA DRIVE,
RHONDA DRIVE FROM MILDRED STREET TO THE NORTH END, AND
LAUREL CIRCLE FROM RHONDA DRIVE TO RHONDA DRIVE, NOT TO
EXCEED \$5,000.00.

First Reading

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

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

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Motion carries six, one.

motion by Swindig to adopt, 2nd by Pagel

President Gillock: Is there any discussion?

motion by Swindig to add the emergency so we can repair the water lines so we
can provide adequate water supply to the fire department, 2nd by Olesen

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

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Motion passes six, one.

President Gillock: On the motion to adopt, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt passes seven, zero and it becomes Permanent Number
3764-2002 with the emergency.

Permanent Ordinance No. 3764-2002

T 10-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND
3765-2002 TO A CONTRACT WITH A CONSULTING ENGINEERING FIRM TO
PROVIDE BASEMAPS FOR THE RECONSTRUCTION OF THE ROOT
ROAD WATER LINES FROM BAINBRIDGE ROAD SOUTH TO THE OHIO
TURNPIKE, NOT TO EXCEED \$5,000.00.

First Reading

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

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

Yes, 6 No, 1 (Johnson)

motion by Swindig to adopt, 2nd by Olesen

President Gillock: Is there any discussion?

motion by Swindig to add the emergency so we can update our water line for proper fire protection, 2nd by Olesen

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

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Emergency passes six, one. Now, on the motion to adopt.

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt carries seven, zero and becomes Permanent Ordinance Number 3765-2002 with the emergency.

Permanent Ordinance No. 3765-2002

T 14-2002 AN ORDINANCE GIVING THE DIRECTOR OF TRANSPORTATION
CONSENT TO DESIGN AND BUILD A GRADE SEPARATION OVER THE
NORFOLK AND SOUTHERN RAILWAY IN THE CITY OF NORTH
RIDGEVILLE.

First Reading

President Gillock: We had a question as to whether this is for preliminary design or in fact may have included approval for the entire project. We received a letter from the Mayor that it is preliminary. Is there anything you want to add to that Mayor?

Mayor Hill: Basically, I had talked with Mr. O'Leary, the ODOT director and with the engineer right from ODOT. The agreement before Council is a preliminary cooperative agreement. Please note that it is entitled, preliminary legislation. Section three that contains the five percent cost is entitled, cooperation statement. There is not a specific amount determined because you don't know until you design it and the final figures cannot be determined until engineering and readiness to sale are completed. If it is determined that the final cost escalates greatly, the City has the right to refuse the project, so does the State of Ohio and they have indicated that if it did escalate vastly from what they have projected based on their preliminary estimations and the design that they wish, then, they in effect would probably cancel. The emergency clause was questioned because it's part of the legislation, we don't do that as part of the legislation, but it is hoped that you will get that done. It is standard boiler plate language in other cities that have had the granting of the grade separation agreement. There was a question about landlocked properties. There will be a total take with 100 percent of market value to be paid as part of the project. Should an individual owner wish to keep the property, ODOT will be open to selling it back to the owner. I had indicated to Mr. O'Leary that initially there seem to be a desire to place the issue into committee. He was clear that if the project has problems moving forward, especially since a public meeting has been held and it is after the public comment period expired, that the funds in the project can easily be assigned to another community as there are hundreds across the State awaiting grade separations. I think that responds to the questions that were raised about this agreement.

President Gillock: Any questions or comments. I do feel that we need to make an amendment

to remove under Section 6, the emergency clause which can be added back in after we adopt. Our By-Laws do not allow the emergency clause to be included. I will make that motion.

motion by Gillock to remove under Section 6, the final paragraph on that page relating to the emergency measure, 2nd by Johnson

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to remove passes seven, zero.

President Gillock: And I will make the comment since this will go through its three readings, that referring it to Streets, Sidewalks and Bridges Committee, which is Mr. Swindig's committee, had we done so, which we did not do so, would not, in any way, delay this project as long as the committee acted expeditiously. However, we did not refer it to committee so, it's really a non issue.

Clerk of Council Norris:

T 3-2002 AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT
3766-2002 AN OPT-OUT NATURAL GAS AGGREGATION PROGRAM PURSUANT
TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE COUNTY
BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE
ELECTORS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
NOPEC FOR SUCH PURPOSES.

First Reading

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

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

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero.

motion by Butkowski to adopt, 2nd by Johnson

President Gillock: Is there any discussion?

Council Member Butkowski: Mr. Chairman, will we need the emergency for this?

President Gillock: I do not believe so. We had items presented in November that were within the time frame without the emergency and they were put on the ballot so, I wouldn't anticipate a problem. Mr. Johnson?

Council Member Johnson: This issue needs to be before the Board of Elections two days after the next meeting, so I think it's important to pass it tonight.

President Gillock: If you want to make a motion to add the emergency.

Council Member Butkowski: No, if we don't need it I don't want it.

President Gillock: Any other discussion? If not, please call the roll on the adoption.

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt carries seven, zero. The Ordinance Number is 3766.
Permanent Ordinance No. 3766-2002

T 4-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A

3767-2002 CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS AND SPECIFICATIONS, FOR THE CONSTRUCTION OF THE WEST CENTER RIDGE SEWERS FROM RACE ROAD WEST TO THE CORPORATION LINE, NOT TO EXCEED \$45,000.

First Reading

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

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

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Motion to suspend carries six to one.

motion by Swindig to adopt, 2nd by Gillock

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

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero and our Ordinance Number is 3767-2002.
Permanent Ordinance No. 3767-2002

Clerk of Council Norris:

T 16-2002 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

947-2002 First Reading

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

President Gillock: Is there any discussion?

Council Member Swindig: Mr. Chairman, I would like to change the word resolution to the word ordinance.

President Gillock: Explain why.

Council Member Swindig: Because of the expenditure of funds.

Law Director Zagrans: Mr. President, let me again elaborate on what we talked about in the work session. Here, in my opinion it is not necessary to amend this particular legislation to go from resolution to ordinance. A resolution to approve an expenditure of funds is appropriate and is particularly appropriate whereas here, Mr. Costin, correct me if I'm wrong, there has already been legislation by way of ordinance appropriating certain funds so that this can be done by resolution.

Council Member Swindig: I'll withdraw my motion.

Auditor Costin: I can't confirm that on this expenditure. When we were talking earlier, we were talking generalities. I think in this particular case though, the Revised Code says that the legislative body has to take action to ratify the expenditure and those are quotes though, and I think the action can be in the form of an ordinance or resolution. Any of the other technicalities have already been met. The money has been appropriated, it's a legitimate expenditure and the essence of this legislation is to cure a noncompliance issue and that was the issuance of the purchase order. I think what I would suggest is in the body, whereas, in the first paragraph, includes the word ordinance and we should change that word to resolution in this case. But, the Revised Code does not specify resolution or ordinance, only that the legislative body approves.

motion by Johnson to amend the second sentence from the word "ordinance" to

“resolution”, 2nd by Butkowski

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

Yes, 7 No, 0

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

President Gillock: I would point out that these funds are within the total project budget and the money has been appropriated. It's a matter of the purchase order not being executed. Do we have a motion on the floor?

Clerk of Council Norris: We have a motion to dispense with second and third.

President Gillock: Is there any discussion?

Council Member Johnson: Mr. President, I would like to ask the Auditor about the 30 days from receipt. Can you explain that? Is that saying we need this passed?

Auditor Costin: In the Ohio Revised Code, I think it explains in here, second paragraph, from the point that the fiscal officer certifies the expenditures was and is properly appropriated and otherwise lawful, sufficient funds were available and so forth, the legislation body has 30 days to approve this ordinance or take action on this resolution.

Council Member Johnson: So, you're saying it has to be passed within 30 days to abide by the Revised Code.

Auditor Costin: Correct, to comply with the Ohio Revised Code. Now, interestingly enough, the Revised Code doesn't say what happens if you don't so, the assumption is that it wouldn't be a legitimate expenditure.

Council Member Johnson: Mr. President, I move that we add the emergency clause.

Auditor Costin: I don't believe you need the emergency, you just need to pass it. It just needs for you to take action.

Council Member Johnson: I withdraw the motion.

Auditor Costin: If you did pass the emergency we could pay it immediately, if you didn't we would simply wait 30 days to pay the expenditure.

Council Member Swindig: I think we better make a motion to adopt first.

President Gillock: We're still on the suspension of second and third. We haven't done that yet. Any further discussion on dispensing with second and third? If not, please call the roll.

Clerk of Council Norris: This is a roll call on the motion to dispense with second and third.

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend passes seven to zero.

motion to adopt by Swindig, 2nd by Johnson

President Gillock: Is there any discussion on the adoption?

Council Member Butkowski: I just wanted to ask the Auditor, why wasn't a purchase order written for this?

Auditor Costin: No response. Can't answer that. I would assume an oversight by the department head.

Mayor Hill: Sometimes it is an oversight. They're so involved in the day to day operations. Sometimes it's because there's an emergency that comes up and they have to deal with that immediately and submit a purchase order after that.

Council Member Butkowski: We're just getting quite a few of these in engineering. Just was wondering.

President Gillock: I think it falls in Mr. Habib's area of responsibility to get that done.

Council Member Butkowski: Maybe we should remind him we need those.

Auditor Costin: If I might comment, he's been thoroughly reminded. This is more than the exception to the rule in this case.

Council Member Butkowski: One more reminder.

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

Clerk of Council Norris: Motion to adopt T 16.

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt carries seven, zero. This becomes Resolution 947-2002.

Permanent Resolution No. 947-2002

T 17-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3768-2002 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 INSTALL
PULVA MIXING TO BE USED BY THE CITY OF NORTH RIDGEVILLE,
OHIO.

First Reading

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

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

Council Member Pagel: Mr. President, in further discussion with Mr. Costin, as far as my request for contract dates of expiration, being that this is done annually and even though we probably would like to have them in the beginning of January or possibly in December, this is an annual expenditure we have to have for the future working of the City and I believe it could be passed tonight so that we could start, the Mayor could start initiating the bidding process.

President Gillock: Thank you. Any other discussion? If not, please call the roll on dispensing with second and third readings.

Yes, 7 No, 0

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

motion by Swindig, 2nd by Pagel to adopt.

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

Yes, 7 No, 0

Clerk of Council Norris: Motion passes seven, zero and the Ordinance Number is 3768-2002.

Permanent Ordinance No. 3768-2002

T 18-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3769-2002 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 INSTALL
FULL DEPTH CONCRETE PADS TO BE USED BY THE CITY OF NORTH
RIDGEVILLE, OHIO.

First Reading

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

President Gillock: Is there any discussion? Please call the roll.

Yes, 7 No, 0

Clerk of Council White: Motion to suspend passes seven, zero.

motion by Swindig, 2nd by Butkowski to adopt

President Gillock: Is there any discussion? Please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero. Becomes Ordinance No. 3769-2002.

Permanent Ordinance No. 3769-2002.

T 19-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3770-2002 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
CHEMICALS TO BE USED BY THE FRENCH CREEK WASTEWATER
TREATMENT PLANT.

First Reading

motion by Swindig, 2nd by Pagel to dispense with second and third.

President Gillock: Is there any discussion? Please call the roll on the suspension.

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend passes seven, zero.

motion by Swindig, 2nd by Buescher to adopt

President Gillock: Is there any discussion on the adoption?

Council Member Johnson: Wasn't this the ordinance that Mrs. Pagel wanted clarification on
some of the items?

Council Member Pagel: No, I've requested the terms of contracts, when they were expired and
that but, in talking with Mr. Costin, it goes again with the other two ordinances.

President Gillock: Any other discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion passes seven, zero and becomes Ordinance 3770-2002.

Permanent Ordinance No. 3770-2002

T 20-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND
3771-2002 ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM
TO PROVIDE BASEMAPS FOR THE RECONSTRUCTION OF THE MILLS
CREEK LANE WATER LINES FROM CENTER RIDGE ROAD NORTH TO

SHADY MOSS LANE, NOT TO EXCEED \$8,000.00.

First Reading

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

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

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Motion to suspend passes six, one.

motion by Swindig to adopt, 2nd by Buescher

President Gillock: Is there any discussion?

motion by Swindig to add the emergency to put this in with the other two water line extension projects so we can have adequate water for fire prevention, 2nd by Olesen

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

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Emergency carries six, one.

President Gillock: We have a motion to adopt. Any further discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt passes seven, zero. Becomes Ordinance 3771-2002 with the emergency.

Permanent Ordinance No. 3771-2002

T 21-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3772-2002 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 Swindig, 2nd by Pagel to dispense with second and third

President Gillock: Is there any discussion?

Council Member Pagel: Mr. President, I just wanted to remind Council that this is for road repair and maintenance and with the weather that we've been having now, if we get good weather we can start repair sooner than later.

President Gillock: I would also point out that attached to the ordinance is a list of some of the equipment because someone asked me what type of equipment this was. This is usually temporary items, for example, it could be a type of truck or could be an asphalt kettle, a roller, a road widener, generators, that type of equipment that we don't need full time but we do have a need for it at certain times and this gives us the ability to go rent that without spending too much.

Mayor Hill: In addition, Mr. President, sometimes an emergency comes up where some of the equipment we do have malfunctions and rather than put off or not do road repairs and maintenance, then we would go ahead and let the equipment.

President Gillock: Any other discussion with dispensing the second and third? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend passes seven, zero.
motion by Swindig, 2nd by Pagel to adopt.

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

Yes, 7 No, 0

Clerk of Council Norris: Motion passes seven, zero and becomes permanent Ordinance 3772-2002.

Permanent Ordinance No. 3772-2002

SECOND READINGS:

Clerk of Council Norris:

T 6-2002 A RESOLUTION AUTHORIZING THE ENGINEER TO PREPARE PLANS,
SPECIFICATIONS AND COST ESTIMATES FOR THE IMPROVEMENTS TO
GLORIA STREET WHICH WERE REQUESTED BY PETITION.

Second Reading

Council Member Swindig: Mr. Chairman, I move to suspend third reading.

President Gillock: I don't believe we can do that on a self assessment petition. Mr. Costin?

Auditor Costin: I believe the Law Director was going to request it.

President Gillock: Yes. I was going to get to that but, I don't believe we can dispense it on an assessment. We can check the Charter.

Law Director Zagrans: On an assessment, it must go through three readings.

President Gillock: Mr. Johnson, Mr. Costin brought it up. We want to change this from a resolution to an ordinance after further discussion. Someone want to make that motion?

motion by Olesen to change the wording from Resolution to Ordinance, 2nd by
Butkowski

President Gillock: Is there any discussion on the amendment?

Council Member Butkowski: Mr. Chairman, in the second Whereas, you have the word resolution and in section two you also have the word resolution and in section three you have the word resolution so, those will all have to be changed to ordinance.

President Gillock: I think in the second Whereas it's called a Resolution of Necessity and our amendment is only applying to the title and the other areas it refers to in this particular resolution, which we're changing to an ordinance. Is there any other discussion? If not, please call the roll on the amendment.

Yes, 7 No, 0

Clerk of Council Norris: Amendment passes seven, zero.

T 11-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3773-2002 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 SAND TO BE USED BY THE CITY
OF NORTH RIDGEVILLE, OHIO.

Second Reading

motion by Swindig, 2nd by Buescher to dispense with third reading

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend passes seven, zero.

motion by Swindig to adopt, 2nd by Pagel

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt T 11 passes seven, zero and becomes Ordinance
3773-2002.

Permanent Ordinance No. 3773-2002

T 12-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3774-2002 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.

Second Reading

motion by Swindig, 2nd by Buescher to dispense with third reading

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend passes seven, zero

motion to adopt by Swindig, 2nd by Butkowski

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt carries seven, zero and becomes Permanent Ordinance
3774-2002.

Permanent Ordinance No. 3774-2002

T 13-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3775-2002 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.

Second Reading

motion by Swindig, 2nd by Buescher to dispense with third reading

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend passes seven, zero.
motion by Swindig to adopt, 2nd by Buescher

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

Yes, 7 No, 0

Clerk of Council Norris: Motion passes seven, zero and becomes Permanent ordinance 3775-2002.

Permanent Ordinance No. 3775-2002

President Gillock: That is all the second readings. That ought to keep the Mayor busy for a while. Third readings.

THIRD READINGS:

T 139-2001 AN ORDINANCE VACATING A STORM WATER EASEMENT ON XAVIER
3776-2002 COURT.

Third Reading

motion by Swindig to adopt, 2nd by Pagel

President Gillock: Is there any discussion?

Council Member Johnson: Mr. Chairman, Xavier has been the benefit of over 20, I believe it is, of variances of one sort or another. I'm concerned about vacating this storm water easement. Can it start a chain down the rest of the easement and I think we've done enough for Xavier Court as far as variances go.

President Gillock: Mr. Beutler, do you want to address what this is for. I know what it's for but you probably can explain it better than I can.

Engineer Beutler: This ordinance, basically, vacates a portion of a storm sewer easement that the applicant has requested for a new house there. There was a sufficient enough easement left after the vacation of this portion that there's still enough easement there to maintain the present storm sewer system that's in there. The storm sewer system is a pie and the depth is not that great. The former engineer felt that that could be vacated, that portion of it without destroying the integrity of the rest of the storm sewer easement.

Council Member Johnson: Other properties along this storm water easement, they would be entitled, in your opinion, to the same easement should they apply?

Engineer Beutler: I would look at each case on an individual basis.

President Gillock: If I remember correctly, this particularly easement is only between one house.

Engineer Beutler: It's only on one lot.

President Gillock: It only affects one new lot. So, it's not an issue of others applying for the same type of thing. Any other discussion? If not, could we have a roll on the adoption.

Yes, 5 No, 2 (Butkowski, Johnson)

Clerk of Council Norris: Motion to adopt carries five, two and becomes Permanent Ordinance 3776-2002.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING FEBRUARY 4, 2002**

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Permanent Ordinance No. 3776-2002

UNFINISHED BUSINESS: None

COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Safety Committee meeting Wednesday, February 6, 2002 in Council Chambers.

President Gillock: Chairman Pagel, is that meeting at 7:00 P.M.?

Council Member Pagel: Seven P.M. sir.

Council Work Session on Tuesday, February 19, 2002 at 7:30 P.M.

The next Regular Council Meeting is Tuesday, February 19, 2002 at 8:00 P.M.

ADJOURNMENT:

 motion to adjourn by Johnson, 2nd by Buescher
President Gillock: Meeting adjourned.

Meeting adjourned at 9:40 P.M.

MOTION Butkowski 2ND Buescher DATE February 19, 2002

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL