

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 21, 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. Please stand for the Invocation and Pledge.

INVOCATION: lead by President of Council Pro-Tem Bernadine Butkowski.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

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

Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans was represented by Assistant Law Director Toni Morgan, Engineer Thomas Beutler, Auditor Chris Costin and Clerk of Council Chuck Norris.

Absent was Law Director Eric Zagrans.

MINUTES - Corrections and Approval:

Regular Council Minutes of October 7, 2002

motion by Butkowski, 2nd by Olesen to approve

President Gillock: Are there any corrections or additions.

Clerk of Council Norris: I have two corrections to last meeting minutes on page 2, under questions following written reports, strike the words "President Pro-Tem Butkowski" and substitute with "President Gillock" and on Page 16, under committee meeting announcements, the same correction, strike the words "President Pro-Tem Butkowski" and substitute with "President Gillock".

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

Yes, 7 No, 0

Clerk of Council Norris: Minutes of the October 7, 2002 meeting are approved by a vote of seven to zero.

President Gillock: Please note:

Planning Commission Minutes of regular meeting October 8, 2002

COMMITTEE REPORTS:

Clerk of Council Norris:

1) UTILITIES COMMITTEE REPORT #7180 Members of Council: We have considered the matter of T 100-2002 and recommend that this request be approved.

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Signed: Chairperson Denny Johnson, Members Bernadine Butkowski and Nancy Buescher and David Gillock.

motion by Butkowski, 2nd by Buescher to accept

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

Yes, 7 No, 0

Clerk of Council Norris: Report is accepted by a vote of seven, zero.

2) UTILITIES COMMITTEE REPORT #7199 Members of Council: We have considered the matter of revising Codified Ordinance 1462 and recommend that this request be approved and proper legislation be drawn authorizing the attached.

Signed: Chairperson Denny Johnson, Members Bernadine Butkowski and Nancy Buescher.

motion by Johnson, 2nd by Buescher to accept

President Gillock: Is there any discussion on the committee report 7199? Mr. Johnson?

Council Member Johnson: Mr. Chairman, the Utilities Committee has put a lot of work into this effort. I'd like to recognize a citizen, Larry Kane, who had put a lot of effort into this ordinance. I think it is something we can be happy with.

President Gillock: Thank you. This is the beginning of an ordinance in regards to wireless telecommunications, base stations and equipment. Is there any discussion? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Report is accepted by a vote of seven, zero.

3) UTILITIES COMMITTEE REPORT #7179 Members of Council: We have considered the matter of proposed revision of Codified Ordinance 1462 and recommend the proposal be reviewed by cellular legal specialist Jim Hobson of Mill & Van Eaton, P.L.L.C., not to exceed \$1,500.00 and recommend that this request be approved and proper legislation be drawn authorizing the same.

Signed: Chairperson Denny Johnson, Members Bernadine Butkowski and Nancy Buescher.

motion by Johnson, 2nd by Butkowski to accept

President Gillock: Is there any discussion on 7179? If not, please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: Report is accepted by a vote of seven to zero.

4) BUILDINGS & LANDS COMMITTEE REPORT #7205 Members of Council: We have considered the matter of a proposed ordinance 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 and recommend that this request be approved and the legislation attached be considered by Council.

motion by Olesen, 2nd by Butkowski to accept

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

Council Member Olesen: Yes, Mr. President, the only discussion I have I brought up in the work session about the request by Mr. Krueger that these funds be appropriated back to his service account because he does the work.

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

Yes, 7 No, 0

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

5) BUILDINGS & LANDS COMMITTEE REPORT #7206 Members of Council: We have considered the matter of accessory uses and recommend that this request be approved and proper legislation be drawn authorizing accessory uses shall be permitted only in side yard and rear yard in residential districts. The provisions of this ordinance shall not apply to detached garages.

Signed: Chairperson Robert Olesen, Members Nancy Buescher and Josanne Pagel.

motion by Pagel, 2nd by Olesen to accept

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

Council Member Butkowski: I discussed this at the Buildings and Lands meeting also, I would like to see that these accessory buildings only be in the rear yards. I realize that there are some people that have huge lots and it would look all right in a side yard but, let them go to the Board of Zoning and Building Appeals and get approval on it. Accessory buildings, I don't think, really belong in side yards. Let's let the BZA decide if it's all right or not.

President Gillock: We're voting on the committee report and if you wish to make that amendment to the legislation, you can do it at that time. Any other discussion on the committee report?

Council Member Swindig: Mr. Chairman, I have one thing on what Mrs. Butkowski says. There are some lots in some developments that have no backyards. They have all side yards.

President Gillock: Good point. This is something we can look into as it moves forward. Any other discussion? If not, please call the roll.

Yes, 6 No, 1 (Butkowski)

Clerk of Council Norris: The report is accepted by a vote of six to zero.

6) BUILDINGS & LANDS COMMITTEE REPORT #7207 Members of Council: We have considered the matter of conditional uses and recommend that this request be approved and proper legislation be drawn authorizing conditional uses shall be revoked if the conditions are not met upon the commencement of the conditional use and shall expire if the conditional use ceases for one year.

Signed: Chairman Robert Olesen, Members Josanne Pagel and Nancy Buescher.

motion by Olesen, 2nd by Pagel to accept

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

Yes, 7 No, 0

Clerk of Council Norris: Report is accepted by a vote of seven to zero.

President Gillock: We do not have any written reports this evening although, there are a couple of items of general information that the Mayor has disseminated that I'd like to give her an opportunity to review them now, if she would.

Auditor Costin: No further comments.

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OTHER REPORTS:

President Gillock: Please note:

Fire Department Report for September 2002;

Police Department Support Car Report for September 2002;

Public Water System Monthly Operation Report for September 2002; and

Service Department Activity Report for September 30, 2002 through October 13, 2002.

Senior Citizens Advisory Board Report:

Council Member Butkowski: I just wanted to report that the new transportation van has been received and is in service. Also, a reminder that the seniors are having their final spaghetti dinner, fund raiser this Friday, October 25th from 5:00 P.M. to 7:00 P.M. and there will take outs available.

Planning Commission Liaison Report:

Regular meeting October 8, 2002

Applicant: R. W. Beckett Corp., 38251 Center Ridge Road

Owner: R. W. Beckett Corp., 38251 Center Ridge Road

Request: Build a 24 foot by 60 foot pavilion

Location: 38251 Center Ridge Road in B-3 and I-2
Permanent Parcel No. 07-00-039-000-071

PC Action: Approved

motion to approve by Olesen, 2nd by Pagel

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

Yes, 7 No, 0

Clerk of Council Norris: Planning Commission report is approved by a vote of seven to zero.

Applicant: Richard Sullinger, President, Midview Xcavating Co., 37200 Sugar Ridge Road

Owner: Richard & George Sullinger, 32135 Cook Road

Request: Build 24 foot by 36 foot by 12 foot storage building

Location: 37200 Sugar Ridge Road in I-2, Permanent parcel No. 07-00-035-101-066

PC Action: Approved contingent upon Board of Zoning and Building Appeals approval of side yard variance request.

motion to approve by Olesen, 2nd by Swindig

President Gillock: Is there any discussion?

Council Member Olesen: Mr. President, just one thing. Mr. Sullinger was a good neighbor when he built this building. He moved it far back from the property line so he wouldn't abut up to a residential area, a home, that's next door and that home owner has no opposition to this and I think he's really doing a favor by moving back behind his place of establishment now and the neighbors don't have a problem with it, according to what he has told us.

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

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Yes, 7 No, 0

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

Applicant: Joseph A. Akin, 35205 Center Ridge Road
Owner: Akin & Akin Collision Center, 35205 Center Ridge Road
Request: for car lot and Phase II detail shop
Location: 35205 Center Ridge Road, Permanent Parcel No. 07-00-021-119-124
PC Action: Reaffirmed with letter written to Council.

motion to approve by Johnson, 2nd by Swindig

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

Yes, 7 No, 0

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

OLD BUSINESS: None

NEW BUSINESS:

Clerk of Council Norris:

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.

CORRESPONDENCE:

Clerk of Council Norris: Council has before them, two items of correspondence for this evening:

- 1) Received a letter from Paul Butkowski, Vice Chairman of Planning Commission, announcing that Planning Commission reaffirms their approval of the application by Akin & Akin Collision Center and referring to letters of explanation written by Ron Schwachenwald, Planning Commission Chairman and Guy Fursdon, Chief Building Official.
- 2) Received a thank you card from Council Member Bernadine Butkowski on behalf of the entire Noll family in regard to Council's donation to the Myeloma Foundation in memory of her brother, Thomas Noll.

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone wishing to speak to Council is welcome to do so. You will be given three minutes. We ask that you do sign in on one of the sign in sheets found in the back so we have an appropriate record. Is there anyone, at this time, wishing to speak to Council?

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Mrs. Sullivan of 5880 Jaycox Road reminded everyone of the good play at our Town Hall that deserves the people attending and participating. Stated that it's a fine evening of entertainment, locally, with free parking.

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

President Gillock: 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 a vote of seven to zero.

RECESS: dispensed with.

FIRST READINGS:

Clerk of Council Norris:

T 116-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
3851-2002 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW FOR THE CONSTRUCTION OF A
GRAVITY SEWER FROM THE WESTFIELD DRIVE WASTEWATER
TREATMENT PLANT WEST AND ALONG SHADY DRIVE TO THE
WESTERLY INTERCEPTOR, AND TO NEGOTIATE AND ENTER INTO A
CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS,
SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME,
NOT TO EXCEED \$120,000.00.

First Reading

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

President Gillock: Is there any discussion?

Mayor Hill: There's a reason for this and that is, at the last Council meeting, passed by emergency, was the other part of this sanitary sewer project and that was to hook up Shady Drive Complex to the sewers. We are hoping that this would go through on an emergency basis so that we can bid both projects at the same time possibly saving quite a bit of money by doing so.

President Gillock: Thank you. Any other discussion? If not, please call the roll on dispensing with second and third.

Yes, 7 No, 0

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

motion by Mayor Hill, 2nd by Pagel to adopt

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

President Gillock: This is obviously, to save money and is good for the citizens. Is there any discussion on adding the emergency? If not, please call the roll.

Yes, 6 No, 1 (Johnson)

Clerk of Council Norris: Emergency is added by a vote of six to one.

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

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Yes, 7 No, 0

Clerk of Council Norris: Motion to adopt, with the emergency, carries by a vote of seven to zero and becomes permanent ordinance number 3851-2002.

Permanent Ordinance No. 3851-2002

T 120-2002 AN ORDINANCE AMENDING ORDINANCE 3558-2000 PERTAINING TO
THE COMPENSATION OF THE PART-TIME ASSISTANT PROSECUTOR.
First Reading

T 122-2002 A RESOLUTION OF SUPPORT FOR TRANSPORTATION ENHANCEMENT
PROJECT.
First Reading

SECOND READINGS: None

THIRD READINGS:

T 110-2002 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3852-2002 RIDGEVILLE, OHIO, TO NEGOTIATE AND ENTER INTO A FIVE-YEAR
CONTRACT BEGINNING JANUARY 1, 2003, THROUGH DECEMBER 31,
2007, FOR HAZARDOUS MATERIALS RESPONSE AND MITIGATION IN
LORAIN COUNTY, OHIO.

Third Reading

motion by Swindig, 2nd by Olesen to adopt

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

Yes, 7 No, 0

Clerk of Council Norris: Ordinance is adopted by a vote of seven, zero and becomes permanent ordinance 3852-2002.

Permanent Ordinance No. 3852-2002

T 112-2002 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE A
3853-2002 CONTRACT FOR THE ACQUISITION OF PROPERTY FOR THE PURPOSE
OF EXTENDING MILDRED STREET TO JAYCOX.

Third Reading

motion by Swindig, 2nd by Butkowski to adopt

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

Yes, 7 No, 0

Clerk of Council Norris: T 112-2002, motion to adopt passes by a vote of seven to zero and becomes permanent ordinance number 3853-2002.

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UNFINISHED BUSINESS:

President Gillock: There's no unfinished business. Committee meeting announcements.

COMMITTEE MEETING ANNOUNCEMENTS:

President Gillock:

Next Council Work Session, Monday, November 4, 2002 at 7:30 P.M.

Next Regular Council meeting, Monday, November 4, 2002 at 8:00 P.M.

Council Member Butkowski:

Finance Committee meeting next Monday, October 28, 2002 at 7:00 P.M. at City Hall.

ADJOURNMENT:

motion to adjourn by Swindig

President Gillock: Meeting adjourned.

Meeting adjourned at 8:29 P.M.

MOTION Butkowski 2ND Johnson DATE November 4, 2002

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL



CLERK OF COUNCIL