NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING DECEMBER 16, 2002

CALL TO ORDER: 8:00 P.M.
President of Council David Gillock: I would like to call the Regular meeting of the North Ridgeville Municipal Council to order. Please stand for the Invocation and Pledge of Allegiance.

INVOCATION: lead by Council Member Bob Olesen.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Allen Swindig, Josanne Pagel, Bob Olesen, Bernadine Butkowski, Denny Johnson and President of Council David Gillock.
Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Chuck Norris.

President Gillock: I would like a motion to suspend By-Laws to address the playing of the tape for the appropriations
so moved by Butkowski, 2nd by Swindig
President Gillock: Is there any discussion? If not, please call the roll on the suspension of By-Laws.
Yes, 7 No, 0
Clerk of Council Norris: Motion is passed by a vote of seven to zero.

President Gillock: Do we have a motion to begin the tape?
moved by Butkowski, 2nd by Swindig to play the appropriations tape
President Gillock: Is there any discussion? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Motion is approved by a vote of seven to zero.

MINUTES - Corrections and Approval:
President Gillock:
Public Hearing Minutes of December 2, 2002 regarding T 129-2002
Public Hearing Minutes of December 2, 2002 regarding T 130-2002 and
Public Hearing Minutes of December 2, 2002 regarding T 131-2002.
motion by Johnson, 2nd by Buescher to approve the minutes for the three public hearings
President Gillock: Is there any discussion? If not, please call the roll.
Yes, 6 No, 0
Clerk of Council Norris: Motion is approved by a vote of seven to zero.

Regular Council Minutes of December 2, 2002
motion by Butkowski, 2nd by Johnson to approve
President Gillock: Are there any discussion or corrections? Please call the roll.
Yes, 6 No, 0 Abstain, 1 (Olesen)

President Gillock: Please note Civil Service Commission Minutes of Special meeting December 2, 2002.

COMMITTEE REPORTS:
motion by Butkowski, 2nd by Johnson to suspend By-Laws to introduce two committee reports
President Gillock: Is there any discussion? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Motion is approved by vote of seven, zero.

President Gillock: Mrs. Butkowski, do you have anything you want to present on the committee reports?
Council Member Butkowski: They're self explanatory. They clean up issues for the end of the year. We weren't able to have a meeting in time for cloture. That is why I have to suspend By-Laws. I have given you copies of them. Finance Report 7214 and 7215.

1) FINANCE COMMITTEE REPORT #7214 Members of Council: We have considered the matter of the issuance of BAN's of $900,000 for the repayment of existing BAN's maturing January 29, 2003 and recommend that this request be approved and proper legislation be drawn authorizing the above.
motion by Butkowski, 2nd by Johnson to accept
President Gillock: Is there any discussion on Finance Committee Report 7214? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Report 7214 is approved by a vote of seven to zero.

2) FINANCE COMMITTEE REPORT #7215 Members of Council: We have considered the matter of payment of principal and interest on BAN's of approximately $27,126 from the Parks and Recreation Improvement Fund related to the Storage/Restroom/Concession Facility and recommend that this request be approved and proper legislation be drawn authorizing the above.
motion by Butkowski, 2nd by Johnson to accept
President Gillock: Is there any discussion? Mr. Costin?
Auditor Costin: Mr. Chairman and Council, when we financed the building out at the Park and Rec area, Shady Concession Stand, it was agreed then that we would pay the debt service from their Park and Rec Improvement Fund at the rate of about $25,000 a year. Part of the bond anticipation notes that we are renewing are related to Park and Rec of which $25,000 and interest

are going to be paid from the Park and Rec Improvement Fund and there is no further required legislation. It just requires, at least, a verbal approval by Council. Thank you.
President Gillock: Is there any discussion on approving 7215? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Report is approved by a vote of seven to zero of Council.

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:
President Gillock: We have no written reports this evening but, it was discussed during the work session that we would ask the Law Director to give us a report in regards to the traffic light at Dyke Road.

Law Director Zagrans: Thank you Mr. President, Members of Council. I did meet, at your direction, with Mr. Crobaugh in the period of time since the last Council meeting and I wanted to explore with him some of the various possible alternatives that were discussed at the last Council meeting. Mr. Crobaugh expressed to me his sentiment that the various alternatives, whether the timer on the light was set at a different timing, whether the tripping of the light could be adjusted, was not the critical factor as far as he was concerned and he thought there were some members of Council who also expressed the sentiment that he then preceded to express. He said that what was his paramount concern was the question of whether the light was legal or not legal and that was the issue that was, not only of most concern to him but, he thought should be of most concern to the people of the City. So, that's the point at which we ended the discussion or we stopped talking at that particular time. Mr. Crobaugh, I believe, continues to maintain that the light as it is presently maintained is illegal and I think he said that he thought his view was strengthened, rather than weakened, by the knowledge that we have, a provision in the traffic code which says that among other things the lights in the City are to conform to the requirements of the Ohio Manual on Traffic Control Devices. So, my conclusion from the discussion is that there really was no compromise position that Mr. Crobaugh seemed immune able to entertaining given his statement to me that it's the legality of the light that is of concern to him, not whether it could be made more convenient or less convenient.
President Gillock: Are there any questions of the Law Director? Mr. Johnson?
Council Member Johnson: Yes, Mr. President. Mr. Zagrans, at the last meeting you indicated to us that the City stood a possibility to lose a lawsuit. It was indicated to me, the light as it stands now, is illegal. Misinterpretation?
Law Director Zagrans: That's not at all what I said.
President Gillock: I think this could involve potential litigation and if so I think this is something we should address in executive session. Does someone want to make a motion to address that this evening? Any other questions to the Law Director in regard to this issue, other than litigation? Mr. Zagrans?
Law Director Zagrans: Mr. President, I continue to seek to know whether Council would like to fund another traffic study to be done by an engineering firm with appropriate up to date information and counting all the traffic flows that should be counted rather than only in one

direction.
Mayor Hill: Mr. President, we have an estimated cost for that for Dyke and Case for six thousand dollars from the company we normally use for our traffic lights.
President Gillock: REFERRED TO SAFETY COMMITTEE to discuss and make a recommendation.
Mayor Hill: Mr. President, I'd like to point out one other thing I heard as I entered the room, the speech by Mrs. Buescher in which she said the State had said that the lights are to be removed. Actually, we received a letter that I shared with Council where they said it's up to the local jurisdiction. We received a second letter that I forwarded to our Law Director for his background information saying that they are reiterating their formal position and that is, it's up to the local jurisdiction.
President Gillock: Thank you. Anyone else?

Mayor: None

Safety-Service Director: None

Engineer: None

Law Director: None

AUDITOR'S REPORT:

Auditor's Financial Written Report for November 2002
motion by Swindig, 2nd by Butkowski
President Gillock: Are there any questions of the Auditor or discussion? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Auditor's Report is approved by Council by a vote of seven to zero.

OTHER REPORTS:

President Gillock: Please note:
Service Department Activity Report for November 25, 2002 through December 8, 2002; and Police Department Support Car Report for November 2002.

Planning Commission Liaison Report: Regular Meeting of December 10, 2002

Applicant:	Whitlatch & Co., P. O. Box 363, Twinsburg, 44087
Owner:	Sugar Chestnut LLC, 50 Public Square, Suite 1050, Cleveland 44113
Request:	Site plan approval of 36 unit condominium development to be known as Fairfield Lane Condominium in Waterbury PCD
Location:	Block "E" in Phase 1 of Waterbury PCD,

Permanent Parcel No. 07-00-036-000-003,-004.
(Postponed June 11, July 9, August 13 & September 10, 2002 at applicant's request. Postponed October 8, 2002 to amend plans and November 12, 2002 for further review)

PC Action: Approved as presented

motion by Olesen, 2nd by Swindig to approve

President Gillock: Is there any discussion? Mrs. Buescher?

Council Member Buescher: Mr. President, I believe that a new application should have been filed for this development. It wasn't and we still have the planners' comments from the first plans that were submitted to the Planning Commission and there have been changes. The planner's comments state that this is for two and three units, which would be triplexes. As long as that remains in that report which was attached to the Planning Commission report, I think that it makes it look like triplexes are legal or acceptable in this development. Until such time as another planner looks over this development and a new application is filed to avoid any confusion with the initial submission, I don't think that we should vote on that this evening.

Council Member Olesen: Mr. Chairman, a new plan was filed showing condominium units. We have literally, and I don't like using this word, horse this developer around for half a year now and I think he's meeting our legal requirements. I really feel that we can't do this much longer. In fairness to the developer, this is not right.

Council Member Butkowski: Mr. Chairman, I don't think we did anything to this developer. I think, it says here, he postponed these things. On October 7, T 189 failed and that was the triplex ordinance and the information that was approved by the Planning Commission states, with the planner's review, has two and three units. If this isn't what he wants to build, then it should of been removed and Mrs. Buescher is correct. This whole thing should of been started over again. The plans were totally changed and it could be changed again before the final approval. This has happened before. We have to do this stuff correctly the first time so we aren't coming back with a lot of different changes and everything. We're not following our PCD ordinance. It says we should have a planner's report. He's changed everything so, the planner should look at it again. I think it should all be withdrawn and started over. He knows what's required of him and he should be doing it.

Safety-Service Director Johnson: Mr. President, the planner's report was on two and three because of the first plan that went in, the triplexes. He addressed certain things. The sidewalk. He addressed parking spaces. The actual layout of the property did not change. The concrete streets are in the same places. He actually dropped one unit from 37 to 36 and he went to duplexes according to our law and the planner, I'm sure, would make the same remarks now except for the fact the parking is there and the sidewalks are there. He approved the concept of two's and three and now we have two units attached which makes it less but it does meet with our codes.

Council Member Pagel: I had a lot of questions of this before coming here tonight. I was against this plan because I believe that it's not us that has horsed this around. It is Planning Commission. Planning Commission should have cleaned this up before they brought it to us tonight. This old planner's report should have been taken out. This is a very nice presentation on these condominiums. He has, like Mr. Johnson said, gone according to our code. He has taken out the triplexes. He's put in dull units. That's exactly what I wanted to see or single units. I just think the Planning Commission should have been cleaner in their report. I have a hard time approving this action because this report is not crisp. It is not clean. I hate to put the developer out because he has given us a great plan. I think Planning Commission needs to clean up its act and I would be willing to send this back and have them have a special meeting to clean it up and present it to us in two weeks.

Council Member Buescher: Mr. President, I think that even an attachment which points to the report from Mr. Hill should read that this is for duplexes only and have that triplex reference removed from his report. Whatever it takes because this is the way the City gets in trouble when we make these reports and approve them.

President Gillock: I'd just like to point out that there were several delays and that was at the developer's request because he was waiting to see what we did with the triplex ordinance. It was also pointed out that Planning did look at the planner's report and they are aware, there's one that's in parentheses that say "two and three units", is the only thing in there that refers to the three units. They're aware that triplexes are not allowed and therefore that referral is basically irrelevant. You cannot construct three unit buildings in a PCD. I think, since they have looked at this and said they're fine with it, they've looked at the comments of the planner, made those recommendations, I don't see any reason to send this back to the Planner and spend another 750 or 1,000 dollars to get another memorandum that basically says the same thing and removes the words "three units". I think that's the only thing that would change.

Council Member Buescher: Mr. President, you may think it's irrelevant but, it's messy and there's no reason we should be presented with anything that isn't very specific so that we don't have to worry about lawsuits down the line.

Council Member Butkowski: Mr. Chairman, this report also says, no guest off street parking is in there and no sidewalks. Now, in the new plan he may have that, but now the planner hasn't looked at it so I think it's in the best interest of the City to send it back and let them do their work correctly and follow the things. So he has to pay the planner again. He's the one who keeps coming forward, back and forth. That's not our fault. This has to be done the way the ordinance is written up.

President Gillock: I think Mrs. Pagel is correct. The developer has done everything we've asked him to do. However, we have a motion on the floor to approve it and it's been made and seconded. Make a subsidiary motion to postpone it until after Planning reviews it again, or not and we'll go ahead and vote.

Council Member Pagel: I will make a subsidiary motion to postpone voting on this report until the next Council meeting to have Planning Commission clean up the report. I hate to see this do for a real long time because, actually, I would have liked to have seen this plan two weeks ago or a week ago but, that's my motion.

President Gillock: Actually, you're going to have to make it two meetings from now unless Planning holds a special meeting because they won't meet again to the next meeting.

Council Member Pagel: They can make a special meeting.
President Gillock: They could. That's fine.

motion to postpone until the next Council meeting and refer this back to Planning for their review of the planners' report by Pagel, 2nd by Butkowski

President Gillock: Is there any discussion on referring this back to Planning? If not, call the roll.
Clerk of Council Norris: On the motion to postpone until next Council meeting and refer back to Planning Commission.

Yes, 4 No, 3 (Swindig, Olesen, Gillock)

President Gillock: REFERRED BACK TO PLANNING COMMISSION FOR REVIEW.

OLD BUSINESS: None

NEW BUSINESS:
T 142-2002 An ordinance authorizing payment to Lorain County Transit for transit service.

Safety-Service Director Johnson: Mr. President, under new business, I would like to bring up the ordinance I brought before Council tonight for a T number. That is for the rebuilding of the bridges on Lear Nagle Road for Issue Two money.

motion to suspend By-Laws to discuss the Ohio Public Works ordinance by Mayor Hill, 2nd by Butkowski

President Gillock: Is there any discussion on suspending By-Laws? If not, call the roll.
Council Appointment:

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven, zero.
President Gillock: Please assign a T number to the ordinance in regards to the Ohio Public Works.
Clerk of Council Norris: T number assigned is 143-2002.
President Gillock: Mayor Hill introduced this ordinance and Mr. Johnson addressed it during the work session. Would you like to discuss this at this time or tell us what it's about?
Mayor Hill: Yeah, I'd like to add to that discussion. We had to bridges, as you know, on our priority list. Those were funded by Council to be repaired, I think maybe almost three years ago but, because of the road funds that were needed we kept depleting that funding. So, finally it went before the Ohio Public Works Commission which is a long drawn out process. You have to submit it to the Integrating Committee in August, no later than, normally it's around September 6 so that Council passes it usually in July. It was before the Integrating Committee, on which I sit, then at sometime it goes before an engineering committee, then sometime it goes down to the State Columbus offices to be approved. Well, we were very, very concerned about, number one, that we would not get funding normally in the amount of 50 percent from Ohio Public Works Commission for both bridges on Lear Nagle. So, at the Integrating Committee meeting someone said to me and actually it's a resident and said at the meeting, the resident is Bill Gardner, for

which I thanked him that, in Sheffield Village they had received emergency funding for one of their bridges that was not as bad as ours. Well, I didn't hesitate and immediately talked to the County Engineer who directs or is chairman of the Integrating Committee. We contacted Larry Bicking, the Director of Ohio Public Works Commission and as most of you know, I was one of the commissioners and was chair of that commission up until this past year because it went past the number of years that are permitted as a commission member so, I contacted Larry Bicking, Mr. Beutler, our former City Engineer, put together a package which included pictures how that bridge is shored up and so forth. After talking to Larry Bicking, the first offer they had because their emergency funds are very limited, they really are for emergencies and talk to him, they had first offered 50 percent in emergency funding. Talked to him again, now they're up to 70 percent of the funding which is better than we could get from the Integrating Committee at the County level. That's 87,500 dollars. That is not a lone, it's an out right grant. It's above and beyond what we hope to receive for the second bridge project. That means that the funds can be released immediately if I can sign this within the ten day period. If it goes past the ten day period, as I've explained to Council and the public before, the rest of the world doesn't move on our time. If we get it in within that ten days we get the 87,500. If we delay, we don't get it. Plain and simple. End of it because their emergency funds, as I said, are extremely limited and we are very, very fortunate to get 70 percent. Thank you.
President Gillock: Any questions of the Mayor?
Council Member Johnson: Mr. President, I just want to ensure that the widening of Center Ridge accommodates the possibility of four lanes when the time comes. I don't want to see a two lane bridge that we'll have to go tear up and put a four lane bridge in.
Mayor Hill: This is on Lear Nagle.
President Gillock: You said Center Ridge.
Council Member Johnson: Lear Nagle, I'm sorry.
Safety-Service Director Johnson: Yes, that will go right-of-way to right-of-way. It's a 60 foot wide structure so that we can continue full width of the road.
President Gillock: Anyone else? We have motion to give this a first reading this evening?
motion by Swindig, 2nd by Butkowski to give T 143-2002 a first reading this evening
President Gillock: Is there any discussion? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Motion is approved by a vote of seven to zero.

President Gillock: Council has to appoint an auditor every two years, the off year from an election. I now open the nominations for Auditor.
Swindig nominated Chris Costin for Auditor, 2nd by Butkowski
President Gillock: Are there any other nominations?
motion to close nominations by Johnson, 2nd by Butkowski
President Gillock: Is there any discussion on closing nominations? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Mr. Costin is appointed by a vote of seven to zero by Council.

Council Member Swindig: Point of order. We should have voted on closing of the nominations first.
President Gillock: We did vote on closing nominations and since he is the only candidate you don't have to vote.

motion by Mayor Hill to appoint Dennis Boose to the Parks and Recreation Commission, 2nd by Swindig

President Gillock: Is there any discussion? Mayor Hill?
Mayor Hill: Mr. Boose has serviced on the Parks and Rec Board since April 3, 2002. In fact, he's here if you would mind standing Mr. Boose. He has demonstrated a clear commitment to and interest in the development and positive progress of our City's parks and programs. The term would be effective immediately until 12-14-2005.
President Gillock: Thank you. Any other discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Mr. Boose is appointed by a vote of seven to zero.
Mayor Hill: Thank you. Thank you Mr. Boose.

motion by Mayor Hill to appoint Linda Dunham to the Board of Zoning and Building Appeals, 2nd by Swindig

President Gillock: Is there any discussion? Mr. Johnson?
Council Member Johnson: Without accusations of any kind, I oppose Mrs. Dunham's appointment to this board due to her employment with one of the developers in this City. I said, no accusations of any kind involved in that, I just prefer to see a more diverse board, a cross section of people in the City.
Mayor Hill: Mrs. Dunham is a reappointment. She has successfully and honorably served on the board from January 1, 2002. There has never, ever been a question of conflict or concern. The present term expires December 31, 2002. The new term would take effect January 1, 2003 and will run until December 31, 2006.
President Gillock: Any other discussion? Mr. Olesen?
Council Member Olesen: Mr. President, I've known Linda Dunham for a long time. She's very active in the community. Comes to Planning Commission meetings and other meetings held in this City. Always willing to give her input. I think she'd be a very good candidate to be reappointed to the Zoning Board.
President Gillock: I would also like to add my support to the reappointment of Linda Dunham. I think she's done a fine job on that Board. Anyone else? Please call the roll.

Yes, 4 No, 3 (Buescher, Butkowski, Johnson)

Mayor Hill: Thank you very much Mrs. Dunham.
Clerk of Council Norris: Mrs. Dunham has been appointed by a vote of four to three.

Mayor Hill: As I've said, it's never easy to be a volunteer here. The next appointment I'd like to make is to Planning Commission and that's to Andy Young. Andy, if you'd stand. Mr. Young was recently appointed to the Board of Zoning Appeals. To the seat Mr. Bowman wishes to occupy. Planning Commission member Paul Butkowski has requested that he not be reappointed due to family time commitments. In considering Mr. Bowman's offer to serve on the Board of Zoning Appeals, Mr. Young's extensive background in real estate law and with the fact that the Board of Zoning Appeals already has two lawyers on the board, while the Planning Commission has none, I am nominating Mr. Young to the Planning Commission. The term begins January 1, 2003 and extends to December 31, 2006.

motion by Mayor Hill, 2nd by Swindig to appoint Mr. Young.

President Gillock: Is there any discussion?

Council Member Olesen: Mr. Chairman, I think an attorney on the Planning Commission might be very helpful.

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

Yes, 7 No, 0

Clerk of Council Norris: Mr. Young is appointed to Planning Commission by Council by a vote of seven to zero.

President Gillock: I'd just like to remind Mr. Young to be sure to resign from the other board before January 1.

motion by Mayor Hill to appoint Chuck Bowman to the Board of Zoning and Building Appeals, 2nd by Swindig

President Gillock: Is there any discussion?

Mayor Hill: Mr. Bowman, if you'd stand please. Chuck, has approached me with a request to be reappointed to the Board of Zoning Appeals. Mr. Bowman was a dedicated member of the Board of Zoning Appeals for several years, before I came on board, and also serviced on the Civil Service Commission as my appointment. Mr. Bowman has indicated that he sincerely misses his service to the community as a former member of the Board of Zoning Appeals. There is no question that Mr. Bowman has the experience and knowledge to serve well. The appointment would take place immediately and the term would expire on December 31, 2003.

President Gillock: Is there any other discussion? Mrs. Pagel?

Council Member Pagel: I agree that Mr. Bowman will make an excellent addition to the Board of Zoning Appeals. As he puts it, he does his homework and I appreciate that. He is also a member, at this time, my appointee from ward three of the Flood and Drainage Board. He will have to resign that position according to Charter.

President Gillock: Anyone else? I certainly support Mr. Bowman's appointment to the Board. He has been a very active supporter of the City. Please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Mr. Bowman is appointed to the Board of Zoning Appeals by a vote of seven to zero of Council.

President Gillock: I would like to thank all four of the individuals. There are unpaid positions and it does take a lot of time and energy and we certainly appreciated it.

CORRESPONDENCE:

Clerk of Council Norris:

1) Received a letter from Stephen J. Gauthier, Director/Technical Services Center of the Government Finance Officers Association notifying us that our comprehensive annual financial report for the fiscal year ended 2001 qualifies for a Certificate of Achievement for Excellence in Financial Reporting which is the highest form of recognition in governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management. The Certificate of Achievement plaque will be shipping to Mr. Chris S. Costin, CPA, CFGM, City Auditor.

President Gillock: Congratulations to Mr. Costin.

2) Received a letter from Parks Director Jim Spaulding on behalf of the Parks and Recreation Commission, requesting that the issue of adopting a criminal background screening process for volunteers be referred to the appropriate committee.

President Gillock: REFERRED TO SAFETY COMMITTEE.

3) Received notice from Daniel Billman, District Director announcing the adoption of the amended Lorain County Solid Waste Management Plan by the Policy Committee on November 12, 2002. Within 90 days of receiving the Plan, the Board of Commissioners and each legislative authority shall approve or disapprove the draft plan by ordinance or resolution.

4) Received notice from Zakee Rashid, VP/GM Cleveland Area, AT&T Broadband that effective February 2003 customer billing statements will have price adjustments to the cable products and services offered in their North Ridgeville properties. Customers will be provided with 30 days advance notice of these price changes via a legal notice in local newspapers.

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Everyone is welcome to address Council. By By-Laws you're allowed three minutes. We would ask that you sign in using the lobby sign in sheets in the back. Is there anyone who wishes to address Council at this time?

1) Joe Antush of 38500 Otten Road, spoke about R-1 zoning developments developed as grid or cookie cutter developments. Commented on Avalon Subdivision and not seeing evidence of grid or cookie cutter developing. Commented on the PCD ordinance and nothing outlawing a grid or cookie cutter building in PCD's. Spoke about additional tax income with the additional housing.

2) Chris Crobaugh of 38460 Otten Road commented on Mr. Zagrans and his conversation.

Stated that this is not about making Chris Crobaugh happy. It's about the rule of law. Spoke on past City Officials and School Officials letters. Stated that the law is clear as to what the City has to do.

3) Gene Kleinholz of 7324 Dyke Road commented on the traffic light. Stated that Ohio is a home rule state and Council can say if it stays or not. Stated that he's for going with the law.

4) Joe Antush of 38500 Otten Road spoke about deer/car accidents and the damage that they due and that bow hunting would be the humane way to deal with this situation. Suggested that Council put it on the ballot to see what the citizens want.

Council Member Buescher: Mr. president, I just want to make it clear, again, that it's not up to the Council to decide where traffic lights are placed or removed or changed in the City of North Ridgeville. That is a function of the administration. Thank you.

RECESS: from 8:53 P.M. to 9:10 P.M.

FIRST READINGS:

Clerk of Council Norris:

T 124-2002 AN ORDINANCE PROVIDING FOR THE PAYMENT OF UNUSED VACATION TIME TO ANDY WAGNER.
First Reading

T 137-2002
3863-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND NEGOTIATE AND ENTER INTO A CONTRACT(S) ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE PURCHASE AND ERECTION OF A STEEL BUILDING FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT BIORICH® SLUDGE BAGGING PROJECT, INCLUDING ANY RELATED EQUIPMENT, MATERIALS, AND SUPPLIES, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR ENGINEERING, SPECIFICATIONS, BID PREPARATION AND SUPERVISION SERVICES FOR SAME NOT TO EXCEED $170,000.00.
First Reading
motion by Mayor Hill, 2nd by Swindig to dispense with second and third readings

President Gillock: Is there any discussion? If not, please call the roll.
Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by Council by a vote of seven to zero.
motion by Mayor Hill, 2nd by Swindig to adopt

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

Auditor Costin: Just for the record, this will be included in 2003 expenditures.

President Gillock: Any other discussion? Please call the roll on the adoption.
Yes, 7 No, 0
Clerk of Council Norris: Motion to adopt is approved by a vote of seven to zero and becomes permanent ordinance 3863-2002.
Permanent ordinance No. 3863-2002

T 138-2002
3864-2002
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, 2003 AND ENDING MARCH 31, 2003.
First Reading In Full
motion by Butkowski, 2nd by Swindig to amend by substitution in its entirety
Yes, 7 No, 0
motion by Butkowski, 2nd by Swindig to dispense with second and third readings
President Gillock: Is there any discussion?
Council Member Butkowski: Mr. Chairman, I would like to defer to the Auditor. Do we need the emergency?
Auditor Costin: yes, we do. We'd like this to take full effect before December 31.
President Gillock: Is there any further discussion on dispensing with second and third? If not, please call the roll.
Yes, 7 No, 0
motion by Swindig, 2nd by Butkowski to adopt
motion by Butkowski, 2nd by Johnson to add the emergency
President Gillock: Is there any discussion on adding the emergency? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Emergency is approved by a vote of seven to zero by Council.
President Gillock: Please call the roll on the adoption.
Yes, 7 No, 0
Clerk of Council Norris: T 138-2002 is passed by a vote of seven to zero by Council and becomes permanent ordinance 3864-2002.
Permanent Ordinance No. 3864-2002

T 139-2002
3865-2002
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.
First Reading
motion by Swindig, 2nd by Butkowski to dispense with second and third readings
President Gillock: Is there any discussion? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Motion is approved by a vote of seven to zero.

motion by Swindig, 2nd by Butkowski to adopt
President Gillock: Is there any discussion on the adoption? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Motion is approved by a vote of seven to zero and T 139 becomes permanent ordinance 3865-2002.
Permanent Ordinance No. 3865-2002

T 140-2002
3866-2002

AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 3779-2002 AND 3860-2002 FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2002 AND ENDING DECEMBER 31, 2002.
First Reading In Full
motion by Butkowski, 2nd by Johnson to amend T 140 by substituting in its entirety the new ordinance
President Gillock: Is there any discussion on the amendment? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Motion is approved by a vote of seven to zero
motion by Butkowski, 2nd by Buescher to dispense with second and third readings
President Gillock: Is there any discussion on dispensing with second and third? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Motion is approved by a vote of seven, zero.
motion by Butkowski, 2nd by Johnson to adopt
motion by Butkowski, 2nd by Buescher to add the emergency
President Gillock: Is there any discussion on the emergency? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Emergency is approved by a vote of seven to zero.
President Gillock: Is there any further discussion on the adoption? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: T 140 is approved with the emergency by a vote of seven to zero and becomes permanent ordinance 3866-2002.
Permanent Ordinance No. 3866-2002

T 141-2002

AN ORDINANCE AUTHORIZING THE MAYOR OR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM TO PREPARE PLANS, PROFILES, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF A SANITARY SEWER, STORM SEWER, WATER LINES AND A PAVED STREET TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, ALONG BIRCH STREET FROM THE EXISTING PAVEMENT SOUTH APPROXIMATELY

1,280 FEET, AND PAVED STREET ALONG BEECH STREET BETWEEN CORNELL AVENUE AND BIRCH STREET, NOT EXCEED $30,000.00.
First Reading

T 143-2002
3867-2002
AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE REPLACEMENT OF THE LEAR NAGLE ROAD/MILLS CREEK NORTH AND SOUTH BRIDGES, 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 $250,000.00.
First Reading
motion by Swindig, 2nd by Olesen to dispense with second and third readings
President Gillock: Is there any discussion? If not, please call the roll.
motion by Swindig, 2nd by Olesen to adopt
motion by Swindig to add the emergency due to the ten day limit that the Mayor has to reply, 2nd by Olesen
President Gillock: Is there any discussion on the emergency? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: Emergency is approved by a vote of seven to zero.
President Gillock: Is there any further discussion on the adoption? If not, please call the roll.
Yes, 7 No, 0
Clerk of Council Norris: T 143 is approved by a vote of seven to zero with the emergency and becomes permanent ordinance 3867-2002.
Permanent Ordinance No. 3867-2002.

SECOND READINGS: None

THIRD READINGS:
T 130-2002
3868-2002
AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED ORDINANCE SECTION 1294.01(G), ADDING THE REGULATION OF ACCESSORY USES THERETO.
Third Reading
motion by Olesen, 2nd by Pagel to adopt
President Gillock: Is there any discussion? If not, please call the roll.
Yes, 6 No, 1 (Butkowski)
Clerk of Council Norris: T 130 is passed by a vote of six to one and becomes permanent ordinance 3868-2002.
Permanent Ordinance No. 3868-2002

T 131-2002 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
3869-2002 ORDINANCE SECTION 1244.05(D)(1) AND ADDING LANGUAGE LIMITING CONDITIONAL USES.
Third Reading
motion to adopt by Olesen, 2nd by Pagel

President Gillock: Is there any discussion? If not, please call the roll.
Yes, 7 No, 0

Clerk of Council Norris: T 131 is approved by a vote of seven to zero becoming permanent ordinance 3869-2002.

UNFINISHED BUSINESS:

Council Member Butkowski: I would just like to wish everyone a Happy Holiday and peace and good will to all.

COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris:
Next Council Work Session, Monday, January 6, 2002 at 7:30 P.M.

Next Regular Council meeting, Monday, January 6, 2002 at 8:00 P.M.

Council Member Swindig: Mr. President, I would like to take this time to wish everybody a Merry Christmas and a Happy New Year and I move to adjourn.

President Gillock: I'd like to add my Happy Holidays. See you all next year.

ADJOURNMENT:

motion to adjourn by Swindig, 2nd by Butkowski

President Gillock: Meeting adjourned.

Meeting adjourned at 9:25 P.M.

MOTION Butkowski 2ND Buescher DATE January 6, 2003

YES 7 NO 0 ABSTAIN 0

PRESIDENT OF COUNCIL

CLERK OF COUNCIL