

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
WORK SESSION JANUARY 6, 2002**

CALL TO ORDER:

Council President David Gillock called the Council Work Session to order at 7:30 P.M.

ATTENDANCE:

In attendance were Council Members Nancy Buescher, Allen Swindig, Josanne Pagel, Bob Olesen, Bernadine Butkowski, Denny Johnson and David Gillock.
Mayor Deanna Hill was absent.

Also, present were Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Assistant Clerk of Council Paula Cope

MINUTES:

Council Work Session Minutes of December 16, 2002
 motion by Butkowski to approve, 2nd by Buescher
 Yes, 7 No, 0

WORK SESSION:

President Gillock opened the meeting for discussion.

Council Member Pagel requested that T -200 be returned to the Safety Committee.
President Gillock noted that he had that written into his notes and at the appropriate time he would return it.

Auditor Costin noted there are two bond anticipation notes' pieces of legislation which he requests be passed tonight with the emergency since the existing notes expire January 25, 2003.
The new notes should be in place.

President Gillock noted those were up for first reading tonight so shouldn't be a problem.

Council Member Olesen stated that he had given a copy of the Mayor's letter on FEMA to the News Media tonight. Added he gets calls every year from residents who are tired of paying the high flood insurance rates. FEMA now says we may have a resolve in two months. The people should know it isn't the fault of this Administration or this Council, it's a bureaucracy issue.
Council Member Butkowski noted Mr. Dettore was to work up a map along with the City and partake in some of the information to get to FEMA, in the Debbie Drive area. Is that included with what we're talking about here or has that portion been dropped?
Safety-Service Director Johnson stated that the retention basin that was put in by the storage buildings on Center Ridge Road is part of that area. The whole area east of Route 83 is in that study.

President Gillock asked if they were redoing the map of the whole City.

Safety-Service Director Johnson stated Route 83 east.

Council Member Pagel asked for information on the alleged illegal tax abatement meeting that was held last year where the recording secretary who is the Assistant Clerk was not notified and neither was the press, as reported in the Sun newspaper.

Mayor Hill responded that she had contacted Paula Cope and apologized to her because of the oversight in not notifying her. We're looking for verification that any of the tax abatement meetings had public notice and I have asked the Clerk of Council for evidence of that. If it's to be a public meeting, then that's what we'll have. Notice went out this last week that we are holding one tomorrow.

Council Member Johnson asked if there was any question at all on any meeting, it should be made public.

Council Member Olesen noted he would be asking Council to suspend By-Laws on Old Business tonight on the Fairfield Lane Waterbury Block E-2. There was a Buildings and Lands Committee meeting when we approved the revised Planner's Report.

President Gillock explained Mr. Olesen would need to request suspending By-Laws during the Committee Reports to have that Buildings and Lands Report entered into the record.

Council Member Pagel asked if this was a substitution of the Planner's Report for the original old report that is in that Planning Commission report. As it sits on the Agenda tonight, it's the original Planning Commission report.

President Gillock explained Council is voting on Planning's actions, what they did. According to the Assistant Law Director, they've done their job. We need to either approve or not approve it. Our questioning of them was the accuracy or the timeliness of the Planner's Report. We now have a new Planner's Report so there shouldn't be any reason to go back to Planning. They're satisfied and have approved the plan.

Council Member Pagel asked if the new Planner's Report substituted for the old Planner's Report which she had questioned on that Planning Commission Report. Is that what we're approving.

President Gillock stated, in his opinion, yes, this replaces the prior Planning Report.

Council Member Olesen added that the Planner's Report agrees with the recommendation of Planning Commission, duplexes rather than triplexes. It coincides.

Council Member Buescher noted that residents have complained for months about the inefficiency of the traffic signal at the Center Ridge Road and Route 83. The Administration stated that the City couldn't do anything about making changes because the State of Ohio determines how, when and where traffic signals are placed along Center Ridge Road. Changes were recently made to the lights at that corner but only after a new traffic study was completed. As a result of a taxpayer demand, the Law Director has asked Council to consider recommending a traffic study for Dyke and Center Ridge Roads to determine if the State of Ohio will find cause to leave the light at that intersection. Council has referred the request to the Safety Committee for consideration. The Mayor has, in the mean time, introduced legislation, which will not be on

the Agenda tonight, to Council, to seek their approval to keep the light at Dyke and Center Ridge Roads. Please bear in mind that the State of Ohio and the former City Engineer recommended that the light be removed after a study was conducted in 1999 which indicated that a light was not necessary and did not meet the necessary criteria for it to remain in place. Either the State of Ohio makes these determinations or it doesn't. The Administration cannot have it both ways. Whether or not Council Members are personally for or against keeping the light in place, Council doesn't now and never has had the authority to make any decisions regarding traffic signals, particularly those which are along a State or Federal highway. City Council can only recommend an updated traffic study which may produce the same results if the State of Ohio again recommends that the light be removed. City Council cannot make decisions over which it has no authority. City Council will not place the City in financial jeopardy by inviting a lawsuit against itself. The Administration must defend their own actions in determining that the light remains where removal has been recommended by the State of Ohio.

Law Director Zagrans noted that there was no determination by the prior Engineer and certainly no determination by the State of Ohio that the light at the intersection of Dyke Road and Center Ridge Road was not necessary. What was decided is a matter of no dispute, that the light presently, according to the 1999 traffic study, does not meet any one of the eleven warrants in the Ohio Manual of Traffic Control Devices. Added he did ask for Council's recommendation and whether it wanted to spend some money to do an updated traffic study to see whether now, three and a half years after the old study was done, whether the traffic flow on those streets would justify or would establish meeting one of the eleven warrants. Mrs. Buescher is simply incorrect in saying that this is a matter over which Council has no legal legislative authority. Council has indeed legislated on the area of traffic control devices within the City because many years ago City Council adopted a traffic code for the City which prescribes many things about traffic control devices. One is that traffic control devices are suppose to meet the criteria of the Ohio Manual of Traffic Control devices. It is unclear whether that means procedural requirements or whether it means it has to satisfy one of the warrants. To eliminate that ambiguity, the Mayor introduced legislation, prior to cloture for this meeting which was given a T number, T 3-2003. President Gillock asked me, in a memo which I received this morning, whether Council had the authority to enact that ordinance. The answer is clearly yes. Since this is a home-rule municipality, has the authority under our constitution and under our Charter, to enact legislation such as T 3-2003. That will eliminate, if passed, the ambiguity that would presently exist in our current traffic code.

Suggested that Council suspend By-Laws to get it back on the Agenda for new business tonight and then perhaps refer it to committee, vote on it or otherwise dealing with it.

Council Member Johnson noted that from what he understands from Mr. Zagrans, Council can pass a law that says stop signs in the City of North Ridgeville are shaped like a star. We have obligations to follow universal codes for traffic laws. It's a safety issue and it's beyond us. We need to follow the uniform traffic laws for the State of Ohio and I believe that issue was sent to the Safety Committee to be discussed there and doesn't see why it's being brought up here. President Gillock explained it was brought up this evening because we had some time for

discussion. This is why we referred it to the Safety Committee so it could be discussed in detail to review whether we wanted to do a traffic study or what other options we might have. When the Mayor's ordinance came up, it's been precedent that if an issue is in Committee it would also be referred to the Committee. I really think that's okay. In some of Mrs. Buescher's comments I felt as though she were speaking for Council as a whole when it's really her opinion. What we do will depend on what's discussed in the Safety Committee meeting. Noted he'd written a letter to the Law Director prior to the Mayor's ordinance coming up, asking for a legal opinion as to whether the light is or is not legal as it now is, which we've never had a determination on. He agreed with Mr. Johnson, he'd like to see a legal opinion that we can pass an ordinance that says we can approve the light. We're going to do it like this. The Uniform Manual Traffic Control Devices does also state that we can periodically do traffic studies at situations such as this to see if there is a reason to warrant a light there, outside the eleven warrants. There may be a reason that doesn't meet one of those warrants but certainly says you need a traffic light there. If you do the study and prove that, you can still put the light up.

Council Member Buescher stated that she agrees with him but there is a concern of setting a precedent. There are other streets west of Route 83 that have school buses which enter onto Center Ridge Road. There is a situation on the corner of Sugar Ridge and Route 83 where the same situation exists. Bainbridge and Chestnut Ridge Road. There's a lot that needs to be taken into consideration before we would pass a piece of legislation like that. She is concerned for the Safety of everyone in the City, but there are other issues here that have to be taken into consideration.

Mayor Hill stated that the only time in my seven plus years that any legislation that I have submitted to Council that met cloture has been referred to Committee before it comes to the floor. I was then asked if I would like this submitted to Committee right away. It still appeared on the Agenda. The By-Laws say that new business includes matters which had not previously before Council and it also says legislation goes through the appropriate channels and can be referred to Committee following presentation to Council. The formal way to present legislation to Council is by having it placed on the Agenda. This was done without her knowledge and without her consent. I don't agree that anyone, including the Clerk of Council, has the right to remove legislation submitted by the Mayor.

President Gillock stated if the Mayor would like it put on the Agenda, we would be glad to do so. It's still going to end up in Safety Committee because that's where it belongs.

Mayor Hill noted that would be fine except it's not a matter that has been previously before Council. In rereading the minutes from last time, it's very clear that it was the traffic study that was referred to Safety Committee. This is legislation separate and different. She didn't mind if it was referred to safety Committee, as long as it remains on the Agenda to protect the right of whether it happens to be a Council Member, a Council Committee or the Mayor, to submit legislation and see it appear on the Agenda and not removed without permission and without that person or persons' knowledge.

President Gillock stated that under new business, the Mayor you could make a motion to suspend By-Laws to enter T 3-2003 into the Agenda, we can address it at that time.

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Council Member Buescher noted that the Law Director specifically asked City Council if they would consider having a traffic study done. This was referred to the Safety Committee. I believe that putting that piece of legislation in at this time usurps the power of the Council to consider something that was before them. It seems odd that piece of legislation came up after Council had worked with the Law Director and decided to send this to Committee.

Mayor Hill noted that the fact remains that she submitted legislation which met cloture and was on the Agenda but was taken off the Agenda the same day without my knowledge or consent.

Law Director Zagrans added that the best way to avoid any problems or risk to the City from this traffic light issue is to authorize a traffic study and hopefully have the study come back that the traffic flow pattern meet one of the warrants. That is the least risky avenue. Next, after that, if Council chooses not to authorize and fund a traffic study, would be to enact legislation under the traffic code.

President Gillock noted that these are things we want the Safety Committee to discuss with you, which avenue you want to go. We're not going to make a decision sitting here in Work Session.. It's not on tonight's agenda. The issue of whether it's on the agenda or not is a minor side issue. Some may disagree but the point is if we want to address a safety issue it's going to be addressed in Safety Committee.

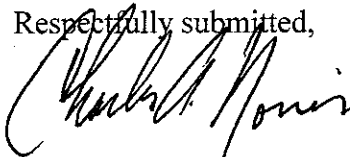
Council Member Buescher explained she thinks legislation should have been introduced in proper order because this hasn't been taken to Committee and that would be the next step, according to Mr Zagrans, after we take this to the Safety Committee.

President Gillock noted that the Mayor's ordinance can be introduced at any time. It's not out of order. It was introduced before cloture. There's nothing wrong with the ordinance as submitted. The Clerk's Office simply, in order to expedite things, to make it simple, went ahead and sent the ordinance to the Safety Committee, who is discussing that subject. Maybe not that specific item. Arguing about how it gets there isn't really accomplishing a whole lot. We'll get it on the agenda and we'll get it into Safety Committee, meet with the Law Director and see which avenue we need to take.

ADJOURNMENT:

President Gillock adjourned the Work Session at 7:58 P.M.

Respectfully submitted,

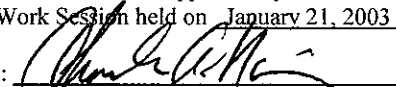


Charles A. Norris

CLERK OF COUNCIL OFFICE USE ONLY

These minutes were approved by Council at
their Work Session held on January 21, 2003.

Attest:


Clerk of Council