

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JANUARY 18, 2000**

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

ROLL CALL

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

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

President Brown: Due to the questions of the vote that made me President of this Council, I would like to have a motion to suspend the By-Laws so that we can change the order of Council business in order to take nominations from the floor for President of Council.

motion by Johnson to suspend the By-Laws to change the order of Council business to take nominations from the floor for President of Council, 2nd by Swindig

President Brown: Thank you. At this time the motion is seconded and right now it is open for nominations.

Council Clerk White: We have to vote on it, if there's any comments on it then we'll vote on it
Council Member Butkowski: What was the reasoning to redo this?

President Brown: Because there was questions that people had, I guess, about the 4-3 vote and they want it done and I want it done so that people understand that it was done properly. No discussion? Roll call.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 to suspend By-Laws.

President Brown: I guess we are open now for nominations.

motion by Swindig to nominate Jean Brown as President of Council, 2nd by Johnson

motion by Minnick to nominate Dave Gillock, 2nd by Butkowski

motion by Johnson to close nominations, 2nd by Swindig

President Brown: Now we have a vote.

Council Clerk White: Roll call.

President Brown: Roll call? Okay, roll call.

Council Clerk White: For the nomination for Brown by Swindig and Johnson, roll call

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

Council Clerk White: By 4-3 vote, Brown is President of Council.

President Brown: Thank you.

MINUTES

President Brown: We have the Minutes for the Organizational Meeting on January 3, 2000 and the Regular Council Minutes of January 3, 2000. Do I have a motion to accept them?

motion by Minnick to accept the Organizational Meeting Minutes of January 3, 2000 and Regular Council Minutes of January 3, 2000, 2nd by Gillock

Council Clerk White: Is this for both of them?

President Brown: Yes. Any discussion? Hear none.

Yes, 6 No, 0 Abstain, 1 (Swindig)

Council Clerk White: Motion carries 6-0-1 for the Minutes of the Organizational Meeting of January 3rd and the Regular Council Minutes of January 3rd.

President Brown: Now we have Reports from Committees. Buildings & Lands.

COMMITTEE REPORTS

1) BUILDINGS & LANDS COMMITTEE REPORT #4066 We have considered the matter of Preliminary Plans for Kingston Place P.C.D. and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Jim Johnson and Allen Swindig.

motion by Johnson to accept, 2nd by Swindig

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

Council Member Gillock: Just a question. Is it proper to approve this for Preliminary Plans even though we haven't addressed the rezoning of the property?

Council Member Johnson: Madam Chairman, actually, in Committee, the Reports are in wrong. The second thing from Building & Lands is the rezoning of the property. It should have been ahead of this on the Agenda. The second Committee Report is for the rezoning.

President Brown: That's R-1 to P.C.D. Will it be okay with Council Members that we reverse these from numbers 1 and 2 and to put 2 in front?

motion by Swindig that we reverse # 4066 and # 4067, 2nd by Johnson

President Brown: Any discussion? Roll call please.

Yes, 7 No, 0

2) BUILDINGS & LANDS COMMITTEE REPORT #4067 We have considered the matter of T 137-99, the rezoning from R-1 to P.C.D., petitioned by Matt Rosner, Kingston Place, approximately 200 acres and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Jim Johnson and Allen Swindig.

motion by Johnson to accept, 2nd by Swindig

President Brown: Any discussion?

Council Member Butkowski: Madam President.

President Brown: Mrs. Minnick.

Council Member Minnick: Yes, I wanted to have it noted on record that I did not sign this and I'm a member of Buildings & Lands. October 1993 the Advisory Committee to the Buildings &

Lands Committee of Council recommended Mills Road be extended, that was the number one priority, Mills Road extension westward. Then in 1973 the Lorain County Regional Planning Commission worked up a major thoroughfare plan and in it was the recommendation that Mills Road be extended. In 1975, Council adopted by Resolution the Major Thoroughfare Plan and declared it an emergency. In our Master Plan book on page 2-15, Proposed Extension of Streets, the number one issue was Mills Road from Stoney Ridge to Case Road. In our Codified Ordinance book under 1226.01, Conformity of Subdivisions with Official Thoroughfare Plan, "All proposed subdivisions shall conform to the official Thoroughfare Plan of the City and any subsequent revisions thereof". I want it noted that I did not vote and I do not approve of it. Thank you.

Council Member Johnson: Madam President, there was a traffic study made and suggestions by the developer. It was given to the City and the Engineer. The Engineer ruled, well actually that study showed that there should be a light at the corner of Stoney Ridge and Center Ridge with a turning lane. As far as impacting the residents, there was no other things found in it and we're talking about a study which was done in 1973, over 25 years ago. I think the population has changed north, south, east, west and right here in town and that study actually wouldn't be worth too much today. I think this is why we're looking at it. The P.C.D. does meet all the criteria of our zoning, our P.C.D. zoning. Thank you.

President Brown: Thank you Mr. Johnson. Any other discussion?

Council Member Butkowski: Madam President this P.C.D. is just the beginning of the area between Stoney Ridge Road and Case Road. We have talked for years about extending Mills Road. There was a lot of time spent on this Master Plan. It's not even a year old and we're already going against it. All the time they were working on it they were constantly complaining about, "We've had Master Plans before and nobody ever followed it." Well, is this the next one nobody's ever going to follow? We have to have a thoroughfare that goes from Stoney Ridge to Case Road. We have to have it. Mills Road is there. It can be moved up. There's no houses to impede it at this point. It can be worked into the P.C.D. and it will work out just fine. We've got Engineers all over the area that can do that. We have to have that. This is the beginning of the growth of our City. This is the very first P.C.D. We have to start, before we start P.C.D.'s, to get traffic to move. We're going to have 500 homes in here. That means 1000 cars. 1000 cars are going to go somewhere. We don't have enough streets now to take 1000 cars. You can put all the traffic lights in the world in there and you're going to have all the 1000 cars lined up. We have to get the people moving and this is the beginning. I know you're talking about Barres Road and let's let this thing go through. Let's not start until we have a basic plan. We don't put the basement in the house and then plan the top of the house. It doesn't work. Let's put it back in Committee and get our act together. Thank you.

Mayor Hill: Madam President, we're considering the rezoning and not the actual plans for the development. That's a different issue and should come under #4066. In response to the Master Plan, please remember, and we've said this at least 20 times, the Master Plan is a guide. It was developed by a group of citizens who looked at the past, looked to the future and made their best guesstimate. There were no studies done. To say there will be 1000 cars, well we don't know that because we have to do a traffic impact study which we are talking about so that we can study

the whole west side of town as far as the traffic movement and how many actual cars there will be and what routes they might best take. The other studies, one was done in 1965, that was 35 years ago. The other one, in 1973, and remember these are both done by Regional Committees, not North Ridgeville, was done 27 years ago and actually their recommendation at that time was Stoney Ridge to Abbe Road, not Stoney Ridge to Case alone. It was also included in that report that it was to be reviewed yearly and updated. There are no yearly nor updated reports. Camelot being built in Avon was not envisioned as it would be if we extended Mills Road which actually is a gas line easement with the gas line there where you might envision Mills Road. This would also completely entrap the people who are living or who will be living in Camelot because it looks like Camelot Way is almost through between Stoney Ridge and Case and actually it looks like it may go all the way through. We had a meeting with the developers this morning and they indicated to us that they do own more property and this is a very strong possibility and chance that they will be running Camelot Way from east to west or west to east, whichever way you want to look at it. All of these things have to be considered. Also, I know that one of the concerns is helping the Community College to move traffic, which is a big part of our traffic, and I believe Mr. Sarnovsky from the Community College is here to speak to that tonight. I don't know whether it's appropriate to speak now or speak later. Of course, this Mills Road extension is something, again, that should come under #4066, not #4067. We're talking about rezoning. And remember, for the P.C.D. it goes through 14 steps.

Council Member Minnick: Madam President.

President Brown: Mrs. Minnick.

Council Member Minnick: In 1973, one of our own residents was on the Advisory Committee. When the Master Plan was written up, that same resident was on the Master Plan Committee. His name is on the Master Plan book. When changes were made that everyone really didn't know how they happened, Mills Road was not one of those changes. That has been steady since 1973 that Mills Road needed extending. As for a living document, two things so far have come up on this Master Plan. One of them was the Beckett change. That wasn't followed. This is number two. So far we don't have a very good batting average. Thank you.

President Brown: Thank you.

Council Member Butkowski: Madam President, as I was looking over this Master Plan, because I haven't had a lot of time to go over it yet, I found a very important statement that maybe everybody should remember in there. It says, "Remember, the choices we make today will shape the community we share tomorrow." That's just where we're at right now and if we don't have another week, another month to do this, everybody in 25 years is going to say, why didn't they? I don't want my name on something that doesn't go a little bit better than this.

Mayor Hill: Madam President, one final word on the Master Plan. The Master Plan also devotes a lot of time and space and a lot of people put energy and effort into recommending highly P.C.D.'s as well and P.C.D.'s were passed, the concept, by Council. Thank you.

President Brown: Thank you Mayor.

Council Clerk White: Time for roll call?

President Brown: I guess. Is there any other discussion?

Yes, 5 No, 2 (Minnick, Butkowski)

Council Clerk White: Motion carries 5-2.

1) BUILDINGS & LANDS COMMITTEE REPORT #4066 We have considered the matter of Preliminary Plans for Kingston Place P.C.D. and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Jim Johnson and Allen Swindig.

motion by Johnson to accept, 2nd by Swindig

President Brown: Any discussion? Roll call please.

Council Member Gillock: I think this particular Committee Report more aptly applies to the Mills Road extension. I have some questions myself about whether we should go Mills Road or whether we should go Barres. I think it is incumbent upon our Administration and what the Master Plan is basically saying is we have to have an east/west major thoroughfare or artery in the northwestern part of the City. I don't know at this point whether it should be Mills Road or Barres. Barres is there. We own a lot of that property. It's a place to start. With Mills Road we would have to buy 100 feet of right-of-way all the way through. That Thoroughfare Plan also says any new roads on City lines, we should keep them all in our City so we wouldn't have the situation we have on Mills now, arguing with Avon about who takes care of what part. I'm in favor of P.C.D.'s. I think this is something we should look at. I think it's incumbent upon our Administration to keep looking for an avenue up there, but I think that's what our Master Plan is really saying. We need that thoroughfare up there and that's what we've got to look for.

President Brown: Yes. Any other discussion?

Council Member Johnson: Yes, not only this P.C.D. but all the rest coming into town, it's really our duty to put on a study of everything, using the concepts of all, so that one study will cover the whole west side of town for traffic. As far as this P.C.D. and as far as putting the street right at the north end of town where you will be impacting the residents of Camelot, even keeping it on our side we can't go into the Avon side because you'd be in the backyards of all those people that built right to the line or you would be buying homes to do that. Really, the Mills Road issue mainly is not Mills Road, it's an east/west issue, and this is what we have to address as they progress so that we do have one, not only in the east/west but we need a north/south. There's a lot of issues that we have to go after, that we should be working on, whether we do it with this P.C.D. or whether we do it as the west side of town. I think we should do it as the west side of town and we should implement those studies as soon as possible. Thank you.

President Brown: Thank you Mr. Johnson.

Council Clerk White: Roll call?

President Brown: Yes.

Yes, 5 No, 2 (Minnick, Butkowski)

3) BUILDINGS & LANDS COMMITTEE REPORT #4087 We have considered the matter of request for C1 and C2 liquor permit transfer from Handee Marts, Inc. to Mumtaz Corp. and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Jim Johnson, Allen Swindig and Gail Minnick.

motion to accept by Swindig, 2nd by Johnson

President Brown: Any discussion? I don't have your name on mine, Mrs. Minnick.

Council Clerk White: That's okay, I've got it. She didn't sign it at the time but we now have, we have read them tonight how they are. Okay?

President Brown: I see. Any discussion? Roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

4) BUILDINGS & LANDS COMMITTEE REPORT #4088 We have considered the matter of rezoning the west side of Jaycox Road, T 146-99, from R-1 to RS-1 and recommend that this request be denied.

Signed: Chairperson Jim Johnson, Allen Swindig and Gail Minnick.

motion to accept by Johnson, 2nd by Swindig

President Brown: Any discussion?

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

5) BUILDINGS & LANDS COMMITTEE REPORT #4089 We have considered the matter of a new ordinance that will specifically permit inflatable advertising and recommend that this request be denied.

Signed: Chairperson Jim Johnson, Allen Swindig and Gail Minnick.

motion to accept by Johnson, 2nd by Swindig

President Brown: Any discussion?

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

6) BUILDINGS & LANDS COMMITTEE REPORT #4090 We have considered the matter of rezoning 6200 Lear Nagle Road from R-1 to B-3 and recommend that this request be approved and proper legislation be drawn authorizing same.

Signed: Chairperson Jim Johnson, Allen Swindig and Gail Minnick.

motion to accept by Swindig, 2nd by Johnson

President Brown: Any discussion? Roll call

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0.

7) BUILDINGS & LANDS COMMITTEE REPORT #4095 We have considered the matter of leasing land on Chestnut Ridge Road and recommend that this request be denied.

Signed: Chairperson Jim Johnson, Allen Swindig and Gail Minnick.

motion to accept by Johnson, 2nd by Swindig

President Brown: Any discussion? I have a question, Mr. Johnson, for your Committee. Is this the land that we own on Chestnut? Opposite the 83 bypass there?

Council Member Johnson: Yes it is, 20 acres.

President Brown: That's all I wanted. Thank you very much. No discussion? Then we'll have a vote please. Roll call.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 and that's all the Committee Reports that I have.

President Brown: Moving on we have the Mayor's Report.

MAYOR'S REPORT

Mayor Hill: If the Mayor can get her microphone together. Welcome back Mr. Swindig. It's a pleasure to see your face here.

Council Member Swindig: Well thank you.

Mayor Hill: Out of respect for Mr. Swindig, he asked that I make my report either nonexistent or very short, so it's a total of three sentences.

Beckett Corporation has forwarded a second check for \$25,000.00 to North Ridgeville City Schools as part of the tax abatement agreement reached in 1998. The payments extend for the life of the agreement. The schools will receive a total of \$250,000.00. That concludes my report.

President Brown: Any questions for the Mayor? Mrs. Minnick.

Council Member Minnick: Mayor, in 1995 an ordinance 3119-95 was passed mandating Council notification regarding waivers or adjustments of various Administration Fees and charges of the City. Might I ask when we could expect those? I don't remember seeing any since I've been on Council. That bill was introduced by Mr. Zirzow and passed on November 20, 1995.

Mayor Hill: Madam President, can Mr. Zirzow answer that?

Safety-Service Director Zirzow: To my knowledge, at least since I've been Safety Service Director, we have not had waiver of fees. The ordinance specifies waiver of fees which is a different issue from credits being issued in the case of subdivisions where actual work is provided in lieu of a credit. The whole intent of that legislation was when there was, basically the previous administration tried to waive Parks & Recreation fees, just carte blanche, to a development down by Mills Road. We've had several discussions with this Law Director and the previous Law Director, Mr. Serazin, if there was something out of the norm from what is already permitted and a credit is permitted by ordinance per subdividers agreements and it's already set up in the legislation. The Administration has that capability. However, if there is a waiver of fees, that would be something that Council would also have to specifically approve and at this point we have not had any.

Council Member Minnick: All right, thank you.

President Brown: Any other questions of the Mayor? Moving onto the Safety-Service Director.

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Zirzow: Thank you Madam President, Members of Council. Welcome back Al. For the last two weeks:

PATCHING, PAVING & CRACK SEALING:

All city streets are being checked weekly for potholes. Some of the streets that were attended too in the last two weeks are: Island, Lorain, Race, Case, Center Ridge, Route 83, south Barton, Lear Nagle, Cornell, Wallace, Bagley and the cross streets between Main, Broad and Pleasant.

CONSTRUCTIONS & DITCHING:

There was standing water in the Mills Road ditch east of Lear Nagle. This was due to an improper driveway pipe. The drive pipe was set to grade and the ditch was also dug to grade.

We have finished cleaning the Barres Road ditch on the north side.

Ditch cleaning was performed in the 5558 area of Wallace Boulevard and at 8605 and 8583 Avon Belden.

The ditches on Lee Street are being cleaned.

A resident at 8308 Root Road has had a long-standing sanitary sewer problem. The problem was found and corrected. The problem was her sanitary lateral was never connected to the sanitary lateral in the right of way.

WATER BREAKS AND HYDRANT REPAIRS:

At 3451 Lorain Road a resident complained he was receiving City water in his sump pump crock causing his sump pump to run continuously. This was a troublesome leak, very hard to find. We were inspecting the area for several days. With the help of the City Engineer and an expert at detecting water leaks, the leak was found under the road quite a distance from the resident's home. A new line was installed under the road and the problem was corrected.

Hydrants were replaced at the intersection of Harding and Jefferson and at 9324 Avon Belden.

There were two water leaks discovered at 63381 Avon Belden and 6780 Nicole. They have been repaired.

CATCH BASINS:

The following catch basins/manholes have been repaired or replaced at: 5900, 6045, 6079, 6133 and 6240 Hickory Trail.

MISCELLANEOUS:

Sewer jet was used in the following areas: Sanitary Lines: Emerald, Birch and Garrett area; Fairacres; and Root between Route 10 and Chestnut Ridge. Storm Lines: Several troubling spots in the Olive, Wallace and Cornell area.

Berming was performed at all business entrances and exits along Center Ridge Road and also on Root Road between Route 10 and Chestnut Ridge.

The recent windstorm last week caused some trees to come down. The most notable one fell on a car on Center Ridge by Garden Village. No one was hurt and the remaining part of the tree was

taken down by Richards Tree Service. Trees also fell at Route 83 and Lorain Road and across from Dreco on Root Road.

Richards Tree Service was contracted to remove several large rotting trees. These trees were on: Stoney Ridge, Center Ridge, Avon Belden, Root and two trees at the intersection of Mildred and Rosebelle.

Once again, in a quick synopsis on Mills Road, it's part of the responsibility for the City services. I will reiterate from the Planning Commission meeting, there are several issues that confront us on a street which has common boundaries with, in this case, Avon. Not only the construction of the street but who responds to an accident, whether it be police and/or fire protection; paramedic services; the daily routine of who fixes the potholes; electricity, who provides them with that utility; same thing with telephone. We currently have residents who have Century Telephone who are North Ridgeville residents. Post Office, does the Post Office recognize them as North Ridgeville or Avon residents. Sewer line, water line, this Council already has in its committee the issue of a water line and residents who have requested it along Mills Road. As they study it, they will find out that's also a very troubling issue and how to reasonably bring these people water. Another point I'd like to bring out is I'd like to thank the 4th Ward Councilwoman for recognizing the work under the Buildings & Lands Advisory Committee back in 1993 which I was a member of. Going back to some of the original studies back in 1965, I wasn't even born yet to address those, so things do change. One of the things to keep in mind, that this Administration has kept in mind, is the flexibility that we need to maintain when the situation changes. Committee Report #4095 this evening addressed land, land which was purchased from the State of Ohio due to the abandonment of the relocation of Route 83. Great idea, great plan, notated back in the 60's. State purchased right-of-way would have solved our overpass problem. However, it was defeated, absolutely, when Avon put the high school in the middle of the right-of-way. It changed the outlook for North Ridgeville. Same thing when Camelot was built. You would have had a street along the backyards of homes in Avon. We have self-determination within our boundaries, however, when you work on these common boundary issues, this situation gets much more complicated. That's why the Mayor has had her Administration recommend not to extend Mills Road. Thank you Madam President.

President Brown: Thank you Mr. Zirzow. Are there any other questions for Mr. Zirzow?

Mayor Hill: Madam President, I hate to do this, Mr. Swindig, and break my promise. I forgot one thing. The issue of annexation at the State level and current legislation that is being considered would seriously inhibit cities rights to annex and for property owners and affected townships to be annexed if they wish. It's a very urgent matter. I have some background information. Municipalities are joining together State wide to defeat the current issue as it's being presented at the State level, on behalf of the municipalities of the State. Therefore, I would request, and I haven't had a chance to make copies, but I would request that this be REFERRED TO BUILDINGS & LANDS.

President Brown: Okay, thank you. Mr. Johnson, are you still the Chairman? Would you please take that under advisement?

Council Member Johnson: Yes.

Council Clerk White: We'll get copies later and everyone will get a copy and then he can officially put it on the report.

President Brown: Okay. Engineer's Report.

ENGINEER'S REPORT

Engineer Lovece: Thank you Madam President. Update on Bainbridge Road reconstruction. January 3, 2000 the contractor submitted a schedule to ODOT, a revised schedule, and they are requesting 127 day extension. They are also requesting an additional \$300,000.00 and they are indicating that the new completion date will be October 13, 2000 as opposed to the original date of August 31, 2000. I just want to say we corresponded with ODOT. While someone can ask for extensions, that has to be documented and basically proven to the State, who is the agency issuing the contracts. We will be getting the State's feedback of what they believe a legitimate, I don't want to use that word, maybe that's not a good word, but the approved completion date is. I don't know if the two parties will ever agree, but they are still bound by the contract and bound by liquidated damages provisions in the contract. I just wanted to inform everyone that a revised schedule has been submitted. I don't believe it will be approved. We will await an answer from ODOT and we will forward that when it comes.

The Safety-Service Director mentioned a water leak on Lorain Road, approximately opposite the Fire Station. It's funny, but it turned out that it was a plastic service that we no longer allow. We use copper. That's something that's been proven. It will probably be in the ground 100 years. The plastic seems to get, some of the older plastic services constructed in the 70's or thereabouts, it seems to get brittle over time and it loses its flexibility. I estimate that leak would have cost the City, if it was undetected, would have cost us an additional \$10,000.00 a year in wasted water. We had a leak detection expert actually help educate City officials, myself included, in how to find a leak. It may seem a little comical, but we were out there Friday night at midnight with something that looks like a stethoscope listening to a fire hydrant. If you saw that, we were doing our jobs. It may seem a little strange, but we did find a leak. It's quite amazing, something very simple, technology. That's all I have this evening.

President Brown: Are there any questions of the Engineer? I have one Stewart. I would like to know whose fault is it? Did they run into more problems on Bainbridge than they anticipated when they did their initial study?

Engineer Lovece: There's a combination of things a contractor is allowed, an extension of time for inclement weather on days a contractor attempts to work. They are allowed extension of time for any increase in the scope of work and there are certain rules and regulations. There's no fault, I would say, it's just some of the things that get done in large construction projects. A contractor is very apprehensive about liquidated damages. What a contractor will tend to do is get as much additional time as they can to give them a little breathing room. That's part of what is going on. We are on top of it with the State and since we are part of the funding agency for this project, we would like to see justification as well as the State.

President Brown: Well they certainly can't say it's been the weather because we've been very lucky weather wise. Okay. We have Mr. Costin's Report, Auditor's Report please.

AUDITOR'S REPORT

Auditor Costin: Madam Chairman, I have a few items, the first of which is the Preliminary Year End Report. Historically, because this is a Preliminary Report, it does not receive Council passage until we've made our final adjustments. We will have some additional encumbrances or removal of encumbrances when final invoices are received by the end of this month, January. You do have the Preliminary Report and I am pleased to announce, as in the past, all the funds will end the year in the black.

The second item is I have correspondence with regard to a potential water rate increase which I would like to read and Council has a copy of this:

In accordance with requirements and terms of City of North Ridgeville Ordinance No. 2665-92 (Codified Ordinance 1046-05 (d), I have reviewed the City Engineer's correspondence of January 11, 2000 with regard to water rates, reviewed his calculations, reviewed applicable water bills from the City's water suppliers, and performed calculations in accordance with the aforementioned ordinance.

Accordingly, I concur with the City Engineer's finding that a water rate increase is not applicable for the year 2000.

Respectfully submitted, Chris S. Costin, City Auditor, January 14, 2000

The last item I would like to disclose is the interest rate on our \$900,000.00 of bond anticipation notes. We will receive the interest rate of 4.60%. That concludes my comments.

President Brown: Are there any questions of the Auditor? Okay, not seeing any, we'll go on. Law Director's Report.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you. In accordance with the Swindig rules in effect for this meeting, I have no Law Director's Report.

Council Member Swindig: Thank you.

President Brown: Any questions of our Law Director? If not, we have Other Reports.

OTHER REPORTS

Parks & Recreation Liaison Report:

President Brown: There was no meeting so far. I'm the one that would represent us for the time before the new year.

Planing Commission Liaison Report:

Council Member Johnson: Planning Commission met January 11, 2000 and the recommendations are in tonight's Correspondence. Thank you.

President Brown: Thank you Mr. Johnson.

Please Note:

Police Department Support Car 1999 Annual Report;

Water Use (Main Meters) 1999 Report in Gallons;

Building Department Report for December 1999;

Drinking Water Operation Report for December 1999;

Mayor's Court Operating Trust Fund/Bail Trust Fund Report for December 1999;

Westfield Allotment Wastewater Treatment Plant Annual Sludge Report for 1999;

Fire Department Report for December 1999; and

Mayor's Court Report for December 1999.

OLD BUSINESS

President Brown: Is there any Old Business that anyone would like to bring up?

NEW BUSINESS

T 5-2000 An ordinance providing additional compensation for the Auditor for the purpose of the effectuation of the annual conversion of the City's annual financial statements and other related services.

Council Clerk White: That's the only new business I have.

President Brown: That's the only new business. Questions? Mr. Gillock.

Council Member Gillock: What, basically, is this for? (inaudible)

Auditor Costin: Right. The books and records of a City and School District are maintained on a cash basis throughout the year. The compliance with budgetary procedures are maintained on a cash basis throughout the year in the State of Ohio. At the end of the year it is required that the books and records be converted to an accrual and modified accrual basis in accordance with government accounting principles so that the annual audit can be conducted. That's an additional item that the auditor has done for, well, since inception. We've performed it probably for the last 13, 14, 15 years since we were even required to do it.

Council Member Gillock: Why isn't it just included in the regular funds that we pay to the Auditor?

Auditor Costin: That's a good question. I don't know the answer to that. We've done it this way. At one time it was done by outside contract and it was annually renewable. It's been converted to this ordinance. Initially, actually, it was done for a dollar amount that has been reduced several years ago and it has been performed for that dollar amount for about the last 10 to 15 years. That's a good question. It could be set in the base of the salary. I suspect that not every auditor might have the capability of doing that. I couldn't answer that. We request, but because it's an oversight, I usually try to get this performed earlier. We typically have the Auditor of State perform our annual audit in early April. This is a lengthy process and I would

request that if Council deems appropriate that it be passed without the emergency so that the process can be started.

Council Member Swindig: Madam Chairman.

motion by Swindig to suspend By-Laws to give T 5-2000 a First Reading tonight, 2nd by Gillock

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 5-2000 will have First Reading tonight.

President Brown: Okay. Thank you. Do we have any Correspondence?

Council Clerk White: Yes ma'am. I wish the Swindig rule would evoke here.

CORRESPONDENCE

- 1) Received a memo from the Auditor's Office submitting information requested by Council in regard to employee receipt and general release written by the City's Law Director and employee receipt and general release written by C.J. Crobaugh for Karen Pleban.
- 2) Received a Memo from the Office of the Clerk of Council distribution Council/Mayor financial disclosure statements from the Ohio Ethics Commission that are to be filed no later than Monday, April 17, 2000.
- 3) Received a news release from the Chamber of Commerce announcing the annual "State of the City" address to be presented at the North Ridgeville Chamber of Commerce luncheon to be held Thursday, January 20th at noon at Melody Grove.
- 4) Received a memo from the Office of the Clerk of Council announcing the following action taken at the January 11, 2000 Planning Commission meeting:

T 117-99, as submitted by Council, William and Paula Schiely of 26760 Skyline Drive, Olmsted Township, request rezoning at 33734 Bagley Road from R-1 to I-2 for PCD office, PP# 07-00-011-102-009. (Postponed from meeting of December 14, 1999 at applicant's request.)

Applicant William Schiely and Jack M. Sanfilippo, Executive Vice president of R. J. Wohl Co., 24960 Center Ridge Road., Suite 300, Westlake, were present and requested that this application be withdrawn. It was moved and unanimously approved that the application be withdrawn.

Planned Community Development application for preliminary plan approval of plan development area as submitted by Matt Rosner, Pine Ridge Estates, LLC, 1402 East Schaaf Road, Cleveland and owned by Alfred and Jean Porkolab and Porkolab Family Trust #2, Alan B. Porkolab Trustee, 8303 Marigold Lane, Maineville, Ohio 45039; Helen Barnard, 45380 Telegraph Road, Elyria; Mary

Joan Junglas, 4901 Case Road; Elenore Sowders, 9160 Leavitt Road, Elyria; Sally Defibaugh, 8885 Bender Road; and for rezoning approximately 200 acres between Case Road and Stoney Ridge Road bordering the City of Avon. (Postponed from meeting of December 14, 1999 at applicant's request.)

The application was approved with name change from Pine Ridge Estates to Kingston Place contingent upon satisfaction of the written comments by the City Engineer and Plans Examiner and approved for rezoning from R-1 to Planned Community Development and same is recommended to Council.

Maurice Shave, 33488 Liberty Parkway, Owner; Western Reserve Business Park Development, Ltd., same address, Applicant; requests rezoning from R-1 to B-3 at 6200 Lear Nagle Road, Permanent Parcel Numbers 50-07-00-008-116-012 and -014, as submitted by Council.

The application was approved and same is recommended to Council.

Jaycox Development Corp., 12506 Edgewater Drive, Suite 20, Lakewood, William R. Heidelhoff, President, request rezoning from R-1 to R-S1 on approximately 9.50 acres situated on the west side of Jaycox Road immediately south of Muirwood Village, Permanent Parcel Number 07-00-019-000-012, as submitted by Council.

The application was disapproved and same is recommended to Council.

It is also noted that the Planning Commission held election of officers for 2000 which are as follows:

Ron Schwachenwald, Chairman
Bob Olesen, Vice Chairman
Paul Butkowski, Liaison to Board of Zoning and Building Appeals

- 5) Received Planning Commission's request for action form disapproving the request to rezone land north of Downing Avenue and south of Greenwich Avenue from R-1 to RS-1.
- 6) Received Planning Commission's request for action for approving the request to rezone 6200 Lear Nagle Road from R-1 to B-3.
- 7) Received Planning Commission's request for action forms approving the request to approve the rezoning of property between Case Road and Stoney Ridge Road bordering Avon from R-1 to PCD.

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

President Brown: Thank you Mr. White. Is there any other correspondence that City Council Members received that they would like to share with us? At this time we'll go into the Lobby part of our Council Meeting. All you have to do is just step up to the podium.

LOBBY

- 1) Nancy Buescher, 36669 Center Ridge Road, asked if Assistant Law Director Toni Morgan's ruling that the Mayor can make a tie-breaking vote will be overturned?

President Brown: I think she's talking to you.

Law Director Zagrans: I do too, but I didn't know if you wanted to entertain responses.

President Brown: Yes, please.

Law Director Zagrans: You want me to?

President Brown: Yes, I would like you to answer that.

Law Director Zagrans: Tonight's vote renders that controversy moot as far as I'm concerned.

The vote has been taken. There was a full compliment of Council here. The ruling that was in effect from the last Council meeting is no longer in effect. It's moot.

Nancy Buescher: Thank you. Thank you very much.

President Brown: Thank you very much Mrs. Buescher.

Law Director Zagrans: That does not mean it was wrong, it simply means it's moot.

President Brown: Anyone else from the Lobby? Please come up to the podium. Do you have that paper filled out? Okay.

- 2) Joseph Antush, 38500 Otten Road, spoke against P.C.D. zoning and regarding the poor condition of Case Road.
- 3) Tim Sas, 4932 Case Road, spoke regarding putting Mills Road in 110 feet from the border.
- 4) Joseph Sarnovsky, 851 Moss Canyon Drive, Amherst, here as Vice President for Administrative Services of Lorain County Community College speaking about connection to Lorain County Community College, offering input into any traffic study or understanding about their needs for easier access from North Ridgeville to the college.
- 5) David Taleff, 5018 Case Road, spoke regarding Buildings & Lands Report #4066 and the heavy traffic threat to Case Road.

President Brown: Anyone else in the Lobby? Okay, then we'll have a ten minute recess.

RECESS from 8:32 P.M. to 8:40 P.M.

FIRST READINGS

President Brown: Clerk, the First Readings please.

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

First Reading

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

First Reading

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

First Reading

Council Member Johnson: Madam President, due to the fact that the Subdivider's Agreement has been negotiated and executed by the Mayor and the parties involved, I would like to make a motion to amend T 3-2000 by the substitution of the new ordinance that was passed out by the Clerk.

motion by Johnson to amend T 3-2000 by the substitution of the new ordinance passed out by the Clerk, 2nd by Swindig

President Brown: Any discussion? Roll call.

Yes, 6 No, 0 Abstain, 1 (Minnick)

Council Clerk White: Motion carries 6-0-1 to substitute T 3-2000, everyone has a copy, I think, in front of them.

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

First Reading

T 5-2000 AN ORDINANCE PROVIDING ADDITIONAL COMPENSATION FOR THE
3532-2000 AUDITOR FOR THE PURPOSE OF THE EFFECTUATION OF THE ANNUAL CONVERSION OF THE CITY'S ANNUAL FINANCIAL STATEMENTS AND OTHER RELATED SERVICES.

First Reading

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

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

Yes, 7 No, 0

motion by Swindig to adopt, 2nd by Johnson

President Brown: Any discussion?

Council Member Johnson: Motion to add the emergency.

Council Member Swindig: No, we don't need the emergency.

Council Member Johnson: We don't need it Chris?

Council Member Swindig: Chris says no.

Council Member Johnson: Okay.

Council Member Swindig: Withdraw the emergency.

Council Clerk White: Okay.

President Brown: Roll call please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0. T 5-2000 becomes Ordinance No. 3532-2000. That's all the First Readings that I have.

Permanent Ordinance No. 3532-2000

SECOND READINGS

President Brown: Second Readings?

Council Clerk White: I have no Second Readings.

THIRD READINGS

President Brown: Third Readings?

Council Clerk White: I have no Third Readings.

UNFINISHED BUSINESS

President Brown: Unfinished Business? We have Board of Drainage & Flood Control and Mr. Swindig, because you were not here, I have before me a Neil King?

Council Member Swindig: Correct. I move that we approve Neil King for Board of Drainage & Flood Control.

motion by Swindig to approve Neil King for the Board of Drainage & Flood Control, 2nd by Johnson

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for Mr. King.

Council Member Swindig: I also move, Madam President, for John Vrtachnik for the Board.

motion by Swindig to approve John Vrtachnik for the Board of Drainage & Flood Control, 2nd by Johnson

President Brown: John Vrtachnik, is that how you say it? Okay. There's a motion and a second. Any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for John on the Board of Drainage and I'm not going to

attempt it.

President Brown: I have a question for Mrs. Borocz. At the last meeting you appointed a Mr. Brent to the Flood & Drainage. Do you have another name now that you would like to present?
Council Member Borocz: Yes, Madam President. I would like to present Scott Allen.

motion by Borocz to approve Scott Allen for the Board of Drainage & Flood Control, 2nd
by Johnson

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for Scott Allen in the Third Ward.

Council Member Johnson: Madam President.

President Brown: Yes, Mr. Johnson.

Council Member Johnson: Before the Committee Meeting Announcements are made, I would move to change the date of the Public Hearing on T 137-99 from March 6, 2000 to February 22, 2000 at 7:00 P.M. This would allow the Council to have time to react to the concerns of the residents at the Public Hearing before the Third Reading on March 6, 2000.

Council Member Minnick: What was that date again? February?

Council Member Johnson: At the Council Meeting February 22, 2000, at 7:00 P.M. before the Council Meeting.

Council Member Swindig: Is that T 137-99?

Council Member Johnson: T 137-99. It was second on the agenda.

motion by Johnson to change the date of the Public Hearing on T 137-99 from March 6, 2000 to February 22, 2000 at 7:00 P.M., 2nd by Swindig

President Brown: Any discussion?

Safety-Service Director Zirzow: Madam President, I'd just like to make sure that the Clerk of Council makes sure that the notification goes out within proper time. It would have to be done real soon though.

Council Clerk White: We've given a note to said.

Safety-Service Director Zirzow: Thank you.

President Brown: That's the 22nd of February? Same time?

Council Member Johnson: Yes, at 7:00 P.M.

President Brown: Thank you very much. Roll call.

Yes, 7 No, 0

Council Clerk White: Motion carries 7-0 for the Public Hearing on T 137-99 to be February 22, 2000 on Monday at 7:00 P.M.

COMMITTEE MEETING ANNOUNCEMENTS

Council Member Butkowski: Madam President, I have an Administrative Committee meeting on Friday, January 21, 2000 at 10:00 A.M.

Council Clerk White: That's going to be?

President Brown: Administrative

Council Member Butkowski: Administrative, downstairs.

President Brown: Any other Committee Meeting Announcements?

Council Clerk White: The ones that are listed on your agenda.

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

Next Regular Council Meeting to be held Monday, February 7, 2000 at 7:30 P.M.

ADJOURNMENT

motion by Swindig to adjourn, 2nd by Johnson

Mayor Hill: Madam President, before we take the roll call, just one announcement. With the State of the City Address coming up this Thursday and it was announced in Correspondence, if any member of the public would like to attend, it's \$8.00, it's a lunch at Melody Grove, but you need to call Dayle Noll at the Chamber of Commerce to make reservations.

President Brown: Thank you. Roll Call on the adjournment.

Yes, 7 No, 0

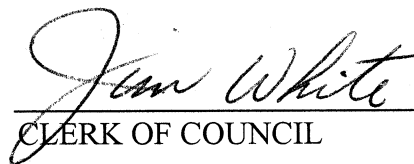
Meeting adjourned at 8:47 P.M.

MOTION _____ Swindig _____ 2ND _____ Johnson _____ DATE _____ February 7, 2000 _____

YES _____ 7 _____ NO _____ 0 _____ ABSTAIN _____ 0 _____



PRESIDENT OF COUNCIL



CLERK OF COUNCIL