

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING DECEMBER 3, 2001**

CALL TO ORDER 7:30 P.M.

President of Council Jean Brown: I would like to call the North Ridgeville Municipal Council regular meeting to order, December 3, 2001. Please stand for the Invocation and the Pledge of Allegiance.

INVOCATION

President Brown: We will have a moment of silence to remember all those that are fighting in Afghanistan for our own liberty and justice for all.

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, Law Director Eric Zagrans, Engineer Thomas Beutler, Auditor Chris Costin and Clerk of Council Jim White.

MINUTES

Public Hearing November 19, 2001 (T 103-2001 Revised)

motion by Swindig, 2nd by Overby

President Brown: Any discussion? Any corrections? Please take roll, Mr. White.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Regular Council Minutes of November 19, 2001

motion by Overby to accept, 2nd by Swindig

President Brown: Any corrections?

Council Member Pagel: Madame President, I have two corrections, on page four, going down the page to the vote, motion by Mayor Hill to appoint Mr. Overby to Parks and Rec Board, I believe my vote was a yes vote, I'm sorry, I'm mistaken at this time. There's only one correction and it's on page 18, I apologize. Page 18, under the paragraph there's a discrepancy with the number of votes that was carried, five, one, one. Where it says yes, there is a four. I believe that should be a five. That is all the corrections I have.

Clerk of Council White: Thank you.

President Brown: Any other discussion or corrections? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero for the minutes with correction.

President Brown: Please note
Parks and Recreation Commission Minutes of October 24, 2001; and
Civil Service Commission Minutes of November 27, 2001.

motion by Swindig to suspend By-Laws to start the appropriation tape, 2nd by Butkowski
President Brown: Any discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to start the tape.

COMMITTEE REPORTS None

MAYORS REPORT

Mayor Hill: Thank you, Madame President. As a Girl Scout which was a few years ago, I sang Christmas carols as the lights on the Christmas tree in front of the Old Town Hall were turned on. The tradition continued for many years and then stopped. Five years ago, I reestablished the annual Christmas tree lighting at South Central Park. Since then, it has expanded and grown. This Saturday we had nearly 20 Cub Scouts, Boy Scout, Brownies and Girl Scout Troops help to decorate the tree in the gazebo and the one on the new porch of the Senior Center and Parks offices. The High School and Middle School choirs led us in song and Santa and Mrs. Claus visited. Over 300 people attended. I want to thank Christa Centanni, the Parks Program Director, the choirs, and the Scouts and their families for organizing and taking part in the celebration. Special thanks to Mould's Plantation for donating both Christmas trees. And by the way, Mould's also is contributing the plantings around the new South Central Park sign on Avon Belden Road and we certainly thank them.

A friendly reminder that on Wednesday, December 5th, a public information session about the Route 83 railroad over or underpass will be held in the Middle School cafeteria, and that's the basement, from five to seven P.M.. Tables will be set up so one-on-one discussions with the ODOT engineering firm can take place. From four to five P.M. the ODOT firm will hold a question and answer session for elected officials.

We are in the process of distributing photo identification badges to all City employees. The badges will ensure greater security for our citizens in that when someone comes to your home or is on nearby property, you will be able to ask to see their identification. We hope to have the badge distribution completed in the next few weeks.

I would like to commend Chuck Bowman, who happens to be here tonight, for his six years of hard work as a member and chairperson of the Civil Service Commission. It has taken much time and effort to test candidates for the Police and Fire Departments and to update the Civil Service rules over that period of time. Chuck has, however, notified me that he would prefer not to be reappointed as his term expires on December 31st. I believe he has other irons in the fire, congratulations on that. We will miss his leadership and devotion to the post. I am nominating

Stephen Hales for the six-year seat effective January 1, 2002. Mr. Hales, if you could stand. There he is. Mr. Hales graduated from Bowling Green State University with degrees in Sales Management and Management. He has worked as a business analyst and currently is an accounts manager with Ken-Mac Metals. He has lived in North Ridgeville since 1989 in the Mills Creek subdivision. He is married with two three-year old daughters. I take it they're twins?

motion by Mayor Hill to approve Mr. Hales to the Civil Service Commission, 2nd by Swindig

President Brown: Any discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero for Mr. Hales to be Civil Service.

Mayor Hill: Thank you and thank you Mr. Hales.

Lastly, T 158-2001 is an ordinance authorizing the bids and contract for the repair and improvement of Lorain Road. The total repairs will cost up to four hundred twenty-five thousand dollars. Two hundred eighty thousand dollars of that will be from the Ohio Public Works Commission. We have been approved for an eighty thousand dollar 20 year, no interest loan from the Public Works Commission in combination with a two hundred thousand dollar grant. The application to Ohio Public Works includes a provision that says we will, like other cities, accept a loan to cover a portion of the costs associated with the project. We have accepted these loans before because you just can't beat a 20 year, no interest loan. I had tried to get the loan decreased and the grant increased, but was informed last Friday that the amounts stand. The Executive Committee and the Integrating Committee meetings of Ohio Public Works will be held this Friday. We must be able to present authorizing legislation as you see in T 158-2001 this Friday. If we do not, we lose not only the loan, but the grant as well. So, I am asking that By-Laws be suspended for passage tonight and we do not need the emergency. Thank you, that concludes my report

President Brown: Thank you, Mayor Hill. Anyone on Council have any questions of her oral report? Seeing none, 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 Barres, Jaycox, Ridge Plaza, Ridgeview, Avon Belden and the Dyke Road area.

The West Point retention restrictor area has been cleaned and all the debris has been removed. The channel that goes to the West Point Lake has also been cleaned.

The ditch and creek that goes by the east side of the Shady Drive Baseball complex on Sugar Ridge Road is being cleaned.

There was one water break and one service line disconnected in the last two weeks.

Concrete pads were poured on Joanne and Tree Moss.

The new Christmas decorations were put up around the city.

The sewer vac was used in several areas. They were Bainbridge, all of the West Point subdivision, Aurensen and Route 83.

Catch basins were rebuilt on Joanne, Ridge Plaza and Avon Belden.

Crack sealing was performed on Noll and Aurensen.

Barres Road has again been graded.

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

President Brown: Thank you, Mr. Johnson. Does anyone on Council have a question of his oral report? Seeing none, moving on, Engineer.

ENGINEER'S REPORT

Engineer Beutler: Thank you, Madame President. I've got three City projects I'd like to report on tonight. The westerly sanitary sewers are complete down to Center Ridge Road as I've reported in the past. The testing is on going and that portion of the sewer could be put into operation by the end of the year.

The new water tower is now filled and has passed bacteria testing. The contractor needs to decommission the old water tower and make minor piping changes for the new water tower to be in full service. This decommissioning will take place in the next seven to ten days.

Sugar Ridge Road reconstruction, phase two is approximately 95 percent complete.

After learning of the truss problems in Stewart Lovece's letter of November 7, 2001, I cosponsored with the Law Department, two letters requesting information from the former Engineer in order to protect the citizens of North Ridgeville. There has, of this date, been no response from Mr. Lovece in regards to these requests. The City has no knowledge of any verifiable facts of any problems with roof trusses in the City of North Ridgeville.

The City of North Ridgeville experienced a rare event yesterday in the transportation of four large tanks going to a manufacturing facility in a neighboring community south of the City. The move through the City went as smooth as one could expect for cargo of a height and width of approximately 20 feet. They arrived in town about 12:00 noon and exited the city at approximately three P.M.. This movement was done without any public money and that

concludes my report.

President Brown: Does anyone have any questions of the Engineer's oral report? Mr. Gillock?

Council Member Gillock: Yes, I'd just like to request a copy of the letters to Mr. Lovece.

Engineer Beutler: Okay.

President Brown: I have one Mr. Beutler, I wonder if we're going to be required to put some kind of a light or something on top of that tower for airplanes.

Engineer Beutler: I believe there is one there at this point.

President Brown: On the new one?

Engineer Beutler: Yes.

President Brown: Thank you. Auditor's report, Mr. Costin.

AUDITOR'S REPORT

Auditor Costin: Madame Chairman, there is no report scheduled for this evening, but I do have a couple of comments and requests, if I would. First item, we typically at this time of the year have two appropriation ordinances which we discussed at the last meeting would be forth coming. The first is a temporary and that's been prepared for you tonight for your passage. T 149, I would request that be passed with the emergency only so that it would be in full effect on January 1st when we start the new year 2002.

Further T 153 deals with compensation tables attached to certain ordinances. I would request that be also passed tonight with the emergency and that represents the correction of an oversight that goes back to appropriation meetings we had last April, this past April.

T 145, I believe that's on its second reading and as I cautioned you at the last meeting, I would request that not be adopted until appropriation hearings that will be scheduled in late February or early March, only because there's no dollars appropriated and in fact, perhaps the Council would consider referring that to the Finance Committee to be part of that appropriation process.

Should you choose to pass T 152 tonight, which deals with the annual conversion, that would require no emergency.

Two other matters that the Mayor has asked me to explain. T 150 and 154 deal with the TOPPS TIFF project. We have approving legislation in place with regard to the TOPPS project right now and T 150 and 154 deal with the approval to go ahead with construction and for the issuance of bond anticipation notes. Now, we would not act on these, should they be passed, we would not act on these until the proper agreements are in place. Once they are in place, it's our understanding that this project will be on a fast track. So, this would complete the legislation we would have to have in place to proceed with the project accordingly. If passed tonight, it also, neither of these would need to have the emergency attached.

Finally, T 151 deals with the Shady Drive Complex bond anticipation notes and in accordance with the request by Finance Committee report, this would be my recommendation to issue bond anticipation notes, ~~all be it at four~~ ~~albeit for one~~ hundred twenty-five thousand dollars and these would piggy back the TOPPS BAN'S, the TOPPS notes, be issued at the same time which would minimize our professional fees, outside costs. Now, should for whatever reason, the TOPPS project not proceed and those BAN'S not be issued, then what we would do is not move forward with the issuance of the Shady Drive BAN'S and I would come back to you with another recommendation thereafter. But, if this also is passed tonight, it would be in place so that we could proceed with that particular project and it's my understanding discussing with Parks and Rec, that grant money with regard to this project has to be spent before the end of this coming year. Now, we would have to follow up with an appropriate construction ordinance as well and I would think that would follow in short time.

If there are any questions or you would like further comment on what's contained in the temporary appropriation ordinance, T 149, I would be glad to answer any questions at the time it has its first reading. Thank you.

President Brown: Thank you, Mr. Costin. Any questions of Mr. Costin's report? Moving on to the Law Director Mr. Zagrans.

LAW DIRECTOR'S REPORT

Law Director Zagrans: Thank you. A great American writer, I think it was H. L. Mencken of the Baltimore Sun said, life isn't one damn thing after another, it's the same damn thing over and over again. Well, we in North Ridgeville seem to like to do the same thing over and over again and my report tonight concerns two of those issues.

The first is a follow up and conclusion to the issue that arose last time with the decrease in Council Member Swindig's salary. I issued a ruling at that time, basically off the cuff since I was unaware that the issue was going to arise and I couldn't recall the name of the case decision by the Ohio Court of Appeals that squarely held the way that I ruled. By the way, my ruling last time is the third Law Director ruling on this very issue approving the theme of my report. The first was by Law Director Serazin on January the 9, 1998. The second, in which by the way, my predecessor said and I quote, therefore a decrease in salary enacted prior to the beginning of a term of office but after election, is not in violation of Section 731.07 of the Ohio Revised Code or Section 102.03 d or e of the Ohio Ethics law. I ruled the same way in December 1999 when the issue came up for the first time after my tenure in office began and of course the third time was last Council meeting. The case whose name I could not remember was Coleman versus City of Canton, decided on May the 4th, 1998 so, it is a very recent opinion, unanimous opinion by the Court of Appeals for the Fifth Appellant District, Stark County and the Court said in relevant part, we find the language of Revised Code 731.07 clearly limits its application to in term pay raises. Certainly the legislature could have included pre term post election pay raises if it desired to do so but, the Court will not assume that the General Assembly was careless in forgetting to

include language to cover the situation currently before the Court. If 731.07 is limited in its application to in term pay raises, then it would also be so limited to pay decreases that would be in term rather than pre term. So, hopefully that will be the end of that matter. Maybe not.

The second matter that is a reprise of ghosts of Christmases past is that we now have the third Supreme Court litigation involving the very same Meadow Lakes and Waterbury PCD ordinances. The City has been served, by the way the City was served on November the 26th so, it will be obliged to file a response in the Ohio Supreme Court within the next two weeks. The City will be asking the Court to dismiss the action because the issues are decided by two other Ohio Supreme Court decisions that took place this past year and because the November 2001 election is over and hopefully that we will be able to put that to bed as well. Thank you, that concludes my report.

President Brown: Thank you, Mr. Zagrans. Anyone on Council have a question of his oral report? Seeing none, moving on to other reports.

OTHER REPORTS

President Brown: Please note:

Police Department Support Car Annual Report for 2001;

Building Department Report for October 2001; and

Mayor's Court Case Report for October 2001.

Parks & Recreation Commission Liaison Report:

Council Member Overby: No Report.

Senior Citizens Advisory Board Liaison Report:

President Brown: I do not have a report on the Senior Citizens Advisory Board.

Planning Commission Liaison Report:

Council Member Gillock: Planning meets next Tuesday the 11th at seven o'clock.

OLD BUSINESS None

NEW BUSINESS

Clerk of Council White: Received a Petition to the Council of the City of North Ridgeville, Ohio from the owners of property, which assessed property comprise more than sixty percent of the front footage abutting upon the street to be improved. Respectfully petition the Council 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 Gloria Avenue from Jefferson Avenue east to the existing pavement. Consent and request that the special assessments for the improvement be levied and collected without limitation. Consent and request that all legislation required to be enacted to permit the improvement to commence immediately be enacted at one

Council meeting.

Council Member Swindig: Madame Chairman, I would move that we refer that to the Law Director in regards to the legality and sufficiency for the special assessments.

Council Member Butkowski: Madame President, I would also like that to be put in Utilities Committee.

President Brown: Utilities too, okay.

Clerk of Council White: Are you doing that?

President Brown: Right now.

Clerk of Council White: Both places?

President Brown: Um hum and Mr. Zagrans. Will you make a note of that Mr. Zagrans?

Law Director Zagrans: I have.

REFERRED TO LAW DIRECTOR AND UTILITIES COMMITTEE

Clerk of Council White:

T 147-2001 An ordinance authorizing and directing the submission to the Electors of proposed Ordinance No. 3621-2000 of the City of North Ridgeville, Ohio.

Council Member Overby: Madame President, I will ask that that go to Buildings and Lands please.

President Brown: Okay, I will refer that to Buildings and Lands.

REFERRED TO BUILDINGS & LANDS COMMITTEE.

Clerk of Council White:

T 148-2001 An ordinance authorizing and directing the submission to the Electors of proposed Ordinance No. 3628-2000 of the City of North Ridgeville, Ohio.

Council Member Overby: Madame President, I ask that this too be sent to Buildings and Lands.

President Brown: Yes, go to Buildings and Lands.

REFERRED TO BUILDINGS & LANDS COMMITTEE.

Clerk of Council White:

T 150-2001 An ordinance providing for the issuance and sale of \$800,000 notes, in anticipation of the issuance of bonds, for the purpose of improving Lear Nagle Road and Center Ridge Road and adjacent City easements between certain termini by grading, draining, widening, curbing, paving, constructing a new turn lane, sanitary sewers and sidewalks and installing and improving traffic signs, signals and signalization, where necessary, in each case together with the necessary appurtenances and work incidental thereto.

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

President Brown: Discussion? Take roll please.

 Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 150-2001 will have first reading tonight.

T 154-2001 An ordinance authorizing the Mayor to negotiate and enter into a contract with

necessary engineering, consultant and/or architecture firms for plans, specifications and construction phase services for the Lear Nagle Road improvements project and appurtenances thereto associated with the TOPPS construction project and to advertise for bids and negotiate and enter into contracts according to law and in a manner prescribed by law for construction of the above-described improvements in an amount of approximately \$1,200,000.00 and the State Economic Development Grant, subject to the availability of those funds.

motion by Swindig to suspend By-Laws to give T 154 a first reading tonight, 2nd by Overby

President Brown: Discussion?

Council Member Gillock: Question. I don't understand some of the wording, the way this is worded. An ordinance authorizing the Mayor to negotiate and enter into a contract with necessary engineering, consultant and/or architecture firms for the TOPPS project in an amount of approximately 1.2 million and then it says and the State Economic Development Grant, I don't understand what that means.

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

Auditor Costin: Yes, I think you need to go back and refer to the actual language of the ordinance. This is just a reference to the actual ordinance itself and what I believe it's intended to do is include, as part of the project, that bidding process, the grant monies in addition to the monies that we borrow for the TIFF financing. This project includes a four hundred thousand dollar Economic Development Grant and those are part of the monies that would be bid on this project too and I think for purposes of preamble it's not as clear as it is in the body of the text.

President Brown: Any other questions?

Clerk of Council White: Does that answer your question?

Council Member Gillock: It answers my question but, shouldn't the preamble be clarified?

Law Director Zagrans: Madame President, if Council wishes to do so, you can do so by amendment at the time the matter comes up for first reading.

President Brown: Any other questions? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero for T 154-2001 to have first reading tonight.

T 155-2001 An ordinance amending Section 246.01, composition of Police Department.

Council Member Gillock: Could that be referred to Safety?

President Brown: Yes, I will refer that to Safety Committee please.

REFERRED TO SAFETY COMMITTEE.

T 156-2001 An ordinance amending Section 286.03, reimbursement of travel-related expenses, by deleting Subsection (E).

Council Member Butkowski: Madame President, could that be referred to Administrative?

President Brown: Yes.

Council Member Gillock: I think that needs to go to Safety also.

President Brown: Why would it go to Safety?

Council Member Gillock: It involves the Police Department.

Mayor Hill: Excuse me Madame President. Actually, it involves all departments. The memo and the idea for it merely came from the Police Chief.

President Brown: So it came from the Police Chief?

Mayor Hill: Yeah.

Council Member Gillock: Okay, I withdraw that.

President Brown: Then it just goes to Administrative Committee.

REFERRED TO ADMINISTRATIVE COMMITTEE.

Clerk of Council White:

T 157-2001 An ordinance authorizing the transfer and/or expenditure of funds for the purchase of a dual wheel cutaway handicap van by the Senior Center, not to exceed a total of \$38,000.00.

T 158-2001 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 reconstruction of Lorain Road from Eaton Township to Island Road, and to negotiate and enter into a contract with a consulting engineering firm for plans, specifications, and construction phase services for same, not to exceed \$425,000.00.

motion by Swindig to suspend By-Laws to give T 158 a first reading tonight, 2nd by Overby

President Brown: Discussion? Mr. Gillock?

Council Member Gillock: I've got a question of the Auditor. Do we have a hundred seventy thousand dollars appropriated or available for this?

Auditor Costin: Well, what will happen is this will be prioritize in the 2002 appropriations. We don't, at this time, but this will be, if I understand it from the Mayor, next year project.

Mayor Hill: Well, it'll be done next year, but I think that we ought to check back to see what was appropriated because this was on the projects that were approved by Council last year.

Auditor Costin: I can verify that at the recess.

President Brown: Any other questions? Discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 158-2001 will have a first reading tonight. That's all the new business that I have.

CORRESPONDENCE

Clerk of Council White: I have eight pieces of correspondence.

1) Received a letter from the International Institute of Municipal Clerks to President of Council Jean Brown announcing that Paula Cope, CMC, Assistant Clerk of Council has qualified for First Level membership in the IIMC Master Municipal Clerk Academy and explaining the purpose of the academy and requirements members must complete.

- 2) Received notification from Jeffrey C. Harshman, Senior Vice President, Pittsburgh Major Market, AT&T Broadband that effective with January 2002 customer billing statements, they will be making some price adjustments to cable products and services offered in North Ridgeville.
- 3) Received a letter from Michael Canfield, Chief, Division of Recycling and Litter Prevention stating his concerns with increased litter on our roadways. Announcing that eight programs have been chosen to participate in a Litter Summit. Their goal is to collaborate with community leaders to design a comprehensive and sustainable litter prevention/enforcement plan. Inviting Council to attend the Lorain County Litter Summit scheduled for December 14, 2001 from 9:00 A.M. to 2:30 P.M. at the Holiday Inn in Elyria. Please RSVP.
- 4) Received notification from The Supreme Court of Ohio that a complaint has been filed by the Committee for the Referendum of Ordinance No. 3621-00 John Prajzner, Chairman, et al., by and through their attorney, Gerald W. Phillips.
- 5) Received a memo from Mayor Hill announcing her nomination of Stephen Hales for an open seat on the Civil Service Commission.
- 6) Received a letter from Kenneth Cromer, Lorain Public Library Director reporting on the progress of the North Ridgeville Library expansion and commenting on the funding cuts that the State has implemented and new ones which are being considered. Stating that, because of your support and the passage of the Library Levy, North Ridgeville Branch will be able to maintain its hours of service and purchase of books and other library materials through this period of the State's biennium budget.
- 7) Received a memo from Mayor Hill in regard to two items being introduced to Council relating to Police Chief Thomas's request for amendments to the 500 mile travel limitation and the Police Department structure.
- 8) Received a letter from Michael J. Beat, Technical Operations Manager of AT&T Broadband submitting the most recent communication they are sending to their @Home customers regarding AT&T Broadband's actions to mitigate the potential impact to their service as a result of the Excite@Home bankruptcy proceedings. That's all the correspondence that I have.

LOBBY

President Brown: We will now move into the lobby. I will allow you two minutes after you give your name and your address. Anyone wishing to speak?

Gerald W. Phillips, 35955 Detroit Road, spoke about Mr. White certifying referendum petitions for Waterbury and Meadow Lakes and the declaratory judgement filed by the Law Director in the

Lorain County Common Pleas Court. Stated that this was a conspiracy plan to delay the referendum and take away the Citizens right to vote. Spoke about the attempt to take this issue to the Supreme Court and their ruling. Spoke about the declaratory judgement being dismissed. Stated that if the conspiracy plan is successful, Citizens and residents will resurrect the recall and make the Mayor accountable.

President Brown: Anyone else wishing to speak? Does the administration have an answer?

Law Director Zagrans: Yes, I sure do Madame President, if I may.

President Brown: Yes, you may, one minute.

Law Director Zagrans: Mr. Phillips was interesting in getting this matter before the voters for the November 2001 election. He wouldn't have done everything he could to ask the Lorain County Court to throw the case out. He consistently asked the Court to dismiss the case. He didn't file a counterclaim for declaratory judgement as was his right to do to try to move this along. It was the City who tried to move this along. Mr. Phillips kept objecting to everything we did to try to get a decision in the Lorain County Court including filing new suits in the Ohio Supreme Court which didn't go any where. So, I take great offense and it is absolutely false to say that there is a conspiracy to deprive anybody of their rights. The fact of the matter is under Ohio law, the voters do not have the right to vote under our Charter or under the Ohio Constitution or the Ohio Revised Code on legislation that is passed by emergency.

President Brown: Thank you. Any other administration want to answer? We will have a five minutes recess please. Quarter after we will resume.

RECESS from 8:07 P.M. to 8:15 P.M.

FIRST READINGS

Clerk of Council White:

T 146-2001 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3741-2001 RIDGEVILLE, OHIO, TO ENTER INTO THE LORAIN COUNTY
CORRECTIONAL FACILITY CONTRACT FOR HOUSING MUNICIPAL
ORDINANCE INMATES WITH THE BOARD OF COMMISSIONERS OF
LORAIN COUNTY, OHIO, AND AMENDING ORDINANCE NO. 3638-2000.

First Reading

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

President Brown: Discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend second and third readings on T 146-2001.

motion by Swindig to adopt, 2nd by Gillock

motion by Swindig to add the emergency because it must be in the County
Commissioners hands by December 15th, 2nd by Gillock

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

Yes, 7 No, 0

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

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 146-2001 becomes Ordinance Number 3741-2001 with emergency.

Permanent Ordinance No. 3741-2001.

T 149-2001 AN ORDINANCE PROVIDING FOR THE TEMPORARY APPROPRIATIONS
3742-2001 OF MONEY FOR CURRENT EXPENSES AND OTHER EXPENDITURES
FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD
COMMENCING JANUARY 1, 2002 AND ENDING MARCH 31, 2002.

First Reading In Full

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

President Brown: Any discussion? Mr. Costin?

Auditor Costin: Madame Chairman, prior to recess Council Member Gillock had a question as to our financing for the Issue 2 project, Lorain Road reconstruction and the financing for that project is actually included in our temporary appropriations that you have before you right now.

President Brown: Thank you. Any other discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend second and third readings on T 149-2001.

motion by Swindig to adopt, 2nd by Butkowski

motion by Swindig to add the emergency so it's in place by January 1, 2nd by Butkowski

President Brown: Any discussion? Seeing none, please take roll on the emergency.

Yes, 7 No, 0

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

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 149-2001 becomes Ordinance Number 3742-2001 with emergency.

Permanent Ordinance No. 3742-2001.

T 150-2001 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
3743-2001 \$800,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR
THE PURPOSE OF IMPROVING LEAR NAGLE ROAD AND CENTER
RIDGE ROAD AND ADJACENT CITY EASEMENTS BETWEEN CERTAIN
TERMINI BY GRADING, DRAINING, WIDENING, CURBING, PAVING,
CONSTRUCTING A NEW TURN LANE, SANITARY SEWERS AND
SIDEWALKS AND INSTALLING AND IMPROVING TRAFFIC SIGNS,
SIGNALS AND SIGNALIZATION, WHERE NECESSARY, IN EACH CASE
TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK

INCIDENTAL THERETO.

First Reading

motion by Mayor Hill to dispense with second and third so we can get the notes and the bonds, as explained by the Auditor, together with those for the concession stand and get those issued, 2nd by Swindig

Council Member Gillock: This isn't the concession stand ordinance.

Council Member Pagel: Point of order.

President Brown: This is about Lear Nagle.

Mayor Hill: I know, but it's all part of . . .

President Brown: Oh, that's right, its piggy back. Take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend second and third readings on T 150-2001.

motion by Overby to adopt, 2nd by Swindig

President Brown: Discussion? Please take roll

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 150-2001 becomes Ordinance Number 3743-2001.

Permanent Ordinance No. 3743-2001.

T 151-2001 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
3744-2001 \$125,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR
THE PURPOSE OF IMPROVING THE CITY'S SHADY DRIVE PARK
COMPLEX BY CONSTRUCTING, FURNISHING AND EQUIPPING A
BUILDING TO HOUSE A CONCESSION STAND, STORAGE AREAS AND
RESTROOM FACILITIES AND PREPARING AND IMPROVING ITS SITE.

First Reading

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

President Brown: Any discussion? Take roll please.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 151-2001 becomes Ordinance Number 3744-2001.

Permanent Ordinance No. 3744-2001.

T 152-2001 AN ORDINANCE PROVIDING ADDITIONAL COMPENSATION FOR THE
3745-2001 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 to suspend second and third readings, 2nd by Overby

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

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend second and third readings on T 152-2001.

motion by Swindig to adopt, 2nd by Overby

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

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 152-2001 becomes Ordinance Number 3745-2001.

Permanent Ordinance No. 3745-2001.

T 153-2001 AN ORDINANCE AMENDING ORDINANCES 2725-93, 3483-99, AND 3489-
3746-2001 99 BY REPLACING THE EXISTING EXHIBIT A WITH A REVISED
EXHIBIT A.

First Reading

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

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

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend second and third readings of T 153-2001.

motion by Swindig to adopt, 2nd by Butkowski

President Brown: Any discussion?

motion by Swindig to add the emergency due to this was an oversight at appropriations where this ordinance was suppose to be forthcoming that the employee, where the adjustment is was due their raise and they should have the raise this year, 2nd by Butkowski

President Brown: Any discussion? Please take roll on the emergency.

Yes, 7 No, 0

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

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 153-2001 becomes Ordinance Number 3746-2001 with emergency.

Permanent Ordinance No. 3746-2001.

T 154-2001 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND
3747-2001 ENTER INTO A CONTRACT WITH NECESSARY ENGINEERING,
CONSULTANT AND/OR ARCHITECTURE FIRMS FOR PLANS,
SPECIFICATIONS AND CONSTRUCTION PHASE SERVICES FOR THE
LEAR NAGLE ROAD IMPROVEMENTS PROJECT AND
APPURTENANCES THERETO ASSOCIATED WITH THE TOPPS

CONSTRUCTION PROJECT AND TO ADVERTISE FOR BIDS AND NEGOTIATE AND ENTER INTO CONTRACTS ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR CONSTRUCTION OF THE ABOVE-DESCRIBED IMPROVEMENTS IN AN AMOUNT OF APPROXIMATELY \$1,200,000.00 AND THE STATE ECONOMIC DEVELOPMENT GRANT, SUBJECT TO THE AVAILABILITY OF THOSE FUNDS.

First Reading

motion by Gillock to amend the preamble, changing the word in the next to the last line after \$1,200,000.00 from “and” to the word “including”, 2nd by Pagel

President Brown: Any discussion regarding it? Please take roll on the amendment.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero on the amendment changing the word “and” to “include”.

motion by Swindig to suspend second and third readings on T 154, 2nd by Gillock

President Brown: Discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend second and third readings on T 154-2001.

motion by Swindig to adopt, 2nd by Pagel

President Brown: Discussion? Yes, Mr. Costin?

Auditor Costin: For the record, I would just like to reiterate that (tape one, side one ends) any action on this ordinance, and accordingly, if for whatever reason the project wouldn't go forward, then we would not issue the BAN'S and accordingly would not accept the grant, probably couldn't accept the grant, we would have to pay it back and would not allow for the incumbrance of funds or issuance of purchase orders or signing the contracts related to this ordinance. Thank you.

Law Director Zagrans: Madame President, I have a question of Mr. Costin, if I may? Because of the pricing of those bonds, do you need to have the emergency clause added to this?

Auditor Costin: We would be issuing notes at this time and no I wouldn't need the emergency.

President Brown: Any other discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 154-2001 becomes Ordinance Number 3747-3001.

Permanent Ordinance No. 3747-2001.

T 158-2001 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
3748-2001 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW FOR THE RECONSTRUCTION OF
LORAIN ROAD FROM EATON TOWNSHIP TO ISLAND ROAD, AND TO
NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING
ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND

CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED

\$425,000.00.

First Reading

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

President Brown: Discussion?

Council Member Gillock: Madame President, this money has not been appropriated yet. We were going to wait.

Auditor Costin: Yes, it has. It was in the temporary appropriation ordinance that we just passed a moment ago.

Mayor Hill: That was T 149 and I think that's what the Auditor commented on right after the break.

President Brown: Any other discussion?

Auditor Costin: If you could refer to T 158, the body of the text under Section 3, I would request that Council make a minor change. It currently reads that the City of North Ridgeville has applied and received a loan from Ohio Public Works Commission for \$80,000, payable at zero percent over a period of twenty years and that should read, payable with zero interest over a period of twenty years.

motion by Swindig to make that amendment, 2nd by Pagel

Clerk of Council White: How do you want that to read sir?

Auditor Costin: payable with zero percent interest over a period of twenty years.

President Brown: Any other discussion? Please take roll.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend second and third readings on T 158-2001.

Council Member Swindig: Point of order, that was on the amendment.

Clerk of Council White: I beg your pardon. That's on the amendment.

President Brown: Roll call.

Clerk of Council White: Roll call on the suspension of second and third reading.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend second and third readings on T 158-2001.

motion by Swindig to adopt, 2nd by Overby

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

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 158-2001 becomes Ordinance Number 3748-2001.

Permanent Ordinance No. 3748-2001.

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

SECOND READINGS

T 136-2001 AN ORDINANCE ACCEPTING THE PLAT OF WATERBURY PCD PHASE

**II FOR FINAL APPROVAL FOR RECORDING PURPOSES
Second Reading**

T 145-2001 AN ORDINANCE DIRECTING THE CITY ENGINEER TO CAUSE TO HAVE PLANS, SPECIFICATIONS, PROFILES AND A COST ESTIMATE PREPARED TO BE ON FILE IN THE OFFICE OF THE CLERK OF COUNCIL AS REQUIRED BY LAW PURSUANT TO OHIO REVISED CODE § 727.12 AND § 729-02 FOR THE CONSTRUCTION OF SIDEWALKS, DRAINAGE FACILITIES, SEEDING, MULCHING, AND NECESSARY APPURTENANCES THERETO ON A PORTION OF CENTER RIDGE AND IN CERTAIN OTHER DESIGNATED LOCATIONS DESCRIBED HEREIN AND THAT APPROPRIATE FUNDING BE AUTHORIZED FOR PROFESSIONAL ENGINEERING SERVICES TO PREPARE SUCH PLANS NOT TO EXCEED \$130,000.00

Second Reading

Council Member Swindig: Madame Chairman, I would like that referred to Finance for funding.
President Brown: Finance Committee has it.
REFERRED TO FINANCE COMMITTEE.

THIRD READINGS None

UNFINISHED BUSINESS

Council Member Swindig: Madame Chairman, I would like to have a motion to reconsider T 157-2001 which is the van for the Seniors.

Clerk of Council White: It was under new business.

Council Member Swindig: I would like to move to have that be given a first reading tonight.

Law Director Zagrans: Point of order, Madame President. It can be done, but it would have to be done under a suspension of rules requiring the usual super majority for suspension of rules.

motion by Swindig for a suspension of rules, 2nd by Pagel

President Brown: Discussion?

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero.

Council Member Swindig: Madame Chairman, now that we have the suspension of rules, can we have 157 given a first reading tonight?

President Brown: Can we do that Mr. Zagrans?

Law Director Zagrans: Yes, now that rules have been suspended to bring in back on the table as new business. Now, the motion would be to further suspend the rules to give it a first reading.

motion by Swindig to suspend rules for a first reading, 2nd by Overby

President Brown: Any discussion?

Council Member Minnick: Mrs. Brown, how does this tie in with the van that you said we received for free a few weeks ago?

President Brown: I was just going to ask the same question.

Mayor Hill: Yeah, Madame President, if you look back at the ordinance description that you had, it discusses how NOACA approved an application for a grant for eighty percent of the cost of the handicapped van which amounts to twenty-nine thousand nine hundred four dollars, the local share of seven thousand four hundred seventy-six dollars is in the Senior Center Multi-Trust Fund which contains non-taxpayer dollars. So, it would come out of the Senior Center Multi-Trust Fund rather than tax dollars. Those are funds that they raised themselves, spaghetti dinners, contributions, donations and so forth.

President Brown: But, are we still getting that one free?

Mayor Hill: No, I believe this is the one we were talking about.

President Brown: Does that answer your question, Mrs. Minnick?

Council Member Minnick: I'm trying to digest the numbers that Mrs. Hill gave. She said something about twenty-eight thousand.

Mayor Hill: No, no, look back at T 157, it's in your packet.

Council Member Minnick: I have T 157 in front of me.

Mayor Hill. It has a total of thirty-eight thousand, let's add it up.

Auditor Costin: Maybe I can explain this further. The Senior Citizens Multi-Trust Fund on the books and records of the City of North Ridgeville as an agency fund. The monies in that fund are raised, actually, by the senior citizens from their different trips that they make and so forth, the fees they charge. Now, the Senior Citizens Multi-Trust Fund is a part of our appropriation process. There really was a question as to whether we even need an ordinance. But, if we're not sure it's always safer to have. Because they're part of our appropriation process, I recommended that we have this ordinance just to formalize the appropriation of those funds, basically. The van is actually titled to the Senior Citizens, which is the nonprofit organization and that's why the monies are actually taken out of the Senior Citizens Multi-Trust Fund. So, this doesn't result in an expenditure from the City's funds whatsoever, just a formality of the acceptance and the appropriation of those dollars.

Council Member Gillock: Madame President, but the numbers don't compute. Eighty percent of thirty-eight thousand or are you eighty percent of twenty-nine thousand?

Mayor Hill: If you add twenty-nine thousand nine hundred four to seven thousand four hundred seventy-six you come up with thirty-seven thousand three hundred eighty.

Council Member Gillock: Correct.

Auditor Costin: Which is under thirty-eight thousand.

Mayor Hill: That's why it says, not to exceed a total of, so it comes out to thirty-seven thousand three hundred eighty dollars, but we always, when we right ordinances that are financial in manner, we make it slightly above what the actual costs are in case there are other problems and that's why, instead of adding up to thirty-eight thousand, it adds up to thirty-seven thousand three hundred eighty as instructed by the Auditor's Department, we typically do that. So, it would still be broken down on an eighty percent, twenty percent basis.

Council Member Gillock: But, twenty percent of twenty-nine thousand nine hundred and four is five thousand nine hundred and eighty, not seven thousand four hundred and seventy-six.

President Brown: Mr. Costin?

Auditor Costin: The percentage should be of the approximate thirty-eight thousand and I did request for simplicity, which I thought it would be simpler if they just rounded it to thirty-eight thousand.

President Brown: Can't do that.

Auditor Costin: I guess I'll not do that again.

Clerk of Council White: When you're dealing with money it isn't simple, is that what you're saying.

Council Member Gillock: Well, I'm just saying we're suppose to pay twenty percent of the cost, that's five thousand nine hundred eighty. Why are we paying seven thousand. . .?

Mayor Hill: Madame President, we're not paying that. That's just rounding it off to thirty-eight thousand. Whatever the cost is, eighty percent will be paid by NOACA and twenty percent by the City. That's to take into account any contingencies that would occur or any price increases since the van was priced. At that point that the purchase would be made, it would still be an eighty percent, twenty percent share.

President Brown: Thank you. What did we end up with?

Clerk of Council White: If we're through discussing, we're going to vote on suspending the By-Laws for the first reading.

President Brown: Let's do that.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend By-Laws to have T 157-2001 first reading tonight.

T 157-2001 AN ORDINANCE AUTHORIZING THE TRANSFER AND/OR
3749-2001 EXPENDITURE OF FUNDS FOR THE PURCHASE OF A DUAL WHEEL
 CUTAWAY HANDICAP VAN BY THE SENIOR CENTER, NOT TO
 EXCEED A TOTAL OF \$38,000.00.

First Reading

motion by Swindig to suspend 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 on T 157-2001.

motion by Swindig to adopt, 2nd by Overby

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

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 157-2001 becomes Ordinance Number 3749-2001.

Permanent Ordinance Number 3749-2001.

COMMITTEE MEETING ANNOUNCEMENTS

Council Clerk White:

There will be a Public Hearing Monday, December 17, 2001 at 7:15 P.M. on Waterbury PCD

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING DECEMBER 3, 2001**

Page 21

Phase II final approval.

The next Regular Council meeting will be Monday, December 17, 2001 at 7:30 P.M.

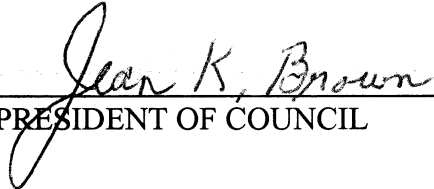
ADJOURNMENT

motion to adjourn by Swindig
President Brown: Meeting adjourned.

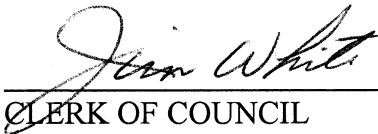
Meeting adjourned at 8:45 P.M.

MOTION Butkowski 2ND Swindig VOTE December 17, 2001
(As corrected December 17, 2001)

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL