

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING NOVEMBER 3, 2003**

CALL TO ORDER: 8:00 P.M.

President of Council David Gillock: I would like to call this meeting of the North Ridgeville City Council to order. Please stand for the Invocation and the Pledge of Allegiance.

INVOCATION: lead by President David Gillock.

PLEDGE OF ALLEGIANCE:

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 Larry Griffith, Auditor Chris Costin and Clerk of Council Chuck Norris.

MINUTES - Corrections and Approval:

Regular Council Minutes of October 20, 2003

motion to approve by Olesen, 2nd by Butkowski.

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.

President Gillock: Please note:

Planning Commission Minutes of regular meeting of October 14, 2003 and special meeting of October 14, 2003;

Board of Zoning and Building Appeals Minutes of special meeting October 7, 2003;

Parks and Recreation Commission Minutes of regular meeting September 24, 2003;

Civil Service Commission Minutes of regular meeting October 21, 2003; and

Board of Drainage and Flood Control Minutes of July 24, 2003.

COMMITTEE REPORTS:

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

AUDITOR'S REPORT:

OTHER REPORTS:

President Gillock: We have no other committee reports. We have no written reports this

evening. No Auditor's report.

Please note:

Building Department Report for September 2003; and

Service Department Activity Report for October 12, 2003 through October 26, 2003

President Gillock: At this point, as a result of the Parks and Recs meeting, we did receive a letter from Jim Spaulding in regards to approving the expenditure of \$3,000 for the construction of dugouts at the Shady Drive Complex. This does need verbal approval from Council and I would like to make a motion at this time to approve this expenditure.

motion by Gillock, 2nd by Buescher

President Gillock: Is there any discussion? Would the Clerk please call the roll.

Yes, 7 No, 0

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

OLD BUSINESS:

NEW BUSINESS:

President Gillock: No old business. New business, Mayor Hill?

Mayor Hill: Yes, I'm nominating Ken Mohler to the Fair Housing Board. Ken, would you mind standing? I'm nominating Ken Mohler to the Fair Housing Board to replace Norm Frindt who has resigned. The term will be effective immediately and will end on July 5, 2006. Mr. Mohler has been a resident of Ohio since birth and has lived in North Ridgeville for the last seven years. He has worked in the steel mills for over 36 years as an electrician. In addition to working as an electrician, he has held the position of union committeeman for eight terms, which is 24 years in the maintenance department. The position is an elected position voted from the rank and file. He has served as an AFL-CIO delegate on the safety committee and the legislative committee. Mr. Mohler was involved in a precedent setting case which entailed a new work life system, a model for the steel industry. Shortly, after his initial employment in the steel mill, Mr. Mohler served in the Armed Forces and saw active duty in Vietnam. I make that nomination.

motion by Mayor Hill, 2nd by Swindig

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

Council Member Pagel: I'm going to be voting no on this just for the sole purpose that the Mayor, at this time, is a lame duck Mayor with only four weeks left and this is an appointment to a board that will be serving for the next couple years. I just feel that the next Mayor coming in should have the opportunity to appoint the people to the board so, I will be voting down this nomination.

President Gillock: Is there any other discussion? Mayor Hill?

Mayor Hill: I believe Mr. Gillock was appointed the last month of the term of Mayor Armbruster to the Planning Commission, I think it was, and this seat, unfortunately, has been empty since July because we had a hard time finding volunteers, quite frankly, and people who are aware of

what the Fair Housing Board did.

President Gillock: Thank you. Anyone else? Please call the roll.

Yes, 1 No, 6 (Buescher, Pagel, Olesen, Butkowski, Butkowski, Johnson,
Gillock)

Clerk of Council Norris: Motion fails by a vote of six nays, one aye.

T 128-2003 ORDINANCE DECLARING IT NECESSARY TO LEVY A REPLACEMENT
TAX IN EXCESS OF THE TEN MILL LIMITATION AND AUTHORIZING
THE EXECUTION OF AN AGREEMENT RELATING TO THE NORTH
RIDGEVILLE BRANCH OF THE LORAIN PUBLIC LIBRARY.

Council Member Swindig: Mr. Chairman, move to suspend second and third readings.

Council Member Pagel: Second.

President Gillock: I have a motion by Mr. Swindig, seconded by Mrs. Pagel to dispense with second and third. Is there any discussion on dispensing with second and third? Point of Order. This is out of order. This is new business. We need a motion to suspend By-Laws to give this first reading.

motion by Swindig, 2nd by Pagel to give this a first reading this evening

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

Council Member Johnson: I understand we have until December 18 to decide this issue. I support it fully but, I'd like to use some of the time we have to let it sit in front of the public a little while before we vote to pass this. I have no problem with bringing it up today but, I don't think it would be prudent for us to pass it today. It's not necessary.

President Gillock: Anyone else? Frankly, I would like to pass it without the emergency clause. It still gives us 30 days if someone did want to object to it but, as Mr. Cromer said, either way, we need to get it done by the deadline so, I will support it.

Council Member Butkowski: Mr. Chairman, I agree with you. I'd rather not use the emergency and then that allows someone to protest it.

President Gillock: Thank you. Any other discussion on the suspension of By-Law to give this a first reading?

Council Member Johnson: Mr. President, your point about the emergency clause is well taken, I withdraw my objection to passing it tonight.

President Gillock: Thank you. Please call the roll.

Yes, 7 No, 0

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

T 129-2003 AN ORDINANCE AMENDING NRCO SECTION 1228.06 POST-TYPE
STREET LIGHTING INSTALLATIONS.

President Gillock: I will REFER THAT TO BUILDINGS AND LANDS COMMITTEE.

Clerk of Council Norris:

T 130-2003 AN ORDINANCE ADDING NEW PROVISIONS TO THE CODIFIED

ORDINANCES OF THE CITY OF NORTH RIDGEVILLE REGULATING
EXTERIOR LIGHTS TO MINIMIZE OBJECTIONABLE LIGHTING AT
PROPERTY LINES.

President Gillock: I will REFER THAT TO BUILDINGS AND LANDS COMMITTEE.

Clerk of Council Norris:

T 131-2003 AN ORDINANCE REPEALING AND REPLACING CHAPTER 1420, OHIO
BASIC BUILDING CODE WITH THE MOST RECENT VERSION OF THE
OHIO BUILDING CODE.

President Gillock: REFERRED TO BUILDINGS AND LANDS COMMITTEE

Clerk of Council Norris:

T 132-2003 AN ORDINANCE REPEALING NRCO CHAPTER 1426, NATIONAL
ELECTRIC CODE.

President Gillock: REFERRED TO BUILDINGS AND LANDS COMMITTEE

Clerk of Council Norris:

T 133-2003 AN ORDINANCE REPEALING AND REPLACING CHAPTER 1480, USE
AND OCCUPANCY HOUSING CODE, WITH THE PROPERTY
MAINTENANCE CODE.

President Gillock: REFERRED TO BUILDINGS AND LANDS, PLANNING COMMISSION
AND THE LAW DEPARTMENT.

CORRESPONDENCE:

Clerk of Council Norris:

- 1) Received a letter from Lorain Public Library System Director Kenneth L. Cromer submitting documents in regard to their request to Council to renew the existing operating levy for the North Ridgeville Branch Library.
- 2) Received a memo from Gail Minnick regarding the Planners Report for Meadow Lakes PCD as it relates to specific issues.
- 3) Received a letter from Parks Director Jim Spaulding announcing Commission approval of the expenditure of \$3,000 from the Parks and Recreation Improvement Fund for the construction of dugouts at the Shady Drive Complex and requesting Council approval.

Council Member Pagel: Mr. Chairman, I would like to move that we return to new business in order to consider the ordinance put forth by Mayor Hill for engineering.

President Gillock: Which ordinance?

Council Member Pagel: The ordinance that the Engineer talked to us about the construction of Center Ridge sewers for saving us money and assign it a T number.

motion by Pagel to consider the ordinance in regards to the construction of Center Ridge sewers, 2nd by Butkowski

President Gillock: Is there any discussion? No other discussion, please call the roll.

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

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

President Gillock: Would the Clerk please assign a T number.

Clerk of Council Norris: The T number will be 134-2003.

President Gillock: Will the Clerk please read T 134-2003 as new business.

Clerk of Council Norris:

T 134-2003 AN ORDINANCE AMENDING ORDINANCE 3929-2003 BY INCREASING
THE AMOUNT FROM \$65,000.000 TO \$100,000.00 FOR THE
CONSTRUCTION OF CENTER RIDGE ROAD SEWERS.

motion by Pagel, 2nd by Olesen to give this a first reading

President Gillock: Is there any discussion? Please call the roll.

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

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

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone is welcome to speak to Council. We ask that you use the lobby sign in sheets. Give us your name and address when you begin. You will be allowed three minutes. Anyone is welcome to come back a second time after everybody else has had their first opportunity. Mr. Young?

1) Andy Young of 35290 Elder Street spoke about party politics when voting down Ken Mohler's nomination. Stated that partisan politics needs to stop in light of the fact that it's difficult to find volunteers and good quality people to serve the public and to serve the public's interest.

President Gillock: I would just point out that Mayor Hill referred to my appointment, it was to the Zoning Board and Mr. Swindig did vote against that.

2) Rosemary Berg of 39753 Center Ridge Road brought recent events to Council's attention regarding the Center Ridge sewers as it relates to four landowners who have not signed agreements sent to them by KEM Associates. Spoke of a letter sent on September 8 with questions and requests regarding her property that were not answered. Spoke of a change in the sewer line.

Spoke of a conversation with Mr. Zagrans on October 22 regarding the agreement and taking the property by eminent domain. Stated she received a letter on October 25 from KEM stating that they were going to take her to court if she did not sign the papers and asked why she received this letter from KEM when Mr. Zagrans stated that she had to deal with the City. Presented copies of

correspondence pertaining to the above. Stated that she has the old and new sewer plan. Explained why she requested that her concerns regarding her property be written into the agreement. Spoke of needed repairs on her son's property on Race Road from a water line that was installed and when the sewer was installed the contractor has not repaired their sidewalk and they had to do their own landscaping where the line was installed.

President Gillock: Mrs. Berg, your three minutes are up. Mrs. Pagel?
motion by Pagel, 2nd by Butkowski to allow Mrs. Berg to continue

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

Council Member Pagel: I just want to remind the Members that we have done this in the past with other speakers up there.

President Gillock: Thank you. Please call the roll.

Yes, 7 No, 0

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

Mrs. Berg continued explaining that the homeowners who have not signed the agreement have lived in their homes for more than 38 years and have paid for a sewer plant for over 20 years and feels the City is treating them like second class citizens. Asked Council to take this under advisement.

Law Director Zagrans: Mr. President, since Mrs. Berg has referred to me, may I have an opportunity to have a minute to respond.

President Gillock: Yes, you may.

Law Director Zagrans: Thank you. I called Mrs. Berg along with the other two property owners whom I understood not to have agreed to an easement on their property for the sewer right-of-way. In order to try to work out whatever problems there where, I think Mrs. Berg's comments leave an unfair and incorrect impression that I called to tell her to either put up or you're going to get sued. In fact, I called her and the other two to say, what's the problem and what can we do to work it out and please don't make the City have to resort to an eminent domain proceeding because the City Law Department does not wish to do that to residents of this City.

Unfortunately, Mrs. Berg insisted on a rather lengthy list of concerns being met by the City and after talking with the City Engineer, I understood that some of those concerns could not be accommodated within the budget of the sewer project and that's what I so informed her. But, it is not that the City is rushing out to file a suit and in fact we have not yet filed suit. I am still hopeful that in additional conversations with Mrs. Berg and with the two other property owners that I have attempted to contact, that we will be able to work it out and not have to resort to eminent domain.

President Gillock: Hopefully, we can get this worked out. Mr. Brent?

3) Dick Brent spoke about the proposed overpass in 2005 and spoke about a vote on the ballot in Wellington and another community on an overpass. Suggested that if these communities vote down these overpasses that our administration put in an application for an

overpass or underpass on Race Road.

4) Joe Antush of 33500 Otten Road spoke about the PCD plan having a road going through the PCD to Race Road and Center Ridge and then through the other PCD to 480. Stated that the road is anything but straight and doesn't come out on Evergreen Drive. Spoke about the Mayoral debate in regard to the road being mentioned and raved about. Spoke of the loss of an east, west road due to Barres Road being closed. Commented on how nice Avalon Subdivision is.

5) Russell Sigsworth of 37696 Sugar Ridge Road spoke on behalf of the Historical Society as Vice-President. Thanked the administration for space at Old Town Hall and for the help of Jerry Krueger and his crew and the Building Department. Stated that without their help they would not be where they're at today with their two museums. Spoke about the Jaycox Road School museums and hopes that they can work as closely with the new Mayor as they did Mayor Hill for the last eight years.

President Gillock: Thank you Mr. Sigsworth. Anyone that has not seen our museums, I would certainly encourage you to. Anyone else?

motion by Pagel, 2nd by Pagel to remove the recess from the agenda

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

Yes, 7 No, 0

President Gillock: We will proceed right into first readings.

RECESS: dispensed with.

FIRST READINGS:

Clerk of Council Norris:

T 128-2003 ORDINANCE DECLARING IT NECESSARY TO LEVY A REPLACEMENT
3961-2003 TAX IN EXCESS OF THE TEN MILL LIMITATION AND AUTHORIZING
THE EXECUTION OF AN AGREEMENT RELATING TO THE NORTH
RIDGEVILLE BRANCH OF THE LORAIN PUBLIC LIBRARY.

First Reading

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

President Gillock: Is there any discussion? Please call the roll on dispensing with second and third readings.

Yes, 7 No, 0

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

motion by Swindig, 2nd by Olesen to adopt

President Gillock: Is there any discussion? Please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Motion is approved by a vote of seven to zero and T 128 becomes

permanent ordinance 3961-2003

Permanent Ordinance No. 3961-2003

T 134-2003 AN ORDINANCE AMENDING ORDINANCE 3929-2003 BY INCREASING
3962-2003 THE AMOUNT FROM \$65,000.000 TO \$100,000.00 FOR THE
CONSTRUCTION OF CENTER RIDGE ROAD SEWERS.

First Reading

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

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

Council Member Pagel: I just want the residents to know that I've heard and I've listened very closely to what their concerns are with this. Especially this evening but, we have an opportunity to save almost a million dollars in construction costs and I believe we have to look at the whole picture and those that will, all of the numbers that will be served by this. I would like to see this pass tonight.

President Gillock: Thank you. Anyone else? Mrs. Butkowski?

Council Member Butkowski: The portion of the sewer that Mrs. Berg was referring to is not included in this legislation.

President Gillock: Correct. Please call the roll on dispensing with second and third.

Yes, 6 No, 1 Abstain, 1 (Buescher)

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

motion to adopt by Pagel, 2nd by Swindig

President Gillock: Is there any discussion?

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

President Gillock: Reason?

Council Member Pagel: Health and welfare of the residents.

President Gillock: Thank you. Is there any discussion on adding the emergency? Please call the roll on adding the emergency clause.

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

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

President Gillock: Is there any further discussion on the adoption.

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

Clerk of Council Norris: T 134 is adopted by a vote of six to zero with one abstention and becomes permanent ordinance 3962-2003.

Permanent Ordinance No. 3962-2003

SECOND READINGS:

T 91-2003 AN ORDINANCE AMENDING SECTION 1294.03(d) OF THE
REVISED CODIFIED ORDINANCES OF NORTH RIDGEVILLE, RELATING TO
DETACHED PRIVATE GARAGE.

Second Reading

- T 95-2003 AN ORDINANCE AMENDING AND ADDING A PENALTY SECTION TO NORTH RIDGEVILLE CODIFIED ORDINANCE SECTION 1444.17, GRADING PLAN APPROVAL PRIOR TO BUILDING PERMIT ISSUANCE; SEEDING AND MULCHING; CONFLICTS OF LAWS.
Second Reading
- T 125-2003 AN ORDINANCE AMENDING NRCO CHAPTER 1294 SUPPLEMENTARY REGULATIONS BY ADDING A NEW SECTION.
Second Reading
- T 126-2003 AN ORDINANCE AMENDING NRCO SECTION 1286.09 GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS BY ADDING A NEW SUBSECTION.
Second Reading

THIRD READINGS:

UNFINISHED BUSINESS:

COMMITTEE MEETING ANNOUNCEMENTS:

Council Member Butkowski: Mr. Chairman, a Finance Committee will be meeting Thursday, November 6 at 6:30 P.M. in Conference Room.

Clerk of Council Norris:

Next Council Work Session Monday, November 3, 2003 at 7:30 P.M.

Next Regular Council Meeting Monday, November 3, 2003 at 8:00 P.M.

Public Hearings to be held Monday, November 17, 2003. The individual hearings will be held in the following order beginning at 7:15 P.M.

- 1) T 125-2003 AN ORDINANCE AMENDING NRCO CHAPTER 1294 SUPPLEMENTARY REGULATIONS BY ADDING A NEW SECTION.
- 2) T 126-2003 AN ORDINANCE AMENDING NRCO SECTION 1286.09 GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS BY ADDING A NEW SUBSECTION.
- 3) T 91-2003 AN ORDINANCE AMENDING SECTION 1294.03(d) OF THE REVISED CODIFIED ORDINANCES OF NORTH RIDGEVILLE, RELATING TO DETACHED PRIVATE GARAGE.
- 4) T 95-2003 AN ORDINANCE AMENDING AND ADDING A PENALTY SECTION TO NORTH RIDGEVILLE CODIFIED ORDINANCE SECTION 1444.17, GRADING PLAN APPROVAL PRIOR TO BUILDING PERMIT ISSUANCE; SEEDING AND MULCHING; CONFLICTS OF LAWS.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING NOVEMBER 3, 2003**

Page 10

Safety Committee will meet Thursday, November 13, 2003 at 7:00 P.M.

President Gillock: Are there any other announcements? I just want to remind everyone tomorrow is election day. Please be sure to exercise your right to vote. Do we have a motion to adjourn?

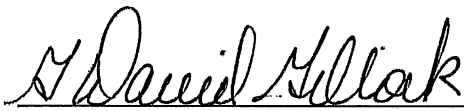
ADJOURNMENT:

motion to adjourn by Swindig
President Gillock: Meeting adjourned.

Meeting adjourned at 8:35 P.M.

MOTION Pagel 2ND Butkowski DATE November 17, 2003

YES 6 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL