

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING NOVEMBER 18, 2002**

CALL TO ORDER: 8:00 P.M.

President of Council Dave Gillock: I would like to call this 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 Josanne Pagel.

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, Engineer Thomas Beutler, Auditor Chris Costin and Clerk of Council Chuck Norris.

President Gillock: Mayor Hill?

Mayor Hill: Yes, Mr. President.

motion by Mayor Hill to adjourn into Executive Session, immediately, in order to discuss potential liability, 2nd by Swindig

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: Meeting is now adjourned to Executive Session.

Council adjourned into Executive Session at 8:05 P.M.

The topic of the Executive Session to be discussed was insurance coverage, or lack thereof, for Council Members should they approve or pass legislation deemed to be illegal. Numerous Members of Council protested immediately that this was an inappropriate topic for Executive Session and any discussion or action would be in violation of the "sunshine law".

motion by Johnson to adjourn the Executive Session, 2nd by Butkowski

A voice vote was approved with no dissenting voices noted.

Council resumed from Executive Session at 8:13 P.M.

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President Gillock: The regular session of the North Ridgeville Municipal Council is called back to order. At this point we need to play the tape in regards to the appropriation ordinance. It's going to be addressed this evening and we need to start that tape as soon as possible. First, we need a motion to suspend By-Laws to address the appropriation ordinance, at this point.

motion by Butkowski, 2nd by Johnson to suspend By-Laws

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: Do we have a motion to begin the tape?

Motion by Butkowski, 2nd by Johnson to begin the appropriation tape at this time

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: Mr. Costin, will you start the tape.

MINUTES - Corrections and Approval:

Regular Council Minutes of November 4, 2002

motion by Butkowski, 2nd by Olesen to approve

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

Yes, 7 No, 0

Clerk of Council Norris: Minutes are approved by a vote of seven to zero.

COMMITTEE REPORTS:

motion by Butkowski to suspend By-Laws tonight to introduce report number 7210 from the Finance Committee, 2nd by Johnson

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.

1) FINANCE COMMITTEE REPORT #7210 Members of Council: We have considered the matter of refinancing the 1993 and 1995 outstanding bonds, if financially advantageous to the City and recommend that this request be approved and proper legislation be drawn authorizing the above.

Signed: Chairperson Bernadine Butkowski, Members Dennis Johnson and Allen Swindig.

motion by Butkowski, 2nd by Johnson to accept

President Gillock: Is there any discussion? Mr. Costin, was there something you wanted to add on this?

Auditor Costin: This was discussed at a Finance Committee meeting. It deals with certain bonds we have outstanding that were issued in 1993 and 1995. Those bond issues were actually issued at very favorable rates to the City. However, there was one occasion, a month or so ago, when

the interest dipped so low on bonds that had we been able to move swiftly we could of saved about a hundred-fifty thousand dollars over the life of those issues and at this point in time, as you all know, the interest has been rather volatile lately but, it is low. We'd like to have this in place so that if in fact it becomes, again, advantageous for us to refinance those bonds, we would have Squires sitting with prepared legislation to move forward on reissuing bonds to pay the old bonds off. Again, we would only do this if it's going to be something favorable to the City in terms of dollars saved.

Mayor Hill: Yes, Mr. President, I had discussed the same issue with both Peter Ross, our investment counsel as well as John Larson, our bond counsel, who first brought it to my attention and explained the situation and recommended this action.

President Gillock: Anyone else? Please call the roll on accepting 7210.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero.

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

President Gillock: We have no written reports from the administration this evening.

Council Member Butkowski: Mr. Chairman, I would like to ask the Engineer if he could explain the new EPA requirements, at this time, that he introduced.

Engineer Beutler: The federal government passed the clean water act some years ago and it's part of the clean water act, had been different waves of portions of that act that have been passed on down to the cities. One of the first was, basically, the MPDS permits for the sewage treatment plants and those have been in place for many years. The next phase that's coming down is the storm water regulations. The time in the federal legislation is coming due to where each municipality over a certain population, which North Ridgeville meets the requirements, has to apply for a storm water permit from the Ohio EPA which is the agency responsible for enforcement of that act. What the City has to do is to apply for a permit. There are six items that need to be addressed in that permit. The permit is a time schedule for five years with goals within those five years to accomplish and address each of the six different items and the cost and the goals are all suppose to be part of that permit. One of those items is, basically, what the municipality should be doing to, basically, do and practice what we preach. In other words, we're going to be passing, have ordinances that have to be passed, things of that nature and there's going to be things that they're asking us to do as a good faith in order to meet that one requirement. I passed out some information to the Flood and Drainage which there were three Council Members present, the people who Council has appointed, Members to the Board and also the administration has appointed people to the board, and as part of that there's going to be some things that are going to be coming down. In order to accomplish some of those goals of what the municipality should be doing is going to create dollars. It's going to require new equipment and it's also going to require personnel. One of those items, and there's like a whole sheet and a half but, there's basically, one item on there that they're asking us to do is, basically, street sweeping and the street sweeping is going to be an item that is going to require, basically, sweeping each individual street twice a month and then, I think, all the residential streets are

suppose to be swept, I think it's once every two or three months and so, basically with that, that is the information that is coming down through me through the task force that I've been attending. I've been attending the NOACA task force which consists of the five counties within our area and I'm also a member of the Lorain County Task Force and we're looking at being able to share data with other communities in Lorain County in order to be able to come up with applying for this permit. The one thing that I'm going to say is that the permit is required to be applied for by March 10 of next year. It's going to be a permit that's going to require a lot of time. I'm still waiting on information. The Ohio EPA has not even got their guidelines in order yet but, they are just momentarily and we have between, those final requirements in what the permit is suppose to be, we have until March 10 in order to apply for that permit. The permit, I'm taking the different faucets through the Flood and Drainage because it addresses storm water which is a flood and drainage board and basically, bringing that through to basically scrutinize the plan that I'm hoping to be able to develop for the City of North Ridgeville. There are some items that may be, that we may be able to address relatively easily and there's some that may be a little bit more of a task that has to be done but, the cost, in order to develop this permit is going to be very difficult to develop that and have cost associated for appropriations next year so, the whole things going to be coming together just about the time the appropriations are there and to investigate some of those costs is going to be a little bit difficult to do under such a short time period. That is an overview of the rules and regulations as I know of them at this present time and there might be some more detailed information. If you want other information, I can give you some more detail briefing at another time.

President Gillock: This plan, is it a mandated plan or can we write our own plan? I know there's a time line that has to be followed and I know they have a model plan but, do we have to follow it specifically or can we develop our own over a period of years.

Engineer Beutler: It's a model plan that's there. We can adopt that but, we also have to look at that model plan and see, does it apply to North Ridgeville. There may be things that we're already doing but, we don't have to do because we already got those measures in place. But, the things that we have to do we have to put in a plan to accomplish each of those goals, to complete each item that is required of us. We have to do that in five years so, we have five years to implement the plan and get it totally complete and to bring it into compliance.

President Gillock: So, we can phase this in over a period of years. We don't have to it all.

Engineer Beutler: You can phase it in over a period of five years. You're going to do a certain amount in year one and we will be required to give an update at the end of year one of what we accomplished. Did we meet our goals? Didn't we meet them? Why didn't we meet them? How we going to, basically, put everything back on track to complete this in the years two through five.

Council Member Johnson: Mr. President, I would remind the Engineer that this is probably going to involve a lot work with, probably, three committees, Utilities, Buildings and Lands and probably Finance. We'd like to get it as soon as possible so that we can do the work that we need to do with it.

President Gillock: Anytime we involve more than two committees, we have to do it by

Committee of the Whole. Thank you.

Mayor: None

Safety-Service Director: None

Engineer: None

Law Director: None

AUDITOR'S REPORT:

Auditor's Written Financial Report for October

motion to approve by Swindig, 2nd by Butkowski

President Gillock: Is there any discussion or questions in regards to the Auditor's Written Report? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero.

OTHER REPORTS:

President Gillock: Please note:

Police Department Support Car Report for October 2002;

Fire Department Report for October 2002; and

Service Department Report of activity from October 28, 2002 through November 10, 2002.

Planning Commission Liaison Report: Regular Meeting November 12, 2002

APPLICANT: BPJ Investment Co., Inc., 25300 Lorain Road, Suite 4B,
North Olmsted 44070
OWNER: BPJ Investment Co., Inc.
REQUEST: Build 21 single family homes in R-1
LOCATION: Vacant land north of Downing Ave., south of Greenwich Ave.
Permanent Parcel No. 07-00-019-000-012
PC ACTION: Approve the preliminary plans
motion to approve by Olesen, 2nd by Swindig

President Gillock: Is there any discussion?

Council Member Olesen: Yes, Mr. President. This parcel of land in question is just south of Muirwood and between Downing and right near the old school house. I remember coming to Planning Commission at least two other occasions, but it was always fraught with many variances. It's a hard piece of land to plot and this is one of the first plans to come to us that really looked pretty good and without variances. I think we should approve it.

Council Member Johnson: Mr. President, I'd like to point out in Mr. Fursdon's notes on this

subdivision, subplot 1, 9 and 12 require lot depth variances mean, depth shall be 127.5 and variances we don't have that.

Council Member Olesen: That would be up to the Zoning Board whether they want to grant those individual ones.

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

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Motion is approved by a vote of six, one.

APPLICANT:	FJD Properties LLC, 37000 Center Ridge Road
OWNER:	FJD Properties LLC, 37000 Center Ridge Road
REQUEST:	Concept plan for Center Ridge B-2 commercial area
LOCATION:	Center Ridge Road, in B-2 Commercial
	Permanent Parcel No.s 07-00-040-000-007, 07-00-033-000-001, 07-00-033-000-002, 07-00-033-000-028, 07-00-033-000-032
PC ACTION:	Recommend the concept plan to the Board of Zoning and Building Appeals

motion to approve by Olesen, 2nd by Swindig

President Gillock: Is there any discussion?

Council Member Olesen: Yes, Mr. President. I can't speak for other Council Members on this. I've heard them in the work session. I look at this change from commercial to residential and I look at it another way that we have a large population of seniors in this City and I saw what has happened at Wildflower. A place for seniors to stay in our City without having to move away when they can no longer maintain their homes and that is the reason I'm in favor of it. I cannot speak for other members of Planning Commission.

Council Member Buescher: Mr. President, as I stated before that doesn't necessarily mean that a no vote will mean that this project will never go through but, there were a lot of questions that I brought up before that needs to be answered and many more other than what I mentioned and so, I think that we should vote no on this until we get more information. More consideration was given to the 21 single homes in BPJ and also to Gilfether and Associates with 12 homes then was given to this project and I think we need more time with that. Also, Whitlatch was postponed because they didn't have enough information to move forward with it. They should have done the same with this.

Council Member Butkowski: Mr. Chairman, there is nothing in the minutes and I listened to the tape saying what was going to be built there. All they are asking for is the rezoning of it. Now, I think we should have more information on what's going to be built here before they're going to ask for a rezoning on this property. There's 48 acres. If it's changed to the zoning that they want, they can have eight units per acre which would give you 544 units. To say that it's going to be senior housing, that would be all well and good but, there's nothing in any information that I have received here from the company that that's what it's going to be. Also, different Planning Commission Members stated they just received the new plan tonight. According to Planning Commission By-Laws, they're suppose to have it 20 calendar days prior to the meeting. Now,

there's no way you can get this plan, there's no one on that committee that could look at those plans that fast and when I was listening to the tape they were not able to review those plans in the very short time that they took to see what the changes were in it. They were asking questions of other people, well, what are the changes on here. When you're making a decision on 48 acres for 544 units, you better have more than five minutes or ten minutes to review a plan as involved as these plans are. I think it's a disservice to the community to allow this to continue and this is our only time that the Council can put a stop or slow this down because once we let this go to the Board of Zoning Appeals, there's no one that can do anything about what they decide.

Council Member Johnson: Mr. President, I agree with what Mrs. Buescher said and Mrs. Butkowski. I would like to add that I'm also very concerned about the misalignment at Race Road. We've got enough dog legs in this City that we're dealing with at the present time. We don't need to add another one without thought.

President Gillock: That particular road was taken out of the plan. I don't believe it's in there anymore. Mr. Johnson?

Safety-Service Director Johnson: Yes, to address Race Road, at the present, if you remember the plan that came through for phase three that it was to tie into Race Road, it ended up 85 feet west and we'd end up with another street like we have with Root Road and Ridgeview. So, at the request of the administration, and we can't put it less than 125 foot so, that plan could not go through. They reconfigured to come east of that and close to Evergreen, 225 feet from Evergreen and it actually eliminate. To go straight with Race Road there's also a PVC valve that was put in there when the water line was put in, right in the middle of the right-of-way. There is no way to connect Race Road straight across because of those two items. The 85 foot distance or the PVC valve in the middle of it.

Council Member Buescher: Mr. President, may I ask Mr. Johnson, why the valve was placed in the right-of-way?

Engineer Beutler: That pressure reducing valve is an item on the Rural Water line and that is something the City did not have a choice in the matter. That, basically, they built it and that's where they put it. It was designed there but, that was basically where it got built so, we didn't really have a say so in that and really any knowledge of where it was at until after it was built.

Council Member Buescher: Mr. President, may I just say one more time that, both Mr. Olesen and Mr. Jaenke were not happy that they received a change in these plans immediately before the meeting. They didn't have any opportunity to go over what was presented to them and Mr. Jaenke had even suggested that the meeting be postponed to another time so that they could take a better look at all of this. Then they went ahead and voted in favor which is a contradictory so, I believe we should say no at this time and take a better look at this situation. It can't hurt.

Council Member Olesen: Mr. Chairman, the only comment that I have to that is that I asked the developer's representative that night, on the new plan which took out the parcel at Race Road, and I asked a question, I want this for the record, is this the only change that was made in this map and he said yes. So, we did try to cover that in the meeting and I'm not arguing the points made by my respective Council people here, I'm just giving you my view point of the whole thing.

Council Member Butkowski: Mr. Chairman, when I listened to that tape, they spent much more time with Whitlatch and they postponed his. They spent more time at every other thing that was handled that night then they did on this one and this one was the biggest parcel of land that they were talking about. All the other ones were smaller and I don't understand why there weren't more questions and not all the information being there previous that the Commission had time to go over it. I don't know what the rush is on this. That land has been sitting there for 100 years with nothing there. Why do we have to do it in 10 minutes?

President Gillock: Anyone else? If not, please call the roll on the approval of the FJD property application.

Yes, 2 No, 5 (Buescher, Pagel, Butkowski, Johnson, Gillock)

Clerk of Council Norris: Motion fails by a vote of two to five.

APPLICANT: Gilfether & Associates, 33888 Center Ridge Road
OWNER: Gilfether & Associates, 33888 Center Ridge Road
REQUEST: Extend Sandlewood Avenue and Preliminary Approval to
 Subdivide into 12 buildable lots, Sandlewood Acres Sub. No. 5
LOCATION: Vacant land at the end of existing Sandlewood Avenue, in R-1
 Permanent Parcel No. 07-00-020-101-111
PC ACTION: Approved
 motion to approve by Olesen, 2nd by Swindig

President Gillock: Is there any discussion?

Council Member Olesen: Mr. President, the only thing that I'd like to add here is that this is the property that we went round and round on earlier in Council. At that time it was not approved because one person wanted to build on a paper street and just create a driveway. This creates a full street with curbing and everything and the development in question conforms to all of our regulations.

President Gillock: Thank you. Anyone else? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by Council's vote of seven to zero.

REFERRAL: Council referral of Petition for Special Assessments along Birch
 Street from the existing pavement south approximately 1,280 feet
 and a paved street along Beech Street between Cornell Avenue and
 Birch Street
RECOMMEND: Move the petition forward through the Legal Department and start
 the process to go through the various steps
 motion to approve by Olesen, 2nd by Swindig

President Gillock: Is there any discussion?

Council Member Olesen: Yes, Mr. President. This is a little bit unusual. All we got in our hands is a petition. We were not sure what to do with that petition. We did not have a street plan with it. All we had was a petition. So, that is a motion that evolved from that issue.

President Gillock: This was a petition from the landowners, more than 60 percent to be assessed. So, basically, the recommendation is to go ahead with what we were going to do anyway. But, for simplicity, we'll go ahead with the motion. Any other discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion to approve by a vote of seven to zero.

OLD BUSINESS: None

NEW BUSINESS:

Clerk of Council Norris:

Request for liquor permit transfer from Jorge Serrat, DBA McNamaras, 33135-5 Center Ridge Road to Fresh Slice Deli II Inc., DBA Scorchers, 33135-45 Center Ridge Road

VETO by Mayor of Ordinance No. 3555-2002:

An ordinance providing for the re-division of Wards within the City of North Ridgeville, Ohio in accordance with Section 3.1 of the Charter and declaring an emergency.

motion by Johnson to override, 2nd by Butkowski

President Gillock: Is there any discussion?

Council Member Buescher: Mr. President, this is the same redistricting plan submitted by the Safety-Service Director to the Board of Elections. All this ordinance does is keep the City ordinances clean and in order for the Clerk of Council's office, the residents and the future Councils and Administrations. As legislators, it's the responsibility of City Council to do just that.

Council Member Olesen: Mr. President, I went round on this thing until I realize that what we have here is the same ordinance repeated twice and the only difference is the plan that Council has created does create an ordinance and if you go back in time, every redistricting was done by ordinance. There's a document to refer to. I'm not sure what you'd refer to if you wanted to make changes unless you have an ordinance and for that reason I think I have to go with it.

President Gillock: Anyone else? If not, please call the roll.

Yes, 6 No, 1 (Swindig)

Clerk of Council Norris: Motion is approved by a vote of six to one.

T 134-2002 An ordinance amending Appropriation Ordinance No. 3779-2002 for the City of North Ridgeville, Ohio for the period commencing January 1, 2002 and ending December 31, 2002.

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

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.

T 135-2002 Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and approving the alternative method, formula and allocation of ULGF and ULGRAF and certifying them to the County Auditor

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

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.

Council Member Butkowski: Mr. Chairman, shouldn't this liquor permit go to Buildings and Lands?

President Gillock: I don't believe it has to. We can refer it if we. . .

Council Member Pagel: Mr. Chairman, I believe in our history that we have referred it so that it goes quicker through the process otherwise it would sit before it goes down to Columbus.

President Gillock: We usually submit it to Buildings and Lands and they take no action. We don't do anything with this to the State unless we're going to object. If you want it referred to Buildings and Lands with no action, we can do that.

Council Member Butkowski: I don't really care. I just wanted to make sure that if it had to go, it did.

Council Member Swindig: Before us is a resolution passed out by the Auditor to approved the expenditure of funds.

motion by Swindig to suspend By-Laws to consider the resolution to approve the expenditure of funds and assign a T number, 2nd by Butkowski

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 and is assigned T 136-2002.

motion by Swindig to suspend By-Laws to give T 136-2002 a first reading tonight, 2nd by Butkowski

President Gillock: Is there any discussion?

Council Member Johnson: Mr. President, for the benefit of the audience, I'd just like everybody to know it's just paying for the paving in the City parking lot.

President Gillock: Yes. This money was appropriated. It's just the bill we have to catch up on. Is there any other 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.

CORRESPONDENCE:

Clerk of Council Norris: Council has before them, five items of correspondence.

1) Received a letter from Jeffrey Harshman, Senior Vice President, Pittsburg Major Market, AT&T Broadband, advising that, effective November 26, 2002, customers currently receiving digital cable will see the following changes:

HBO will move from channel 15 and continue to be available on channel 300

Cinemax will move from channel 17 and continue to be available on channel 341

Implementation will not change programming that is currently offered through digital service.

2) Received a notice from Court of Common Pleas, Lorain County, Ohio, Case No. 01CV130118, Judge Kosma Glavas, that judgement was rendered in the case of Joseph Antush vs. North Ridgeville, Ohio and was entered upon the journal of the Court on October 28, 2002.

3) Received a letter from Board of Zoning and Building Appeals Chairman John Gasior, Planning Commission Chairman Ron Schwachenwald and Chief Building Official Guy Fursdon submitting amendments to the Codified Ordinances that were approved and recommended to City Council for consideration at a joint meeting on April 25, 2002.

President Gillock: REFERRED TO BUILDINGS AND LANDS COMMITTEE.

4) Received a legal opinion from Law Director Eric Zagrans declaring the referendum petitions on Ordinances No. 3844-2002 and No. 3845-2002 to be legally insufficient and in violation of the City Charter and relevant provisions of Ohio law.

5) Received a letter from President Dave Gillock giving a synopsis of his discussions with outside legal firms in regard to redistricting.

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone is welcome to address Council. We ask that you sign in, give us your name and address. By-Laws allow you three minutes and you can speak a second time after everyone else who wishes to speak has been allowed their first opportunity.

1) Gerald W. Phillips, 35955 Detroit Road, Avon, Ohio spoke on behalf of the committees for the Ordinance 3844-02, 3845-02. Stated that he filed a request, this evening, with the Clerk of Council, copy to Law Director, on behalf of the committee requesting that this Council reconsider the ordinances or submit them to the electorate. Stated that he filed, this evening, an opinion letter with the Law Director, copied all Council persons. Explained that the opinion letter indicates that the Law Director's opinion has no legal basis at law and noted case citations. Noted the attachment of three cases that determined on North Ridgeville ordinances, that refute the Law Director's opinion. Spoke about the citizens right to vote on PCD's. Stated that he filed, on the Law Director and Clerk of Council, a taxpayers demand to take steps to put these issues on the ballot. Suggested that Council hire their own independent counsel to get a second

opinion and consider a Charter amendment to make the Law Director elected and responsible to the citizens. Stated that you can ignore the Law Director's opinion, especially with erroneous advice, and put this on the ballot. Noted that there is legal authority for Council to put an item on the ballot and noted case citations. Stated that it is not the duty of the Law Director to determine the sufficiency of the petition. That is the duty of the Clerk of Council in the Charter and he has determined them to be legally sufficient.

2) Dr. Kvasnok of 8733 Mosswood Circle noted a local residents meeting and a discussion about the Bagley and Lorain Roads intersection. Stated that people ignore the signage and is becoming dangerous. Submitted a petition for a future traffic control light at the intersection with earlier notice of a left lane ending westbound. Asked, until such time a traffic signal can be installed, that the lines be painted fluorescent or light reflective and the sign that indicates that the lane is being lost be moved back prior to the bridge over the tracks. Commented on T 129 and applaud Council for bringing it up and letting them do the finances of it.

Council Member Pagel: Mr. Chairman, I would like to make a comment on his statements. I appreciate the discussion with the Bagley Road and Lorain Road intersection there and I have been in conversation with Mr. Sunderson that lives on Bagley Road and have directed our conversation to Jim Johnson, our Safety-Service Director, with my suggestions and possibly the signage, a little bit better, left lane ends. It's interesting, I travel that lane every day and it is a disaster. It's interesting that people going eastbound on Bagley Road will obey the white lines and not turn into the white lines turning right onto Bagley Road, but they don't obey the orange lines going westbound on Lorain. They just go right up that lane. So, I know that Mr. Johnson does have that information that I have sent him from some Bagley Road residents and perhaps, Mr. Chairman, he would like to address that.

President Gillock: Would you like to add anything, Mr. Johnson?

Safety-Service Director Johnson: Yes, Mr. President. This past summer, due to the intersection there and the problems, we hired a company, Traff-Pro, to come out and study that intersection because, what we were having, were people going eastbound in the lane that you can't cross the fog line in making a right turn onto Bagley and a person going straight tried to pass them on the right. This was happening all the time. The people would move over into that, across the fog line and try to go straight. We addressed that issue. We did cross paint that section and put cross bars right on the fog line side. We had done a couple other studies. The biggest problem we have is the residents and as you said, the Police Department says, how do you want us to enforce this. I believe we should have more police detail out there to ticket people who have done that. They didn't want to do it before we had Traff-Pro come in but, now I guess we can go out and watch the intersection very well.

Council Member Pagel: Is it ODOT's responsibility for the orange lines and for the direction of how those lanes go or is it our responsibility of the City?

Engineer Beutler: The pain striping is basically the City's responsibility for the maintenance of those. However, they have to be installed according to the Uniform Traffic Devices which is

regulated by the State.

President Gillock: Can we look into, I've seen another situation where it says "through traffic use right lane, left lane is left turn only", can we look into something like that?

Engineer Beutler: We can look into that and do a study of that type of thing, yes.

3) Chris Crobaugh of 38460 Otten Road commented on T 104-2002. Spoke of a situation on two traffic lights on the other end of town, Dyke Road and Center Ridge and Case Road and Center Ridge Road. Noted that a traffic study was done by NOACA and found that those lights don't meet any of the warrants required by the Ohio Uniform Manual of Traffic Control Devices. Noted a memo from the previous Engineer advising the Mayor that the lights should be taken out. Stated that the present Mayor refused to take those lights out even though they don't meet any warrant and they're unlawful lights. Stated that until they do meet a warrant they should be taken out and should be added to T 104-2002. Stated that a new study on the Case Road light may make a warrant because of traffic to the college. Dyke Road will never make a warrant and should be taken down forthwith.

Mayor Hill: Mr. President, we've debated this, Mr. Crobaugh and myself over the years. He knows very well that our concerns were safety concerns with school buses getting up the hill on Dyke Road and certainly with the traffic and especially the college students going to Lorain County Community College and returning. The engineer did not say it should be taken out and I refuse to take it out. As a matter of fact, Mr. Crobaugh had written to ODOT who responded and I'll have to find it because it's been ongoing and going on. School bus drivers were very concerned about the safety and had respectfully requested that the lights remain. The letter from ODOT, if anyone is interested, I can find it.

4) Betty Van Meter of 36896 Chestnut Ridge Road spoke about administrative Mayor and legislative Council. Stated that she is disillusion with the system of government in North Ridgeville. Spoke her concerns of the grid lock that goes on within the confines of the governing offices. Spoke about decisions being based on what you want and not what the taxpayers want creates negativity. Quoted the Mayor from an excerpt of the Chronicle and asked the Mayor why she isn't listening to taxpayers. Spoke about the referendum petitions with 700 citizen signatures opined invalid by our Law Director. Stated that people want to vote on what gets developed instead of accepting anything.

Mayor Hill: Mr. President, since you as President have permitted this debate back and forth, I'd like to respond to that. Mrs. Van Meter mentions, why aren't you listening when you said people have said that they, I forget your exact words actually, and that everybody wants to be the last man in the boat and that I have single handedly decided that, I wouldn't listen. That is not true. The legislation is adopted by City Council. The PCD ordinance was not single handedly decided by the Mayor of the City of North Ridgeville. In fact, I don't even have a vote and the PCD ordinance was considered by committees. It was forwarded through Council. Why won't I listen

to, everybody wants to be the last man in the boat, because it would be illegal for me to do so. I cannot forbid people, when it's correctly zoned, I cannot forbid people from either selling or buying and at one time, none of us were here.

5) Bob Miles of 34582 Lorain Road thanked Mrs. Pagel for the letter she sent off regarding his last complaint and thanked Mr. Johnson for removing the sign at Honeycutt and Lorain. Stated that his new complaint is the Lorain Road paving project. Questioned storm sewers being installed and noted the catch basins that stick out of the ground eight inches. They are higher than the sidewalk and lower than the road and it will create a flooding problem on the sidewalks. Asked that someone double check the grades on the catch basins.

Engineer Beutler: Mr. President, the project at Lorain Road, in order to do the reconstruction that we normally do with the pulva mix process, we had to take care of some areas that there was some poor drainage. Poor drainage was deteriorating the road that we have out there at the present time. In order to put that kind of money into the reconstruction road, we had to put some drainage in. So, the drainage is part of a reconstruction project. In regards to the catch basins the way they are, we have a limited amount of right-of-way in order to put the storm sewer in. Those catch basins are high because they are right next to the edge of the pavement where the pavement is going to be and there are windows in the back that basically accept the water that would be draining along that edge of the roadway between there and the sidewalk. So, right now, the project is in process. Whenever it gets all done, I think, everybody will see, basically, what is going on out there and you'll have a good drainage system for that area and you'll also have a good pavement.

Safety-Service Director Johnson: I would just like to thank the person who owns that, Mike Smith, the property that gave us the easement to take that water from the south side of the road to the north side and through his property over to the Route 10 area. It was an approximately 1700 feet easement.

President Gillock: Certainly do appreciate an easement such as that. Anyone else?

6) Gail Minnick of 6193 Mills Creek Lane reiterated that residents are not opposed to development. They are concerned about the density and the amount of green space being allowed in our PCD's. All they want to do is vote and doesn't know why everyone is concerned about not putting it on the ballot.

RECESS: from 9:10 P.M. to 9:20 P.M.

FIRST READINGS:

Clerk of Council Norris:

T 104-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
REVISED CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY
3857-2002 LAW WITH A CONSULTING ENGINEERING FIRM FOR A TRAFFIC

STUDY IN ORDER TO MAKE IMPROVEMENTS TO THE EXISTING TRAFFIC SIGNALS LOCATED AT THE INTERSECTIONS OF CENTER RIDGE ROAD AND THE FOLLOWING: EMERALD STREET, CORNELL AVENUE, WALLACE BOULEVARD, PITTS BOULEVARD, OLIVE AVENUE, JAYCOX ROAD, RIDGEVIEW BOULEVARD, ROOT ROAD, AND RIDGE PLAZA, NOT TO EXCEED \$85,000.00.

First Reading

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

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

Council Member Johnson: Mr. President, it was mentioned in lobby, here today I believe it has merit, to expand that out to Dyke Road. I'd like to slow this down, just a little bit, so we can consider that.

President Gillock: Didn't the Finance, didn't we postpone this for appropriations next year?

Council Member Swindig: Yes.

Council Member Johnson: Yes, it's in next year's appropriations.

President Gillock: So, we don't want to approve this during this calendar year.

Council Member Johnson: Yes, it's in no hurry.

Auditor Costin: I believe it was intended to pass it now but, the verbiage of the ordinance was changed to be included in the 2003 temporary appropriations.

President Gillock: Under section two, it does say appropriate in 2003. Mr. Johnson, did you want to make an amendment?

Council Member Johnson: I'm not prepared at this time. I'm just asking. I'm going to vote no on suspending second and thirds for that reason.

Safety-Service Director Johnson: This ordinance was put together because of congestion. Our highest congestion area is between Route 83 and Lear Nagle Road on Center Ridge Road. The whole purpose of this ordinance is to address the congestion problem and find ways to correct that in that particular area. As far as a traffic light, just to study a traffic light, that should be done on a separate ordinance, I believe. We really need to deal with the congestion.

President Gillock: Didn't we just do a study of the traffic lights a couple years ago on Center Ridge Road when Mr. Lovece was here?

Engineer Beutler: There was a study that was done, basically, with some of the turn signals and so forth were eliminated as a result of that study. Now, we're doing studies that basically are putting those back in. State Route 20 and State Route 83 are prime examples of that. We're getting those signals in. They probably will be in operation in a very short time period. It looks like the construction is just about complete. That's basically what we're facing. So, we're redoing the study what was done several years ago by the State and we want to move forward to see if there's any other improvements that we can do to basically relieve the congestion and so forth that we got now.

Mayor Hill: Mr. President, that initial study on Center Ridge Road was done more than ten years ago.

President Gillock: That's not the one I'm referring to. I wasn't on Council then. There was one

done two or three years ago but, I understand what you're saying.

Council Member Johnson: Mr. President, it was mentioned that this is to deal with congestion on Center Ridge Road and that's something we do have to deal with. I want to point out, with it coming out of the 2003 permanent and temporary appropriations, The congestion has already changed some what. It's going to change some more. That's where all the building is going on. I don't see the rush to jump into it right now and I'd like to consider the project that was just discussed here today that's going to open up into Center Ridge. It's something we should take our time on, I believe.

Safety-Service Director Johnson: Yes, and this doesn't pertain to just traffic lights. This pertains to possibly, adding lanes, doing things of this nature to correct the problem. A traffic light study would be a lot less money. We want to find ways to solve those at the various intersections by either adding turning lanes, not just lights.

Council Member Buescher: Mr. President, can we amend to add the study at Case Road and Center Ridge and Dyke Road and Center Ridge? I believe on the study that was done on Case Road, it wasn't during the school year and I think that another study should be done when the students are going back and forth to college.

President Gillock: I think the issue they're talking about, they estimated the funds to study this portion of Center Ridge Road. If we extend it, you're going to be changing the dollar amount significantly. I think that's something they'd have to look at.

Safety-Service Director Johnson: NOACA had also done a congested study in the five county area. From Route 83 to Lear Nagle Road, out of 239 congested areas, we rate 63 for congestion.

Council Member Johnson: Mr. President, it was suggested that this ordinance address turning lanes and widening. It says nothing of the sort. It addresses traffic signals and traffic signals only.

Council Member Olesen: Mr. President, I don't think a week passes where I don't get a call from one of the residents in my ward complaining about traffic on Center Ridge. I think we owe it to this community to do something and get something started.

President Gillock: I think we should certainly take a look at it in our appropriations next year. Anyone else? Please call the roll on the dispensing with the second and third readings.

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Motion is approved by a vote of six, one.

motion by Swindig, 2nd by Olesen to adopt

President Gillock: Is there any further discussion?

Council Member Swindig: Mr. Chairman, the reason why I moved it ahead and suspended second and third reasons are on account of the 30 days that we don't have to put the emergency on to get it into the temporary budget.

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

Yes, 7 No, 0

Clerk of Council Norris: T 014-2002 is adopted by a vote of seven to zero and becomes permanent ordinance 3857-2002.

Permanent Ordinance No. 3857-2002

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

First Reading

President Gillock: I've got a question on this particular ordinance. Number one, I can't find any where in the Planning Code or zoning manuals that define what accessory uses are. We're amending the ordinances to say "accessory uses are only permitted in certain areas", but no where does it define what an accessory use is.

Council Member Olesen: I think it's a broad term if I'm not mistaken, Mr. President. That was referring to other outbuildings and structures that were being placed in front yards.

President Gillock: I would have a problem with a broad form that just says you can't put anything in a side or rear yard or only in a side or rear yard without really saying what they're speaking to or defining accessory use.

Council Member Pagel: Mr. Chairman, I believe I had your same questions in committee and we did find it in the Zoning Book and I don't have the Zoning Board here, in front of me, to show you where you found it. It was defined as exterior outbuildings. There was a question of side yards actually, and just keeping them in the rear yards and we felt that there are a number of corner lots, L shaped houses and we felt that side yards were appropriate. It was nothing that was going to deter from the look of the house or property.

President Gillock: Could somebody find that for me or point it out to me before I vote yes on this? I'd like to know what it is or check with Buildings and Lands or the building administrator, Mr. Olesen?

Council Member Olesen: I can do that.

**T 131-2002 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE SECTION 1244.05(D)(1) AND ADDING LANGUAGE
LIMITING CONDITIONAL USES.**

First Reading

President Gillock: Minor point but, similar to the typographical error that, maybe, we do need to make an amendment. In section one of the ordinance it says "In all conditional uses granted, the conditions imposed by Board of Zoning Appeals, in addition to A, B, and C below," there is no A, B and C below in section one. There is a section two so, this may just be technical but, I would make the motion to amend this by adding parenthesis two parenthesis ((2)) in front of the letter A so that it matches the ordinance. It's referring to paragraph 2 A, B and C.

motion by Gillock to amend Section 1 by adding parentheses two parentheses ((2)) in front of the letter A, 2nd by Johnson

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

Yes, 7 No, 0

Clerk of Council Norris: T 131-2002 is amended by a vote of seven to zero.

T 132-2002 AN ORDINANCE AMENDING ORDINANCES NO. 2725-93, NO. 3483-99

AND NO. 3489-99 TO CREATE THE CLASSIFICATION OF ASSISTANT
CLERK OF COUNCIL, CMC (CERTIFIED MUNICIPAL CLERK).

First Reading

T 133-2002 AN ORDINANCE AMENDING ORDINANCES NO. 2725-93, NO. 3483-99
3858-2002 AND NO. 3489-99 BY REPLACING EXHIBIT A WITH A REVISED EXHIBIT
A AND ADDING A NEW EXHIBIT B.

First Reading

Council Member Butkowski: Mr. Chairman, I'd like to make an amendment to add the revised
schedule, Exhibit A and B, that was passed out tonight. Replace the revised Exhibit A and B.

President Gillock: You're replacing the attached Exhibit A and B with the Revised Exhibit A
and B.

motion by Butkowski to amend by replacing the attached Exhibit A and B with
the Revised Exhibit A and B, 2nd by Johnson

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to amend T 133-2002 is approved by a vote of seven to zero by
Council.

President Gillock: Mr. Costin, is this the one you wanted to move forward this evening.

Auditor Costin: Yes, I would appreciate that it would be passed by emergency or at least second
and third be dispensed with.

motion to dispense with second and third readings by Buescher, 2nd by Olesen

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to suspend carries by a vote of seven to zero.

motion to adopt by Swindig, 2nd by Butkowski

President Gillock: Is there any discussion on the adoption of T 133-2002? If not, please call
the roll.

Yes, 7 No, 0

Clerk of Council Norris: T 133-2002 is adopted by a vote of seven, zero and becomes
permanent ordinance 3858-2002.

Permanent Ordinance No. 3858-2002

Council Member Pagel: Mr. Chairman, motion to suspend By-Laws to reconsider T 132-2002.
I believe it was the desire of the Auditor to have that passed tonight.

Council Member Swindig: I'll second that.

Auditor Costin: I think that was the desire of the Finance committee, actually.

motion to suspend By-Laws to reconsider T 132-2002 by Pagel, 2nd by Swindig

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

Council Member Johnson: T 132 and T 133 are kind of intertwined. If we pass one, we really
should pass the other, I believe.

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President Gillock: Thank you. Is there any other discussion on reconsidering? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero

T 132-2002

3859-2002

President Gillock: T 132-2002 is again open for discussion.

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

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 to adopt by Swindig, 2nd by Butkowski

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

Yes, 7 No, 0

Clerk of Council Norris: T 132 is adopted by a vote of seven to zero and becomes permanent ordinance 3859-2002.

Permanent Ordinance No. 3859-2002

T 134-2002 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 3779-
3860-2002 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 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 Council, by a vote of seven to zero.

motion by Swindig, 2nd by Butkowski to adopt

motion by Swindig, 2nd by Butkowski to add the emergency to put the funds into
the appropriate spots and balance the budget for the end of the year

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

Yes, 7 No, 0

Clerk of Council Norris: Motion to add the emergency carries 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 134-2002 is adopted with the emergency by a vote of seven to zero and becomes permanent ordinance 3860-2002.

T 135-2002 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS
662-2002 DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND APPROVING THE ALTERNATIVE

**METHOD, FORMULA AN ALLOCATION OF ULGF AND ULGRAF AND
CERTIFYING THEM TO THE COUNTY AUDITOR**

First Reading

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

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

Yes, 7 No, 0

motion to adopt by Swindig, 2nd by Butkowski

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

Yes, 7 No, 0

Clerk of Council Norris: T 135-2002 is adopted by a vote of seven to zero and becomes
permanent resolution number 962-2002.

Permanent Revolution No. 962-2002

T 136-2002 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

963-2002 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

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

Yes, 7 No, 0

Clerk of Council Norris: T 136-2002 is adopted by a vote of seven to zero and becomes
resolution 963-2002.

Permanent Resolution No. 963-2002

SECOND READINGS:

T 123-2002 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
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.

Second Reading

T 127-2002 AN ORDINANCE DELETING THE REFERENCE TO THE REGIONAL
HOUSE CODE IN CODIFIED ORDINANCES SECTION 1282.11(B)(3).

Second Reading

President Gillock: I have a question on this one. This deletes language in our Zoning Code
which specifies what the minimum dwelling size, was to be section two of the suggested
ordinance. Section one says 1282.11 is repealed and suggests a new section shall be created for

minimum house sizes. We should do that at the same time. Otherwise we're going to be in a situation where we don't have a code in regards to the dwelling size.

Council Member Johnson: Mr. President, my notes here have the same concern.

President Gillock: Could we refer this back to Buildings and Lands? It would take a motion to do so.

motion by Butkowski, 2nd by Buescher to refer this back to BUILDINGS AND LANDS

President Gillock: I would like them to consider addressing the issue of not having a minimum dwelling size. Is there any discussion on the motion? 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.

T 129-2002 AN ORDINANCE AMENDING NRCO SECTION 1226.14 TO CHARGE
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.
Second Reading

THIRD READINGS: None

UNFINISHED BUSINESS: None

COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

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.

President Gillock: Are there any other announcements?

Council Member Olesen: Yes, Mr. Chairman. We're trying to arrange a PCD review meeting for the administration. We don't have a time or date yet.

Council Member Pagel: Mr. Chairman, I would like to publicly thank Don Mould's Plantation for permission to hang the public notices for ward three at their property. It's very community friendly and looks very nice. I think it's better access to the residents.

President Gillock: Speaking on behalf of Council, I'd like to wish everyone a Happy Thanksgiving.

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ADJOURNMENT:

motion to adjourn by Swindig
President Gillock: Meeting adjourned.

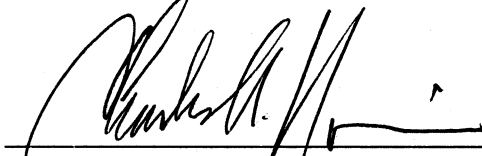
Meeting adjourned at 9:45 P.M.

MOTION Butkowski 2ND Buescher DATE December 2, 2002

YES 6 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL