

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING DECEMBER 17, 2001**

CALL TO ORDER 7:30 P.M.

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

INVOCATION

President Brown: Tonight, before I do the Invocation, I would like to tell you a little story about this prayer that I'm going to do. This prayer was written by a 11 year old boy named Mattie Stepanek from Maryland. Mattie has Muscular Dystrophy and has a lot of insight for someone his age. The prayer reads: No matter who you are, say a prayer this season. No matter what your faith, say a prayer this season. No matter how you celebrate, say a prayer this season. There are so many ways to celebrate faiths. There are so many faiths to celebrate life. No matter who, no matter what, no matter how you pray, let's say a prayer this season, together, for peace. I'd like to thank Bernadine Butkowski and her husband John for submitting this to me and I appreciate it very, very much Bernadine.

PLEDGE OF ALLEGIANCE by all.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Josanne Pagel, Gail Minnick, Bernadine Butkowski and David Gillock and President of Council Jean Brown.

Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Assistant Law Director Toni Morgan, Engineer Thomas Beutler, Auditor Chris Costin and Clerk of Council Jim White.

MINUTES

Regular Council Minutes of December 17, 2001

motion by Butkowski to accept, 2nd by Swindig

President Brown: Any corrections that must be made?

Auditor Costin: Madame Chairman, on page six, about the third sentence down after the two words, anticipation notes, it says, all be it at four hundred twenty-five thousand, and what that should read is, albeit for one hundred twenty-five thousand.

Clerk of Council White: So noted.

President Brown: Any other corrections? Take roll please on the acceptance.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero with the change.

President Brown: Please note

Board of Zoning and Building Appeals Minutes of November 29, 2001

Planning Commission and Board of Zoning & Building Appeals Work Session Minutes of November 29, 2001

Planning Commission Minutes of November 13, 2001.

Clerk of Council White: Those Planning Commission Minutes are December 11, 2001 minutes. I'd like to make that correction.

COMMITTEE REPORTS

Clerk of Council White:

1) **BUILDINGS & LANDS COMMITTEE REPORT #7107** Members of Council: We have considered the matter of T 140-2001, and ordinance repealing Codified Ordinance Number 1046.23 and amending 1046.04(d) to eliminate developer's credits and recommend that this ordinance be approved.

Signed: Larry Overby, Allen Swindig, Dave Gillock.

 motion by Swindig to accept, 2nd by Overby

President Brown: Discussion? Take roll.

 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

 motion by Swindig to suspend By-Laws to give T 140-2001 a first reading, 2nd by Overby

President Brown: Any discussion?

 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero for T 140-2001 to have first reading tonight.

2) **BUILDINGS & LANDS COMMITTEE REPORT #7108** Members of Council: We have considered the matter of T 141-2001, an ordinance repealing North Ridgeville Codified Ordinance 1474.12 and recommend that this request be approved.

Signed: Larry Overby, Dave Gillock and Allen Swindig.

 motion by Swindig to accept, 2nd by Overby

President Brown: Any discussion? Please take roll.

 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

 motion by Overby to suspend By-Laws for T 141-2001 to have first reading this evening,
 2nd by Swindig

President Brown: Discussion? Seeing none, take roll please.

 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero for T 141-2001 to have first reading tonight.

3) **BUILDINGS & LANDS COMMITTEE REPORT #7109** Members of Council: We have considered the matter of the Gloria Street petition and recommend that this request be approved and a resolution be drawn authorizing the Engineer to prepare plans, specifications and cost estimates reflecting the requested improvements be approved.

Signed: Dave Gillock, Larry Overby
 motion by Gillock to accept, 2nd by Overby
President Brown: Any discussion? Take roll please.
 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

4) UTILITIES COMMITTEE REPORT #7110 Members of Council: We have considered the matter of T 139-2001, vacate the storm water easement of Xavier Court and recommend that this request be approved.

Signed: Dave Gillock and Larry Overby.
 motion by Gillock to accept, 2nd by Overby
President Brown: Discussion? Take roll please.
 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

5) UTILITIES COMMITTEE REPORT #7111 Members of Council: We have considered the matter of Ordinance Number 3591-2000 to amend 1044.02(d)(e)(f) to include a minimum of one (1) use benefit will be charged for each application and recommend that this request be approved.

Signed: Dave Gillock and Larry Overby.
 motion by Gillock to accept, 2nd by Overby
President Brown: Discussion? Roll please.
 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Council Member Gillock: Madame President, move to suspend By-Laws so this can have a first reading this evening.

Council Member Swindig: Second

President Brown: Discussion?

Council Member Butkowski: Madame President, I have some questions about this. You want to answer these now or you want to answer them later.

President Brown: I think this would be a good time to do it.

Council Member Butkowski: On the e section, I'm wondering, will Waterbury and Meadow Lakes pay for these connections? Somebody from the Utilities Committee or somebody answer this?

Safety-Service Director Johnson: On these, d, e and f, d they are being assessed, that's the interceptor and they are paying for the interceptor on the way in. E, they will building their own laterals in their own developments, so those won't be charged. F, nobody gets by with. Everybody pays. It's the usage at French Creek, the benefit use.

Council Member Gillock: The purpose of this ordinance is, when we assess these charges they are based on use benefits and in some applications such as drive through restaurants they're

based on stools or the number of stalls for example and in some cases because of the size of the occupancy, they're paying a very, very, small amount. They could pay a quarter of a use benefit and any residential has to pay a minimum of one use benefit. So, what we're doing is putting in a minimum of whatever the occupation may be, that they pay for at least one use benefit. Because, we don't feel it's fair a commercial establishment, for example, may come in and only pay two, three hundred dollars when a residential application has to pay fourteen hundred dollars. So, we're putting a minimum on.

Council Member Butkowski: Also, when I read this over it seem like, now, Mr. Schmitt has put in his own sewers, is he going to have to be paying this too? He's still developing, is he going to have to pay?

Safety-Service Director Johnson: Mr. Schmitt built the interceptor that he has tied into. As you recall, this ordinance went into effect in the year 2000, June, July 2000. Everything put in prior to that time was on the old ordinance. What is in now is the new ordinance. Anything coming in after that would be this. Mr. Schmitt is charged according to what his developer's agreement allow the charges to be.

Council Member Butkowski: I don't have a problem with it, I just want to know.

Safety-Service Director Johnson: Then you have, like Mr. Gillock said, we have an office building, for instance, coming in, the charge for an office building benefit is .06 per person and minimum of five people. That comes out to about eighty-four dollars an office would pay if it had five people and the residents would pay eleven hundred sixty-six for a use benefit. So, it is very unfair so we want a minimum on all of them that you can't go below what a resident would pay. Commercial, industrial, anything. Thank you.

Clerk of Council White: I have a question. Before we suspend the By-Laws for first reading, can anyone tell me what the T number is?

Council Member Swindig: Madame Chairman, I make a motion that we assign a T number to committee report 7111.

Council Member Gillock: I have to withdraw my motion first.

Clerk of Council White: It can't be done until we get rid of what you got on the floor.

Council Member Gillock: I withdraw my motion at this time.

Clerk of Council White: Will you withdraw your please?

Council Member Swindig: Yes.

motion by Swindig that we have a T number assigned to 7111, 2nd by Gillock

President Brown: Discussion? Take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. The T number will be T 167-2001.

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

President Brown: Any discussion? Please take roll.

Yes, 6 No, 1 (Minnick)

Clerk of Council White: Motion carries six, one for T 167-2001 to have first reading tonight.

That's all of the committee reports that I have.

motion by Swindig to suspend By-Laws to start the tape for T 162-2001, 2nd by
Butkowski

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

MAYORS REPORT

Mayor Hill: Thank you, Madame President. I have submitted an ordinance creating the Department of Economic Development for Council's consideration. That is T 163. Having a department that can work to locate, apply for, and administer development opportunities and coordinate the efforts of various government entities to provide comprehensive and orderly development for our City is in the best interests of our citizens. The Director would provide guidance to the Mayor, Council, and our various boards and commissions regarding matters affecting the economic development of the City. A large portion of the job of the Director is to obtain federal and state grants. Because we have been so successful with our grants, it is sometimes forgotten that we are in competition with every other municipality, village and township for those funds. Every dollar we get, lessens the burden on our taxpayers to pay for city projects that must be done. With the sewers being built in the western portion of our city, which will bring development, it is our opportunity to plan in advance with the advice and help of a professional economic development director. The proposal for the creation of the department of economic development is the result of a review of departments in other nearby cities as well as a review of job duties and responsibilities of the director. Every council member who now sits or has been recently elected who spoke to the issue of economic development has committed to the need for professional economic development direction in our growing community. I have not included provisions for establishing a salary, but we do have fifty thousand dollars set aside for a city planner. The economic development position certainly may be a better use of those funds, but first a review of competitive salaries should be completed. I know last month Rocky River established an economic development department and is paying the director sixty-six thousand dollars per year. Therefore, I would appreciate it if T 163-2001 would be referred to both Administrative and Finance Committees for further study and passage. Before that is done, however, we found that Sections 1 and 2, of what you see before you Council Members, are redundant. It was a simple error of repetition. Therefore, I would appreciate, at the appropriate time, deletion of Section 2 in the ordinance.

We were not funded for the reconstruction of South Barton Road through the Ohio Public Works Commission. If you recall we got funds for Lorain Road. However, at the Commission's meeting last Friday, following discussions with the County Engineer and the Commission members, they have agreed to provide a 20 year, zero percent interest loan for one hundred sixty thousand dollars of the one hundred eighty thousand dollar cost. I have discussed this with the Auditor and we have agreed it would be difficult to pass up a project that would cost us twenty

thousand dollars up front and eight thousand dollars per year for 20 years. I have also consulted with our Service Department Superintendent and Safety-Service Director and they have assured me that South Barton and the repairs that are necessary are on a continuous basis and have cost us dearly in time and materials over the years. The concern is that not only will this continue, but it will escalate. The applications have already been forwarded to Columbus for final approval. If we are to agree to this funding, we have to amend our application immediately. Should we fail to amend the application now, the loan will go to another community. They don't work on our time lines. We apply and hope on there's. Therefore, if Council wishes to approve this loan, we must pass legislation tonight, but we do not need the emergency. There is also a correction to be made in the language. It is a typo in section one of T 164-2001 that says, The Mayor be and she hereby is authorized, the be and she should be deleted.

Mrs. Pszenitzki has resigned from the Board of Zoning and Building Appeals effective immediately. Mrs. Pszenitzki has done a wonderful job on the Board and I offer her our gratitude for her devotion to our community. I am nominating Joan Lissner to fill the term that expires on 12-31-2004 and I believe she is here. Would you stand and let them see who you are. Thank you. Mrs. Lissner is currently an attorney in private practice and is the Assistant Law Director/Prosecutor for the Village of Grafton. She has also served as Police Safety Director in the Village. Mrs. Lissner was formerly Prosecutor for the City of Lakewood.

motion by Mayor Hill to appoint Mrs. Lissner to the Board of Zoning and Building Appeals, 2nd by Swindig

President Brown: Discussion?

Council Member Butkowski: Is she a resident of North Ridgeville and how long?

Mayor Hill: She is a resident of North Ridgeville. You have to be a resident of North Ridgeville to be on one of the boards and commissions and I believe you said ten years? Is that correct?

President Brown: Any other discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Mayor Hill: I want to take a few minutes to recognize those officials sitting before you tonight who will not be returning in January. Larry Overby served on Council before this term and was my primary election opponent for Mayor back in 1995. Sometimes it's difficult for former opponents to mend the fences. Larry and I never had that problem and I give full credit to Larry. I have learned to admire Larry not only for his ability to see beyond political differences, but also for his ability to see beyond the present to the long-term good for the community. Jim White, I understand, is probably not going to be Clerk of Council and has been for four years. Jim, I have enjoyed getting to know you as a tender-hearted, caring man who kept us all laughing even in the hardest of times. You have done a great job as Clerk and you have been very effective as a liaison between the administration and your office. Thank you.

Clerk of Council White: Thank you.

Mayor Hill: Jean Brown, President of Council, has done an outstanding job as she attempted to conduct the business of the City under often trying conditions. Jean is a leader who even though

she took a lot of heat for performing her duties, kept doing her level best to serve her Council and the people of her town. Jean would call continually and I mean sometimes several times a day to make sure she had all the information and facts she needed to make decisions. I have to admit that there were days that I thought, if she calls one more time, I'll go crazy. But, she would call one more time and I don't think I went crazy although that's probably debatable and she got her answers to reach decisions that she thought were fair, well-thought out and best served the people of this City that she cares so deeply about.

President Brown: Thank you

Mayor Hill: Mrs. Minnick, I do wish you sincerely the very best. I thank you. I thank each of you for being so concerned about the people of North Ridgeville and for being my friend and professional colleague.

Lastly, finally, I extend to every family in North Ridgeville our wishes for the happiest of holidays and a wonderful new year. Thank you.

President Brown: Thank you, Mayor. Any questions of the Mayor's oral report? Moving on, Safety-Service Director Mr. Johnson.

SAFETY SERVICE DIRECTOR'S REPORT

Safety-Service Director Johnson: Thank you, Madame President. Ditch cleaning and/or piping was performed on Shady Drive Complex, Behm and Aurensen.

Two water breaks and one water valve was repaired.

Concrete pads were poured on Joanne and Rhonda.

The sewer vac was used in several areas. They were Bainbridge, Stoney Ridge, Main and Case.

Catch basins were rebuilt on Rhonda, Albert and at the Palmer Field.

Crack sealing was performed on Leslie, Paula, Charles, Mark, James, Ronald, Joseph, Deborah and Meadow Creek Oval.

Spot berming, street patching, roadside mowing, landscaping, weed whipping and brush chipping took place as manpower and time allowed.

The new salt barn is in operation and is receiving salt. Several hundred ton has been put in and you can hardly tell it's in there. A nice addition to the City and that concludes my report.

President Brown: Any questions of the Safety-Service Director's oral report? Seeing none, moving on. Engineer's report, Tom.

ENGINEER'S REPORT

Engineer Beutler: Thank you, Madame President. The westerly sanitary sewers are still on target for final testing and acceptance from the north end to Center Ridge Road by the end of December.

The new water tower is now complete. It is in full operation. The old water tower is being decommissioned with that phase being completed within a week. The only other things that need to be completed are miscellaneous things that do not have to do with the operation of the tower itself. There will be paving in the parking lot, things of that nature will be done in the spring.

Sugar Ridge Road reconstruction phase two is complete except for final restoration and that will be done in the spring also and that concludes my report.

President Brown: Thank you. Any questions of the Engineer's oral report?

Council Member Butkowski: Mrs. Brown, it's been brought to my attention that there are homes that are occupied in Meadow Lakes. You didn't say that, you said that they're still testing the lines. Can they have occupied homes down there?

Safety-Service Director Johnson: Madame President, the line from Barres Road north has already been tested a long time ago. We're talking from Center Ridge Road to Barres is where we just finished. It was put into service, probably three months ago, on the north end. That has been approved and opened up.

AUDITOR'S REPORT

Auditor Costin: Madame Chairman, Members of Council, first item of business is the written Auditor's report for November which you should have received.

Auditor's Written Financial Report for November 2001

motion by Swindig to accept, 2nd by Butkowski

President Brown: Discussion? Take roll please on accepting.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Auditor Costin: Additional comment and request, T 162, the long awaited final amended appropriation ordinance for the year 2001. I would request that you pass it tonight with the emergency. I will be pleased to answer any questions of its contents upon its first reading tonight. Also, there were two additional ordinances that were not on the agenda, whatsoever, but should have been forwarded to your desks this evening and these two additional ordinances would require Council's passage for them to be paid. One deals with engineering services at French Creek with regard to our meter reading and the second deals with services of an interim engineer this past summer. That completes my comments. Thank you.

motion by Swindig to suspend By-Laws to have T numbers assigned to the two

ordinances that Mr. Costin was referring to, 2nd by Gillock

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. The ordinance for the month to month contract with ADS Environment will be T 168-2001. The ordinance acknowledging the contract with K.E. McCartney will be T 169-2001.

motion by Swindig to suspend By-Laws to give T 168-2001 a first reading tonight, 2nd by Gillock

President Brown: Discussion?

Council Member Swindig: Yes, in the second Whereas, where it says K.E. McCartney and Associates, Incorporated, should be, AD Environmental Services. There was a typo in their.

Council Member Gillock: Second.

Council Member Pagel: Point of order Madame President. Is this an amendment?

President Brown: It's a correction of the ordinance.

Council Member Swindig: It is right in the title but it is not right in the second Whereas.

Clerk of Council White: Isn't that on 169, K and E?

Council Member Swindig: No, T 168, in the second Whereas, it said K.E. McCartney and Associates, should be replaced by AD Environmental.

Clerk of Council White: So done.

President Brown: Any other discussion? Any other corrections? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero for T 168-2001 to have first reading tonight.

motion by Swindig to suspend By-Laws to give T 169-2001 a first reading tonight, 2nd by Gillock

President Brown: Discussion? Take roll, please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 169-2001 will have first reading tonight.

President Brown: Any questions of the Auditor's report? None, moving on to the Law Director Toni Morgan.

LAW DIRECTOR'S REPORT

Assistant Law Director Morgan: No report.

OTHER REPORTS

President Brown: Please note:

Mayor's Court Operating Trust Fund/Bail Trust Fund Report for November 2001

Water Operations Report for November 2001

Fire Department Report for November 2001

Police Department Activity Report for November 2001

Parks & Recreation Commission Liaison Report:
Council Member Overby: No report this evening.

Senior Citizens Advisory Board Liaison Report:

President Brown: Senior Citizens Center would like to thank all the persons who have volunteered their services at the Senior Center who have been involved with the meals on wheels, making crafts, helping out as much as they can, the people that are there to answer the phones. It's all appreciated very deeply by Sally Balog, the Director and by the Senior Advisory Board. I am a member of that Board and I have really appreciated being able to work with the Senior Center. It was a pleasure working with Sally Balog and with Dick Noll who is the Chairman of that Committee and I look forward, perhaps, to continuing in that capacity at a later date. Thank you.

Planning Commission Liaison Report:

Council Member Gillock: Thank you Madame President. Planning Commission met with their regular meeting held December 11, 2001. First applicant:

APPLICANT:	Oster Construction, Inc., P. O. Box 438, Vermilion, 44089
OWNER:	Case Road LLC, 1050 Terminal Tower, Cleveland 44113
REQUEST:	Final plan approval for cluster development which is part of Avalon Estates
LOCATION:	4901 Case Road, in R-1 Permanent Parcel No. 07-00-043-000-012
PC ACTION:	Application was accepted for final plat and plan of Phase 1 clusters, Villas of Avalon in Avalon Estates. The previous approval of Avalon Estates was amended to allow for the elimination of the three lots on Case Road until a later date when they may become part of the sewer assessment process.

motion by Gillock to approve, 2nd by Overby

President Brown: Discussion? Mrs. Minnick?

Council Member Minnick: Madame President, I was wondering if the ratio to clusters and single family dwellings has been calculated and if it is in compliance with R-1.

President Brown: Who can answer that? Tom? Jim?

Safety-Service Director Johnson: That has been calculated.

Council Member Gillock: Yes, and we would not have approved it if it hadn't been calculated and checked.

Council Member Butkowski: Madame President, when I was going through this, in their Subdivider's Agreement, it also listed PCD's on there. It's my understanding that you use the same agreement for both PCD's and R-1 developments. By reading it over it gets extremely confusing and does tend to look like it's a PCD at first glance and I thought it was zoned for R-1.

Assistant Law Director Morgan: Mrs. Butkowski, we do have one agreement for both and on the

cover page we've indicated, they're calling themselves Avalon Estates now, formally subdivision. If it were a PCD we would of indicated that on the title page as well.

Council Member Butkowski: It is on the title page.

Assistant Law Director Morgan: It's Avalon Estates formerly subdivision. The didn't want call themselves Avalon Subdivision. That's where it would indicate. Like, for Waterbury, it says Waterbury PCD. But, they do have to comply with pretty much, virtually all the requirements that the regular subdivider's agreement does to in addition to whatever is required of them in the PCD. So, we are using one agreement now.

Council Member Butkowski: Well, the cover page says Planned Community Development Agreement Subdividers Agreement.

Assistant Law Director Morgan: Right, and then right under that is where it indicates what this particular one is. We can make that clearer.

Council Member Butkowski: Well, when it starts saying formerly subdivision and you see PCD, it really looks like it could be a PCD because it was formerly a subdivision.

Assistant Law Director Morgan: I understand your confusion. They were not approved as a PCD however and we can make that clearer in the future if necessary. But, they are not a PCD. They are a subdivision. They're title, however, is Avalon Estates.

Council Member Butkowski: Maybe if it says, an R-1 subdivision in parentheses it would spell it out to its exact zoning that way because it's being called formerly a subdivision, what's left on this whole page is Planned Community Development.

Assistant Law Director Morgan: That's not a problem. We can easily do that.

Council Member Butkowski: It would spell it out definitely to anybody looking at it that way.

Assistant Law Director Morgan: Not a problem. We can indicate that in the future.

President Brown: Take roll please.

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

Council Member Gillock: The next application.

APPLICANT:	R. W. Beckett Corporation, P. O. Box 1289, Elyria, Ohio 44036
OWNER:	R. W. Beckett Corporation, P. O. Box 1289, Elyria, Ohio 44036
REQUEST:	Sanitary Sewer extension along Race Road and then west through this parcel to pick up existing manufacturing facilities in an I-2 and I-3.
LOCATION:	Taylor Parkway, Permanent Parcel No. 07-00-038-000-126
PC ACTION:	The application was approved for the sanitary sewer extension as long as it meets the Master Plan requirements for serving the required area and is of a gravity flow nature.

motion by Gillock to approve, 2nd by Swindig

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Council Member Gillock: The third item does not require Council's action but, is for information

purposes.

OTHER BUSINESS: Waterbury PCD, a cluster phase in phase two. There was an information briefing by Rob Izer of Pulte Homes who will be the builder in that area for Planning Commission input.

PC ACTION: Please see the Planning Commission minutes of December 11, 2001 for details.

Council Member Gillock: The last item:

OTHER BUSINESS: T 138-2001 which was submitted by City Council for Planning consideration regarding clarification as to the placement of subdivision signs.

PC ACTION: Planning Commission recommends approval of T 138-2001. Planning Commission further recommends to Council that they consider an ordinance to address the issue of the entrance ways as far as signage, fencing, plantings, electrical and sprinkler systems and other components and establishment of a fee.

motion by Gillock to approve, 2nd by Overby

President Brown: Discussion? Take the roll, please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Council Member Gillock: I would like the item referred to Buildings and Lands for consideration.

President Brown: We can do that. Buildings and Lands.

PLANNING COMMISSIONS RECOMMENDATIONS TO T 138-2001 REFERRED TO BUILDINGS AND LANDS COMMITTEE.

OLD BUSINESS None

NEW BUSINESS

Clerk of Council White:

Request for C1 and C2 liquor permit transfer from M N Links, Inc., DBA Lorain Road Citgo, 32500 Lorain Road to Mary C. Aspery, DBA Exit 9 Citgo, 32500 Lorain Road

Request for D1, D2, D3, D3A liquor permit stockholder transfer for E J C Co., Inc., DBA Katina Lake, patio and picnic area, 39421 Center Ridge Road

T 159-2001 A resolution accepting the City Engineer's findings and directing ODOT (Ohio Department of Transportation) to rescind the Director's Journal Entry thereby reinstating a thirty-five (35) miles per hour speed limit to the herein described portion of Center Ridge Road.

Council Member Gillock: Can you refer that to Safety, please?

President Brown: Safety.

REFERRED TO SAFETY COMMITTEE.

T 160-2001 An ordinance establishing the salary for the Mayor of the City of North Ridgeville.

 motion by Gillock to suspend By-Laws and give this a first reading this evening, 2nd by Minnick

President Brown: Discussion? Please take roll.

 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero for T 160-2001 to have first reading tonight.

T 161-2001 An ordinance establishing the salary for the Safety-Service Director of the City of North Ridgeville.

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

President Brown: Any discussion? Take roll, please.

 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 161-2001 will have first reading tonight.

T 163-2001 An ordinance creating the Department of Economic Development and establishing the qualifications for the full-time position of Director of the Department of Economic Development.

Council Member Butkowski: Madame President, I'd like to refer that to Administrative and Finance Committee.

President Brown: I am referring that to Administrative and Finance.

REFERRED TO ADMINISTRATIVE COMMITTEE AND FINANCE COMMITTEE.

Mayor Hill: Madame president, I don't know the correct order for this but, I'd just like to remind Council that I ask that since sections one and two are redundant, that section two be deleted.

 motion by Gillock that section two be deleted, 2nd by Swindig

President Brown: Discussion? Take roll please.

 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to delete section two.

T 164-2001 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 south Barton Road reconstruction from Center Ridge Road southeast to the corporation line, to consummate a zero percent interest loan agreement with the Ohio Public Works Commission, 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 \$180,000.00.

 motion by Mayor Hill to suspend By-Laws for a first reading, 2nd by Swindig

President Brown: Discussion? Please take roll on suspension.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero for T 164-2001 to have first reading tonight.

T 165-2001 An ordinance authorizing payment to Lorain County Transit Service.

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

President Brown: Discussion?

Council Member Butkowski: Madame President, this is for 2002, I don't think we have to be in any hurry for this. This is a payment. It's just like a contribution so, I don't think we have to suspend By-Laws for a contribution for the year 2002.

President Brown: Mr. Costin, can you answer that?

Auditor Costin: I'm not familiar with the terms of this contract right now. I'll have to defer to the administration. I would say though, if it's to take effect January 1st, we should have it in place.

Council Member Butkowski: It's a contribution.

Mayor Hill: Madame President, in essence it is a contribution but, it's also a payment or contribution broken down and determined according to the number of riders from each community. So, it's to support their financial activities and to make sure that we have adequate service. Every community receives this. Every community is asked to make payment as soon as possible and I believe their budget begins in January and the reason is to continue to serve the riders, many of whom in our community happen to be either college students or the elderly.

Council Member Pagel: Madame President, may I ask a question? Would this prohibit the riders from riding any though, if this is not passed in an expedient amount of time as opposed to the end of January.

Mayor Hill: I think that was in Mr. Swindig's committee or finance.

Council Member Swindig: I think we handled it back in the budget, back in February and March. What this does, it keeps the ball rolling. I think we can pass it without the emergency. All it amounts to is keeping it so we do have bus transportation and they do use that bus with the seniors too, I think.

Council Member Butkowski: Madame President, I don't have a problem with it. I just don't think we should be suspending rules for everything and this could be one of them we don't have to do it.

President Brown: What is your ruling, Toni?

Assistant Law Director Morgan: Is there a motion on the floor.

President Brown: Yes, there is.

Assistant Law Director Morgan: Take a vote on it.

President Brown: Take roll please.

Yes, 5 No, 2 (Minnick, Butkowski)

Clerk of Council White: Motion carries five, two to suspend By-Laws for T 165-2001 to have first reading tonight.

T 166-2001 An ordinance amending Chapter 1022 street or alley name changing, vacating or

narrowing procedure, to add language allowing the street to revert in equal portions to abutting property owners.

 motion by Swindig to suspend By-Laws to give this a first reading, 2nd by Overby
(Tape one ends)

Council Member Swindig: . . .written in the book by a recommendation and being that it is in the building and zoning code this will have to have a public hearing.

President Brown: Any other discussion? Take roll please.

 Yes, 5 No, 2 (Butkowski, Minnick)

Clerk of Council White: Motion carries five, two. T 166-2001 will have first reading tonight. That's all the new business that I have.

Council Member Minnick: Madame President, I have some new business. One December 1, 2001, Buescher Hardware Store celebrated it's 65th anniversary. Small businesses are the foundation of our community and I'd like to publicly acknowledge and congratulate Buescher Hardware for the reliable personal service they have provided to our community since 1936. Large warehouse stores simply can't provide the individual attention that small local merchants can provide their customers and today's economy when businesses come and go, I believe a proclamation honoring Buescher Hardware 65th anniversary is appropriate. I am therefore requesting that the City present a proclamation recognizing and celebrating the Buescher Family 65 years as a neighborhood business providing hardware goods and services to our community.

President Brown: Do we need a motion on that?

Council Member Minnick: So, I'll make that motion.

President Brown: Do we need a motion, Toni, for that?

Council Member Pagel: Second.

 motion by Minnick to present a proclamation recognizing and celebrating the Buescher Family 65 years as a neighborhood business providing hardware goods and services to our community, 2nd by Pagel

President Brown: Discussion? Take roll please.

 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

CORRESPONDENCE

Clerk of Council White:

1) Received a letter from Joanne N. Eldridge, M.L.S., Assistant Director of the Lorain Public Library System submitting its first annual report of expenditures from the 1.4647 mill operating levy for the North Ridgeville Branch Library.

2) Received a letter from United States Senator George Voinovich explaining the suspension of mail services for members of Congress due to the recent targeted attack on the U.S. Senate with anthrax-laced mail. He is reachable via email at senator_voinovich@voinovich.senate.gov.

- 3) Received Certificate of Result of Election for the Charter amendment to Article XVIII, Sections 18.5 (7) and 18.6, Parks and Recreation Director to be under Mayor's supervision. Votes For the Amendment, 2,035; Votes Against the Amendment, 2,627.
- 4) Received Certificate of Result of Election for the Charter amendment to Article IV, Section 4.5, code revision on non-compliance. Votes For the Amendment, 2,047; Votes Against the Amendment, 2,140.
- 5) Received Certificate of Result of Election for the Charter amendment to Article III, Section 3.5(c), establishing guidelines for electing Council President. Votes For the Amendment, 2,902; Votes Against the Amendment, 1,699.
- 6) Received Certificate of Result of Election for the Charter amendment to Article II, Section 2.4, to end term limit for position of Mayor. Votes for the Amendment, 1,819; Votes Against the Amendment, 2,933.
- 7) Received Certificate of Result of Election for the Charter amendment to Article XI, Section 11.9, interest income returned to general fund. Votes for the Amendment, 3,346; Votes Against the Amendment, 1,223.
- 8) Received Certificate of Result of Election for the Charter amendment to Article IX, Section 9.7, repeal of zoning issues. Votes for the Amendment, 2,023. Votes Against the Amendment, 2,604.
- 9) Received from the Clerk of Common Pleas Court Ron Nabakowski, Case No. 01CV130118, Joseph Antush, Chris Crobaugh, Ron Hawke, Marian Hawke, Mike Tyson and John Prajzner, APPELLANTS, versus City of North Ridgeville and City Council; an appeal of the decision of Council approving Meadow Lakes Final Development Plan Phase II and Phase III, Ordinances No. 3735-2001 and No. 3736-01. The appeal is on questions of law and fact.

LOBBY

President Brown: Moving onto the lobby. I will allow you two minutes to speak. I start the time after you give your address.

- 1) Chris Crobaugh of 38460 Otten Road reminded Council, as far as the Department of Economic Development goes, there are one million or so Americans out of work. Stated that he doesn't know if we'll need a department in the near future. Spoke about Waterbury and being back in Court. Asked that Council be fair to both the developer and residents to protect their interest. Suggest that Council consider the interests of the residents first and not the interest of the developer. Stated that he has never got an answer to what is this trunk assessment stuff that is part of the westerlies sewers. Asked Mr. Gillock to explain it to him and the other residents why we have a trunk assessment as part of our sewer ordinance.

2) John Prajzner of 35140 Mildred Street spoke about his concerns regarding Waterbury and Meadow Lakes PCD. Spoke about the residents referendum on those two ordinances in 2000 that was passed by emergency and whether that was used properly or not, has not been determined. The issue was suppose to be in the Lorain County Court of Common Pleas and was dismissed. Stated that the case is back in the Supreme Court. Stated his concerns of Meadow Lakes and Waterbury going on as if everything is passed and asked Council to hold off until there is a definite decision on whether the emergency clause was properly used.

3) Frank Dettore of Center Ridge Road spoke about sewers and the negatives. Stated that we are the third largest City in Lorain County. Spoke about other cities putting in streets by assessment. Stated that he would like to see the City of North Ridgeville putting streets, water and sewers into the industrial areas. Stated that this would offset a lot of stuff the negative people keep saying. Thanked the present Council and future Council for their good judgement of the City of North Ridgeville.

President Brown: Administration, you can answer. Mr. Gillock?

Council Member Gillock: Couple of comments, first Mr. Prajzner, as far as the rezoning, we have continually been advised and our rulings have been that this is not rezoning and that's the way the ordinance was written. So, until there is some legal determination that it's different, that's what we have to operate under, the Law Director's rulings. Secondly, I want to thank Mr. Crobaugh for recognizing the sewer, westerly sewer, because I think that is quite of an accomplishment in regards to his question with the sewer assessment, I will see what I can find out and get an answer. I don't know if it'll be satisfactory for you, but, I'll see what I can get for you.

President Brown: Anyone else want to answer? We'll have a recess to twenty minutes to nine.

RECESS from 8:37 P.M. to 8:40 P.M.

FIRST READINGS

Clerk of Council White:

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

First Reading

T 141-2001 AN ORDINANCE REPEALING NRCO § 1474.12.

First Reading

T 142-2001 AN ORDINANCE AMENDING NRCO § 234.03.

First Reading

Council Member Butkowski: Madame President, I'd like to refer that to Administrative Committee, T 142-2001 that he just read.

President Brown: Okay.

REFERRED TO ADMINISTRATIVE

T 160-2001 AN ORDINANCE ESTABLISHING THE SALARY FOR THE MAYOR OF
THE CITY OF NORTH RIDGEVILLE.

First Reading

motion by Gillock to dispense with second and third readings, 2nd by Overby

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

T 161-2001 AN ORDINANCE ESTABLISHING THE SALARY FOR THE SAFETY-
SERVICE DIRECTOR OF THE CITY OF NORTH RIDGEVILLE.

First Reading

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

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

T 162-2001 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 3662-
3750-2001 2001 AND 3662-2001 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR
THE PERIOD COMMENCING JANUARY 1, 2001 AND ENDING
DECEMBER 31, 2001.

First Reading In Full

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

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

motion by Overby to adopt, 2nd by Pagel

President Brown: Discussion?

Clerk of Council White: Mr. Costin asked for the emergency, if Council so desires.

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

President Brown: Discussion on the emergency. Hearing none, take roll please.

Yes, 7 No, 0

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

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 162-2001 becomes Ordinance Number
3750-2001 with the emergency.

Permanent Ordinance No. 3750-2001

T 164-2001 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
3751-2001 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
 MANNER PRESCRIBED BY LAW FOR THE SOUTH BARTON ROAD
 RECONSTRUCTION FROM CENTER RIDGE ROAD SOUTHEAST TO THE
 CORPORATION LINE, TO CONSUMMATE A ZERO PERCENT INTEREST
 LOAN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION,
 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
 \$180,000.00.

First Reading

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

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

motion by Overby to adopt, 2nd by Swindig

President Brown: Discussion?

Council Member Butkowski: Madame President, I would like to ask the Auditor if we're going to have money to pay this loan back.

Auditor Costin: The amount of the loan is payable zero interest over 20 years. If it's passed, it will be appropriated first. That will be a primary appropriation. All of our debt services are appropriated first. The remaining monies then, are appropriated for other purposes. So, what we're doing here is talking in terms of prioritizing our expenditures.

President Brown: Any other discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 164-2001 becomes Ordinance Number 3751-2001.

Permanent Ordinance No. 3751-2001

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

First Reading

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

First Reading

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

First Reading

motion by Gillock to dispense with second and third readings, 2nd by Overby

President Brown: Discussion?

Council Member Swindig: Madame Chairman, this ordinance does have to have a public hearing.

President Brown: So, it will have to be set up, Mr. White, for a public hearing.

Clerk of Council White: We have a motion on the floor for second and third reading and we're in discussion right now. That means if it has to have a public hearing, you can go ahead and have second and third reading but, you have to have the public hearing before you pass it. Whatever Council desires.

Council Member Swindig: Madame Chairman, going through the Chair, am I correct on that?

Assistant Law Director: That it requires a Public Hearing?

Council Member Swindig: Yes, being that it is in the Building Code.

Assistant Law Director: Mr. Swindig, I don't think I can answer that right now. That's something I'd have to check on. I couldn't say with absolute certainty that that's the case.

Council Member Swindig: I was under the impression that anything in the Building Code has to have a public hearing.

Assistant Law Director: No, not at all.

Council Member Gillock: It was my understanding, you only have to have hearing if it affected, or in some way had to do with zoning. I thought the Zoning Code started with the twelve hundred series. I'm not sure ten hundred is even in the Zoning Code but, this is not a zoning ordinance.

Assistant Law Director: You may be correct on that. I'm inclined to think we do not need a public hearing on this but, like I said, I don't want to answer you definitively, right now, without further checking.

Council Member Gillock: Madame President, we can still dispense with second and third and not adopt and adopt at the next meeting and in the mean time determine if we need a hearing or not.

Clerk of Council White: In the mean time, if it needs a public hearing then we can establish that date and go from there.

President Brown: That should be suffice.

Clerk of Council White: Any other discussion? We're voting on dispensing second and third readings.

Yes, 7 No, 0

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

T 168-2001 AN ORDINANCE ACKNOWLEDGING A MONTH-TO-MONTH CONTRACT
3752-2001 WITH ADS ENVIRONMENT SERVICES AND APPROVING PAYMENT
 THEREUNDER AT THE RATE OF \$1920.00 PER MONTH FROM APRIL
 THROUGH JANUARY 2002.

First Reading

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

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

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

motion by Swindig to adopt, 2nd by Overby

President Brown: Discussion on the adoption? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 168-2001 becomes Ordinance Number 3752-2001.

Permanent Ordinance No. 3752-2001.

T 169-2001 AN ORDINANCE ACKNOWLEDGING A CONTRACT WITH K. E.
2753-2001 MCCARTNEY AND ASSOCIATES, INC. AND APPROVING THE
EXPENDITURE OF FUNDS THEREUNDER, NOT TO EXCEED \$28,000.00
First Reading

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

President Brown: Discussion? Take roll on the suspension, please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

motion by Swindig to adopt, 2nd by Overby

President Brown: Discussion on the adoption? Seeing none, please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 169-2001 becomes Ordinance Number 3753-2001.

Permanent Ordinance No. 3753-2001.

Clerk of Council White: That's all the first readings I have.

Council Member Minnick: Madame President, could we revisit 160 and 161 to adopt since we had the three readings?

President Brown: Can we do that Toni?

(Discussion was held but, could not be heard)

Assistant Law Director: Since we've already moved on to the others, I'd would say we would have to do that next time.

Council Member Minnick: How does that work? They just don't put it under third reading.

Clerk of Council White: I hope you're talking into the mics.

Assistant Law Director: Can you not hear me?

Clerk of Council White: No ma'am, I cannot.

Assistant Law Director: I think I'm talking into the mic, is it not working?

Clerk of Council White: If the mic can hear you, that's okay.

Assistant Law Director: It would probably be listed in the business section.

Council Member Minnick: Unfinished business? Alright.

Council Member Gillock: Madame President, I believe if Council Member Minnick wishes to make a motion to reconsider it we can do that. With a second, we vote on it. We've got another one we have to do that with tonight.

Council Member Minnick: Then, I would like to make a motion to reconsider T 160-2001 and 161. Do I do that separately or together?

Assistant Law Director: Do them separately please.

motion by Minnick to reconsider T 160-2001, 2nd by Butkowski

President Brown: Any discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

T 160-2001 motion by Minnick to adopt, 2nd by Butkowski

President Brown: Discussion on the adoption? Take roll please.

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

Ordinance T 160-2001 Defeated

President Brown: Are you doing the other one too?

Council Member Minnick: No. So, may I ask a question? Does that go on to unfinished business next Council meeting.

Assistant Law Director: Correct.

Auditor Costin: Madame Chairman, if I might inquire, for the record, T 162, our amending appropriation ordinance, as originally delivered to Council had a cosmetic error in the preamble and in the body by duplicating Ordinance 3662. Prior to Council meeting today you should of received the revised amended ordinance and that was the ordinance Mr. White read. He read the correct preamble and for the record I wanted to affirm that that in fact is the ordinance that was passed.

Clerk of Council White: They all received a sheet so stating that.

Auditor Costin: And that's the ordinance that was in fact passed.

Clerk of Council White: Yes sir.

motion by Overby to reconsider T 161-2001, 2nd by Pagel

President Brown: Discussion? This is on the Safety-Service Director.

Clerk of Council White: T 161-2001. We're voting on the motion to reconsider. Overby?

Council Member Overby: Yes.

Clerk of Council White: Swindig?

Council Member Swindig: yes.

Clerk of Council White: Pagel?

Council Member Pagel: Yes.

Clerk of Council White: Minnick?

Council Member Minnick: I'm sorry, what is this?

Clerk of Council White: There's a motion on the floor to reconsider T 161-2001. There's been a motion and it's been seconded an it's a vote that's up to you.

Council Member Minnick: Yes.

Clerk of Council White: Butkowski?

Council Member Butkowski: No.

Clerk of Council White: Gillock?

Council Member Gillock: Yes.

Clerk of Council White: Brown?

President Brown: Yes.

Yes, 6 No, 1 (Butkowski)

Clerk of Council White: Motion carries six to one.

T 161-2002 motion by Overby to adopt, 2nd by Pagel

President Brown: Discussion on the adoption? Please take roll.

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

Clerk of Council White: Motion denied.

Ordinance T 161-2001 Defeated

Clerk of Council White: That's all the first readings I have and gone back over.

Council Member Gillock: Madame President, while we're doing reconsiderations, we need to look up T 164 again, Section 6 declares this ordinance to be an emergency. Our By-Laws do not allow an ordinance to be submitted with an emergency clause included and was not adopted with the emergency clause. So, I think we should reconsider this, amend it to remove Section 6 and then adopt it and do it correctly.

 motion by Gillock to reconsider T 164-2001, 2nd by Pagel

President Brown: In other words you want to amend this?

Council Member Gillock: We have to.

President Brown: Discussion is amending.

Council Member Pagel: Point of order.

Mayor Hill: Madame President, just very quickly, I think I don't know what's happening but, I think that was a mistake. You are correct, we do not submit with the emergencies attached so, it must of been, the only explanation I have is that when they wrote this up that the one from Lorain Road was essentially copied with the description changed.

Council Member Pagel: Point of order Madame President. The motion is to reconsider this.

President Brown: Take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to reconsider 3751-2001.

3751-2001 motion by Gillock that Section 6 be deleted in its entirety, 2nd by Butkowski

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to remove Section 6.

 motion by Gillock that the Ordinance T 161-2001, also known as Ordinance
Number 3751-2001 be adopted, 2nd by Pagel

President Brown: Any discussion? Take roll please on the adoption.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Permanent Ordinance No. 3751-2001

SECOND READINGS None

THIRD READINGS

T 136-2001 AN ORDINANCE ACCEPTING THE PLAT OF WATERBURY PCD PHASE
3754-2001 II FOR FINAL APPROVAL FOR RECORDING PURPOSES.

Second Reading

motion by Gillock to adopt, 2nd by Overby

President Brown: Discussion?

motion by Butkowski to postpone, 2nd by Minnick

President Brown: Mrs. Morgan?

Assistant Law Director: There was a motion to adopt and a second, correct?

Clerk of Council White: Yes ma'am.

Assistant Law Director: Then that needs to be voted on first.

Council Member Butkowski: Madame President, I think if there's a move to postpone that supercedes it and has to be taken up before the adoption.

Assistant Law Director: Mrs. Butkowski, in order to rule on that we'd have to take a small break and I'd have to check. I don't have an answer for you.

Council Member Gillock: Madame President, I believe Mrs. Butkowski is correct but, it has to be postponed to a specific date or time.

Council Member Butkowski: Postponed until the first meeting in March. The reason I want it to be postponed is because of the emergency state of the economy and a good possibility of inability to provide adequate services to homes and that should be investigated before we vote on this.

Council Member Minnick: I believe, Madame President, also with the Supreme Court decision pending and Mr. Gillock, didn't you also say this was not on a rezoning. I think by your comments I think we need to also wait for that . . .

Council Member Gillock: Point of Order, you don't have a second.

Council Member Minnick: I seconded it.

Council Member Pagel: Point of order, wasn't there a question, Madame President, to the Assistant Law Director.

Assistant Law Director: I have not answered that question.

President Brown: She can't rule because she doesn't have an answer.

Assistant Law Director: I cannot rule at this point, I do not want to give an answer until I've had a chance to be better informed on this.

Council Member Minnick: Madame President, I do have Roberts Rules of Order, Parliamentary Law at a glance and it addresses postpone to a set time if the Law Director would like to see it.

Assistant Law Director: Mrs. Minnick, I'd like to go and do a thorough check on that. I don't

want to answer that right now. I would do that right this minute if Council wants to wait, but I will not rule on this until I'm absolutely convinced.

Council Member Gillock: Madame President, maybe we'll ask the Law Director, through you, if Council agrees, can we go ahead with the postponement or do we have to wait for a ruling?

Assistant Law Director: I would prefer to rule on that. I can do that in just a few minutes if Council wants to wait, but I'm not going to give you an answer right now without checking first.

President Brown: What's the pleasure. Does Council want to wait?

Council Member Butkowski: Madame President, it's already nine o'clock and I think she could certainly do a better job if she had more time.

Assistant Law Director: Thank you Mrs. Butkowski.

Council Member Gillock: She said she could do it in a few minutes.

Council Member Swindig: Is that a motion Dave?

Council Member Gillock: I don't know if we could make a motion. . .

Council Member Swindig: I don't think we can.

Council Member Pagel: Madame President, I think it would be prudent to take a break to allow the Assistant Law Director to seek a ruling.

President Brown: How about if I give you to quarter after nine.

Assistant Law Director: That'll be fine. Thank you.

President Brown: We will take a break so that our Law Director can look something up.

Council Recessed

President Brown: Mrs. Morgan, do you have a ruling?

Assistant Law Director Morgan: I do and I apologize for disrupting the meeting. I'm not questioning anybody's judgement, I just have to be sure before I make a decision on it and in checking the Roberts Rules it does take precedence over the main motion.

President Brown: So, now what do we do?

Assistant Law Director Morgan: There was a second, you would vote on postponement.

Council Member Minnick: I did have a second. I think this is the third time I've seconded it.

Assistant Law Director Morgan: Then we vote.

President Brown: Take roll please.

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

Clerk of Council White: Motion fails to postpone. We now have a motion and second for the adoption.

President Brown: Discussion? Take roll please on the adoption.

Yes, 5 No, 2 (Minnick, Butkowski)

Clerk of Council White: Motion carries five, two. T 136-2001 becomes Ordinance Number 3754-2001.

Permanent Ordinance No. 3754-2001

Clerk of Council White: That's all the third readings that I have.

UNFINISHED BUSINESS None

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White:

Organizational Council Meeting Wednesday, January 2, 2002 at 8:00 P.M.

The next Regular Council Meeting Monday, January 7, 2002 at 7:30 P.M.

President Brown: Thank you. Before I adjourn, I have something that I would like to say. I would like to wish all the people of North Ridgeville a Merry Christmas and a Happy New Year and I'd like to say God Bless North Ridgeville.

Council Member Butkowski: Madame President, I have some unfinished business. I would like to take this opportunity to thank Council President Jean Brown for dedicated work this past year and wish her best in her future plans. I'd also like to thank Council Member Minnick for all her hard work over the past four years representing ward four and wish her the best in her future plans. I would like to also thank Council Member Larry Overby for representing ward one and wish him the best in his future plans. May all the City employees and residents have Merry Christmas and a healthy, happy New Year.

Council Member Gillock: Madame President, I would like to thank Mr. Overby, Mr. White and Mrs. Minnick for their services over the last two to four years and join in the others in wishing the community a happy holiday season.

Council Member Swindig: Madame Chairman, I ditto that only I add you to the list.

Council Member Gillock: Excuse me Jean.

President Brown: Thank you Mr. Gillock.

Council Member Swindig: And all the residents of North Ridgeville.

Clerk of Council White: I have enjoyed the last four years and anyone that sat out here and doesn't realize that I've enjoyed it the last four years, haven't been listening. There's been some garbage that's gone on, which always will in North Ridgeville politics and if you're sitting out there you know that and if you're sitting up here you definitely know that but, I wish you the best and whoever is going to be sitting here.

Council Member Butkowski: Mr. White, I didn't leave you out on purpose because I think you're still going to be at our organizational meeting and I want to thank you too.

Clerk of Council White: I probably will, just for the heck of it. Lord only knows what happens.

Council Member Butkowski: And I'll tell you thank you then.

ADJOURNMENT

motion to adjourn by Swindig

President Brown: Meeting adjourned.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING DECEMBER 17, 2001**

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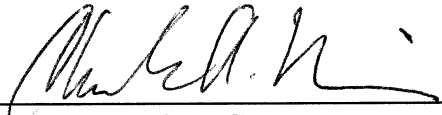
Meeting adjourned at 9:17 P.M.

MOTION _____ Pagel _____ 2ND _____ Butkowski _____ DATE _____ January 7, 2002 _____

YES _____ 6 _____ NO _____ 0 _____ ABSTAIN _____ 1 - Johnson _____



PRESIDENT OF COUNCIL



CLERK OF COUNCIL