

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

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

President Brown: Roll call please Mr. White.

ROLL CALL

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

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

Auditor Chris Costin arrived at 7:35 P.M.

President Brown: Thank you Mr. White. Please note the. . .

MINUTES

Regular Council Minutes of December 4, 2000

motion by Borocz to accept, 2nd by Swindig

President Brown: I need a motion to accept.

President Brown: Is there any discussion or corrections? Mrs. Minnick?

Council Member Minnick: On page two, let's see, one, two, three, four, five, twelve, the twelfth line where there's question marks that says 12:30, I believe I stated that I received the rules at 4:30 today.

Council Clerk White: I'm sorry I didn't hear you Mrs. Minnick.

Council Member Minnick: I received the rules at 4:30 today.

Council Clerk White: Okay.

President Brown: Any other corrections? Any other discussion? Seeing none, please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for the minutes as being corrected.

President Brown: Thank you. Please note:

Planning Commission and Board of Zoning & Building Appeals Work Session Minutes of November 30, 2000;

Board of Zoning & Building Appeals Minutes of November 30, 2000; and

Planning Commission Minutes of December 12, 2000

Going into. . .

COMMITTEE REPORTS

Council Clerk White:

BUILDINGS & LANDS COMMITTEE REPORT #7046 Members of Council we have considered the matter of C1 liquor permit request from MARC'S and recommend that this request be approved.

Signed: Larry Overby, Dave Gillock and Al Swindig.

motion to accept by Borocz, 2nd by Swindig

President Brown: Who second that?

Council Member Swindig: I did.

President Brown: Mr. Swindig, okay. Any discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. That's all the committee reports that I have.

President Brown: Thank you. Going in to the Mayor's report, Mayor Hill.

MAYORS REPORT

Mayor Hill: Thank you. I am requesting that Council pass T 161-2000 by emergency tonight. This is the last step in meeting the requirements for electric aggregation as directed by the voters of North Ridgeville. By passing this Ordinance prior to January 1st, NOPEC can move forward with notification of our residents explaining the opt out procedure and they will include the form that must be returned should residents wish to opt out.

It is also necessary to pass, with emergency, T 160-2000. This Ordinance allows the Mayor to enter into a contract with the Lorain County Commissioners for housing inmates in the Lorain County Correctional Facility at a \$55 per day fee. If you will have reviewed the letter from the County Prosecutor, you will have noted that the fee becomes effective January 1, 2001. If we do not pass this prior to January 1st, we must pass it by January 31st, but will have to change the Ordinance, in effect, to make it retroactive. Because of our jail facilities and time restrictions, we must have the ability to house prisoners at the Lorain County Facility.

DNA LifePrint is designed to promote awareness and education for parents and children in an effort to protect children against violence. The program is designed to DNA fingerprint every child in this area during a national tour. In each area, a corporate citizen steps forward and underwrites the program. The corporate sponsor in our area is Morris Pontiac on Center Ridge Road. The fingerprinting is non-invasive, meaning no blood is taken or handled. The inside of the cheek is rubbed with an applicator. The applicator is inserted into a fixation solution and the child's DNA is captured and preserved for more than 80 years. Operation KidSafe will also take your child's picture using a Digital Video device that interacts with custom software. The software then captures the fingerprints. After each child goes through the line, the parents are handed the DNA sample, along with the digital picture, fingerprints and diskette. The only record of the visit is handed to the parent. The parents are then given John Walsh's Child Safety

Tips and instructions on the DNA sample. The program is being held at Morris Pontiac on Center Ridge Road on Saturday, January 20th, 10:00 A.M. to 5:00 P.M. and Sunday, January 21st from 10:00 A.M. - 5:00 P.M. The local contact person for further information is Shawn Belles at 440-327-4181. That's January 20th and January 21st, telephone number 440-327-4181.

Once again, the Rotary Club has donated over \$500 worth of kitchen equipment to the Senior Center. We are very grateful for Rotary's continued sponsorship of the Senior Center.

We are also grateful that we have requested a reduction from 1.00 to .85 mills in 2001 related to our General Bond Retirement. This means that our residents' taxes will be reduced per year about \$4.03 for a \$100,000 home or, of course, \$8.06 per year for a \$200,000 home. Now I know that's not much, but it helps.

I am right now making a motion for Executive Session to discuss litigation immediately following lobby. Could I have a second please?

motion by Mayor Hill to have Executive Session to discuss litigation to immediately follow Lobby, 2nd by Swindig

President Brown: Any discussion? Take roll please for the Executive Session.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for Executive Session immediately following Lobby.

Mayor Hill: Thank you. And lastly, may each of you, each of our families and residents enjoy a festive holiday season and a wonderful new year. That concludes my report.

President Brown: Thank you, Mayor. Does anyone have any questions of the Mayor's oral report?

Council Member Minnick: I do have a question of the Mayor. I noticed...

President Brown: Her oral report, Mrs. Minnick? It's not a question for the Mayor, it's her oral report that you can question.

Council Member Minnick: Alright, I'll wait until later.

President Brown: Thank you. Anyone else have any questions of the oral report? Moving on to the Safety-Service Director's Report.

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Johnson: Madame President?

President Brown: Yes?

Safety-Service Director Johnson: Ditch cleaning has occurred in the following areas: Root Road near Route 10, Olive, Cornell, Reed and several ditches in the Taylor Parkway area.

McKinley Avenue and the access roads off Route 83 have been stoned.

Catch basin work was performed in the following areas: Creekside, Woodland, Mills Creek Lane, Tree Moss, Poplar and Avon Belden.

Crack sealing, berming and patching has taken place in our City when weather permits.

There was one water break on Lorain Road. Also one hydrant was replaced on Case Road and one main line water valve was repaired on Grant Street.

I would like to take this time also to remind all of our residents of our ordinance for snow plow removal which states that no person shall deposit or move any snow or ice upon the main traveled portions of any roadway. The removal of snow or ice from public or private property by any person shall be done in a manner as to not to interfere with the lawful use of the streets of the City by vehicular traffic. That concludes my report.

President Brown: Thank you Mr. Johnson. Are there any questions of the Safety-Service Director's oral report? Seeing none, moving on to the Engineer's report, Mr. Lovece.

ENGINEER'S REPORT

Engineer Lovece: Thank you Madame President. The Engineering Department has been working very diligently on the backflow prevention program. What this is is a program required by the State where we help prevent the backflow of contaminated liquids from entering the City's water supply. Randy Spidel, who is the new assistant to the City Engineer, has been assigned to this project and he's working very well on it. For public information purposes, there's some information on our City's website regarding backflow prevention.

I'd like to request that Council passes an emergency tonight, if possible, T 148-2000. This is for the reconstruction of Sugar Ridge Road from Race Road to Route 83 and the reason for the, I would think the emergency is, we can get started during our off peak season with the engineering. I'd like to get this project out early to bid because we'll have a full plate next year of other projects. That's the reason for the emergency.

Bainbridge Road reconstruction. The contractor is working on the bridge over French Creek. It's going slow. It's going slow, too, because this is the hardest part. Building a foundation of a bridge in the middle of a creek below the level of the creek itself is not an easy task. It certainly a lot harder if we would have started in the spring. They got about 35 percent of the foundation complete and we still anticipate opening that bridge to traffic the end of January, early February and we'll keep on them.

Last, but not least, I'm sure that some of the people have noticed the bare soil along Bainbridge

Road has been coated with a very festive green color. It may seem like we're going a little loony. Why are we doing this? I thought it was kind of funny but what it is, that's a requirement with ODOT and the Ohio EPA. When the soil is left undisturbed for a period of time, especially over the winter months, they require that the soil be temporarily seeded to minimize soil erosion and I guarantee you that's not the finished product. The finished product will involve final grading the soil and applying sod to the soil. The contractor has to maintain the sod until it takes root. I just wanted to point that out to peoples. That's all I have. Thank you.

President Brown: Any questions of the Engineer's oral report? Seeing none, moving on to Auditor. Mr. Costin.

AUDITOR'S REPORT

Auditor Costin: Thank you Madame Chairman. We have several financial items as we wrap up the year 2000, the first of which is the November monthly report which Council should have had distributed to them last week. I'd request your passage of that.

motion by Swindig to accept the Auditor's Written Financial Report for November, 2000,
2nd by Borocz

President Brown: Discussion? Mr. Swindig, you have discussion?

Council Member Swindig: No we don't. We made the motion to accept and Karen second it.

President Brown: Roll call..

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero.

Auditor Costin: Madame Chairman and Members of Council, there are several financial ordinances on under new business today which I indicated, if you recall at the last meeting, would be forthcoming. The first of which I would request be passed with emergency tonight would be T 150-2000 which is the final year end amendment to our year 2000 appropriations. When it has its first reading I would like to discuss some of the larger items therein.

Second item of business is T 151-2000 which is setting our temporary appropriations for the first quarter of 2001. Once again, that's included in your packet and I would request that, likewise, be passed with emergency. Now, the temporary appropriations will be in fact replaced with another permanent appropriation ordinance after we go through our normal appropriation meetings in the first quarter of next year. So this is temporary to get us through for the first 90 days through March 31st.

The third financial item that is on the agenda of interest is T 152 which is the annual conversion ordinance. I've moved this up a bit this year because what we're going to try to do is replace the conversion that we've been doing every year with what's called a comprehensive annual financial report. The City now has grown to such a size that I think this is a good piece of information for the Council, Administration and the citizenry as well. You can imagine this is

going to take a significant amount more time and work and we're going to need to get started on this as soon as possible because we do want to have this finished by March or April so we can be released by the Auditor of State. The audit has to be completed by May 31st for us to get this in fact completed and printed on time.

The other items on here, the resolutions have to do with the expenditure of funds and 153, 154, 155 is a resolution designating the financial institutions that we're going to use as public depositories. I would prefer that T 155 have at least it's first reading and we could pass it tonight without the emergency or pass in early January, as you wish. Again, if you so choose, when it has its' first reading I can address the substance of what that is as well. That concludes my report and my comments for tonight.

President Brown: Any questions of the Auditor's oral report?

Council Member Swindig: Madame Chairman?

President Brown: Mr. Swindig?

Council Member Swindig: Mr. Costin, T 158 on the police cars that we were talking about earlier on that. You want to expound on that?

Auditor Costin: Madame Chairman, I did not remember to look. I believe that's an incorrect number.

Council Member Swindig: Doing a little research on that, that is for all their police cars for next year but in the temporary I think we only allowed for two cars.

Auditor Costin: Okay. What I don't know the answer to is whether they are going to need to pass those, we need to pass this tonight at least with the ...

Council Member Swindig: Excuse me Madame Chairman, talking to the Police Department there is two cars that we desperately have to replace. That's what this is, so they can get them out of the cream of the crop in January.

Auditor Costin: Okay. Thank you.

President Brown: Does that have to be passed then by emergency, Mr. Swindig?

Council Member Swindig: Yes it does Madame Chairman.

President Brown: Thank you. Okay.

Auditor Costin: Madame Chairman?

President Brown: Yes?

Auditor Costin: Due to the length of the financial ordinances that are read in their entirety, I would request that we be allowed to start the tape.

Mayor Hill: It's running.

Auditor Costin: It's running? I understand it's running, thank you Madame Chairman. Sorry for the interruption.

President Brown: We're way ahead of you, Mr. Costin.

Council Clerk White: Not way ahead..

President Brown: Well, they're ahead of you. All right. Moving on to the Law Director's report, Mr. Zagrans.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you Madame President. Good evening. There's an old Bavarian adage that there are two things that a person should not see how they're made, laws and sausages. Fortunately, in this country, we have the very opposite view, and that is that we pride ourselves in having the public have free and open access to government and to the deliberations of government. You have before you tonight revisions to the proposed Rules of Council that were introduced in an earlier draft at last Council meeting. They have been substantially revised by Mr. Swindig, who asked for my assistance in doing so. And I believe that the Members of Council will find that these Rules are dedicated to providing as much free access to governmental information and to the meetings of this Council and the deliberations of this Council as possible. That is certainly their spirit and intent because as the lengthy preamble makes clear, although the law may not require this Council to provide this much access to public information, it is the desire of and the spirit of these rules to go beyond what is minimally required and provide as much access to information as can be done. Having said that, I think you will find that the revisions to the Rules, although unfortunately, we did not receive all of the input and commentary that we had requested and that a number of people had indicated to us they would provide, nevertheless, we have tried. Mr. Swindig has been very careful about making sure that any comment or criticism about the earlier draft that we did here has been addressed and dealt with. So you will see, for example, that there are many things that were in the earlier draft that are deleted from this draft. Hopefully, there will be nothing here that anyone will think is either controversial or inappropriate. In some cases it merely codifies existing practice, in other cases it sets reasonable time, place and manner regulations so that all of the public can come in and record or have access to the public information that this body has to provide in whatever form or manner they wish to have it.

Secondly and finally, although I had hoped we would be done with legal proceedings dealing with Kingston Place, of all things, in light of the vote in the November election and in light of the withdrawal by the applicants of Kingston Place for PCD status and the ordinances that have been introduced in Council to repeal the previous PCD legislation that was enacted. Unfortunately, yet another legal proceeding was filed in court two days after the last Council meeting against the City of North Ridgeville and the City Council of North Ridgeville. This legal proceeding has been assigned to Judge Glavis and this is yet another thing that the City is going to have to spend money to defend, even though the point of the legal proceeding seems to be to repeal Kingston Place, which is precisely what is before this Council and that will be coming up for adoption in mid-January after there has been a public hearing. It is inexplicable to me why the City would be put to more cost and hassle to have to respond to yet another legal proceeding on something that we are taking steps to rid ourselves of. That concludes my report, Madame President.

President Brown: Thank you Mr. Zagrans. Does anyone have any questions of Mr. Zagrans oral report? Mrs. Minnick.

Council Member Minnick: Mr. Zagrans, can you tell me what the cost was to the City for writing the two sets of Council Rules?

Law Director Zagrans: Yes, I can. The cost to the City was zero. It was a freebie that I donated to the City.

Council Member Minnick: All right. Thank you.

Law Director Zagrans: You're welcome.

President Brown: Any other questions of Mr. Zagrans Oral Report? Yes, Mr. Gillock.

Council Member Gillock: Madame Chairman, let me see if I got this correct. Last meeting we had our second reading on four ordinances rescinding Kingston Place, correct?

Law Director Zagrans: Yes sir. Two rescinding the preliminary PCD plan and two rescinding the final plan of area development. Of course, only one of each of those pairs of ordinances will be necessary.

Council Member Gillock: And, I believe the Mayor pointed out that the developer had withdrawn his application for the Kingston Place PCD, correct?

Law Director Zagrans: Yes sir.

Council Member Gillock: Yet we still have a lawsuit against us to accomplish what we're already going through.

Law Director Zagrans: Yes sir, filed on December the 6th.

Council Member Gillock: And this costs us money in that you have to respond and answer questions and I believe our Clerk has been subpoenaed. This sounds a little redundant or maybe they don't trust us or what. You didn't mention who this suit was filed by. Can we ask? Is that public knowledge, who is filing the suit?

Law Director Zagrans: Yes it is since it's a public document. It was filed by eight residents of the City of North Ridgeville: Joseph Antush, Mike Tyson, Jeff Madisen, Vince Loparo, John Prajzner, Chris Crobaugh, Ron Hawke and Marian Hawke.

Council Member Gillock: So these eight individuals, at least to me, appear to be wasting a lot of taxpayers money asking us to do something that we're already doing. Is that pretty much a fair analysis.

Law Director Zagrans: It is, in my view the legal action that has been taken is totally frivolous given what we are already doing.

Council Member Gillock: Thank you.

President Brown: Any other questions of the Law Director's oral report? Seeing none, we'll move on.

OTHER REPORTS

President Brown: Please note:

Mayor's Court Operating Trust Fund/Bail Trust Fund for November 2000;

Police Department Support Car Report for November 2000;

Police Department Support Car Annual Report November through October 2000;

Water Operation Report for November 2000;
Police Department Report for November 2000; and
Fire Department Report for November.

Parks & Recreation Commission Liaison Report:

President Brown: Mr. Overby, do you have anything to report?

Council Member Overby: Yes, at the last meeting we again voted not to lease park land and there's still something in Buildings and Lands that will be coming out after the first of the year. The EPA permit for the septic system at the baseball complex has been extended for one year so if this sewer thing doesn't work out, we're going to go that route. That concludes my report.

President Brown: Thank you very much.

Planning Commission Liaison Report:

Council Member Gillock: Yes, Madame Chairman. Planning met December 12th. A couple items which we will be voting on by specific items. The first one is Liberty Parkway Industrial. It's an application for extension of a private street off the east end of Liberty Parkway and the Planning Commission recommended approval contingent upon compliance with the City Engineers requirements. The other items, let's group them all together, are the Kingston Place Ordinances and resolutions repealing those actions. Basically, as we've learned, to rescind an ordinance we follow the same steps we did in enacting the ordinance and that's why they went back through Planning. Planning has recommended that all four of those be approved.

President Brown: Thank you very much.

Senior Citizens Advisory Board Liaison Report:

President Brown: They are having the Cleveland Home and Garden Show. Tickets are available February 10th to the 18th of the year 2001. You can save \$2.00 at the Senior Center. They will have tickets for America's largest home and garden show at a discounted price after January 6th. The regular general admission price is \$10.00 but they will have advance sale tickets for only \$8.00. If you are going to attend the show with family and friends, buy your tickets from the Senior Center.

Also, the Senior Center would like to thank all those who supported and participated in our many events at the Center throughout the year. May the New Year bring everyone lots of health and happiness. And that's from Sally Balog, our Director. Thank you. Moving on.

Planning Commission Report to Council of December 12, 2000 Regular Meeting:

Applicant: Liberty Parkway Industrial Development II, Ltd.
Owner: Liberty Parkway Industrial Development II, Ltd.
Request: Extension of private street off east end of Liberty Parkway
Location: 33488 Liberty Parkway

Permanent Parcel No 07-00-008-115-006

Application was approved contingent upon approval of the City Engineer's requirements and the Law Director's approval of the condominium agreement.

motion by Gillock to approve, 2nd by Overby

President Brown: Mr. Gillock made the motion, second by who?

Council Member Gillock: Mr. Overby.

President Brown: Overby, okay, discussion? Take a vote please.

Yes, 7 No, 0

T 140-2000 An Ordinance rescinding and repealing Ordinance No. 3630-2000.

It was approved that the Planning Commission concur with City Council to rescind.

Council Member Gillock: Madame Chairman?

President Brown: Yes?

Council Member Gillock: Can we group 140, 141, 142 and 143 together?

President Brown: Can we do that Mr. Zagrans?

Law Director Zagrans: Madame President, may I be heard?

President Brown: Yes.

Law Director Zagrans: Ordinarily when Council votes to approve a report and recommendation of Planning Commission it generally has the effect of adopting the particular matter as an ordinance or resolution of Council. In this case we cannot do so until after the public hearing on these ordinances which has been set for January 16th. So, in the event that the Board of Planning Commission and the motion to approve is merely in the sense of accepting what Planning Commission has recommended, then we can group them all together and we can vote to accept. But if it's going to be in the former way of enacting it into law as an ordinance, then we have to wait for the public hearing. So, I will leave it to the Planning Commission Liaison to specify which way it is coming to us.

Council Member Gillock: These are accepting the Planning Commission's recommendations.

Law Director Zagrans: Okay, then it can be grouped together.

President Brown: It can be grouped together.

Council Clerk White: T 140-2000 which we just read

T 141-2000 A Resolution rescinding and repealing Resolution No. 894-2000.

T 142-2000 An Ordinance repealing Ordinance No. 3630-2000.

T 143-2000 A Resolution repealing Resolution No. 894-2000.

Council Clerk White: All of them are Planning Commission concurs with City Council to rescind.

motion by Gillock that all four be accepted, 2nd by Overby

President Brown: Second by Mr. Overby. Is there any discussion? Yes, Mrs. Minnick?

Council Member Minnick: Mr. Gillock, was there any discussion about the body content of

141-2000 at Planning Commission? I didn't see anything in the notes about that.

Council Member Gillock: No. They were all addressed as procedural in nature only. Planning is a Board of a technical nature. These are not technical, these are administrative or procedural only, as I said earlier, to meet the requirements that an ordinance be rescinded the same way it was enacted, and they weren't really even discussed.

Council Member Minnick: Okay, because if we were rescinding them or discussing them, as they were passed back then, we did need two ordinances. One to approve the preliminary plan and one to rezone. The body of the 141 seems to contradict that, so, I just wanted to make note of that. Thank you.

President Brown: Any other discussion? Please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for the Planning Commission Report for T 140, T 141, T 142 and T 143. That's all the Planning Commission Reports that I have.

President Brown: Okay. How about under old business please?

OLD BUSINESS

Council Clerk White: I have under old business the original T 150-2000, an ordinance amending appropriation Ordinance 3545-2000, 3561-2000, 3623-2000. That's new business. Sorry.

President Brown: That's new business.

Council Clerk White: Yes, I'm way ahead. I can't read tonight. Sorry. I'm in the Christmas spirit.

Rules for the Conduct of City Council Meetings presented to Council Members December 4, 2000.

Council Member Swindig: Madame Chairman?

President Brown: Yes Mr. Swindig?

motion by Swindig to adopt the amended rules, 2nd by Borocz

President Brown: Do we have discussion?

Council Member Swindig: Madame Chairman, I would like to thank the Members of Council for their input even though there was a lot of negative input. I'd like to thank the Members that took their time to address the problem, not cause negativism. Thank you.

President Brown: Any other discussion?

Council Member Butkowski: Madame President?

President Brown: Yes, Mrs. Butkowski?

Council Member Butkowski: I think we already have By-Laws and Rules and I don't think any of these are necessary even under the amended things. We have the Roberts Rules of Order and we have our own By-Laws that we passed in January. I think that's sufficient and has been sufficient for all the time that we have been a City.

President Brown: Mrs. Minnick?

Council Member Minnick: Mrs. Chairman, I agree with that and I also wanted to state that I didn't receive these until 2:10 yesterday afternoon and I do believe that these, once again, were not received in a timely manner to be voted on tonight. Thank you.

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

Council Member Gillock: I agree that I don't feel these are needed. I think most of the Rules are already in place. As the Law Director stated we are in some cases codifying what we already do and in many cases these are already in Roberts Rules of Order. A couple of the key ones that are in there are that when people are speaking they should address through the chair and the proper decorum is suppose to be observed at all times. These Rules, may be expand on them, but those are part of Roberts Rules already. Plus, there's one item specifically that I don't like in the revised Rules, that immediately following the conclusion of the Lobby session and prior to Recess, any Member of the Council or the Administration who wishes to respond may do so for up to one minute. I feel that the Administration is intruding into Council's territory. This is the Council's business meeting, not the Administrations. The Administration, if anyone of the administration wishes to speak, they should go through the Chair and ask permission and be granted. They should not automatically be given this right to address or answer these questions because it is Council's meeting.

President Brown: Thank you Mr. Gillock. I would like to state something, too. When I read the first ones I was not in favor of the first Rules and Regulations for our Council. When I got the second ones I sat down and read it yesterday and read it a few times. I wasn't in favor of it completely but I would like to have myself covered and the last part of it does cover the President's right to limit two minute speeches for Lobby session and it also limits the maximum of speaking three times by an individual on three different subjects. A subject cannot be repeated. I do not find that in Roberts Book of Rules and I am in favor of that part of this Rules and Regulations for Council meetings and therefore I would vote in favor of it. Thank you.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

Council Member Swindig: I apologize for not getting them out sooner but it did take quite a bit of time being that Eric donated his time when we could get together and work them out and come with what I got from certain people for input, not some of the other comments which I will not announce publicly. I thank you, Eric, for your help.

Council Member Gillock: Madame Chairman, just one more comment. In regards to the speaking three times, if that was Council's desire, which Council has not discussed, I think we would be better served by amending the By-Laws and adding that as a By-Law as we now have that people can speak for up to two minutes on any subject. If we as a group want to limit them to three times, I think that would be the way to do it. Part of my problem with approving these rules is they were not passed through the Administrative Committee or discussed in a Committee of the Whole. It's not something that Council as a group has discussed at all or had a recommendation from a Committee. If we wanted to do that through the By-Laws I'd be willing to discuss it. I think doing it this way we're just passing more rules.

Council Member Swindig: Madame Chairman?

President Brown: Yes, Mr. Swindig?

Council Member Swindig: I beg different. I put out a letter asking for input. The answers I got from some people, like I said, I will not put out publicly. As for clarification, this is a business meeting. We do not have to let the public speak at all in a business meeting, in a Council meeting. That is one of our ways of getting it to the people and defending their rights, which is a violation of people's constitutional rights, according to some people. Thank you.

President Brown: Anyone else? Call for a vote please.

Council Clerk White: Okay, what's on the floor is the move to adopt the new Rules as amended.

Yes, 4 No, 3

Council Clerk White: Vote is four to three.

Law Director Zagrans: Rules are adopted by a majority.

Council Clerk White: Rules are adopted by a majority.

President Brown: Thank you. Now going on to new business.

Council Clerk White: I'll try that one more time.

President Brown: I think that's the one that Mr. Costin wanted to talk about.

Council Clerk White: Yes, I was in a hurry to give him that.

NEW BUSINESS

T 150-2000 An ordinance amending appropriation Ordinances No. 3545-2000, 3561-2000 and 3623-2000 for the City of North Ridgeville, Ohio for the period commencing January 1, 2000 and ending December 31, 2000.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to suspend By-Laws to give T 150 its first reading tonight, 2nd by Borocz

President Brown: Any discussion?

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 150-2000 to have first reading tonight.

T 151-2000 An ordinance providing for the temporary appropriations of money for current expenses and other expenditures for the City of North Ridgeville, Ohio for the period commencing January 1, 2001 and ending March 31, 2001.

Council Member Borocz: Madame Chairman?

President Brown: Yes.

motion by Borocz to suspend By-Laws to give this first reading this evening, 2nd by Swindig

President Brown: Discussion? Mr. Costin, do you have anything you want to say about this?

Auditor Costin: Not at this time. I would like you to, obviously, pass it.

President Brown: Thank you. Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 151-2000 to have first reading tonight.

T 152-2000 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 Member Borocz: Madame Chairman?

President Brown: Yes, Mrs. Borocz?

motion by Borocz to suspend By-Laws to give this a first reading this evening, 2nd by Swindig

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 152-2000 to have first reading tonight.

T 153-2000 A resolution to approve the expenditure of funds.

Council Member Borocz: Madame Chairman?

President Brown: Yes, Mrs. Borocz?

motion by Borocz to suspend By-Laws to give this a first reading this evening, 2nd by Swindig

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 153-2000 to have first reading tonight.

T 154-2000 A resolution to approve the expenditure of funds.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to suspend By-Laws to give it a first reading tonight, 2nd by Borocz

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 154-2000 to have first reading tonight.

T 155-2000 A resolution designating financial institutions as public depositories.

Council Member Borocz: Madame Chairman?

President Brown: Yes.

motion by Borocz to suspend the By-Laws to give this first reading tonight, 2nd by Swindig

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 155-2000 to have first reading tonight.

T 156-2000 An ordinance approving final plan of development area, including accepting the

plat of Meadow Lakes PCD Phase I for final approval and for recording purposes.

T 157-2000 An ordinance amending Section 1284-02(g)(18) of the "Off-Street Parking and Loading Requirements" of the Codified Ordinances of the City of North Ridgeville.

T 158-2000 An ordinance authorizing the Mayor of the City of North Ridgeville to purchase used cars from the State for the Police Department, not to exceed \$75,000.00.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

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

President Brown: Okay.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 158-2000 to have first reading tonight.

T 159-2000 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 Sugar Ridge Road reconstruction, Phase II, from Race Road to Avon Belden Road, 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 \$500,000.00.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

motion by Borocz to suspend By-Laws to give this first reading tonight, 2nd by Swindig

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 159-2000 to have first reading tonight.

T 160-2000 An ordinance authorizing the Mayor of the City of North Ridgeville, Ohio, to enter into the Lorain County Correctional Facility contract for housing municipal ordinance inmates with the Board of Commissioners of Lorain County, Ohio.

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig to suspend By-Laws to give this first reading tonight, 2nd by Gillock

President Brown: Discussion? Seeing none.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 160-2000 to have first reading tonight.

T 161-2000 An ordinance adopting the plan of operation and governance for the electricity aggregation program for the City and other members of the Northeast Ohio Public Energy Council.

motion by Swindig to suspend By-Laws to give this a first reading tonight.

President Brown: Is that Council, Mr. White?

Council Clerk White: Public Energy Council.

President Brown: You said "control", that's why I mentioned it.

Council Clerk White: I beg your pardon, Madame Chairman.

President Brown: I just wanted to make sure. There was a motion? And a second?

Council Clerk White: Mr. Swindig made a motion.

President Brown: And was there a second?

2nd by Borocz

President Brown: Any discussion? Please take roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero for T 161-2000 to have first reading tonight and I have no more new business.

President Brown: Okay.

Council Member Butkowski: Madame President?

President Brown: Yes, Mrs. Butkowski?

Council Member Butkowski: There were two ordinances that were left off the docket.

President Brown: I don't think they met closure, did they?

Council Member Butkowski: Yes they did. They were in the office December 1st.

President Brown: I don't think so.

Council Member Butkowski: Well I'd like you to suspend rules and take a vote on that and introduce them tonight. They were in her office on December 1st.

Council Member Minnick: I would second that.

Council Clerk White: I have no objections, Madame Chairman. Could I make a comment?

President Brown: Yes.

Council Clerk White: As I understand, these were in the office on that date. They were in an envelope with your name on them, no way of knowing that they were to be handed, to put on. I mean, I have no objection of you introducing anything at any time, but that's why they were not passed out. That was the information that I got. They were in an envelope with your name on them, therefore, they were put in your box.

Council Member Butkowski: Well, I put them on her desk when she wasn't there and didn't realize that she put them back in my box and was not in on Monday.

Council Clerk White: I understand, but I want you to understand that if you put something or something is on either one of the ladies desk with one of the Council Person's name on it, they don't look in that envelope. They put it in the box. That's their function. But, okay.

President Brown: It's okay Mr. Zagrans? I just wanted to make sure.

motion by Butkowski to introduce these two this evening, 2nd by Minnick.

Law Director Zagrans: This would be in the nature of a motion to suspend By-Laws.

Council Clerk White: Right.

President Brown: We have to do them separately, right?

Council Member Butkowski: I'll introduce to suspend By-Laws for the first one, for numbers 3621-2000, ordinance authorizing directing of submission to the electorates to the proposed ordinance 3621-2000, City of North Ridgeville, and declaring it an emergency.

President Brown: That's the first one?

Council Member Butkowski: Yes.

Council Clerk White: There's a motion to suspend By-laws and it's been seconded.

President Brown: Discussion?

Council Member Swindig: Madame Chairman?

President Brown: Yes, Mr. Swindig?

Council Member Swindig: According to our Rules, we cannot introduce any legislation with the emergency on it. Thank you.

Council Member Butkowski: I just read what was on here. It does not have to be an emergency to be introduced. This is already passed due.

Council Member Minnick: Madame Chairman?

President Brown: Yes, Mrs. Minnick?

Council Member Minnick: There was a successful referendum petition on this and Council had 30 days to either rescind or place on the ballot. It's passed the 30 days to rescind so now we have to place it on the ballot.

Law Director Zagrans: Madame President?

President Brown: Yes, Mr. Zagrans?

Law Director Zagrans: This and the other ordinance that suspension of By-Laws is being requested for are the subjects of the declaratory judgement action that was commenced on December the 4th, 2000, so both of these topics that are the subjects of these two proposed ordinances are now the subject of litigation in Lorain County Court of Common Pleas.

President Brown: So therefor it's null and void or what?

Law Director Zagrans: No, I mean, that's for the information of Council as you consider whether or not to consider By-Laws to add these proposed ordinances to tonight's agenda.

President Brown: Any other discussion?

Council Member Gillock: Madame Chairman?

President Brown: Yes, Mr. Gillock?

Council Member Gillock: I'd like to ask the Law Director a question. Doesn't the request for a declaratory judgement protect us from the 30 day requirement?

Law Director Zagrans: Protect is an interesting word, Mr. Gillock. The reason that we went out to a couple of outside lawyers and law firms, as I reported on last time, was to obtain legal opinions as to whether or not the ordinances were subject to being referred. The opinion that we got was no, that they had been validly passed as emergency measures and therefore were not subject to referendum petition. So that's the best answer I can give you. We then asked the Lorain County Court of Common Pleas to declare what the rights and responsibilities of the parties are and to declare whether that is in fact the case. Once that action is pending before the court, it is pending before the court.

Council Member Butkowski: Madame Chairman? In that, will the courts declare whether these

shall be voted on or not or is that just to declare whether the emergency should or should not have been placed on it?

Law Director Zagrans: Madame President?

President Brown: You may respond Mr. Zagrans.

Law Director Zagrans: Mrs. Butkowski, my assumption would be that if the court were to declare that the emergency clauses were invalid, it would also declare in that event that it must go on the ballot for the electors to vote on at the next general election.

Council Member Minnick: Madame Chairman? In the recent past we have put ordinances on when there was a question whether they should go forward or not. I believe there's enough time that we should put these on the agenda and start moving forward on it. If the ruling comes down that the emergency clause was added properly and these are not subject to referendum, why then we just won't simply move forward on it.

President Brown: We can take, we can listen to it tonight then. We'll have the first reading tonight?

Law Director Zagrans: No, no. There has to be a vote on whether or not Council wants to suspend By-Laws.

Council Clerk White: Really we're just suspending By-Laws to give this first one a temporary number.

President Brown: Do we have to call roll?

Council Clerk White: Yes ma'am, if we're going to vote on it.

President Brown: Call roll then.

Yes, 2 No, 5 (Overby, Swindig, Borocz, Gillock, Brown)

Council Clerk White: Motion carries five, two.

Law Director Zagrans: Mr. White, you said carries. I think you meant defeated.

Council Clerk White: Defeated, yes I did. I was going to say, against five-two. But again, I'm not doing too well tonight.

President Brown: That's okay. We'll forgive you today.

Council Clerk White: I hope so. The Lord will forgive me, I hope you will.

Council Member Butkowski: Madame Chairman?

motion by Butkowski to suspend By-Laws to introduce the second ordinance authorizing and directing to the submission of the electors of the proposed ordinance No. 3628-2000 to the City of North Ridgeville, 2nd by Minnick

Council Member Brown: Any discussion? Okay.

Council Clerk White: Roll call?

President Brown: Yes.

Yes, 2 No, 5 (Overby, Swindig, Borocz, Gillock, Brown)

Council Clerk White: So they both did not get on tonight. Okay.

President Brown: Correspondence.

Council Clerk White: Correspondence.

CORRESPONDENCE

- 1) Received an appeal in the Common Pleas Court Lorain County by appellants Joseph Antush, Mike Tyson, Jeff Madison, Vince Loparo, John Prajzner, Chris Crobaugh, Ron Hawke and Marian Hawke, individually and as residents, citizens and taxpayers for their appeal of the decision of Council approving the final development plan Phase I for Kingston Place at the November 6, 2000 meeting.
- 2) Received in the Common Pleas Court, Lorain County from the appellants, by and through their counsel, a motion for approval of supersedeas bond and Brief in support of motion for approval of a supersedeas bond.
- 3) Received in the Common Pleas Court, Lorain County from the appellants a praecipe and affidavit requesting the Clerk of Council to transmit complete transcripts.
- 4) Received from Lorain County Board of Elections, Certificate of Result of Election on Issue of Ordinance amending Section 1240.01 of the codified ordinances of the City of North Ridgeville, Ohio, known as the Zoning Code Ordinance, and the official zoning map appended thereto in Section 1248.01 and 1248.02 to re-zone approximately 200 acres situated between Case Rd. and Stoney Ridge Rd., bordering the City of Avon, from R-1 Residence District to PCD Planned Community Development, as petitioned by Matt Rosner, Pine Ridge Estates LLC. Votes For, yes, etc. – as on ballot: 3,298; Votes No, against, etc., – as on ballot: 5,755.
- 5) Received from Lorain County Board of Elections, Certificate of Result of Election on Issue giving said subdivision the authority to aggregate the retail electric loads located in the subdivision and enter into service agreements to facilitate for those loads the sale and purchase of electricity. Votes For, yes, etc. – as on ballot: 5,270; Votes No, against, etc. – as on ballot: 3,244.
- 6) Received from Lorain County Board of Elections, Certificate of Result of Election on Issue to require any ordinance, resolution, or other action by City Council effecting a change in the zoning classification, district, or use of any property within the City, to be submitted for approval by a majority of the electors voting thereon at the next general election, both in the City and in each Ward in which property subject to such ordinance, resolution, or other action is located. Votes For, yes, etc. – as on ballot: 4,011; Votes No, against, etc. – as on ballot: 5,086.
- 7) Received a letter from Lorain County Prosecuting Attorney Gregory White and Assistant Prosecuting Attorney Robert Flanagan announcing the Board of Commissioners of Lorain County establishment of revised municipal ordinance inmate incarceration fee of \$55.00 per day effective January 1, 2001 and submitting a contract for execution.
- 8) Received a memo from the Building Department and Fire Department submitting a

proposed ordinance for a Certificate of Occupancy for businesses to improve the level of safety in business structures and emergency information. Request that this be referred to the appropriate committee for review.

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

President Brown: Thank you Mr. White. We will now go into the Lobby session. I will allow you two minutes to speak.

LOBBY

1) Gerald W. Phillips, Avon, stated that the Council Rules that were adopted are really no different than the present rules that exist for Council. Individuals first amendment rights cannot be restricted based on content and this is clearly unconstitutional.

President Brown: Anyone else wishing to speak?

2) Joe Antush, 38500 Otten Road, stated he was amazed that after the last election when a PCD was overwhelmingly rejected in its Ward, that Council would approve another PCD right next to the one that was rejected and to declare an emergency, which violates our Charter and takes away our citizens right to vote.

President Brown: Anyone else wishing to speak, please come forward.

3) John Prajzner, 35140 Mildred Street, stated he was surprised at Council considering rules to stop recording devices they felt were disruptive.

President Brown: Anyone else wishing to speak, please come forward.

4) Gerald W. Phillips, Avon, stated the Kingston Place appeal under Ohio Revised Code 2506 was filed because of the flip-flop opinion of the Law Director on whether the preliminary plan acts as an automatic rezoning plus Council, as of December 6th, didn't formally repeal the final development plan for Phase I, therefore, the citizens had 30 days in which to appeal or forever lose that right and that appeal will be dismissed if Council repeals Kingston Place.

President Brown: We will take a recess. . .

Council Member Swindig: Madame Chairman, may I have permission to respond to Mr. Prajzner.

President Brown: Mr. Swindig, I don't think this is the time that we should be debating.

Council Member Swindig: I'm not debating, I'm just going to state a fact.

President Brown: Well, I will give you two minutes just like I do everyone else.

Council Member Swindig: All I need is one minute, that's all I'm allowed.

President Brown: One minute. Thank you.

Council Member Swindig: Mr. Prajzner, with these Rules that were passed tonight the public has more chance for input than they have before. Thank you.

President Brown: We're going into Executive Session. That's right. Don't know when we'll be back.

Council adjourned to Executive Session at 8:40 P.M.
Executive Session adjourned at 8:48 P.M.

RECESS from 8:48 P.M. to 8:55 P.M.

FIRST READINGS

T 148-2000 THE FOLLOWING ORDINANCE ENACTED BY THE CITY OF NORTH
3633-2000 RIDGEVILLE OF LORAIN COUNTY, OHIO HEREINAFTER REFERRED TO
 AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE
 STATED DESCRIBED PROJECT. THE PURPOSE OF THE PROJECT IS TO
 RESURFACE STATE ROUTE 10 FROM U.S. ROUTE 20 TO INTERSTATE
 ROUTE 480 AND STATE ROUTE 10C FROM THE OHIO TURNPIKE RAMP
 TO STATE ROUTE 10. PAVEMENT MARKINGS AND MISCELLANEOUS
 WORK ITEMS ARE INCLUDED. THE LENGTH OF THE IMPROVEMENT
 WITHIN THE CITY OF NORTH RIDGEVILLE IS APPROXIMATELY 5.32
 MILES.

First Reading

motion to suspend second and third readings by Swindig, 2nd by Borocz

President Brown: Discussion?

Council Member Swindig: Madame Chairman, I think this is nothing but a boiler plate ordinance from the State asking for, and is no cost to the City. If I can refer to Stewart.

Engineer Lovece: Thank you Madame President. This is for the resurfacing of 10. That's the freeway not Lorain Road but 10. Lorain Road use to be 10 in Ridgeville, it's no longer. That's for the freeway. The whole length of North Ridgeville over five miles, four lanes. Realize it's a resurfacing. It's not going to involve any major reconstruction. The cost is born entirely by the State of Ohio and as the Councilman said, it's boiler plate legislation but we're very pleased. We've been pleading with ODOT over the years. The Mayor, and especially to get this road done. It's in bad shape.

President Brown: Any other discussion? Roll.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.
motion by Swindig to adopt, 2nd by Borocz.

President Brown: Are you adding emergency?

Council Member Swindig: I don't think we need emergency at this time.

Engineer Lovece: I wouldn't mind it because I'm really not sure. They need this legislation to,

I'm sorry.

President Brown: I figure we needed it if we want to get anything done with the State of Ohio.

Engineer Lovece: ODOT first has to do the engineering and I hope it's going to start next year.

Council Clerk White: In his report he ask for it to be emergency.

Engineer Lovece: No that's another ordinance, we'll talk about that.

motion by Swindig to add the emergency, 2nd by Borocz.

Council Member Gillock: Madame Chairman?

President Brown: Yes Mr. Gillock?

Council Member Gillock: We have no reason to add the emergency other than, I mean I want to pass it to before they change their minds but there is no reason to add the emergency.

Engineer Lovece: It's a matter of timing. ODOT could start preceding with the design of this project. Number two, it sort of shows that the City is seeing the section of this road repaved.

No, it hasn't had any major reconstruction or resurfacing since it was built, I believe.

Mayor Hill: Madame President, in recalling the conversation that the Engineer and I have had previously, which I didn't before, he was anxious to get this done because of the design work that is necessary to be in place prior to the work beginning. Because of the condition of that road, and we have had complaints by ODOT themselves prior to them deciding to do, pick up the cost of this. Finally through pressure from around, the State Governor Taft was convinced to convinced ODOT to get this work done. It'd be real nice since they're doing it all over the State, if we were the first ones in line and didn't have to wait until the end of the paving season to do this. So that, the emergency would enable that.

President Brown: Roll Please.

Council Clerk White: On the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on the emergency. Now, on the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven zero. T 148-2000 becomes 3633-2000 with emergency.

Permanent Ordinance No. 3633-2000

T 150-2000 AN ORDINANCE AMENDING APPROPRIATION ORDINANCES NO. 3545-
3634-2000 2000, 3561-2000 AND 3623-2000 FOR THE CITY OF NORTH RIDGEVILLE,
OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2000 AND ENDING
DECEMBER 31, 2000.

First Reading in Full

motion to suspend second and third readings by Borocz, 2nd by Swindig

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

motion by Swindig to adopt, 2nd by Borocz

motion by Swindig to add the emergency due to the closing of the budget for the
year, 2nd by Borocz

President Brown: Discussion?

Council Clerk White: On the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. Now, for the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 150-2000 becomes Ordinance 3634-2000 with emergency.

Permanent Ordinance No. 3644-2000

T 151-2000 AN ORDINANCE PROVIDING FOR THE TEMPORARY APPROPRIATIONS
3635-2000 OF MONEY FOR CURRENT EXPENSES AND OTHER EXPENDITURES
 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD
 COMMENCING JANUARY 1, 2001 AND ENDING MARCH 31, 2001.

First Reading In Full

motion by Swindig to suspend second and third readings, 2nd by Borocz

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.

motion by Borocz to adopt due to the time constraints, 2nd by Swindig

motion by Swindig to add the emergency, 2nd by Borocz for the beginning so that we can start paying on the temporary budget for the first of the year

President Brown: Discussion? Roll please.

Council Clerk White: On the emergency.

President Brown: On the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. For the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 151-2000 becomes Ordinance 3635-2000 with the emergency.

Permanent Ordinance No. 3635-2000

T 152-2000 AN ORDINANCE PROVIDING ADDITIONAL COMPENSATION FOR THE
3636-2000 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 Borocz to suspend By-Laws to give this a second and third readings, 2nd by Swindig

President Brown: Discussion? Seeing none, roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.

motion by Borocz to adopt, 2nd by Swindig

President Brown: Discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 152-2000 becomes Ordinance 3636-2000.
Permanent Ordinance No. 3636-2000

T 153-2000 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

909-2000 First Reading

motion by Borocz to suspend second and third readings, 2nd by Swindig

President Brown: Any discussion?

Council Member Butkowski: Madame Chairman, who is this and what is this for.

Law Director Zagrans: Madame President?

President Brown: Yes?

Law Director Zagrans: This is for legal services for the law firm of Johnson & Angelo who were formerly the City's outside labor counsel.

Council Member Butkowski: So this is going to be for labor matters, not zoning or French Creek.

Law Director Zagrans: That's correct.

Council Member Butkowski: Thank you.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: I saw the Mayor indicate to me in response to Mrs. Butkowski's last question that she believes that French Creek was a part of the services. Is that correct Mayor?

Mayor Hill: That's correct.

Law Director Zagrans: I was not aware of that.

Council Member Butkowski: Madame President, so this is for labor or labor and French Creek.

President Brown: Both.

Council Member Butkowski: Both, okay.

Council Member Minnick: Madame President?

President Brown: Yes?

Council Member Minnick: Does that include zoning matters too?

Law Director Zagrans: Madame President?

President Brown: Yep?

Law Director Zagrans: No, it does not.

Council Member Minnick: Do we need to delete that from the body?

Law Director Zagrans: Where do you see that?

Council Member Butkowski: Between labor and French Creek.

Law Director Zagrans: Thank you. Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: I believe an amendment to the third Whereas clause would be in order to delete the words "zoning matters".

so moved by Gillock, 2nd by Overby

President Brown: Any other discussion? Take roll please.

Yes, 7 No, 0

Council Clerk White: Motion seven, zero to remove the "zoning matters" from that paragraph.

Council Member Borocz: Madame Chairman?

President Brown: Yes?

Council Member Borocz: Move to. . .

Council Member Swindig: No, still have a motion.

Council Clerk White: We have a motion on the floor that's been seconded to suspend second and third readings.

Council Member Borocz: Never mind.

President Brown: Any discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.

motion by Swindig to adopt, 2nd by Borocz

motion by Swindig to add the emergency for the reason on the cleaning the books off for the end of the year and possible litigation, 2nd by Borocz

President Brown: Any other discussion? Roll please.

Yes, 7 No, 0

Council Clerk White: Seven, zero on the emergency. For the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 153-2000 becomes resolution 909-2000 with emergency.

Permanent Resolution No. 909-2000

T 154-2000 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

910-2000 First Reading

motion by Swindig to suspend second and third readings, 2nd by Borocz

President Brown: Discussion?

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.

motion by Borocz to adopt, 2nd by Swindig

motion by Borocz to add the emergency due to time constraints, 2nd by Swindig

Council Member Gillock: Madame Chairman?

President Brown: Yes Mr. Gillock?

Council Member Gillock: What are the time constraints? We're just paying a bill for work that's already done.

Council Member Swindig: Possible litigation and to finish, to close our books out for the end of the year.

Council Member Gillock: What possible litigation are we talking about?

Council Member Swindig: I think, can I refer to the Auditor, but I think this has been submitted

a couple of times to us.

Council Member Gillock: Is there a reason, this by emergency. . .

Auditor Costin: Here's the issue. The issue is we don't have a contract until we have a purchase order so we don't have an obligation until there's a purchase order in place. Due to the Ohio Revised Code I cannot authorize purchase orders over \$1,000 once the work is completed. Now it's been found, and accordingly we should not have a legal obligation as a City, but by the same token the vendor operates in good faith and by the way these monies, so you know in this particular case were the result of savings on other projects. So, the vendor operates in good faith and this work has been done and the invoice has been passed to us for payment quite awhile ago. So accordingly if we were not to pay this and not to honor this we could be taken to a court of law. Whether we win or not there are instances where the vendor has succeeded and instances where he hasn't. So to answer the question is, if we were not to pay the bill it would probably go to litigation.

Council Member Gillock: Madame Chairman?

President Brown: Yes?

Council Member Gillock: That's not the question, not to pay the bill. We're just questioning adding the emergency clause. It's a matter of whether we pay now or in thirty days from now.

Auditor Costin: So. . ., I'm sorry Madame Chairman?

President Brown: Yes Mr. Costin?

Auditor Costin: You're question to me was the purpose why, what the question was on the emergency and Mr. Chairman Swindig's response and I'm trying to explain that's the potential he was referring to.

Council Member Gillock: If we didn't pay it?

Auditor Costin: If we didn't pay it promptly. I think this thing is like ninety days old.

President Brown: Any other discussion? Take roll please.

Council Clerk White: On the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on the emergency. Now for the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 154-2000 becomes Resolution 910-2000 with the emergency.

Permanent Resolution No. 910-2000

T 155-2000 A RESOLUTION DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC
911-2000 DEPOSITORIES.

First Reading

motion by Swindig to suspend second and third readings, 2nd by Borocz

President Brown: Discussion? Roll on the suspension.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third reading.
motion by Swindig to adopt, 2nd by Borocz

Council Member Swindig: Madame Chairman?

President Brown: Yes?

motion by Swindig, this is for the period of January 1, starting January 1, 2001, so with the time restraint I'd like to add the emergency, 2nd by Borocz

President Brown: Discussion? Roll please on the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. On the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 155-2000 becomes Resolution 911-2000 with emergency.

Permanent Resolution No. 911-2000

T 158-2000 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3637-2000 RIDGEVILLE TO PURCHASE USED CARS FROM THE STATE FOR THE
POLICE DEPARTMENT, NOT TO EXCEED \$75,000.00.

First Reading

motion by Borocz to suspend second and third readings, 2nd by Swindig

President Brown: Discussion? Mrs. Minnick.

Council Member Minnick: The price tag on this, we were talking about two vehicles, \$75,000.00?

Council Member Swindig: Madame Chairman, being that we're going back and we're going to be ordering more cars there is only enough in the temporary budget for two cars but this is the order for the cars for the rest of the year, the automatic replacement of the cars that we do replace.

Council Member Minnick: How many cars do we have in our fleet now?

Council Member Swindig: I don't know but I know two of them they want to replace right now are going to scrap.

Council Member Minnick: They are going to scrap so the two that we would be ordering here. .

Council Member Swindig: Would be going and being that the State, Madame Chairman, being that the State right now is starting to turn lose the cars now, you get a better chance to get the cream of the crop.

Council Member Minnick: So Mr. Zagrans, is it alright to leave \$75,000.00 in there for purchasing two cars for this particular ordinance.

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans?

Law Director Zagrans: Mrs. Minnick as I understood what Mr. Swindig just said. This \$75,000.00 would be the authorization for the years allocation of cars out of which only the two replacement cars that need to be done right away would be accomplished. So yes, I don't see any problem with Council approving a \$75,000.00 budget for cars for the next year including two cars that are going to be replaced in the immediate future from that \$75,000.00. It's not \$75,000.00 for two cars, it's \$75,000.00 for a number of used cars.

Council Member Minnick: Okay. Does that need to be spelled specifically out in this body or, because it doesn't say anything like that in here either?

Law Director Zagrans: Madame President?

President Brown: Yes Mr. Zagrans.

Law Director Zagrans: Mrs. Minnick, my experience in the last two years with the City is that these kinds of ordinances generally do not get to that level of specificity. It's an authorization for the administration to purchase used cars and having a \$75,000.00 budget to buy as many used cars as the City needs and as the budget will accommodate. So, no I don't believe it needs to be spelled out any more in any more detail than it is.

Council Member Minnick: Do we have any assurance that we'll be getting rid of any more of our cars than just these two since this will be, we will be able to buy more cars than just two? Our fleet keeps growing and growing and growing and growing and growing and growing. I have asked for a vehicle listing and I still haven't gotten it.

Mayor Hill: Madame President?

President Brown: Yes?

Mayor Hill: The fleet doesn't grow except when we hire more officers, they have a car so in that way the fleet grows and this appropriation measure is no different than what we've done in past years for the purchase of used cars and typically, the thing what Mr. Swindig was trying to explain, is that they need to, right now, because they're scrap, but this gives us the opportunity to get the cream of the crop. Typically what's been happening for our Police Department is that by the time appropriations are completed, because other cities seem to do their appropriations earlier than we do, there's not much left. We have to take what's there. Other cities beat us to the punch, in essence.

Council Member Minnick: Madame President, if I may. Mayor Hill I understand that but I also understand that I have had two vehicle listings and each time they increase and I have not had the most recent one and I would like to compare what we have and what we have kept and what we need to get rid of and I have requested that vehicle listing about two months ago and I still haven't received it. So, that's all I have to say about that, thank you.

President Brown: Mayor Hill may I ask you a question? Is it not a domino effect when we buy cars that are handed down to the Utility Department and other departments.

Mayor Hill: The ones that are still usable, yes.

Council Member Butkowski: Madame Chairman?

President Brown: Yes?

Council Member Butkowski: We purchased cars for the Utilities Department because the ones that go handed down to them didn't work any more so we purchased them cars for them in appropriations last year. My other question is, we always have appropriation around the end of February or so, are they going to come back and ask for more money or is this going to be their appropriation?

Council Member Swindig: Madame Chairman, this is the same amount that they asked for, the Police Department asked for last year for cars. They think they can get what they need for the replacement of cars because we are doing a replacement of so many cars every year. Like I said

earlier, they need two cars right now and then they will replace the ones up with the high mileage that they're getting into.

President Brown: Roll please.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.

motion by Swindig to adopt, 2nd by Borocz

motion by Swindig to add the emergency so they can pick out the best that they need for the quick replacement of the two cars they need right now, 2nd by Borocz

President Brown: Discussion? Roll please.

Council Clerk White: On the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. For the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 158-2000 becomes Ordinance No. 3637-2000 with emergency.

Permanent Ordinance No. 3637-2000

Auditor Costin: Madame Chairman?

President Brown: Yes.

Auditor Costin: Now that that's over, may I make a final comment.

President Brown: Yes.

Auditor Costin: With regard to that matter, I would like to say from our observation in the Auditor's Office, it doesn't appear that we've had a problem with the Police Department in the vehicles they've acquired. I don't want to get into the question about the number of vehicles, if an issue, but in terms of the prudence they've used to acquire their vehicles, safety wise the best available economically at the best cost. I think they've done a very good job over the years. I don't think the excessiveness is an issue with that particular department. Thank you.

President Brown: Thank you Mr. Costin.

T 159-2000 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 SUGAR RIDGE ROAD RECONSTRUCTION, PHASE II, FROM RACE ROAD TO AVON BELDEN ROAD, 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 \$500,000.00.
First Reading

T 160-200 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3638-2000 RIDGEVILLE, OHIO, TO ENTER INTO THE LORAIN COUNTY

**CORRECTIONAL FACILITY CONTRACT FOR HOUSING MUNICIPAL
ORDINANCE INMATES WITH THE BOARD OF COMMISSIONERS OF
LORAIN COUNTY, OHIO.**

First Reading

motion by Borocz to suspend second and third readings, 2nd by Gillock

President Brown: Second Mr. Gillock. Discussion?

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second and third readings.

motion by Borocz to adopt, 2nd by Swindig

motion by Borocz to add the emergency, 2nd by Swindig

President Brown: Discussion?

Council Member Swindig: Madame Chairman, the reason for the emergency is this takes effect, I think, January 1 of next year.

President Brown: Please take roll, please, Mr. White, on the emergency.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on the emergency. For the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on the adoption. T 160-2000 becomes Ordinance No. 3638-2000 with emergency.

Permanent Ordinance No. 3638-2000

T 161-2000 AN ORDINANCE ADOPTING THE PLAN OF OPERATION AND
3639-2000 GOVERNANCE FOR THE ELECTRICITY AGGREGATION PROGRAM FOR
THE CITY AND OTHER MEMBERS OF THE NORTHEAST OHIO PUBLIC
ENERGY COUNCIL.

First Reading

motion to suspend second and third readings, 2nd by Borocz

President Brown: Discussion? Roll please on the suspension.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero to suspend second the third readings.

motion by Swindig to adopt, 2nd by Borocz

motion by Swindig to add the emergency due to the time constraints of getting it in with the rest of the Council and their publication that they have coming out, 2nd by Borocz

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. For the adoption.

Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 161-2000 becomes Ordinance 3639-2000 with emergency. That's all of the first readings that I have.

Permanent Ordinance No. 3639-2000

SECOND READINGS

T 112-2000 AN ORDINANCE VACATING A PORTION OF DODGE AVENUE.
 Second Reading

T 138-2000 AN ORDINANCE AUTHORIZING PAYMENT TO FINKBEINER, PETTIS &
3640-2000 STROUT, INC. FOR PROFESSIONAL ENGINEERING CONSULTING
 SERVICES, NOT TO EXCEED \$36,000.00.
 Second Reading

Mayor Hill: Madame President.

President Brown: Yes, Mayor.

 motion by Mayor Hill to suspend third reading, 2nd by Borocz

President Brown: Discussion?

Mayor Hill: Yes, I'd like to explain that, if I may, please. The City Engineer and I attended a meeting of basically, the railroad board, in Bowling Green last week. It was apparent from that meeting that some decisions were going to be made on funds allocated to cities and villages for grade separations. One of the evaluations will be whether or how far the cities or villages are ready to proceed. We need this study to be in before their decisions are made and it was announced at that meeting last week that they would be making decisions by January 15th. So this just gives us a leg up. There will be three different tiers of decisions made by this Board and by the track committee of NOACA. The first tier are those ready to go with their engineering done, they will get the first funding round. The second tier will be those that more information is needed and we would certainly like to be on board for that. We're not ready for the engineering services yet. That would be the second round of grade separations funded. The third tier are those that have requested grade separations that don't meet the criteria established by NOACA. So, this just moves us up and gives us a better chance.

President Brown: Thank you. Roll please.

 Yes, 7 No, 0

 motion by Borocz to adopt, 2nd by Swindig

President Brown: Discussion?

Mayor Hill: Yes, Madame President

 motion by Mayor Hill to add the emergency, 2nd by Borocz

President Brown: Roll please, Mr. White.

 Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero on the emergency. On the adoption.

 Yes, 7 No, 0

Council Clerk White: Motion carries seven, zero. T 138-2000 becomes Ordinance 3640-2000 with emergency.

 Permanent Ordinance No. 3640-2000

T 139-2000 AN ORDINANCE AMENDING SECTIONS 438.29(H) AND (J) "USE OF
 OCCUPANT RESTRAINING DEVICES" OF THE CODIFIED ORDINANCES

IN ORDER TO REMAIN CONSISTENT WITH THE OHIO REVISED CODE.
Second Reading

Council Clerk White: That's all the second readings that I have. I have no third readings.

THIRD READINGS None

UNFINISHED BUSINESS

President Brown: We have no unfinished business.

Council Member Minnick: Madame Chairman.

Council Member Butkowski: Madame Chairman, when we took that vote for those Council Laws, according to Roberts Rules of Order, we needed two-thirds vote and we didn't have a two-thirds vote. Unless we have a fraction of a person around here that voted, because two-thirds of seven comes out to four and two-thirds and I think that's rounded up, more than half would be five.

Law Director Zagrans: Madame President?

Law Director Zagrans: Madame President?

President Brown: Yes, Mr. Zagrans.

Law Director Zagrans: According to Roberts Rules, the rules that we adopted for Council are standing rules, they are not considered By-Laws. I'll read from the pertinent part of Roberts Rules, "A standing rule can be adopted by a majority vote at any business meeting without previous notice. Although such a rule remains in effect until rescinded or amended, it does not bind future sessions if a majority desires to suspend it temporarily for the duration of a particular session." And then it goes on to explain what standing rules mean. So, according to Roberts Rules, those standing rules that we adopted were properly adopted by a majority vote.

Council Member Butkowski: Madame Chairman. Our North Ridgeville Municipal Council is called By-Laws and under that the amendments it says its two-thirds of a vote to change.

Law Director Zagrans: Madame President.

President Brown: Yes, Mr. Zagrans.

Law Director Zagrans: Mrs. Butkowski is exactly correct. It does require two-thirds of a vote to change By-Laws. So, if we were adopting By-Laws or changing By-Laws she would be correct. But as I said, these are rules, not By-Laws.

Council Member Butkowski: Well, under Roberts Rules of Order, under Section 68 of the revised number 11, it groups amendments of the constitution, By-Laws and rules of order. So, I don't think it passed unless we had two-thirds of a person sitting here.

COMMITTEE MEETING ANNOUNCEMENTS

Public Hearing to be held Tuesday, January 2, 2001 in regard to the final plan approval and Planning Commission's report and recommendations to Council of Phase I of Meadow Lakes PCD.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING DECEMBER 18, 2000**

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Next Regular Council Meeting Tuesday, January 2, 2001 at 7:30 P.M.

Public Hearings to be held Tuesday, January 16, 2001 as follows:

7:05 P.M.	T 112-2000
7:10 P.M.	T 140-2000
7:15 P.M.	T 141-2000
7:20 P.M.	T 142-2000
7:25 P.M.	T 143-2000

ADJOURNMENT

motion to adjourn by Swindig and at the same time I'd like to wish the citizens of North Ridgeville a Merry Christmas and a Happy New Year

President Brown: All right, thank you. Second on the adjournment?

2nd by Borocz

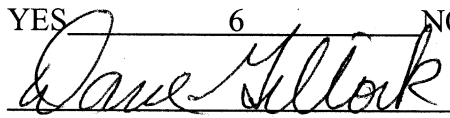
Council Clerk White: We don't need one

President Brown: Meeting adjourned. Thank you for coming.

Meeting adjourned at 9:32 P.M.

MOTION Swindig 2ND Borocz DATE January 2, 2001

YES 6 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL PRO-TEM



CLERK OF COUNCIL