

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING DECEMBER 2, 2002**

CALL TO ORDER: 8:00 P.M.

President of Council Dave Gillock: I would like to call the Regular meeting of the North Ridgeville Municipal Council to order. Would you please stand for the Invocation and Pledge of Allegiance.

INVOCATION: lead by Council Member Bernadine Butkowski.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Allen Swindig, Josanne Pagel, Bernadine Butkowski, Denny Johnson and President of Council David Gillock.

Absent was Council Member Bob Olesen.

Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Engineer Thomas Beutler, Auditor Chris Costin and Assistant Clerk of Council Paula Cope.

President Gillock: I would like to thank the Clerk's Office on the decorations for the holiday season.

MINUTES - Corrections and Approval:

Regular Council Minutes of November 18, 2002

motion by Butkowski, 2nd by Buescher to approve

President Gillock: Are there any corrections or additions. If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: Minutes are approved by a vote of six to one.

Council Member Pagel: Point of order. Mr. Chairman, I don't believe it's six to one because there was no one voting no.

President Gillock: Six to zero.

Please note:

Planning Commission Minutes of regular meeting November 12, 2002;

Board of Zoning & Building Appeals Minutes of regular meeting November 21, 2002; and

Parks & Recreation Commission Minutes of regular meeting October 23, 2002.

COMMITTEE REPORTS:

1) FINANCE COMMITTEE REPORT #7191 Members of Council: We have considered the matter of T 124, unused vacation, and recommend that this request be approved and proper

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legislation be drawn authorizing the above.

Signed: Chairperson Bernadine Butkowski, Members Denny Johnson and Allen Swindig.
motion by Butkowski, 2nd by Johnson to accept

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: Committee Report #7191 has been accepted by a vote of six to zero.

2) FINANCE COMMITTEE REPORT #7192 Members of Council: We have considered the matter 2003 temporary appropriations and direct the Auditor to prepare said appropriations and recommend that this request be approved and proper legislation be drawn authorizing the preparation of legislation.

Signed: Chairperson Bernadine Butkowski, Members Denny Johnson and Allen Swindig.
motion by Butkowski, 2nd by Swindig to accept

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: Committee Report #7192 has been approved by a vote of six to zero.

3) FINANCE COMMITTEE REPORT #7193 Members of Council: We have considered the matter of amended 2002 permanent appropriations and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Bernadine Butkowski, Members Denny Johnson and Allen Swindig and Council Member Nancy Buescher.

motion by Butkowski, 2nd by Swindig to accept

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: Committee Report 7193 has been approved by a vote of six to zero.

4) FINANCE COMMITTEE REPORT #7194 Members of Council: We have considered the matter of annual conversion to GAAP and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Bernadine Butkowski, Members Denny Johnson and Allen Swindig and Council Member Nancy Buescher.

motion by Butkowski, 2nd by Swindig to accept

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: Committee Report 7194 has been accepted by a vote of six to zero.

5) **STREETS, SIDEWALKS & BRIDGES COMMITTEE REPORT #7212** We have considered the matter of the petition for the construction of 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 and recommend that this request be approved and legislation be drawn authorizing the Engineer to prepare plans, profiles, specifications and estimate of cost or authorize and direct the Mayor to enter into an agreement for a consulting engineer for the same.

Signed: Chairperson Allen Swindig, Members Denny Johnson and Robert Olesen.

motion by Swindig, 2nd by Johnson to accept

President Gillock: Is there any discussion?

Council Member Butkowski: Mr. Chairman, it says to have estimates of cost or authorize and direct. Shouldn't that be "and authorize"?

President Gillock: No, I think it basically either allows the engineer to do it or if they want, allow the Mayor to go outside to obtain the same information. Any other discussion? If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: Committee Report 7172 has been accepted by a vote of six to zero.

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

Mayor: None

Safety-Service Director: None

Engineer: None

Law Director: None

AUDITOR'S REPORT: None

OTHER REPORTS:

President Gillock: Please note:

Police Department Support Car Report 2002 Annual Report;

Building Department Report for October 2002;

Water System Monthly Operation Report for October 2002;

Service Department Report for November 10, 2002 through November 24, 2002.

OLD BUSINESS: None

NEW BUSINESS:

Assistant Clerk of Council Cope:

Request for C2 and C2X liquor permit transfer from Reiders Inc., DBA Giant Eagle, 17399 Broadway, Maple Heights, Ohio, 44137 to Standard Oil CO., DBA #2946, 32393 Lorain Road, North Ridgeville, Ohio, 44039

President Gillock: REFERRED TO BUILDINGS AND LANDS COMMITTEE.

Assistant Clerk of Council Cope:

T 137-2002 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.

motion by Gillock to suspend By-Laws to allow further discussion of the intersection of Dyke Road and Center Ridge Road, 2nd by Butkowski

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: By-Laws have been suspended by a vote of six to zero.

President Gillock: We will do this in an informal manner such as we did in the work session. We were discussing this before and we had to suspend discussion because of the beginning of the regular Council meeting. The Law Department is looking for some direction from us as to whether we want to, basically, install trip devices, do nothing and see if we proceed to court or perhaps, do another study of those intersections. Is there further discussion?

Council Member Pagel: Mr. Chairman, I believe there's a lot of concern for spending money and I believe a traffic study may be warranted but, at this moment, I believe mediation is the least expensive and probably the most profound way that we can go, at this time and I believe a meeting of the minds with Mr. Zagrans and Mr. Crobaugh to sit down, and using exhibit eight the ODOT's letter that was sent as far as unwarranted signals and their recommendations for the governing jurisdiction City to actually have reasoning for the signal there and what we can do to probably make both parties, the school bus drivers, the residents, the safety, everybody come to a common thought, I believe, and that doesn't cost us anything to do that and I'd like to see that done first and then perhaps, go forward with the traffic study if we need one at that time.

Council Member Buescher: Mr. President, I think that's an excellent idea but, if we can't resolve that then I think that as Mrs. Pagel said, we're going to have to have a study because I would not want to vote on something where there's a question of the legality of the issue.

Council Member Butkowski: Mr. Chairman, I suggest that we direct Mr. Zagrans to talk with

Mr. Crobaugh about the ideas we've presented here this evening and maybe report back to us at the next meeting to see what progress is being made and then, we can continue on.

Council Member Johnson: Mr. President, my main concern is that the light be enforceable. Not just pass all the criteria and satisfy the bus drivers and Mr. Crobaugh. It needs to be enforceable, otherwise, like I mentioned before, I don't know if somebody running through the light is breaking the law or not if it's not enforceable. If the courts will not uphold it then it doesn't really matter much what we do.

President Gillock: I certainly want that to be determined. I think the study is a good idea however, if the general consensus is, we want the Law Director to make one more effort in discussing this with Mr. Crobaugh, come back at the next meeting at which time we will either have an answer or make a decision at that time as to whether we want to go to court or do a study. Does that basically sum it up? Is that satisfactory?

Law Director Zagrans: Sure.

President Gillock: Is it clear as far as what we would like for you to do?

Law Director Zagrans: Yes, it is.

President Gillock: Any other discussion? Please, move on to correspondence.

CORRESPONDENCE:

Assistant Clerk of Council Cope: Correspondence for regular Council meeting December 2, 2002.

1) Received correspondence from James R Hobson of Miller & Van Meter Eaton in regard to Council's proposed revisions to Chapter 1462, Miscellaneous Building Regulations.

President Gillock: REFERRED TO UTILITIES COMMITTEE.

2) Received a card of appreciation from the family of Ray Buescher.

3) Received a letter from Comcast Regional Vice President announcing their merger has been completed with AT&T Broadband.

Law Director Zagrans: Mr. President, I would like to ask if a member of Council would move to suspend By-Laws to note, for the correspondence, my reply letter to Jerry Phillips in response to his taxpayer demand regarding the referendum petitions for Andover and Chaddwyck. It is dated today. It obviously did not meet cloture.

motion by Butkowski, 2nd by Swindig to suspend By-Laws and note Mr. Zagrans response in the correspondence

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: By-Laws have been suspended by a vote of six to zero to note Mr. Zagrans correspondence.

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LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone is able to address Council for three minutes. We ask that you sign in one of the lobby sign in sheets so, if we need to, we'll be able to get back to you. Give us your name and address when you begin, please.

1) Stewart Lovece, 5662 Lancaster Drive, Brooklyn Heights, Ohio, 44131, inquired on the status of the two FEMA flood insurance rate map revisions that were pending at the time of his departure as City Engineer. Noted that this was one of his pet projects and quoted a portion of the Mayor's State of the City Address that approval was expected shortly and nearly 300 homeowners would no longer have to pay flood insurance. Stated that he has been asked during his departure and in recent weeks the status of the map revisions. Urged the administration to make the flood map revisions a high priority.

Council Member Buescher: I just wanted to say that I too have received calls and I think that there's one gentleman that's been very concerned about this for several years because he feels that he pays six hundred dollars a year for nothing because there isn't any chance that he's going to flood in the area in which he lives. I really think this should be taken seriously and looked into. That's a pretty big expense, unnecessary expense.

President Gillock: Could we get a status report, prior to the next Council meeting, as to where that might be?

Engineer Beutler: Yes.

President Gillock: Thank you. Anyone else wishing to address Council? Does Council want to waive the recess?

motion by Pagel, 2nd by Butkowski to dispense with recess

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: Recess has been dispensed with by a vote of six to zero.

RECESS: dispensed with.

FIRST READINGS: None

SECOND READINGS:

Assistant Clerk of Council Cope:

T 130-2002 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 1294.01(G), ADDING THE REGULATION OF
ACCESSORY USES THERETO.

Second Reading

T 131-2002 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 1244.05(D)(1) AND ADDING LANGUAGE
LIMITING CONDITIONAL USES.
Second Reading as amended November 18, 2002

THIRD READINGS:

T 123-2002 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
3861-2002 THE ELECTORS OF A PROPOSED ORDINANCE PROVIDING FOR THE
REGULATION OF MOBILE FROZEN DESSERTS SALES AND AMENDING
THE CODIFIED ORDINANCES TO PERMIT THE SALES OF MOBILE
FROZEN DESSERTS.

Third Reading

motion by Pagel, 2nd by Butkowski to adopt

President Gillock: Is there any discussion on the adoption? If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: T 123-2002 has been adopted by a vote of six to zero and
becomes permanent ordinance number 3861-2002

Permanent Ordinance No. 3861-2002

T 129-2002 AN ORDINANCE AMENDING NRCO SECTION 1226.14 TO CHARGE
3862-2002 DEVELOPERS FOR THE COST OF TRAFFIC CONTROL DEVICES
INSTALLED BY THE CITY NECESSITATED BY DEVELOPMENT AND
BENEFITTING SUCH DEVELOPMENT, AND TO REQUIRE DEVELOPERS
TO INSTALL STREET NAME SIGNS AT THEIR OWN COST.

Third Reading

motion by Pagel, 2nd by Butkowski to adopt

President Gillock: Is there any discussion? If not, please call the roll.

Yes, 6 No, 0

Assistant Clerk of Council Cope: T 129-2002 has been adopted by a vote of six to zero and
becomes permanent ordinance number 3862-2002

Permanent Ordinance No. 3862-2002

UNFINISHED BUSINESS:

None

COMMITTEE MEETING ANNOUNCEMENTS:

President Gillock:

Next Council Work Session, Monday, December 2, 2002 at 7:30 P.M.

Next Regular Council meeting, Monday, December 2, 2002 at 8:00 P.M.

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President Gillock: Are there any other announcements?

Council Member Pagel: Mr. Chairman, I just have a little announcement. I would just like to say thank you to the City workers who are out there snow plowing. I drove through three suburbs to get here and those other streets were atrocious and I think they've done a wonderful job with keeping North Ridgeville's streets clear tonight.

President Gillock: Thank you. I concur. It took me an hour to get home from Middleburg Heights.

ADJOURNMENT:

motion to adjourn by Swindig

President Gillock: Meeting adjourned.

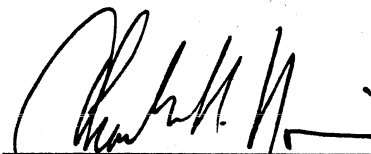
Meeting adjourned at 8:23 P.M.

MOTION Butkowski 2ND Johnson DATE December 16, 2002

YES 6 NO 0 ABSTAIN 1 - Olesen



PRESIDENT OF COUNCIL



CLERK OF COUNCIL