

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 20, 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 Council Member Bernadine Butkowski.

PLEDGE OF ALLEGIANCE: lead by Boy Scout Troop No. 153.

President Gillock: Thank you to Troop 153 and the two young gentlemen for helping us this evening. Clerk, please call the roll.

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.

President Gillock: Thank you. This evening, we need to suspend By-Laws for two issues. The first is, we need to suspend By-Laws to allow the tape for appropriations ordinance T 114 to begin for first reading.

motion by Pagel, 2nd by Butkowski to suspend By-Laws to allow playing of the tape

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, you can begin the tape at your pleasure. Secondly, we have assigned T number 127 to the ordinance provided by the Safety-Service Director just prior to the work session involving updating the Codified ordinances. Do we have a motion to suspend By-Laws to enter T 127 under new business this evening?

motion by Pagel, 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 passed by a vote of seven to zero.

MINUTES - Corrections and Approval:

Regular Council Minutes of October 6, 2003

motion to approve by Butkowski, 2nd by Olesen

President Gillock: Are there any corrections or additions? Mr. Johnson?

Council Member Johnson: On page eight, just a spelling error where it says "Adkin and Adkin" it should be "Akin and Akin".

President Gillock: Thank you. Any other corrections or additions?

Council Member Buescher: Mr. President, under calling of the roll on page one, it also says, also present were Mayor Deanna Hill and then several lines below that it says absent were Mayor Deanna Hill.

President Gillock: Mayor Hill was not here at that meeting. Thank you. Any others? Will the Clerk please call the roll.

Yes, 7 No, 0

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

COMMITTEE REPORTS:

President Gillock: We have no committee reports this evening. Mrs. Butkowski?

Council Member Butkowski: I have a senior report tonight. The only thing I have is that the Senior Center is going to have a spaghetti dinner on Friday, October 24, 2003 from 5:00 P.M. to 7:00 P.M. and there will carry outs. This is at the Senior Center.

QUESTIONS FOR THE FOLLOWING WRITTEN REPORTS:

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

AUDITOR'S REPORT:

Auditor's Written Financial Report for September 2003

motion to approve by Swindig, 2nd by Johnson

President Gillock: Is there any discussion on the Auditor's Written Report? If not, please call the roll.

Yes, 7 No, 0

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

OTHER REPORTS:

President Gillock: Please note:

Mayor's Court Operating Trust Fund and Bail Trust Fund Report for September 2003

Police Department Activity Report for August 2003

Water System Monthly Operation Report for September 2003

Fire Department Report for September 2003

Service Department Activity Report for September 29, 2003 through October 12, 2003

Police Department Support Car Report for September 2003

Planning Commission Report: Regular Meeting October 14, 2003

APPLICANT: Angelo M. Guzzo, Jr., 35999 Lorain Road

OWNER: Same

REQUEST: Blacktop vacant property that was purchased by Village Motorsports

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LOCATION: 35999 Lorain Road, in B-3
 Permanent Parcel No. 07-00-025-108-008
PC ACTION: Approved contingent upon City Engineer's approval
 motion to approve by Olesen, 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.

APPLICANT: Edward A. Rollins, 34837 Shawn Drive
OWNER: Same
REQUEST: Addition extending warehouse to match current building
LOCATION: 7059-7065 Avon Belden Road, in B-3
 Permanent Parcel No. 07-00-021-117-064
PC ACTION: Approved
 motion to approve by Olesen, 2nd by Johnson
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.

APPLICANT: H & K Partnership, 34910 Center Ridge Road
OWNER: Dr. Robert Hutchison/Dr. Gary Krone, 34910 Center Ridge
REQUEST: Build a small outbuilding, 258 square feet, for new crematory
LOCATION: 34910 Center Ridge Road, in B-3
 Permanent Parcel No. 07-00-016-101-009
PC ACTION: Approved.
 motion to approve by Olesen, 2nd by Butkowski
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.

Planning Commission Report: Special Meeting of October 14, 2003

APPLICANT: Carol Holstein of Jim's Upholstery, 37907 Center Ridge
OWNER: Sean K or James M. Kersey, 37907 Center Ridge
REQUEST: Propose building addition and site improvements
LOCATION: 37907 Center Ridge Road
 Permanent Parcel No. 07-00-039-000-063
PC ACTION: Approved contingent upon the applicant agreeing to replace any trees that
 die in the existing neighboring buffer or applicant to plant their own buffer
 in the event the neighboring buffer should be removed.
 motion to approve by Olesen, 2nd by Butkowski

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

Yes, 7 No, 0

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

OLD BUSINESS:

NEW BUSINESS:

Clerk of Council Norris:

T 118-2003 NORTH RIDGEVILLE CITY RESOLUTION ACCEPTING THE AMOUNTS
AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND
AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM
TO THE COUNTY AUDITOR.

motion by Butkowski, 2nd by Buescher to suspend By-Laws so that this does not have to
go to committee

President Gillock: Is there any discussion on the suspension? 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 to suspend By-Laws to give T 118 a first reading

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 124-2003 A RESOLUTION IN SUPPORT OF HOUSE BILL NO. 247 AND SENATE
BILL NO. 108 RELATING TO THE ESTABLISHMENT OF
DEMONSTRATION RAILROAD QUIET ZONES IN SPECIFIED OHIO
CITIES.

motion by Pagel, 2nd by Johnson to suspend By-Laws to give T 124 a first reading

Council Member Pagel: Mr. President, I would like to give a little history of this. I bring this resolution before the members here, in the hopes that you would pass this, this evening. I've had multiple complaints during summer from my constituents about the railroad whistles. Multiple whistles between Chestnut Ridge and 83, three crossings. They are laying on the horns. They have an average of somewhere between 60 to 80 trains per day and it is quite an annoyance there with those people, especially on Halle and Rachel Avenue. I've talked pretty extensively to them and one resident, in particular, did some homework and made it apparent to me that there are some bills in the state that possibly can help this issue. I did some more research on this and I spoke with Senator Armbruster's office, Senator Spada's office, Representative Patton's office and left messages for Representative Martin in hopes that they would listen to my argument that we really would like to have a resolution in place in support of these bills. This is a demonstration project that possibly four other cities in Cuyahoga County will be involved in this project and we'd like, in the future, for North Ridgeville be considered within this demonstration project of a no whistle free zone. After talking to a lot of their legal aids, I received a call from

Senator Armbruster's office asking if I felt that this resolution would pass tonight and I said I think it will, I think the members would agree with this and he said because he had spoken with Senator Spada and Senator Spada is in agreement to insert this in the bill as it stands now. So, North Ridgeville will be included in this bill provided that we do show support and pass this resolution and send it down to them. This is a very first step for this to happen. It is just the first meeting of the committees in the House and the Senate and it will go through three hearings in the committee hearings and then be presented to the House floor and the Senate floor and then after that, once it passes, North Ridgeville would be included in the demonstration project but, we still have to go through an application process and that. This is a first step into helping the residents here and encouraging residents that we are developing along railroad lines with the properties that we have here and I think it's a really good thing. I was very excited to hear that Senator Spada appreciated North Ridgeville's woes at this time and would include it in their bill. I would hope that the members will pass it tonight.

President Gillock: Thank you. The end result, should we be successful, the railroad would use alternative safety devices as opposed to blowing the horn so we can do away with the whistles.

Council Member Buescher: Mr. President, I would just like to thank Mrs. Pagel for the work that she did because, I too, have been receiving calls along this line from constituents that wanted us to look into this. It was a surprise to me that she had done all this work and I sincerely appreciate it.

Council Member Butkowski: Mr. Chairman, I would also like to thank Mrs. Pagel for doing this because these train whistles wake me up in the middle of the night and they do blow at every, there's four times and they never stop.

Council Member Johnson: Me three, I want to thank you also. It's a lot of work, I know. I live about a mile away from those tracks and I know they've got to blow about three times at every intersection, every train. I can't imagine what it's like to live much closer to them in the summer months with the windows opened. I encourage you to stick with it and I'm glad to see us added to that list.

Council Member Pagel: Mr. President, I can't take all the credit. I have to give credit to residents Beth and Tom Spanks who really got my ear and did some work on this too. I really appreciate their work too. The residents were really the people that put this out in the front and did some work on it. I encourage all residents, if you have a situation, to contact your Council people because we can get things done.

President Gillock: Thank you. Please call the roll on suspension of By-Laws to give T 124 first reading.

Yes, 7 No, 0

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

T 127-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO NEGOTIATE AND ENTER INTO A CONTRACT (ATTACHED HERETO) FOR THE UPDATING OF THE CODIFIED ORDINANCES, NOT TO EXCEED \$10,000.00, AND INCLUDING THE

**OPTION FOR THE CITY TO APPROPRIATE FOR AND TO APPROVE OR
TO REFUSE ANNUAL UPDATES.**

motion by Johnson, 2nd by Swindig to give T 127 a first reading

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.

CORRESPONDENCE:

Clerk of Council Norris:

1) Received a letter from Sue Ann Schiff, Executive Director of the Firearms Law Center announcing their availability to consult about firearm regulations in our community.

2) Received a letter from Joanne N. Eldridge, Assistant Director of Lorain Public Library submitting its third annual report of expenditures from the 1.4647 mill operating levy for the North Ridgeville Branch Library.

3) Received a memo from President of Council Gillock to Planning Commission Chairman Schwachenwald and Members referring T 121-2003 to the Planning Commission in accordance with Charter Section 8.8.

LOBBY:

President Gillock: We now come to the lobby portion of our meeting. Anyone in the lobby is welcome to address Council. We ask that you use the lobby sign in sheets in the back and you will have three minutes. Does anyone wish to address Council at this time? We do need your name and address when you get to the podium, please.

1) Tom Lavelle of 5875 Lear Nagle Road spoke about the dedication of our police officers in making North Ridgeville a safe place to live. Spoke in support of the police support car program.

2) Tom Dake of 8935 Harris Drive thanked those who have written letters or have shown outward support for upcoming Issue 13, School Income Tax. Announced meetings on October 28 at 7:00 P.M. at the Library and on October 30 at 9:00 A.M. at the Senior Center.

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

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, zero.

President Gillock: No recess this evening. First readings.

RECESS: dispensed with.

FIRST READINGS:

Clerk of Council Norris:

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

T 114-2003 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO.
3957-2003 3883-2003 AND 3946-2003 FOR THE CITY OF NORTH RIDGEVILLE, OHIO
FOR THE PERIOD COMMENCING JANUARY 1, 2003 AND ENDING
DECEMBER 31, 2003.
First Reading In Full

motion by Butkowski, 2nd by Johnson 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, zero

motion by Butkowski, 2nd by Johnson to adopt

motion by Butkowski to add the emergency because this is due in the Auditor's
office, 2nd by Johnson

President Gillock: Mr. Costin, did you have something to add?

Auditor Costin: This is our most recent amendment. It reflects the various issues passed by
Council to this point and to allow us to continue to operate in certain funds. This should be
passed with the emergency tonight.

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

Yes, 7 No, 0

Clerk of Council Norris: T 114 is adopted with the emergency by a vote of seven, zero and
becomes permanent ordinance 3957-2003.

Permanent Ordinance No. 3957-2003

T 116-2003 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
3958-2003 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A

MANNER PRESCRIBED BY LAW FOR THE MILDRED STREET, RHONDA STREET, AND LAUREL CIRCLE WATERLINE REPLACEMENT, NOT TO EXCEED \$490,000.00.

First Reading

Council Member Butkowski: I would like to make a motion to amend this amount. Does the Engineer want to give his figure or the Auditor for this waterline tonight?

Engineer Griffith: Four Hundred thousand.

Council Member Butkowski: I want to amend it to 400,000 instead of 490,000. The bids have come in and that's the figure that we need.

motion by Butkowski, 2nd by Johnson to amend the amount to 400,000 dollars

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

Engineer Griffith: I would like to have that passed tonight, if possible.

President Gillock: Do you need the emergency?

Engineer Griffith: Yes, because we do have the bids.

President Gillock: That's so we can get started with the weather and everything else. Is there any further discussion on the amendment? Please call the roll.

Yes, 7 No, 0

Clerk of Council Norris: T 116, the amendment is approved by a vote of seven to zero.

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 by Swindig, 2nd by Butkowski to adopt

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

Council Member Swindig: Move to add the emergency due to the bids being open and there's something with the law that if they open the bid, within 30 days if we don't act on it, we are in violation.

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

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

Yes, 7 No, 0

Clerk of Council Norris: T 116 is adopted by a vote of seven to zero with the emergency and becomes permanent ordinance 3958-2003.

Permanent Ordinance No. 3958-2003.

President Gillock: Mr. Costin?

Auditor Costin: Yes, Mr. Chairman. As discussed at the last meeting, with the passage of this ordinance we will replace in our appropriation ordinance these particular water lines in lieu of those that were passed at appropriations. However, in addition, so there's no misunderstanding,

what was appropriated was 446,000 dollars and it's my understanding that the Engineer will continue to use that balance to do engineering on the water lines that were discussed at the appropriation meeting.

President Gillock: The other 46,000 dollars?

Auditor Costin: Correct.

President Gillock: Are there any questions of the Auditor? Thank you.

T 125-2003 AN ORDINANCE AMENDING NRCO CHAPTER 1294 SUPPLEMENTARY REGULATIONS BY ADDING A NEW SECTION.
First Reading

T 126-2003 AN ORDINANCE AMENDING NRCO SECTION 1286.09 GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS BY ADDING A NEW SUBSECTION.
First Reading

T 118-2003 NORTH RIDGEVILLE CITY RESOLUTION ACCEPTING THE AMOUNTS
985-2003 AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
First Reading

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

President Gillock: Is there any discussion? Mr. Costin, would you briefly explain what this does?

Auditor Costin: This is a by-product of the budget that we passed in July. We have tax rates that are determined and we need by statute, to accept these rates. It results in no additional tax increase. This is authorizing the rates that we know to be in place and I have reviewed the rates and they are correct.

President Gillock: Thank you. This is a statutory requirement. Is there any other discussion on dispensing with second and third? 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 Butkowski, 2nd by Johnson to adopt

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

Yes, 7 No, 0

Clerk of Council Norris: T 118-2003 is adopted by a vote of seven to zero and becomes permanent resolution number 985-2003.

Permanent Resolution No. 985-2003

T 124-2003 A RESOLUTION IN SUPPORT OF HOUSE BILL NO. 247 AND SENATE
986-2003 BILL NO. 108 RELATING TO THE ESTABLISHMENT OF

**DEMONSTRATION RAILROAD QUIET ZONES IN SPECIFIED OHIO
CITIES.**

First Reading

motion by Pagel, 2nd by Buescher 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 Pagel, 2nd by Johnson to adopt

President Gillock: Is there any discussion on the adoption? Mrs. Pagel?

Council Member Pagel: I appreciate the members support in this resolution. I look forward to the residents being happy with the whistle free zones.

President Gillock: Thank you. Please call the roll on the adoption.

Yes, 7 No, 0

Clerk of Council Norris: T 124 is adopted by a vote of seven to zero becomes permanent resolution 986-2003.

Permanent Resolution No. 986-2003

T 127-2003 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3959-2003 RIDGEVILLE, OHIO TO NEGOTIATE AND ENTER INTO A CONTRACT
 (ATTACHED HERETO) FOR THE UPDATING OF THE CODIFIED
 ORDINANCES, NOT TO EXCEED \$10,000.00, AND INCLUDING THE
 OPTION FOR THE CITY TO APPROPRIATE FOR AND TO APPROVE OR
 TO REFUSE ANNUAL UPDATES.

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 to adopt

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

motion by Swindig to add the emergency due to the factor of the January 1
deadline of getting in order with the Ohio Revised Code, 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.

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 127 is adopted by a vote of seven to zero with the emergency and becomes permanent ordinance 3959-2003.

Permanent Ordinance 3959-2003

SECOND READINGS:

T 117-2003 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
3960-2003 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
MANNER PRESCRIBED BY LAW FOR THE PURPOSE OF INSTALLING A
SCREEN AND SLUICE GATE FOR THE FRENCH CREEK WASTEWATER
TREATMENT PLANT, NOT TO EXCEED \$48,000.00.

First Reading

motion by Swindig, 2nd by Olesen 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 Olesen to adopt

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

Yes, 7 No, 0

Clerk of Council Norris: T 117 is adopted by a vote of seven to zero and becomes permanent ordinance 3960-2003,

Permanent Ordinance No. 3960-2003

THIRD READINGS:

UNFINISHED BUSINESS:

COMMITTEE MEETING ANNOUNCEMENTS:

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.

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ADJOURNMENT:

motion to adjourn by Swindig
President Gillock: Meeting adjourned.

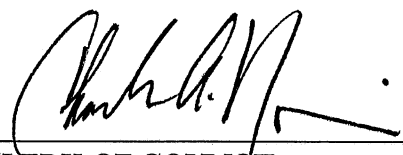
Meeting adjourned at 8:42 P.M.

MOTION _____ Olesen _____ 2ND _____ Butkowski _____ DATE _____ November 3, 2003 _____

YES _____ 7 _____ NO _____ 0 _____ ABSTAIN _____ 0 _____



PRESIDENT OF COUNCIL



CLERK OF COUNCIL