

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JANUARY 7, 2002**

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 the 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 David Gillock.

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

MINUTES - Corrections and Approval:

Public Hearing Minutes of December 17, 2001

motion by Butkowski to accept, 2nd by Swindig

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

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

Clerk of Council Norris: Vote is six, zero and one abstention.

Regular Council Minutes of December 17, 2001

motion by Pagel to approve, 2nd by Butkowski

President Gillock: Is there any additions or corrections? If not, please call the roll.

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

Clerk of Council Norris: Motion is six, zero, one abstention.

COMMITTEE REPORTS: None

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

President Gillock: Questions for the Administration. Are there any general questions of the:

Mayor: (None)

Safety-Service Director: (None)

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Engineer:

Council Member Butkowski: Mr. President, I have a question. Could you tell me what you have found out about the blow off valves down there in the Aurensen area and what we could do about all those water line breaks down there?

Engineer Beutler: I'm looking into that with other areas where we're having water main breaks and I'll be coming to Council to ask for authorization to prepare plans to replace the water lines where we're having the excessive amount of breaks.

Council Member Butkowski: Have you had a chance to check on whether that blow off valve can be moved closer to 83, there on Aurensen. It's running a lot down there on Noll.

Engineer Beutler: The blow off, to be moved up towards 83, does not have the proper drainage to drain off whenever it is flowing. That is the reason why it's at where it is now. There's a catch basin within five, six feet away.

Council Member Butkowski: There's no chance that you can put some kind of hose on it to get to it because the lines are blowing before the water gets to that blow off valve and that's why I'm hoping it can be prevented.

Engineer Beutler: I'm still looking into that and I will get back to you.

Law Director: (None)

AUDITOR'S REPORT:

Auditor Costin: Mr. Chairman, no report scheduled for this evening and no comments.

OTHER REPORTS:

President Gillock: Please note:

Building Department Report for November 2001; and

Police Department Support Car Report for November 2001.

OLD BUSINESS: None

NEW BUSINESS:

Clerk of Council Norris: Request for C1, C2 liquor permit transfer from BP Products North America Inc., DBA Site 05334, 32393 Lorain Road to BP Exploration & Oil Inc., DBA Site 05334, 32393 Lorain Road.

President Gillock: This is simply a transfer from BP changing name. For the new, Council so you understand, if we take no action on this it goes to the state and they handle it. We don't have to do anything. If there is an objection or something you want to discuss about it we would then refer it to Buildings and Lands who could then send a report to Columbus along with it. So, unless there's a complaint or an objection we'll move on. So, anyone have anything to bring up on that?

Request for C1 and C2 liquor permit transfer from BP Products North America Inc., DBA BP

Clerk of Council Norris: Food Mart 1946, 35985 Center Ridge Road to BY Exploration & Oil Inc., DBA BP Food Mart 1946, 35985 Center Ridge Road.

President Gillock: Any comments? Correspondence.

CORRESPONDENCE:

- 1) Received a notice from the District Advisory Council, Lorain County General Health District, announcing a Special meeting for Thursday, January 10, 2002 at 8:00 P.M. at the Lorain County General Health District office to consider the structure of the Board of Health.
- 2) Received a copy of a letter from AT&T Broadband to Mayor Deanna Hill announcing that the franchise is due to expire on September 27, 2004 and requesting the City to commence renewal proceedings in accordance with the requirements of Section 626(a) of the Cable Act.
- 3) Received a letter from Service Department Superintendent Gerald Krueger congratulating Council on their election and requesting approval of an ordinance to increase the cost of the addition to our Service Department by \$45,000 with the emergency due to the lowest bid amount of \$426,889.
- 4) Received a journal entry from Lorain County Court of Common Please Judge Lynett M. McGough in regard to Mary Ann Miles, et al., Plaintiff versus North Ridgeville, Ohio, Defendant, Stating that no record of proceedings have been filed, appellants shall cause the record to be filed by January 4, 2002 or the case shall be dismissed for failure to prosecute.

LOBBY:

President Gillock: We will now move to our Lobby portion of the meeting. There are sign-up sheets in the rear of the room. Please give us your name and address when speaking, and fill one of those out, so we have a record of it. You will be given three minutes to speak. Anyone wishing to address Council? Go to the podium please.

Lia Muir of 5228 Birch Street stated that she was here last July to change an ordinance in regard to vending from a motor vehicle that was referred to Committee. Nothing was done and asked if this Council would address this issue.

REFERRED TO SAFETY COMMITTEE.

RECESS: from 8:16 P.M. to 8:21 P.M.

President Gillock: Before we move into the first readings, I would like a motion to suspend By-Laws to bring T 1, T 2, T 3, T 4 and T 5 onto the agenda for tonight's meeting. These are items that were submitted, which would normally meet cloture but because of the new By-Laws did not meet the cloture, so we'd like to address those tonight.

motion by Pagel to suspend By-Laws, 2nd by Butkowski

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

Yes, 7 No, 0

Clerk of Council Norris:

T 1-2002 A resolution to approve the expenditure of funds.

 motion to approve Pagel, 2nd by Swindig

President Gillock: This is an ordinance to approve invoices to Ohio Edison. We have discussed, in the past, sometimes purchase orders do not get issued and you then have to come to Council for approval. If you intend to approve these, they have to be done within 30 days. So, I would recommend that we suspend By-Laws to give this a first reading tonight so it can be adopted according to State law.

Council Member Butkowski: Mr. President, this motion to approve, do you mean a motion for the first reading?

President Gillock: Yes. This is a motion to suspend By-Laws to give this a first reading tonight. Please call the roll.

 Vote on motion to suspend By-Laws to give T 1-2002 a first reading tonight:

Yes, 7 No, 0

Clerk of Council Norris:

T 2-2002 An ordinance amending Ordinance 3694-2001 by increasing the amount which the Mayor is authorized and directed to advertise for bids for the expansion/renovation of the Service Garage from \$425,000 to \$470,000.

 motion by Butkowski to have 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:

T 3-2002 An ordinance authorizing all actions necessary to effect 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.

Council Member Pagel: Mr. President, can this be referred to Utilities?

President Gillock: Yes, I was going to refer this to Utilities.

REFERRED TO UTILITIES COMMITTEE.

Clerk of Council Norris:

T 4-2002 An ordinance authorizing the Mayor to enter into a 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.

President Gillock: Refer this also, to Utilities.

REFERRED TO UTILITIES COMMITTEE.

Clerk of Council Norris:

T 5-2002 An ordinance authorizing the Mayor to advertise for bids and enter into a contract according to law and in a manner prescribed by law for the purpose of improving the City's Shady Drive Park Complex by constructing, furnishing and equipping a building to house a concession stand, storage areas and restroom facilities and preparing and improving its site, and to negotiate and enter into a contract with a consulting engineering firm for plans, specifications, and construction phase services for same, not to exceed \$176,000.00.

President Gillock: I'll refer that to Buildings and Lands.

Auditor Costin: Mr. Chairman, can I comment on that last one?

President Gillock: Yes.

Auditor Costin: You may save some time. That's already come out of committees. What that is, is the construction approval related to the BANS ordinance that we passed in December. We actually would have the funding in place. If you may remember, we had issued BANS for the TIFF project and we piggy backed the recreation project. If the TIFF project notes would ultimately be issued, these would be issued in tandem. Now, what this does is put the construction ordinance in place to go with those BANS that would be issued tentatively on the 16th of January if the TIFF project continues to proceed. Accordingly, all this does now is authorize the construction related to the bonds that have already passed. We needed both. So, it's gone to committee. It's come out of committee. This is the formalization.

President Gillock: Okay. I will withdraw that. We won't send that to Buildings and Lands.
 motion by Pagel to suspend By-Laws to have this as a first reading tonight, 2nd by
 Butkowski

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

Yes, 7 No, 0

Clerk of Council Norris: Motion is seven, zero.

FIRST READINGS:

T 139-2001 AN ORDINANCE VACATING A STORM WATER EASEMENT ON XAVIER
COURT.
First Reading

T 1-2002 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

945-2002 First Reading
 motion by Swindig to dispense with second and third readings, 2nd by Pagel

President Gillock: Is there any discussion?

Council Member Johnson: Mr. Chairman, this was approved by the last Council, is that my understanding?

Auditor Costin: The ordinance was not. The committee report was.

Council Member Johnson: Is there a reason to. . .

Auditor Costin: Excuse me, I'm thinking of the wrong ordinance. I'm sorry.

President Gillock: This is just being presented to Council for the first time tonight. But, by Ohio Revised Code if we're going to approve this, we have to do it within 30 days. Any other discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero.

motion by Swindig to adopt, 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. That is now Resolution Number 945-2002.
Permanent Resolution No. 945-2002

T 2-2002 AN ORDINANCE AMENDING ORDINANCE 3694-2001 BY INCREASING
3755-2002 THE AMOUNT WHICH THE MAYOR IS AUTHORIZED AND DIRECTED
 TO ADVERTISE FOR BIDS FOR THE EXPANSION/RENOVATION OF THE
 SERVICE GARAGE FROM \$425,000 TO \$470,000.

First Reading

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

President Gillock: Is there any discussion?

Council Member Johnson: Mr. Chairman, after discussing in the Work Session, the dates didn't work out. It looks like we're going to have to pass it tonight, from what it looks like to me.

Council Member Buescher: But, without the emergency. The emergency is not necessary.

President Gillock: This ordinance, the bids were let December 21st. We have 60 days to either accept it with the change in this ordinance or have to re-bid. So, with the timing, if we're going to accept it we're going to have to do it tonight. So we have a motion to dispense with second and third. Is there any other discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion carries 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: Seven, zero, carried and is now Ordinance 3755-2002.
Permanent Ordinance No. 3755-2002

T 5-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
3756-2002 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
 MANNER PRESCRIBED BY LAW FOR THE PURPOSE OF IMPROVING
 THE CITY'S SHADY DRIVE PARK COMPLEX BY CONSTRUCTING,
 FURNISHING AND EQUIPPING A BUILDING TO HOUSE A CONCESSION
 STAND, STORAGE AREAS AND RESTROOM FACILITIES AND

PREPARING AND IMPROVING ITS SITE, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED \$176,000.00.

First Reading

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

President Gillock: Is there any discussion?

Council Member Johnson: Is there any need for the second and third to be cancelled with the dates or anything, that anybody knows of?

Auditor Costin: This particular ordinance comes along with a grant and the grant monies will have to be spent this year and accordingly, once the financing is in place, we would need to move quickly so that it's up and paid for this year. The only caution that I would add is in Section 1, the very last sentence is, we're passing this ordinance subject to the issuance of the BANS and again, as I explained a few moments ago, these will only be issued if they're piggy backed. Otherwise, we're going to finance it in some other way that's more cost effective. So, we anticipate that happening mid January, BANS being issued. In which case then, I'm sure, they'd want to start moving forward because we're putting up a building and have that thing up and constructed by the end of the year so we don't lose our grant proceeds.

President Gillock: Any other discussion?

Council Member Butkowski: Mr. President, we have had quite a few meetings on this and discussed it in quite a few open meetings. So, I don't think there's anyone who's against it.

President Gillock: Any others? If not, please call the roll on dispensing the second and third reading.

Yes, 7 No, 0

motion by Pagel to adopt, 2nd by Swindig

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

Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero and becomes Ordinance Number 3756-2002.

Permanent Ordinance No. 3756-2002

SECOND READINGS:

T 140-2001 AN ORDINANCE REPEALING NRCO § 1046.23 AND AMENDING § 1046.04(D) TO ELIMINATE DEVELOPER'S CREDITS.

Second Reading

T 141-2001 AN ORDINANCE REPEALING NRCO § 1474.12.

Second Reading

T 165-2001 AN ORDINANCE AUTHORIZING PAYMENT TO LORAIN COUNTY TRANSIT SERVICE.

Second Reading

T 166-2001 AN ORDINANCE AMENDING CHAPTER 1022 STREET OR ALLEY NAME CHANGING, VACATING OR NARROWING PROCEDURE, TO ADD LANGUAGE ALLOWING THE STREET TO REVERT IN EQUAL PORTIONS TO ABUTTING PROPERTY OWNERS.

Second Reading

THIRD READINGS: None

UNFINISHED BUSINESS:

T 167-2001 AN ORDINANCE AMENDING CODIFIED ORDINANCE § 1044.02,
3757-2002 CONNECTION CHARGES, TO INCLUDE A MINIMUM OF ONE USE.

First Reading December 17, 2001

Second and third readings dispensed with December 17, 2001

President Gillock: We put this in unfinished business because there was a question as to whether we should have a hearing, if a hearing was required on this or not, and it was determined that it is not. So, do we have a motion to adopt.

 motion by Olesen to adopt, 2nd by Swindig

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

 Yes, 7 No, 0

Clerk of Council Norris: Motion carries seven, zero. The Ordinance Number is 3757-2002.
 Permanent Ordinance No. 3757-2002

COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

The next Regular Council Meeting is Tuesday, January 22, 2002 at 8:00 P.M.

There is a Public Hearing on Tuesday, January 22, 2002 on T 141-2001 at 7:15 P.M.

There's a Safety meeting on January 9, 2002 at 10:30 A.M. in the Conference Room.

Council Member Butkowski: Monday, January 14th at 7:30 P.M.. there will be a Finance Committee meeting. The entire Council is invited to hear Auditor Chris Costin explain how City finances operate.

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ADJOURNMENT:

motion to adjourn by Swindig, 2nd by Pagel
President Gillock: Meeting adjourned.

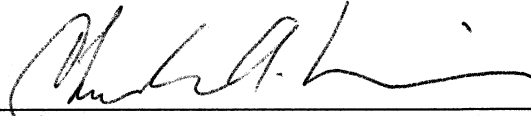
Meeting adjourned at 8:35 P.M.

MOTION Butkowski 2ND Olesen DATE January 22, 2002

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL