

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING FEBRUARY 3, 2003**

CALL TO ORDER: 8:00 P.M.

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

INVOCATION: lead by President Gillock.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

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

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

MINUTES - Corrections and Approval:

President Gillock:

Regular Council Minutes of January 21, 2003

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

President Gillock: Are there any corrections or additions?

Yes, 7 No, 0

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

President Gillock: Please note

Civil Service Commission Minutes of regular meeting January 21, 2003

Board of Zoning and Building Appeals Minutes of regular meeting January 23, 2003

Planning Commission Minutes of regular meeting January 14, 2003

Parks and Recreation Commission Minutes of regular meeting December 4, 2002

COMMITTEE REPORTS:

Clerk of Council Norris:

1) BUILDINGS & LANDS COMMITTEE REPORT #7224 Members of Council: We have considered the matter of T 65-2003 Revised, an ordinance establishing Special Development District as a new zoning classification in the City of North Ridgeville and recommend that this request be approved with changes as outlined in the redlined copy attached.

Signed: Chairperson Robert W. Olesen, Members Nancy Buescher and Josanne Pagel.

motion by Olesen, 2nd by Swindig to accept

President Gillock: Is there any discussion? Mrs. Pagel?

motion by Pagel to make a subsidiary motion to amend page one Section A.01, Purpose and Intent, in the first sentence, To encourage skillful planning of parts of the community", insert a comma and strike "in accordance with the objectives of the Master Plan; to provide for the utilization of design criteria" and so on; on page two, to remove the words, in the second paragraph "Such areas shall be developed in accordance with the", strike "objectives of the Master Plan and" and continue with criteria set forth in this chapter, 2nd by Swindig

President Gillock: Is there any discussion on the amendment? Mrs. Pagel?

Council Member Pagel: I believe this responds to concerns that a couple of the members have mentioned about designating a specific area in the City and I also did not want to legislate the Master Plan. I believe this answers those concerns by taking out the verbiage of Master Plan and truly, this makes a new zoning classification.

President Gillock: Thank you. Anyone else on the amendment? If not, please call the roll.

Yes, 7 No, 0

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

President Gillock: Is there any other discussion on the acceptance of the committee report? Mrs. Pagel?

Council Member Pagel: Mr. President, in the work session there were concerns also about consulting an outside legal person to go over this. I believe if we pass this report tonight it's a good report that I would be in favor for an outside legal counsel to look over this report and we also have three additional committee meetings whereas, if this comes to us, in front of us in an ordinance form, we still have three additional meetings to approve that ordinance and also inspect it further.

President Gillock: Thank you.

Law Director Zagrans: Mr. President, if the intent of the Council is to eliminate references to the Master Plan as was just voted on, the amendments to the first and second pages, there is also a reference in paragraph B.01 to the words "as outlined in the Master Plan" and I merely call that to the attention of the Council Members for whatever action they deem appropriate.

Council Member Pagel: I appreciate the words of finding that by the Director of Law.

motion by Pagel to amend B.01, page eight of 12, first paragraph, strike the words that are outlined in red there "as outlined in the Master Plan", 2nd by Butkowski

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

Yes, 7 No, 0

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

President Gillock: Further discussion on the adoption? Mr. Johnson?

Safety-Service Director Johnson: Yes, Mr. President. As far as the legal opinion, I'm sure the professional planners we have has also done this in taking it to a legal department they would have. I don't see where outside legal expenses, which I don't believe that Mr. Costin would think that our City is in such financial shape that we can frivolously spend money. I feel by the professional planners doing this, we should be able to rely stickily on this ordinance. Thank you.

President Gillock: Is there any other discussion on accepting the report?

Council Member Buescher: Mr. President, I just want to ask when I can make the motion to hire an outside attorney. Would that be immediately after this?

President Gillock: Yes. As soon as we vote on accepting the report I will allow that. Mr. Costin?

Auditor Costin: Mr. Chairman, why would you not, in this committee report request legislation?

President Gillock: We have the legislation. It's T 65-2002 which has been reviewed. The cover sheet, normally T 65-2002 is not included. This is the exhibit that will go with it which we will have when this comes back for a first reading. Any other discussion? Please call the roll on accepting the committee report.

Yes, 7 No, 0

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

President Gillock: Mrs. Buescher, if you would like to make a motion to refer T 65-2002 revised to outside legal counsel, now's the time.

Council Member Buescher: Yes, I move to hire outside legal counsel as provided to Council by the City Charter for an attorney with expertise in real estate or zoning procedures.

Council Member Butkowski: I'll second that.

President Gillock: Are you going to put a monetary limit on that, not to exceed a specific amount? Because they can for over 15 thousand. I think we need some kind of limit.

Council Member Buescher: I wouldn't know what the expense would be on that.

President Gillock: To me, that's a key issue. I might be willing to go along with a thousand or 15 hundred dollars but I wouldn't want to spend 12 or 13 or 14 thousand dollars or more.

Council Member Buescher: I would say not over two thousand then.

motion by Buescher to refer this to outside legal counsel in an amount not to exceed two thousand dollars, 2nd by Butkowski

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

Yes, 4 No, 3 (Swindig, Olesen, Gillock)

Clerk of Council Norris: Motion is approved by a vote of four, three.

Council Member Pagel: Mr. President, I'd like to motion to suspend By-Laws to consider the Safety Committee Minority Report you have before you.

President Gillock: That's out of order. You cannot do that until the committee report has been accepted.

motion by Pagel to suspend By-Laws to consider Safety Committee Report number 07223 that you have before you, 2nd by Swindig

President Gillock: Is there any discussion? If not, please call the roll. This is to suspend By-Laws to put 7223 on the agenda.

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend By-Laws to consider Report 07223 is approved by a vote of seven to zero.

2) SAFETY COMMITTEE REPORT #7223 We have considered the matter of the traffic study for Dyke Avenue and Case Road and recommend that this request be denied.

Signed: Members Allen C. Swindig, Robert W. Olesen and G. David Gillock

motion by Swindig, 2nd by Olesen to accept the report

President Gillock: Is there any discussion? Mrs. Pagel?

Council Member Pagel: As chair of the Safety Committee, I have removed my name from this report and I have submitted a Safety Committee Minority Report. I believe it would be prudent to ask a subsidiary motion to suspend to consider the minority report and have that read at this time.

President Gillock: We can't do it. We have a motion on the floor until we accept this one and then you can bring up the minority report.

Council Member Pagel: Mr. President, then I believe, it would be appropriate for me in discussion to read my minority report. Would it not?

President Gillock: A minority report cannot be entered until the committee report is accepted. It's a subsidiary type report. This is the majority report that's referred to as the committee report but, we have a motion on the floor which is to accept this. You can't introduce another motion until we vote on this one. That's not an amendment or any other type of subsidiary motion. That's an entirely different subject. We have to complete this one and then you can suspend By-Laws to see if we can put the minority report on the agenda and then it can be read in. But, we may not have to even have to vote to accept it.

Council Member Pagel: Then I would like to share with the committee members that I disagree with this report due to that I have provided ample evidence that shows that it would be more prudent to conduct a traffic study. I don't understand why the members had approved a traffic study for other areas of Center Ridge Road and other intersections and would not approve a traffic study for Dyke and Case roads. Therefore, I removed my name from this report and I will not be voting in favor of this report.

President Gillock: Thank you. Anyone else? Please call the roll on the acceptance of 07223.

Yes, 3 No, 4 (Buescher, Pagel, Butkowski, Johnson)

Clerk of Council Norris: Motion fails by a vote of three to four.

motion by Pagel to suspend By-Laws to consider the Safety Committee Minority Report that you have before you, 2nd by Butkowski

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

Yes, 4 No, 3 (Swindig, Olesen, Gillock)

Clerk of Council Norris: Motion fails by lack of two-thirds vote.

motion by Pagel to suspend By-Laws to consider the Safety Committee Report 07225, 2nd by Swindig

President Gillock: Is there any discussion on suspending By-Laws? If not, please call the roll.

Yes, 7 No, 0

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

3) SAFETY COMMITTEE REPORT # 7225 We have considered the matter of updating the traffic signal at Dyke Avenue not to exceed a sum of \$6,000.00 and recommend that this request be approved and legislation be drawn authorizing the above.

Signed: Members Allen C. Swindig, Robert W. Olesen and G. David Gillock

motion by Swindig, 2nd by Olesen to accept

President Gillock: Is there any discussion on accepting the report? Mrs. Pagel?

Council Member Pagel: I have also removed my name from this committee report as I feel that a traffic survey is the prudent way to follow through. I believe that we should expend that monies for that along with the other intersections that we are traffic studying at this time on Center Ridge Road and that we not spend the money at this time to update the traffic signal when we indeed do not even know what should be updated on that traffic signal without a study.

Mayor Hill: Mr. President, the light at Dyke Road and Center Ridge has been malfunctioning. We had our service garage, our Service Department Superintendent, go out with some traffic engineers, a company that we use quite frequently to look to find out what was the problem. There was one basic problem and that is that it's 31 years old. So, in essence, the guts of the equipment are shot and I don't think that we can continue to put safety at risk because it's not going to function correctly. We had Police Department personnel, Service Garage personnel constantly watching it because it is shot and if we don't do it now, we may have to do it tomorrow. It has to be done. We can't afford the risk. We're going to spend six thousand dollars to review a study that's been reviewed by two City Planners. But, or how much was it, two thousand dollars, not to exceed two thousand dollars for something to be reviewed that's been reviewed for two years and yet, this is a safety issue that endangers children on school buses. That equipment can go at any minute and it has done so. We've got a temporary fix but, it's not going to last.

Council Member Pagel: Mr. President, I believe the discussion at the Safety Committee meeting where Mr. Krueger did present the figure of something in the area of a little over five thousand dollars, under six thousand dollars, was about changing the tripping on that light, looking at the switch box on the trucking drive that comes out and not talking about the guts are ready to die. I believe we have two different subjects here and I believe that still, the study should be done before any money is spent on one light that possibly just needs to be totally replaced.

Council Member Johnson: I believe that six thousand dollar figure was a result of an informal discussion by Street Department Director Jerry Krueger. He talked about trip wires. He talked about updating the equipment but, there was no definite plan of how that light was to be dealt with. I would like to see a little more information and I'd liked to also point out that if there is indeed a fault there, it needs to be fixed. Mr. Krueger has the authority to do that on his own without Council's action, I believe.

President Gillock: Correct.

Council Member Olesen: Mr. President, let's not forget that we had 31 bus drivers unanimously endorse that light at the intersection for safety purposes. I think we have to get it up and running

and the Police Chief, Fire Chief, also think it's an important light because, as I have mentioned at Safety Committee, when buses come up that intersection on Dyke Road they're almost at a 45 degree angle. Very difficult. Almost impossible to make a left turn without some help. I think this is a safety issue, especially for our school children and I think we should fix this light and get it done.

Safety-Service Director Johnson: Mr. President, what Mr. Krueger brought to the Safety Committee was the fact that Signal Services had check the light. We had a problem with the light not working. In doing so, they came out to check. The control panel itself is wiped. We have a control panel that's left over at the City garage that we can install there that came from Center Ridge Road. We have several over there as spares. To install that new control panel, new trip signals and resetting the light is 57 hundred dollars. He does have a total report from Signal Services if any Council person would like to see it. I am recommending, as Safety-Service Director, that Council approve the PO that we have setting in the Auditor's office for 54, 57 hundred dollars to do that job. Thank you.

President Gillock: Council would not approve the PO but, if we accept this committee report, it's asking legislation be drawn up to spend the six thousand dollars. We're up to six thousand dollars. So, we're going to have a period of time. During that time, would you please give each of the Council Members a copy of that report from Signal Services delineating exactly what was going to be done for the 57 hundred?

Safety-Service Director Johnson: Yes, sir.

Auditor Costin: Maybe there's not a meeting of the minds here. There was a request to do whatever repairs. It was a request of our office through a purchase order to perform certain repairs on that Dyke Road light. Now, certainly Council doesn't have to micro manage and approve those types of expenditures, however, we don't have extra money that was appropriated for those types of things and it is Council's discretion to indeed appropriate that money. Where I think we need some direction here is this, because the request came Friday, I believe it was and the Auditor's office is aware that that light is in a discussion mode, it didn't seem to make any sense to me to spend six thousand dollars and have you appropriate that money if we're going to immediately remove it. However, if there's a safety issue or it's Council's intention to leave that light there for some period of time which results in a safety issue, then I believe it would be a prudent expenditure. Now, what the Auditor's office would do, like to have is at least some guidance as to whether we should go ahead and approve that particular purchase ordinance for six thousand dollars which means that we would then take money out of our contingency line item for unusual items and appropriate the money. I think both sides of this issue are in question here. What we would like, of the Auditor's office, is just Council's direction and you can do that verbally. We don't require an ordinance to expend six thousand dollars. We just, at the Auditor's office, have to know that if we move the money from a contingency, you're going to appropriate it accordingly and that's what I'd request.

President Gillock: Wouldn't acceptance of this committee report saying we have considered the matter of updating a traffic signal, not to exceed six thousand dollars and recommend that this be approved, answer your question?

Auditor Costin: Yes, sir. It would so long as updating was intended to mean the subject matter that was just discussed by Safety-Service Director Johnson. I don't know what updating means but, I would assume that then, unless explained otherwise, is what it means.

President Gillock: We would like to see the invoice or the document from Signal Services but, aren't the updates and the work to be done outlined on that purchase order? Mr. Johnson?

Safety-Service Director Johnson: Yes, they are. The updating is to install the control panel that we have at the service garage. If we had to put a new control panel in, you can add three or four thousand dollars to the cost of that. So, we're taking an existing control panel and installing it there. We are also going to correct the loop situation and the loop situation being at Chapin Trucking can move it from 75 feet from the road up to the stop line at their entrance so that they have to pull up there, stop and trip the light and also to eliminate their on and off button that they can control from inside so it would be done stickily when a truck crosses it and also to take the Dyke Road and put a control in, is when a vehicle comes up, it trips the light within a certain period of time and it keeps the light green for more than 13 seconds which it does right now, if it does. The call we had Friday was the fact that, from a resident, that he sat there for two and a half minutes and finally had to make a right turn because it didn't trip the light. I called Mrs. Butkowski. I explained that to her and she said that, no after talking to the Auditor, he would not approve that unless Council gave us the authority to spend the money and she told me that that was my problem. I was Service Director. I wanted to do it for safety, but she would not approve it. Thank you.

Council Member Pagel: Mr. President, it's just interesting that this whole issue was, should there be a traffic study, a recommendation out of a possible lawsuit because the light was unwarranted and it went into Safety. It went from an unwarranted traffic light to, now, all of a sudden, this is drastically broken and we need to fix the light. I think we're way off track and I'm still appalled that this traffic light has gotten so much weight and I think it's the squeaky wheel that gets the oil because school buses are on Emerald, Cornell, Wallace, Pitts, Olive, Jaycox, Ridgeview, Root Road, Ridge Plaza and they're going to wait for a traffic study.

Mayor Hill: Mr. President, I have a problem with that. There is no conspiracy to make the light go bad. In fact, the timing was bad for us because of the appearance of it. However, we can't control when the light starts blinking continuously rather than tripping and when it doesn't trip at all. I assure you, we didn't go up there and do something to it. I think it's very important to safety. I think that there are unique circumstances to Dyke Road and Center Ridge Road that do not exist at the other places. We have all school buses in any traffic going to North Ridgeville turning left onto Center Ridge Road where four lanes in Elyria go down to three lanes in North Ridgeville and that includes a turning lane so, really two driving lanes and it is so close to that line and because of the angle of the hill as Mr. Olesen stated, almost a 45 degree angle, with a business on the right hand side and on the left hand side that makes it very difficult to see to pull out. I don't think that, if we want to argue, adnausium, about the need for other traffic lights and a traffic study for other areas. This is a specific, special case where safety is and must be a responsibility of City Council as it is the administration to get this taken care of and get it taken care of now. It's malfunctioning. It's not working and we never know when it's not going to

work and neither does the traveling public.

President Gillock: Thank you. Mrs. Pagel, your ordinance amending 3857 can still be introduced through regular means. This wasn't adopted by suspension of By-Laws this evening. Mrs. Butkowski?

Council Member Butkowski: Mr. Chairman, Mr. Johnson said that, made some statements about me not approving this. I was called. . .

President Gillock: Mrs. Butkowski, let's limit this discussion. We've argued this thing out in Safety Committee. We have a committee report which is signed and then people have changed their names. We've argued this. I don't want to get into a discussion about who said what to who because I wasn't there and we just need to address this issue. So, go ahead but, we need to move forward on this.

Council Member Butkowski: I was just going to say that I did not want to approve it on Friday afternoon when I knew we'd be discussing it on the floor and the entire Council would have a chance to bring this out. If I had approved it on Friday, this wouldn't have been here and I thought that this discussion should have been on the floor and that's why I did not approve it on Friday.

President Gillock: Thank you. I appreciate that. Mr. Johnson.

Safety-Service Director Johnson: We spent, the last time the light was down was sometime right around the first of January. We spent approximately, I believe it was 18 hundred dollars to repair that junction box, I mean that control panel and to repair a few of the loops and this is when Signal Services gave us the figure of what it would cost to make a permanent repair at that intersection. Thank you.

motion by Swindig to amend by removing "proper legislation be drawn authorizing the above", 2nd by Olesen

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

Yes, 7 No, 0

President Gillock: Is there any further discussion on accepting the committee report? Mr. Johnson?

Council Member Johnson: Just a quick clarification. With all the confusion, I want it known that I for one and I don't think anybody up here has advocated taking down the light. It's all in how we're going to keep it up there. I think that better explains to everybody the feelings.

President Gillock: Thank you. Any other discussion? Please call the roll on accepting committee report 07225.

Yes, 4 No, 3 (Buescher, Pagel, Johnson)

Clerk of Council Norris: 7225 is accepted by a vote of four, three.

motion by Pagel to suspend By-Laws to consider Safety Committee Report 07226, 2nd by Gillock

President Gillock: Is there any discussion on suspending By-Laws to put 07226 on the agenda? If not, please call the roll.

Yes, 7 No, 0

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

4) SAFETY COMMITTEE REPORT #7226 We have considered the matter of parking on City streets during two inches of snow fall as dictated by Codified Ordinance 452.12 and raise the fine to \$25.00 for violators of this ordinance and reviewing/revising this ordinance (452.12) and recommend that this request be approved and legislation be drawn revising/updating Codified Ordinance 452.12 and increasing the fine.

Signed: Chairperson Josanne K. Pagel, Members Allen C. Swindig, Robert W. Olesen and G. David Gillock.

President Gillock: I would first point out that, in the last few years our snow falls have not been extremely significant. This year has been a little bit different. Our ordinances, right now, call for a fine of two dollars.

Council Member Pagel: Mr. President, point of order. I believe that's discussion. It would go after a motion to accept the report.

President Gillock: Would you like to make a motion?

motion by Pagel to accept, 2nd by Buescher

President Gillock: We've had a lot of complaints this time around because sometimes the snow plow couldn't get through. Sometimes people park on both sides of the street and the snow plows couldn't do the street at all. Fire engines and ambulances couldn't get through so, we needed to update this a little bit. The ordinance itself is rather arcade so, we're asking that the ordinance be both updated and the fine itself be raised to 25 dollars. Is there any other discussion? Mrs. Johnson?

Council Member Johnson: By update, I assume we mean take out some of the extensive language that Mr. Swindig read during the Safety Committee meeting that really, really is not necessary.

President Gillock: Correct. Is there any other discussion? If not, please call the roll on acceptance of 07226.

Yes, 7 No, 0

Clerk of Council Norris: Report is accepted by a vote of seven, zero.

motion by Pagel to suspend By-Laws to consider Safety Committee Report 07228, 2nd by Butkowski

President Gillock: Is there any discussion on suspending By-Laws? If not, please call the roll.

Yes, 7 No, 0

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

5) SAFETY COMMITTEE REPORT #7228 We have considered the matter of Ordinance T 4-2003, the sale of obsolete traffic control devices and recommend that this request be approved and legislation be drawn authorizing such sale.

Signed: Chairperson Josanne K. Pagel, Members Allen C. Swindig, Robert W. Olesen and G. David Gillock.

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motion by Swindig, 2nd by Pagel to accept
President Gillock: Is there any discussion? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Motion is approved by a vote of seven to zero.

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

President Gillock: We do not have any written reports from the administration this evening.
Auditor's report.

AUDITOR'S REPORT: None

OTHER REPORTS:

President Gillock: Please note:
Police Department Support Car Report for December 2002
Fire Department Report for December 2002
Fire Department 2002 Yearly Report
Treasurer's Annual Report for 2002
Service Department Activity Report from January 13, 2003 through January 26, 2003

OLD BUSINESS: None

NEW BUSINESS:

Clerk of Council Norris:

T 14-2003 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 this a first reading, 2nd by Olesen
President Gillock: Is there any discussion on suspension of By-Laws? If not, please call the roll.

Yes, 7 No, 0
Clerk of Council Norris: Motion is approved seven, to zero.

T 15-2003 An ordinance amending Chapter 854, Peddlers, Canvassers and Solicitors.
President Gillock: I'd like to REFER THIS TO SAFETY COMMITTEE.

motion by Pagel to suspend By-Laws to consider an ordinance amending Ordinance 3857-2002, 2nd by Butkowski
President Gillock: Is there any discussion on the suspension? If not, please call the roll.
Yes, 5 No, 2 (Swindig, Olesen)
Clerk of Council Norris: Motion is approved by a vote of five, two.

President Gillock: It's now on the agenda, would you like to address it.

Council Member Pagel: Yes. Mr. Chairman, can we assign a temporary number to it please.

Clerk of Council Norris: Temporary Number will be T 17-2003.

T 17-2003 AN ORDINANCE AMENDING ORDINANCE NO. 3857-2002 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM FOR A TRAFFIC STUDY IN ORDER TO MAKE IMPROVEMENTS TO THE EXISTING TRAFFIC SIGNALS LOCATED AT THE INTERSECTIONS OF CENTER RIDGE ROAD TO INCLUDE DYKE AVENUE AND CASE ROAD AND BY INCREASING THE AMOUNT FROM \$85,000.00. TO \$91,000.00.

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

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

Council Member Swindig: Our biggest problem with traffic on Center Ridge right now is between Jaycox and Route 83. I think by adding this 6,000 dollars to this at this time, we do not need.

President Gillock: Anyone else? Mr. Costin, I have a question, in light of what you were saying earlier, we had passed an ordinance and appropriating 85,000 dollars for a traffic study. If we're increasing this by an additional 6,000 dollars, does this ordinance appropriately appropriate that money?

Auditor Costin: If you pass this ordinance, the appropriation ordinance will include this money appropriated. In other words, indirectly it will. But, it requires a second piece of legislation that will be part of the appropriations.

President Gillock: The additional six for that will come out of the contingency fund?

Auditor Costin: It will come from somewhere.

President Gillock: Is there any other discussion on suspending By-Laws to give T 17-2003 a first reading this evening? If not, please call the roll.

Yes, 6 No, 1 (Swindig)

Clerk of Council Norris: Motion is approved by a vote of six to one.

CORRESPONDENCE:

1) Received a letter from Barbara Pinizzotto, Legal Department, The Ohio Turnpike Commission submitting materials concerning the Ohio Turnpike Commission's Ethics Policy.

2) Received a complaint filed in The Supreme Court by Committee for the Referendum of Ordinance No. 3844-02, John Prajzner, Chairman and Committee for the Referendum of Ordinance No. 3845-02, John Prajzner, Chairman and Robert Miles and John Prajzner and Ron Hawke, Relators versus Chuck Norris, Clerk of Council and City of North Ridgeville City

Council and City of North Ridgeville, respondents.

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone is welcome to address Council on whatever topic they choose. We ask that you do use the lobby sign in the back and give us your name and address, for the record, when you approach the podium and you'll be given three minutes. Anyone wishing to speak may now do so.

RECESS:

1) Karen Evans of 7371 Dyke Avenue spoke in regard to the Dyke Avenue traffic light. Explained problems experienced with the light and asked that work be done on the light until the lawsuit comes forward. Explained how people are ignoring the light waiting for a ticket so they can fight the City. Asked how to go about reducing the speed limit to 35 miles per hour.

Council Member Pagel: . . .previously when the speed limit signs are 35 and we did receive a letter from ODOT stating that they really are not 35, they're 45. We have looked into that but, until we can get the money appropriated for that it is a very costly study to do.

2) John Prajzner of 35137 Oak Street spoke in regard to the Mayor's request to Council to add the emergency clause to a resolution agreeing to a tax abatement for Summit Tool. Stated that nine days later, the request for the abatement was submitted to the County Commissioners for approval and the Board of Commissioners passed that at their meeting January 30. Stated that he is concerned that emergency clauses are used with care, used properly. Noted that there was no delay and we are waiting for Summit Tool to move in. Asked Council to use the emergency clause prudently when needed.

3) Chris Crobaugh of Otten Road spoke in regard to Mr. Olesen's reference to letters and comments from past Police and Fire Chiefs, personnel in school systems and former Safety-Service Director in regard to the traffic light at Dyke Avenue. Stated that he believes some of the sentiments expressed in those letters are bigger than the issue of the light itself. Stated that all letters he referenced basically say that we know what the law is but, we don't care, our opinion should trump the law. Stated that that is a bigger issue than one traffic light on Center Ridge Road. Stated that all elected officials have taken an oath to uphold the constitution, laws of the state, charter and City ordinances. State that the law can be changed and instead are looking for ways to get around it. Spoke about the area where four lanes go down to three and noted that it's almost a half a mile from the edge of the City to Dyke Road. Stated that the overall consideration might be, what you need to do to make that traffic light enforceable in a court and right now it's not.

President Gillock: I appreciate your premise, however, the only thing I would say is, on the advice of our Law Director, the light is legal. It's not a matter of our trying, at least in my case,

in my opinion, trying to get around the law. I've been advised by our counsel that the light is legal and that's what I'm relying on. Mr. Zagrans?

Law Director Zagrans: I don't want to detract from what you just said Mr. President. I would like to say, with the exception of the accusation that members of Council are trying to get around the law which I don't agree with, I subscribed completely to everything Mr. Crobaugh says. We are a country, state, city that's suppose to be of law. I am the Law Director of North Ridgeville and I agree completely that we must owe fidelity, not just to our oaths, but to the people of this community to obey the law, to enforce the law and to do what is right under the law. I couldn't agree with him more. There was an ordinance that was referred by the Council President to the Safety Committee that none of the various reports of the committee that have been discussed tonight addressed. That was an ordinance introduced by the Mayor to provide a clear, firm and unswerving recognition today, in the year 2003, not 31 years ago when this light was put up that says that it is the sense and policy of this community that this light is essential for the safety and welfare of the residents of North Ridgeville, the school children and other that use that area. I think that is what Mr. Crobaugh is saying. He wants to see. I am not saying that the light is illegal without it. I am saying that if this Council wishes to put this controversy to bed once and for all, bring that ordinance out of committee, but it back on the agenda of this Council and please favorably consider it because that will put this controversy to bed once and for all. The City has the home rule power to legislate in this area and since there is a controversy about whether there has been legislation for this light in the past, please end the controversy and let there be no mistake about it.

4) Gene Kleinhotz of 7324 Dyke Avenue spoke about guidelines from ODOT being only one part of the equation under a home rule City.

5) Kevin Corcoran of 8845 Timber Edge Drive stated that if the City passed the ordinance Mr. Zagrans referenced you wouldn't need to spend the addition 6,000 dollars on a traffic study.

President Gillock: That ordinance is still in Safety Committee. Mrs. Butkowski?

Council Member Butkowski: I just wanted to tell Mrs. Evans that we appropriated 6,000 dollars to fix the light tonight. We did that.

President Gillock: We will adjourn until 10 after nine.

RECESS: from 8:57 P.M. to 9:10 P.M.

FIRST READINGS:

Clerk of Council Norris:

T 6-2003 A RESOLUTION ACCEPTING DEERSPRING COURT, LOCATED IN
966-2003 RIDGEFIELD SUBDIVISION NO. 3, FROM BOB SCHMITT HOMES, INC.
AND DEDICATING IT FOR PUBLIC PURPOSES.

First Reading

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

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved seven, zero

motion by Butkowski, 2nd by Johnson to adopt

President Gillock: Is there any discussion? Mrs. Butkowski?

motion by Butkowski to add the emergency so that these streets can be plowed by
the City, 2nd by Olesen

President Gillock: It's for the health and safety. I would agree with that. Any discussion of the
emergency?

Yes, 7 No, 0

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

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt with the emergency is approved by a vote of seven,
zero and becomes resolution number 966-2003.

Permanent Resolution No. 966-2003

Permanent Resolution No. 966-2003

T 7-2003 A RESOLUTION ACCEPTING BRIDGESTONE DRIVE, MALLARD CIRCLE,
967-2003 MOSSWOOD CIRCLE, AND TIMBER EDGE DRIVE, LOCATED IN
RIDGFIELD SUBDIVISION NO. 4, FROM BOB SCHMITT HOMES, INC.
AND DEDICATING SAID STREETS FOR PUBLIC PURPOSES.

First Reading

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

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

Yes, 7 No, 0

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

motion by Butkowski, 2nd by Johnson to adopt

President Gillock: Is there any discussion? Mrs. Butkowski?

motion by Butkowski to add the emergency so the streets can be cleaned for the
health and safety of the people living there, 2nd by Olesen

President Gillock: Is there any discussion on the emergency?

Council Member Swindig: Yes, Mr. Chairman, I have one thing that I want to bring out at this
time. We're adding streets. I know we're dedicating them and we're adding extra work to our
street department. They have, for the last three years, asked for additional employees and we
have not given them. I think it's time we look at that issue too, in appropriations.

President Gillock: Thank you. Anyone else? Please call the roll on the emergency.

Yes, 7 No, 0

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

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

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Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven, zero. Becomes permanent resolution 967-2003.

Permanent Resolution No. 967-2003

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

T 14-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3878-2003 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 Butkowski to dispense with second and third readings

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

Yes, 7 No, 0

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

motion by Swindig to adopt, 2nd by Butkowski

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of six to one becoming permanent ordinance 3878-2003.

Permanent Ordinance No. 3878-2003

T 17-2003 AN ORDINANCE AMENDING ORDINANCE NO. 3857-2002 AUTHORIZING
3879-2003 THE MAYOR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND
IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING
ENGINEERING FIRM FOR A TRAFFIC STUDY IN ORDER TO MAKE
IMPROVEMENTS TO EXISTING TRAFFIC SIGNALS LOCATED AT THE
INTERSECTIONS OF CENTER RIDGE ROAD TO INCLUDE DYKE
AVENUE AND CASE ROAD AND BY INCREASING THE AMOUNT FROM
\$85,000.00 TO \$91,000.00.

First Reading

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

President Gillock: Is there any discussion on the suspension? I have a question. Can anyone explain to me where this six thousand dollar figure for the traffic study came from?

Council Member Pagel: Yes, sir. Mr. President, during the Safety Committee meeting we read the opinion from the Director of Law that made the mention of, it would not exceed six thousand

dollars and that was verified by the Safety-Service Director and Mr. Krueger for the traffic study for those two intersections.

president Gillock: Thank you. Is there any other discussion on the suspension of By-Laws? If not, please call the roll.

Yes, 6 No, 1 (Swindig)

Clerk of Council Norris: Motion is approved by a vote of six to one.

motion by Pagel to adopt, 2nd by Johnson

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

Yes, 6 No, 1 (Swindig)

Clerk of Council Norris: Motion is approved by a vote of six to one becoming permanent ordinance 3879-2003.

Permanent Ordinance No. 3879-2003

SECOND READINGS: None

THIRD READINGS:

T 142-2002 AN ORDINANCE AUTHORIZING PAYMENT TO LORAIN COUNTY

3880-2003 TRANSIT FOR TRANSIT SERVICE.

Third Reading

motion by Swindig, 2nd by Butkowski 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: T 142 is adopted by a vote of seven, zero and becomes permanent ordinance 3880-2003.

Permanent Ordinance No. 3880-2003

UNFINISHED BUSINESS: None

COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Next Council Work Session Tuesday, February 18, 2003

Next Regular Council Meeting Tuesday, February 18, 2003

Public Hearing to be held Monday, March 3, 2003 at 7:15 P.M. to consider changes and/or modifications to Meadow Lakes PCD Phase II as approved by Ordinance No. 3735-2001

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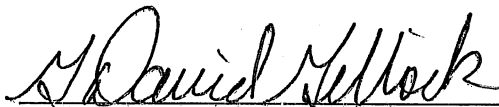
ADJOURNMENT:

motion to adjourn by Swindig
President Gillock: Meeting adjourned.

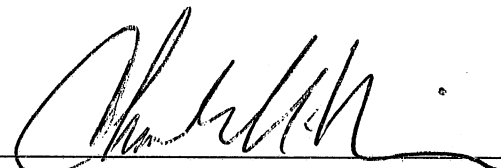
Meeting adjourned at 9:21 P.M.

MOTION Butkowski 2ND Buescher DATE February 18, 2003

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL