NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING AUGUST 8, 2001

CALL TO ORDER 6:00 P.M.
President Brown: I'd like to call this Special Meeting to order of the North Ridgeville Municipal Council. Please read the notice on T 109-2001, Mr. White.

READING OF NOTICE
Council Clerk White read the notice of the Special Council Meeting in full as on file in the office of the Clerk of Council as it relates to T 109-2001.

President Brown: Please take roll, Mr. White.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski, David Gillock, Jean Brown, Also, present was Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans and Clerk of Council Jim White. Auditor Chris Costin arrived at 6:02 P.M.

President Brown: Please, we'll have third reading on T 109-2001.

THIRD READING
T 109-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
3716-2001 THE ELECTORS OF A PROPOSAL TO AMEND SECTION 2.4 OF ARTICLE II OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO
Third Reading
motion by Swindig to adopt, 2nd by Borocz

President Brown: Discussion?
motion by Swindig to have the emergency clause due to the time restraints to get it to the Board of Elections, 2nd by Borocz

President Brown: Mrs. Butkowski, did you have something to say?
Council Member Butkowski: Yes. There was something here on my desk that said, indeed City Council is not suppose to have any say in the matter. Under Section 16.1 of the Charter, once our Committee determines which amendments are to be put on the ballot, City Council is obligated to enact legislation directing the Board of Elections to put the issues on the ballot. Well, I looked in my Charter, I don't have a 16.0 and this is the charter that was given to me when I came on Council in 00 and if in fact we don't have any say in the matter, why are we here and why are we doing this or is somebody telling us how to vote?
President Brown: Mr. Zagrans?
Law Director Zagrans: I will try to respond to Mrs. Butkowski's questions. I believe there's a typographical error in the letter that you're referring to. I think 16.0 was meant to be 16.1 of the Charter and what the authors of the letter, I believe, are referring to is the fact that Section 16.1 of the Charter says, that upon submission by a Charter Review Committee of alterations, revisions, or amendments to the Charter as in its judgement shall seem advisable, the Charter specifies that

Council shall submit to the electors any such proposed alterations, revisions or amendments to the Charter at the next regular November election. So, the City Charter which is the constitutional authority binding upon all elected officials of the City of North Ridgeville specifies that once the Council, once the Committee submits its determinations, then the Council must submit it to the electors.

Council Member Minnick: Section 15.1, procedures on amendments states, the Council may by vote of at least two-thirds of all its Members, submit to the electors of the municipality amendments to this Charter. The submission of any proposed amendment to the electors shall be govern by the requirements of the Constitution of Ohio and to such extend as said Constitution shall fail to provide therefore, the Council shall determine the manner for such submission. Section 16.1 states, that such Committee, that is the Charter Review Committee, shall review and recommend to Council any alterations, revisions and amendments to this Charter as in it's judgement seem advisable. The Council shall submit to the electors any such proposed alterations, revisions or amendments to the Charter at the next regular November election. The Constitution in Section 18.09 states, amendments to any Charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority. The Committee is an advisory to Council and Council can exercise the discretion. They have made recommendations, suggestions. They are not mandatory. If the recommendations were mandatory, the sentence in 16.1 would read all rather than any proposed alterations. Council is the legislative authority and has the final say.

Law Director Zagrans: I would point out to the Members of Council that the alternative provision that Mrs. Minnick has cited to is Section 15.1. It talks about a different procedure for submitting amendment to the Charter to the voters. Different from the Charter Review Committee. The Charter Review Committee under Article 16 is a separate and distinct methodology required to be considered once every six years. The Article 15 method Mrs. Minnick is talking about, is not limited to once every six years. It can be done anytime if at least 10 percent of the registered voters seek to have an amendment to the Charter put on the ballot or anytime two-thirds of the Members of Council seek to have an amendment to the Charter put on the ballot. But, that has nothing to do with the procedure under Article 16. Finally, the comment and interpretation that Mrs. Minnick suggests and the opinion of the Law Department simply doesn't pass muster. It is not the case that the language would read any differently to have the interpretation that the Law Department has given it when Section 16.1 says, the Council shall submit to the electors any such proposed amendments. It is saying that if the Committee specifies and recommends any proposed amendments that Council shall submit those amendments to the electors. It is mandatory and precatory language. It does not give Council discretion as Council would have to choose to put up amendments or not to under Article 15, procedure. So, the interpretation of the Law Department is that the special section in our Charter for a Charter Review Committee is a separate, special and independent method for putting proposed amendments on the ballot and the only function of Council is to pass legislation to direct the Board of Elections to do that since Council is the only body that can pass legislation directing the Board of Elections. That's the only way the Board of Elections is going to accept the item for being put on the ballot. The Charter Review Committee does not have legislative authority under our Charter. That's the reason that our Charter specifies the procedure in Article 16 that it does.

Mayor Hill: Yes, just some other comments. I want to publicly thank again the people who served on the Charter Review Committee. Although they were for warned about the political climate they may have to deal with, neither they nor I expected what has happened. The meetings started in June. They were scheduled by the Committee with much background work and hours spent in research. The Charter does not say the Committee will begin to meet in January. It merely says the first one, and I think it was 1966, shall occur in January. In fact, the last one I appointed started in March and Members did not do the background research that has been done by this Committee and did not meet as frequently. In fact, with information from the last 10 Charter changes, nine out of the 10 were passed by emergency just like with every note ordinance and I believe, the referendum ballot issue. In response to the statement that the ordinances were not attached to the Special meeting announcement last week, and an attempt was made to point a finger of blame, actually, the administration has absolutely nothing to do with attachments or no attachments. In response to the statement that there was not time to do research, the only two amendments that have been passed at the last meeting and with the emergency were the two that were discussed and placed on the ballot at the Committee meeting, had no Council Members attended. The other four had been rehashed in the newspaper with quotes from those who say they've not had time to think about them and discussed at Committee meetings attended by those same Council Members who have declared that they have not had time to set it up. In response to the statement from a Council Member that she has heard many negative comments about the four remaining issues, the Committee stated at meetings, had me repeat it at Council meetings, it has been in the newspapers and on cable tv listing the members and their telephone numbers, that they were seeking input. No one and I think it holds true from the last meeting, I repeat, no one, including those now objecting, contacted a single member of the Committee. As far as this issue, I think it's pretty clear to people that it is political, but besides that, research into the term limit issue was conducted. Of the 180 municipalities in Ohio, only seven others have a two term limit on a Mayor elected by the voters. That is three percent. In seven of the eleven municipalities with any term limits at all on the Mayor, City Council is term limited. That leaves four municipalities in the State of Ohio with Mayoral term limits, but no limits for Council. Of those four, in one the Mayor is the Council person who receives the highest number of votes. In other words, a City Manger form of government. That means there are two other municipalities out of the 180 that have two term limits for the Mayor, no term limits for Council where the Mayor is directly elected. That is equal to a total, including North Ridgeville, of one percent of the cities in Ohio. The Committee felt that the deletion of term limits is intended to, well, place the freedom of choice back into the hands of North Ridgeville voters. Thank you.

President Brown: Thank you. Any other discussion?

Council Member Butkowski: Madame President. Mr. Zagrans, are you telling us that we have to vote for this?

Law Director Zagrans: That seems to be the way the Charter mandates, yes.

Council Member Butkowski: So, I'm just a potted plant sitting here doing what you're telling me to do.

Council Member Minnick: Madame President, I received an opinion from two different attorneys and they both differ from Mr. Zagrans. I would like to add that there are people in this room that are expecting this Council to accept the Charter Review Committee's recommendation. However, these are some of the same people that were confused about Issue 57 and published the PEP flyer with less than truthful information. I believe Council must use their experience and knowledge in this matter and vote accordingly and I do not believe that recommend means mandatory or obligated.

Law Director Zagrans: I would like to evaluate the opinions of the attorneys that have advised Mrs. Minnick on the cause. As I've always said, I'm not infallible and so if I could ask Mrs. Minnick, with the permission of the chair, who the attorneys are who have given you contrary opinions? I would like to know that.

Council Member Minnick: Well, if we are willing to put these amendments to committee to discuss them, I will be more than happy to share with you the two attorneys that advised me.

Law Director Zagrans: Will you tell me now?

Council Member Minnick: No I won't, unless we put them in committee. There's still time. August 23rd is the deadline. There's still time.

Law Director Zagrans: I tried.

Council Member Swindig: Madame Chairman, I have a problem with this whole thing. Two Council people that want everything to go to the vote of the people, now do not want to put it to the vote of the people. I'm sorry.

Council Member Minnick: Madame President, I find that a bit hypocritical of Mr. Swindig who has repeatedly voted against the peoples rights of voting to put the PCD's on the ballot.

Council Member Swindig: Madame Chairman, I don't want to get into a debate with Mrs. Minnick.

President Brown: I will not allow it.

Council Member Swindig: But, when there is only 12 people pushing for that and then they come up with doctored and lying when they pass a petition, I can't support it. Thank you.

Council Member Minnick: I object.

President Brown: I call for the vote.

Council Member Gillock: Madame Chairman?

President Brown: Yes Mr. Gillock? One more and that's it.

Council Member Gillock: I haven't said anything. My concern with the issues we're discussing is the timing. I think by Charter we are mandated to send them to the Election Board. They came up with these and I agree they should be voted on and that's not reflecting whether I'm for or against them. I think they should go to the Election Board. My question is when? First I'd like to thank all of the members of the Charter Review Board for the hard work they put in and for their recommendations. I have a great deal of respect for all of them and appreciate the bi-partisan effort that they put forth. This is the first of three ordinances that we'll be voting on tonight and since I missed the other two series of Special meetings, I'd like to take this opportunity to give my reasons why I'm going to vote as I am. I'm going to be voting to adopt each of these three ordinances as I think we should. It is my understanding that the ordinance considering the Parks and Recreation Director will be voted on at a later date. I believe the Charter Review Board has put forth legitimate questions for the Committee to vote on and I have no problem with that. However, I will not be voting to add the emergency clause. I think the time line is a situation and the time to vote on these because of the way they were presented and

they've been processed as November of next year. To my understanding that the emergency clause is to be used for the immediate preservation of public peace or health and safety reasons, none of these fit that criteria. These can be voted on next year without any affect whatsoever on the City because of the delay. It's only been five years since the last Review Board and the Charter requires a review every six years, so there is no urgency here. Lastly, I feel, if we had appointed a Review Board earlier as it's customary, to my understanding, we may have been able to do this without the emergency clause and without 14 Special meetings which were not and are not televised and without any lobby input. In addition, when we do vote to vote on the Parks and Rec ordinance, T 114-2001, I again believe our Charter, I don't believe our Charter allows us to add the emergency clause to that either. That ordinance, as presented to us, which we'll get to later, removes two paragraphs of the Charter that require the appointment of the Director to be subject to the approval of Council. Section 3.13 of the Charter states, Council may not declare as an emergency measure any ordinance changing or surrendering or joint exercise of any of its powers. This ordinance takes away its power to approve the appointment of a Parks and Rec Director. In summary, I feel the Board did a yeoman job in accomplishing what they did in the time that they had. I just feel that if they've been able to start earlier, they may have been able to accomplish even more and maybe even answer this question. These questions could of been answered and the emergency clause would of been a non issue. So, I think these should be on the ballot in November of 2002.
Law Director Zagrans: Madame President?
President Brown: Mr. Zagrans you may make a comment and then I will call for the question?
Law Director Zagrans: I simply would like to advise Council of the legal issue that I discussed with Mr. Gillock yesterday when he shared with me the same sentiments that he has just expressed. It is my interpretation of Section 16.1 of the Charter that the solution that Mr. Gillock suggests is open, is in fact not open. That the Charter is very specific that the amendments determined by the Committee must be placed on the ballot at the next regular November election which is the election on November of 2001, not the election in November of 2002. That is simply an avenue that are Charter forecloses us from taking and as far as the emergency basis of this goes is not affecting the health, safety and welfare immediately of the people. I agree that none of these affects the immediate health, safety or welfare. But, that is not the purpose behind the amendment as stated by Mr. Swindig in making the motion. The purpose behind the, the emergency I mean, not the amendment, the purpose behind the emergency is because of the deadline that is coming up sooner than 30 days of placing this on the ballot with the Board of Elections. That is the reason for the emergency and is analogist to similar emergency measures in other legislation that Council has properly adopted when there is a deadline coming up even though the underlying nature of the measure might not immediately affect the health, safety or welfare of the people.
President Brown: Thank you. I call for the question.
Council Member Minnick: Madame President, I have one other item.
President Brown: I called for the question already. Thank you. Please take the roll.
Clerk of Council White: Vote on the emergency.

Yes, 4 No, 3 (Minnick, Butkowski, Gillock)

Clerk of Council White: Three is a no go.

Law Director Zagrans: The emergency fails.
Clerk of Council White: Right.
Clerk of Council White: Vote on the adoption. Overby?
Council Member Overby: Yes
Clerk of Council White: Swindig?
Council Member Swindig: Yes
Clerk of Council White: Borocz?
Council Member Borocz: Yes.
Clerk of Council White: Minnick?
Council Member Minnick: No.
Clerk of Council White: Butkowski?
Council Member Butkowski: Because Mr. Zagrans says I have to vote yes, Yes.
Clerk of Council White: That is a yes vote?
Council Member Butkowski: Yes.
Clerk of Council White: Gillock?
Council Member Gillock: Yes.
Clerk of Council White: Brown?
President Brown: Yes.

Yes, 6 No, 1 (Minnick)

Clerk of Council White: Motion carries six, one on the adoption.
Law Director Zagrans: Madame President, point of order. May I ask Mrs. Butkowski whether she would be willing to reconsider her vote on the emergency because the Law Director is informing her that his interpretation of the Charter is that she must do so?
Council Member Butkowski: I do not believe there's an emergency and I don't care who says there is.
Law Director Zagrans: Well, the emergency is explained at the next regular November election.
Council Member Butkowski: No.
Law Director Zagrans: Thank you.
President Brown: Motion for adjournment please.
Clerk of Council White: T 109-2001 becomes Ordinance No. 3716-2001.

Permanent Ordinance No. 3716-2001

President Brown: Call for adjournment.

ADJOURNMENT

motion by Borocz to adjourn, 2nd by Swindig
President Brown: Meeting adjourned.
Meeting adjourned at 6:22 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001
YES 6 NO 0 ABSTAIN 0

Jean K. Brown
PRESIDENT OF COUNCIL

Jean White
CLERK OF COUNCIL

NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING AUGUST 8, 2001

CALL TO ORDER 6:22 P.M.
President Brown: I would like to call this Special Council meeting to order for North Ridgeville Municipal Council on T 110-2001. Please read the notice, Mr. White

READING OF NOTICE
Clerk of Council White read the notice of the Special Council meeting in full as on file in the office of the Clerk of Council as it relates to T 110-2001.

President Brown: Thank you. Please take roll.

ROLL CALL:

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski, David Gillock and Jean Brown.
Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.

President Brown: Please read for the third time, T 110-2001.

THIRD READING
T 110-2001
3717-2001
AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND SECTION 3.5(c) OF ARTICLE III OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.
Third Reading
motion by Swindig to adopt, 2nd by Overby

President Brown: Discussion?
Mayor Hill: Madame President, I will remind Council, again, that out of the last 10 Charter amendments that were proposed over 10 different years, nine of them were passed by emergency and I would like to remind Council that the two submitted at the last meeting by the same Charter Committee were passed by emergency. So, there seems to be a little bit of conflict here. Now, this amendment about Council President, obvious, an amendment for Council President was actually requested of the Committee by Council Member Minnick. Obviously, the one submitted by Chris Costin to the Committee and this one demonstrates very clearly that it's not, as it was called, a one man show. The proposed amendment clarifies the process so that the President will be At Large, as elected by Council. In case of a vacancy, an At-Large Member is to replace the person, the vacancy that is left. If no At-Large Member accepts, the vacancy will be elected from any Member who was elected. Thank you.

President Brown: Any other discussion?
Council Member Minnick: Yes. In keeping with the spirit of Section 3.5 of our Charter, I believe the following modifications should be made. Let me first read 3.5. President of Council shall be a Member of Council elected from the Municipality-At-Large. Vacancy in Office, I believe it should read, in case of vacancy in the office of President of Council, a new President shall be elected by Council from among those Members of Council who have been elected from the Municipality-At-Large. In the event no Member of Council who has been elected from the Municipality-At-Large remains, a new President shall be elected by Council from among any Member of Council who has been elected. Should a Council President enter office in mid or partial term, it shall be construed as a full term unless there is six months or less that are left when elected to President of Council. What I am changing, what my suggested change would be, to take out, accepts the office of Council President, take that out and put, remains, and a new President shall, rather than may. I believe that would be in keeping with the spirit of 3.5. I believe that when a person runs for Council-at-Large, they should full well know that there is a possibility that they can be President of Council. I don't think it's up to a Council Member to say, I don't want it. That is a requirement of our Charter which was amended in November of 1996. Other than that, I see no problem with it.
Mayor Hill: Madame President, this was offered to the Committee. The Committee chose to have it written as it is written. It is not up to Council to change what the Committee has accepted unanimously. So, they had discussed it and they decided what they wanted.
Law Director Zagrans: Madame President, I just want to supplement and amplify on what the Mayor just said. I believe if it had not been something that the Committee had considered, then Mrs. Minnick, or any other Council Member would be within their rights to raise the point and so long as the Charter Review Committee were willing to go along with it and I think all Members are certainly a quorum of the Committee as present this evening, then it could be amended and voted on in its amended form. But, the Mayor's correct that this was a proposal that was discussed and rejected by the Committee.
Council Member Gillock: Madame President, I agree. I think that Council's obligation is in changing something presented by the Committee is only in cases of need of clarity or there's something legally that needs to be changed. I was at the meeting and I know that they did discuss this and this is the way they want it. I don't feel it's really up to us to massage or change in any way what they want to send to the voters. So, I would leave it as is.
President Brown: Thank you. Mr. Overby?

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

President Brown: Discussion about the emergency? Please take roll on the emergency, Mr. White.
Council Member Gillock: Point of order. Is the emergency, is the only reason just for time?
Council Member Overby: Correct. That's my reason.
Law Director Zagrans: Madame President, I could see another rational for the emergency and this one, and that is that there could be a situation arising at any time where you would need to implement this after the November election and before the further passage of time where there

could be a vacancy in the Council Presidency. So, without the emergency measure, the current situation would continue.
Council Member Gillock: I agree that's a possibility. I think on the last one we looked at, in matter of urgency, that situation would not even come up for three years. In this particular case a vacancy could occur at anytime and I believe the Charter is not clear on this issue and that may be an issue to consider.
President Brown: You guys got plans?
Council Member Gillock: We don't want anything to happen to you Jean.
Clerk of Council White: Let's quite the ad labium and get on with the program.
President Brown: Please take the roll please.
Clerk of Council White: On the emergency.
Yes, 6 No, 1 (Butkowski)
Clerk of Council White: Motion carries six, one on the emergency. Now for the adoption.
Clerk of Council White: Overby?
Council Member Overby: Yes.
Clerk of Council White: Swindig
Council Member Swindig: Yes.
Clerk of Council White: Borocz?
Council Member Borocz: Yes.
Clerk of Council White: Minnick?
Council Member Minnick: Abstain.
Clerk of Council White: Butkowski?
Council Member Butkowski: Because the Law Director said we have to, Yes.
Clerk of Council White: Is this a yes from you?
Council Member Butkowski: Because I've been told to, Yes.
Clerk of Council White: It's a Yes from you.
Clerk of Council White: Gillock?
Council Member Gillock: Yes.
Clerk of Council White: Brown?
President Brown: Yes.
Yes, 6 No, 0 Abstain, 1 (Minnick)
Clerk of Council White: Motion carries six, zero, one for the adoption. T 110-2001 becomes Ordinance No. 3717-2001 with emergency.
Permanent Ordinance No. 3717-2001

ADJOURNMENT
motion by Overby to adjourn, 2nd by Borocz
President Brown: Adjourn.

Meeting adjourned at 6:32 P.M.

MOTION ___Borocz___ 2ND ___Swindig___ DATE ___September 4, 2001___

YES ___6___ NO ___0___ ABSTAIN ___0___

Jean K. Brown
PRESIDENT OF COUNCIL

Jim White
CLERK OF COUNCIL

NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING AUGUST 8, 2001

CALL TO ORDER 6:32 P.M.
President Brown: I would like to call this Special Council meeting to order for the North Ridgeville Municipal Council on T 112-2001. Mr. White, please read the notice.

READING OF NOTICE
Clerk of Council White read the notice of the Special Council meeting in full as on file in the office of the Clerk of Council as it relates to T 112-2001.

President Brown: Thank you. Please take roll.

ROLL CALL:
Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski, David Gillock and Jean Brown.
Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.

President Brown: Please read T 112-2001 for the third reading please.

THIRD READING
T 112-2001
3718-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO REPEAL SECTION 9.7 OF ARTICLE IX OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO
Third Reading
motion by Borocz to adopt, 2nd by Overby

President Brown: Discussion? Mrs. Minnick?
Council Member Minnick: This section was submitted by referendum in 1973 to voters. If deleted,zoning could be changed and apartments built next to a home. I really do not favor this at all.
Council Member Gillock: Madame President, I just want to repeat something we kind of said earlier. I don't think our obligation here is whether we're for it or against it, it's whether we put it on the ballot or not.
Mayor Hill: Madame President, I will, again, remind Council that nine out of the last 10 Charter amendments put on the ballot were passed by emergency and now so far out of six, three have passed by emergency. The Committee choose to submit Section 9.7 for deletion because other rezoning provisions exist that would be applicable. It appears that this section may be discriminatory, not towards developers as has been stated by the early opponents, but rather towards people who may choose to live for whatever reason in multi-family areas. I believe what

June Yost said after her research into the background of this Charter addition is appropriate. She said quote, I was shocked. Thank you.
President Brown: Any other discussion?
Council Member Borocz: Just a short statement from the Committee's letter. First of all, thank you to the Committee. Your work was very appreciated. The quote I'd like to state is, we support letting the people to decide for themselves whether its proposed amendments are meritorious.
President Brown: Please take the roll Mr. White.
motion by Overby to add the emergency, 2nd by Swindig
Council Member Overby: The time is the reason.
President Brown: Roll on the emergency.
Yes, 4 No, 3 (Minnick, Butkowski, Gillock)
Clerk of Council White: The motion is defeated on the emergency four, three, it's three, four. On the adoption.
Clerk of Council White: Overby?
Council Member Overby: Yes.
Clerk of Council White: Swindig
Council Member Swindig: Yes.
Clerk of Council White: Borocz?
Council Member Borocz: Yes.
Clerk of Council White: Minnick?
Council Member Minnick: Abstain.
Clerk of Council White: Butkowski?
Council Member Butkowski: Because the Law Director told me to vote yes, Yes.
Clerk of Council White: Again, is this your yes?
Council Member Butkowski: Because I was told to vote yes, Yes.
Clerk of Council White: Yes, your vote is Yes.
Clerk of Council White: Gillock?
Council Member Gillock: Yes.
Clerk of Council White: Brown?
President Brown: Yes.
Yes, 6 No, 0 Abstain, 1 (Minnick)
Clerk of Council White: Motion carries six, zero, one for the adoption. T 112-2001 becomes Ordinance Number 3718-2001.
Permanent Ordinance No. 3718-2001

ADJOURNMENT

motion by Overby to adjourn, 2nd by Swindig
President Brown: Adjourn.

Meeting adjourned at 6:37 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001

YES 6 NO 0 ABSTAIN 0

Jean K. Brown
PRESIDENT OF COUNCIL

Jim White
CLERK OF COUNCIL

NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING AUGUST 8, 2001

CALL TO ORDER 6:38 P.M.
President Brown: I would like to call this Special Council meeting to order for the North Ridgeville Municipal Council on T 114-2001. Please read the notice, Mr. White.

READING OF NOTICE
Clerk of Council White read the notice of the Special Council meeting in full as on file in the office of the Clerk of Council as it relates to T 114-2001.

President Brown: Thank you, Mr. White. Please take roll.

ROLL CALL:
Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski, David Gillock and Jean Brown.
Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.

President Brown: Have the second reading, please, of T 114-2001.

SECOND READING
T 114-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
3719-2001 THE ELECTORS OF A PROPOSAL TO REPEAL SECTION 18.5(7) AND 18.6 OF ARTICLE XVIII OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.
Second Reading
motion by Overby to suspend third reading, 2nd by Swindig
President Brown: Discussion? Take vote on the suspension please.
Yes, 6 No, 0 Abstain, 1 (Minnick)
Clerk of Council White: Motion carries six, zero, one to suspend third reading.
motion by Overby to adopt, 2nd by Borocz
President Brown: Discussion on the adoption?
motion by Swindig to add the emergency due to the time constraints with the Board of Elections, 2nd by Overby
President Brown: Any discussion? Mayor Hill?
Mayor Hill: Yes, this was the only one of six issues that I had a chance to explain. It also was the only one, I guess I'm not doing to well, that only got a first reading as a result, I guess, compared to the others that reached second readings at the last meeting and two received the emergency at the last and first meeting that was held to discuss those two issues. By repealing these two

sections the Parks and Rec Board would continue to function as they always have with these exceptions, the deletions. The deletions would make the Parks and Rec Director the same as every other Department Head. It would mean that the Director would be nominated by the Mayor and approved by elected representatives, City Council, rather than by five volunteers who take the heat for work that they do not oversee. It is impossible to administer a Department when a Board of volunteers, who meet once a month, have five votes to hire and release the Director and the Mayor who oversees daily operations, as passed by the voters at the last Charter amendment vote, has one vote. It does not mean, as some again or earlier opponents have said, that the Mayor will oversee the budget and can redirect funds. That's just silly. The Board will still make budget recommendations and the Council by law will still appropriate funds. To say otherwise is telling a falsehood and is just a way to manipulate voters. Thank you.
President Brown: Any other discussion? Mr. Gillock?
Council Member Gillock: Madame Chairman, this particular ordinance, I did discuss with the Chairman of the Committee and the way the ordinance is written, number one, I'm not sure if it entirely meets the intent of the Charter Review Board. Having been at the meeting, I know it was their intent that the Parks and Recreation Board make a recommendation as to the new Director and that the appointment be approved by Council. The two sections that are being repealed, Section 18.5 contains the statement, which appointment shall be subject to approval by City Council and Section 18.6 also says, Director's position subject to approval by a majority vote of Council. The way this is written, we are repealing or deleting those Sections and no where else in this ordinance is it put back in that City Council will approve this position or that there will be recommendations from Parks and Rec Board. So, number one, I don't feel that it entirely meets the objectives of the Charter Review Board. Number two, I don't think legally we can add the emergency based on 3.13 of our Charter which says, we may not declare as an emergency measure any ordinance changing or the surrender of joint exercise of any of Council's powers and if we're removing the statement that we have the approval over the appointment, I view that as a power of Council and should not have the emergency.
President Brown: Mr. Zagrans?
Law Director Zagrans: As to the later point Mr. Gillock makes, he would be entirely correct if this ordinance were the cause of the removal of a power of Council. But, I remind him and the rest of Council that this ordinance is merely to put it on the ballot and if that power of Council is going to be removed, it is going to be removed by the voters in approving the proposed amendment and therefore it does not violate the anti-emergency provision that Mr. Gillock is talking about because it is not the ordinance that is removing that power. As to the first point that he makes, it's something again that Mr. Gillock and I talked about yesterday and in advance of this meeting. It was the intention, as I understood it of the Charter Review Committee, that should the voters approve the proposed Charter amendment, then that would be introduced in Council with the support of the Committee a proposed ordinance amending the ordinances that regulate the Parks and Rec Board because, in addition to the Charter provision, there is legislation, there are ordinances that govern the duties of the Parks and Rec Board and in those ordinances would be a provision that spells out the two points that Mr. Gillock is making. One,

that the Park and Rec Board would recommend to the Mayor, names for the position of Director and number two, that Council would approve any nomination that the Mayor makes to that post. So, it's a two step process that's being contemplated here as I understood it. Only step one is the elimination of the provision of the Charter.
Mayor Hill: Madame President, that's also the discussion about having it as an ordinance. The recommendation is reflective in the minutes of that meeting and I would like to point out to Mr. Gillock that under the Section 2.1, Executive Powers of the Mayor, it does say, appoint all heads of departments, except those to be appointed or elected by the Council, which would be Council Clerk, Mr. Costin the Auditor and so forth, appoints all heads of departments, except those to be appointed or elected by the Council subject to the approval of a majority of all the Members of Council. So, and I had early on questioned whether, because it's in the Charter, that the Department Head of Parks and Rec is treated differently, it is in conflict with the executive powers of the Mayor which is also part of the Charter. There lies a problem.
President Brown: Please take the roll.
Clerk of Council White: Roll call on the emergency.
Yes, 4 No, 3 (Minnick, Butkowski, Gillock)
Clerk of Council White: Emergency fails three to four. For the adoption.
Clerk of Council White: Overby?
Council Member Overby: Yes.
Clerk of Council White: Swindig
Council Member Swindig: Yes.
Clerk of Council White: Borocz?
Council Member Borocz: Yes.
Clerk of Council White: Minnick?
Council Member Minnick: Abstain.
Clerk of Council White: Butkowski?
Council Member Butkowski: Because the Law Director said we have to, Yes.
Clerk of Council White: Do it to me one more time, yes. You're saying yes.
Council Member Butkowski: I'm saying yes.
Clerk of Council White: Thank you.
Council Member Butkowski: Because I was told.
Clerk of Council White: Thank you, that's all I need to hear.
Clerk of Council White: Gillock?
Council Member Gillock: Yes.
Clerk of Council White: Brown?
President Brown: Yes.
Yes, 6 No, 0 Abstain, 1 (Minnick)
Clerk of Council White: Motion carries six, zero, one for the adoption. T 114-2001 becomes Ordinance Number 3719-2001 with emergency.
Permanent Ordinance No. 3719-2001

ADJOURNMENT

motion by Overby to adjourn, 2nd by Swindig

President Brown: Adjourn.

Meeting adjourned at 6:47 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001

YES 6 NO 0 ABSTAIN 0

Jean K. Brown
PRESIDENT OF COUNCIL

Jim White
CLERK OF COUNCIL

NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING AUGUST 8, 2001

CALL TO ORDER 6:47 P.M.
President Brown: I would like to call this Special Council Meeting to order for the North Ridgeville Municipal Council, T 115-2001. Mr. White, please read the notice.

READING OF NOTICE
Clerk of Council White read the notice of the Special Council Meeting in full as on file in the office of the Clerk of Council as it relates to T 115-2001.

President Brown: Thank you, Mr. White. Please take roll.

ROLL CALL:

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski, David Gillock and Jean Brown.
Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.

President Brown: Please, let's have the first reading for T 115-2001, Mr. White.

FIRST READING
T 115-2001
3720-2001
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF $1,300,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING AND EXPANDING THE CITY'S FRENCH CREEK WASTEWATER TREATMENT PLANT AND ACQUIRING AND INSTALLING INSTRUMENTATION AND EQUIPMENT THEREFOR, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.
First Reading
motion by Swindig to suspend By-Laws to suspend second and third readings, 2nd by Overby

President Brown: Discussion? Mrs. Minnick?
Council Member Minnick: Mr. Costin, is this a requirement?
Auditor Costin: I'm not sure I can answer what you mean by requirement but, I'll be glad to tell you the status on how we got here. Through the Chair?
President Brown: Yes, please tell us the story.
Auditor Costin: Briefly, we had Ordinance 3592-2000 passed to amend the amount of expenditures by four hundred thousand dollars with regard to the renovation and the upgrade of the treatment plant and as the project has been continuing there have been other renovations or

other methods of expansion that the engineering firm, HB Engineering, has recommend that the City do. Now, as we follow this project, we had some overages as a result of a number of different things, a number of different issues, but primarily, what the engineering firms has indicated to the City's management is that there's been new technology revolving and as long as we're in the midst of this project, let's go with the new technology. Now, Council should have received an explanation letter, I'm not sure when.. .
President Brown: July 27th.
Auditor Costin: Some time ago and I'm no more an engineer than the rest of you are, so I'm not in a position to say what's necessary and not necessary. One of the things the Auditor's Office questioned was, can we continue to afford these increases and we were referred back to the original engineering estimate, engineering firm being HB Engineering, and based on, again, his estimates of projected revenue with the growth of the City and the expansion of the plant, the related expansion revenues would be that while we're increasing this debt service it would still fall within his projections. Those are projections. Based on the projections, the operations would be a bit tighter so the question becomes, if we had a short fall in this, what would be general obligation debt. Then we would probably have to, once again, look at raising rates. Now, it's my understanding and perhaps the Service Director can correct me if I'm wrong, these particular items, some of which have been bid, and I think there's three major items to complete and I believe two of the three may have already been bid and what they'd like to do is proceed with the construction, but make these additions. Now, with that in mind and without my being cable of determining if these additions are necessary, what I have done on the basis that Council may pass this by emergency tonight, is I have already addressed the funding and obtained a tentative commitment which we will receive tomorrow that would allow us to move forward on the project if Council so chooses. In other words, we would be able to get a commitment on 1.3 million dollars in bond anticipation notes that would be issued later this month and then would be part of our bonding project that we anticipate in October of this year. We're already in the process of going out for bonds. This would be paid off with those bonds as well and be funded over the next 20 year term. Now, with that in mind, there's one more complication and that's the fact that this ordinance simply allows us to go forward with the issuance of bond anticipation notes. Before we could move forward on accepting the contracts and letting the purchase orders, we would also have to come back and amend 3592-2000 because that inhibits the amount of the expenditure of the French Creek Treatment Plant expansion to four million seven hundred seventy-five thousand dollars. So, we would have to add another 1.3 million to this which was the request of the Engineer here. So, I think I've skirted your question as to, is it necessary, because I can't answer that. But, assuming it's necessary, based on the recommendation of the engineer and the fact that the construction is in process, we're in a position to move ahead with the passage of this legislation and with the passage of another ordinance which would have to shortly follow. That's the best I can explain for you.
President Brown: Thank you, Mr. Costin. Any other questions?
Council Member Gillock: I would like to have this referred to Utilities. Maybe we could meet with Mr. Daily and perhaps Mr. Habib to find out whether this is absolutely necessary or not.

Safety-Service Director Johnson: Madame President, this project, I have met with Mr. Habib (end side one of tape one) We have the opportunity with new technology to not continue 4.7 and then come back for another three million after that is done to change in midstream to the new technology which will be a much enhancement to the plant for the next five additions of the filtering system. So, it will be, the building will be built big enough that we will, all we have to do is put the filtering systems in versus every time we have to put a filtering system add as we increase flows, we would have to build a new building and a new building and a new building. This building addition will be big enough to house the future total production at the plant of 30 million gallons a day.

Council Member Gillock: Well, I still would like to have it referred to committee. I mean, if we got to change the ordinance, we're not holding anything up.

President Brown: I don't want to hold nothing up. If it can be done within that 1.3 million dollars I would like to refer it to the Utilities Committee but, I would also like to have it voted on tonight. Yes, Mr. Costin?

REFERRED TO UTILITIES COMMITTEE.

Auditor Costin: The voting tonight would need to be limited to the bond anticipation issue.

President Brown: That's what I want, 1.3 million. Mrs. Minnick?

Council Member Minnick: Mr. Johnson, do you know what this new technology entails? Will it help the efficiency? What exactly is the deal here?

Safety-Service Director Johnson: In the letter you received July 27th to all Council people from the Engineer.

Council Member Minnick: I have not had a chance to get up here.

Safety-Service Director Johnson: Okay, on the filter and bed expansion of one million eighty-one thousand, construction of an addition to the existing filter bed building and installation of a tertiary filtering equipment for the designed 50 percent increase in wastewater flow. That bid came in, we're going to increase our capacity by 50 percent, that bid came in at a little over a million dollars. In doing this, that building is big enough that all we have to do is add the filter systems for additional flows of another 20 million gallons. We don't have to add to the building, we just go down the other side. The treatment tank, there's a retrofit and repair at the existing treatment tank. This was previously used as a digester and it's used for a complete mix treatment at the tank unit. It includes the installation of treatment equipment and the construction of a support building for the treatment tank operations. That cost is about four hundred forty-six thousand. They weren't in the first plan. The first plan on the back of the 4.7 was the current, these are additions to that. Equalization tanks, there's a construction of a million gallon equalization tank. Includes the installation of all piping and connection to the existing equalization tanks. This cost is about six hundred and thirty. So those costs added in would be 2.1, two million one hundred fifty-seven thousand if we did this after we completed everything were doing. But, by stopping short and adding these now, we don't spend the 4.75 million and then add 2.1 million. We delete some of the stuff that was in the 4.75 and we add the 1.3 million. So, we really have a savings of eight hundred thousand dollars.

Council Member Gillock: Madame President, I understand what the Safety-Service Director is saying. That still doesn't tell me whether it's absolutely necessary that we do this. It doesn't address the issue. Are we going to have to have a rate increase in the water bills through the sewer to pay for this? Where's the money going to come from? If I could ask the Auditor that question?

Auditor Costin: I hope you didn't misunderstand my comment. Based on the projections that that engineering firm did, at this point in time, we still would have generated sufficient revenues to pay the additional debt service related to this new issue. My comment was, if for whatever reason these estimates didn't come to fruition, then we would have two choices. I'll expand on my comment. My comment was, we'd have to increase rates. The other choice would be, we'd have to take it from our General Fund revenues. Now, because this is a prior operation that involves three plants, that's probably not much of a no brainer, we'd have to increase our rates. Do we have to increase our rates at this time based on his projections? It appears not. So, that would be the remedy if we didn't realize the revenues. Now, with the westerlies project moving forward, assuming that those projections again come into fruition, I would have to suggest that so would these. Because what we're talking about is the users on the system with new tap-in fees and so fourth.

Safety-Service Director Johnson: In doing this, the total bill would have, I believe Mr. Costin, would be four hundred eighty thousand a year pay back?

Auditor Costin: Madame Chairman, correct. I think we're in the area of just under five hundred thousand dollars at current rates for the entire debt issue including the 1.3 million at today's rates.

Safety-Service Director Johnson: Madame President, using that figure, if we use just the 200 that Ridgeville builds every year, the 300 homes that Avon builds and the 50 homes that Sheffield builds, the revenue through French Creek would be six hundred thousand dollars a year at that current building rate not counting, for instance, Gander Mountain coming in at 17 thousand dollars from Sheffield which will be paid to French Creek Treatment Plant. Any commercial or retail or industrial, there's a much higher fee to the French Creek. It's based on usage. That figure will probably, using the figures very light on it, we'll probably pay it off in ten years instead of eight at the current rate we are moving instead of 20.

Council Member Minnick: If I may ask Mr. Johnson? How far along the project is and if it can wait for a committee meeting?

Safety-Service Director Johnson: The project estimated cost remaining on the project per the letter you received?

Council Member Minnick: I mean in, actual physical construction. How far along is the project right now in actual physical construction? That is, do we have time, the time line? Do we have time for a meeting that we have to make a decision immediately?

Safety-Service Director Johnson: We're talking about the notes and we also have with the bids we've gone out to secure these prices at this price. We have to award the bids before the end of this month or we have to rebid.

Auditor Costin: Madame Chairman, the issue on the notes would be that if we wanted to roll the notes into this bond issue we would need to have a meeting pretty promptly because what we need to have is actual construction cost. We do not want to borrow more money than we need to spend. Now, historically that's not been a problem on this project. We're still not sure that we'll have sufficient dollars. But, at this point he feels very comfortable based on the fact, I think, the majority of the contracts have now been at least bid and they're not in a position to accept it because the funding is not there nor the authorization of the ordinance. So, the issue on the financing becomes when we, if and when Council decides to move forward, will we be able to issue bond anticipation notes, yes. Would we have time to then roll those into the bonds, possibly not. I will say on a positive this is great time, interest rate wise, to go to bonding. We've been pretty lucky the last three times, last two times on this that we've done it. Now, that doesn't preclude us from issuing notes for this 1.3 million dollars in the future after that bond issue.

Council Member Gillock: Well, if I understand this correctly, then this ordinance is just for the sale of the notes. We still have to amend Ordinance 3592 before we spend the monies. So, as long we could approve this we could still have a Utilities Committee meeting before we do the 3592 and we still will be able to get it, a meeting with Daily and a good explanation of what we're doing. I would go along with that.

Council Member Butkowski: I had a question of the Auditor. The projections of growth in that report, how is it up to this date? Is our growth going along with his projections so far?

Auditor Costin: I actually haven't analyzed that because this hasn't kicked in yet. This project is still under construction and it really hasn't, we haven't been able to generate any revenues. Part of the revenues that he is also talking about is some of the outside projects that he is doing as well which is non sewer revenues in this particular case. So, it's really been difficult if. . .

Council Member Butkowski: I was just trying to determine how accurate the projections were and I didn't realize it hadn't started yet.

Auditor Costin: Can I comment, Madame Chairman?

President Brown: Yes.

Auditor Costin: On another item that came up. The fact that we need the other ordinance, I think that slipped through the cracks because I was at the meeting that, actually we've had two meetings, we've had several meetings on the funding, but the latest two, the last of which Mr. Johnson is referring to, I was at as well and Mr. Habib, he's quite energetic and to me I'm hearing greek, but that's because he's an engineer and I'm not. The fact that this ordinance isn't before you, I think, is an oversight because I think originally it was intended that we would do both and let Council consider that simultaneously. Ike was very infatic that he'd like to get the project completed as soon as possible this year so we can start generating those new flows. Particularly the commercial flows that he's bringing in and so fourth. There was a point where we questioned the necessity of this and he said, well, Mr. Johnson I don't remember the particulars, he said, well if we had to do something I'd rather move something else back, finish this aspect of it and there was something else in the phase he said we could do down the road. But, I don't recall what that was particularly, but he did want to prioritize this particular part of the project.

Safety-Service Director Johnson: Madame President, what he's talking about in the future is being able to store more. We have, our time that we could have, if we have a failure, a backup

system, the only place we store right now is in the interceptor. We use to have 20 hours that we could go without the pumps running. We're down to six hours. So, we have to build new wet wells. This figures will come in probably about a million in a half to two million dollars with future use and that, we see no problem with doing it, but this project has to be done before we even think about doing the other.
Mayor Hill: Madame President, as far as scheduling a Utility meeting for further discussion of this, I would request contact with me because I do schedule and I will cost out attendance by both persons and we'll determine if and when they can attend.
President Brown: Thank you. Mr. Johnson?
Safety-Service Director Johnson: Yes, in the letter we received on July 27th and it's an oversight on my part also, but from Mr. Ike Habib from HB Engineering, it says, we recommend that the City amend Ordinance Number 3592-2000 to increase the amount of the French Creek Wastewater Treatment Plant expansion from four million seven seventy-five to six million zero ninety-six. Oversight on ours that we didn't have the ordinance. We prepared it late yesterday, but too late to get it to Council tonight.
President Brown: Take a vote please.
Clerk of Council White: We have a motion on the floor to suspend second and third readings.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero to suspend second and third reading on T 115-2001.

motion by Borocz to adopt, 2nd by Overby

President Brown: Discussion on the adoption? Take roll please.

motion by Swindig to add the emergency due that we can get it in with the, Chris can get it in with the time restraints to get the lower cost, 2nd by Borocz

President Brown: Any discussion? Mr. Costin?
Auditor Costin: I think that if you're considering a change of the plant at this late time that, in putting in the service, that probably would fall under your emergency category of health and welfare of the community and again, I don't want to sway the Council's vote, yeah or nay, that's not my, in this particular case, this has nothing to do with the financing, at least the thought of the project itself. But, if we were going to do that, it would be my preference to fit it in with these bonds only because of the unique interest rate and the fact that when you go out to bond you have more administrative costs that would be minimize if we can contain all these issues.
President Brown: Mr. Gillock, did you have something? Any other discussion? Please take roll.
Clerk of Council White: On the emergency.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero on the emergency. For the adoption.

Yes, 7 No, 0

Clerk of Council White: Motion carries seven, zero. T 115-2001 becomes Ordinance Number 3720-2001 with emergency.

Permanent Ordinance No. 3720-2001.

ADJOURNMENT

motion by Overby to adjourn, 2nd by Swindig
President Brown: Adjourn.

Meeting adjourned at 7:10 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001

YES 6 NO 0 ABSTAIN 0

Jean K. Brown
PRESIDENT OF COUNCIL

Jim White
CLERK OF COUNCIL

NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING AUGUST 8, 2001

CALL TO ORDER 7:11 P.M.
President Brown: I would like to call this Special Council meeting to order for the North Ridgeville Municipal Council, T 116-2001. Please read the notice, Mr. White.

READING OF NOTICE
Clerk of Council White read the notice of the Special Council meeting in full as on file in the office of the Clerk of Council as it relates to T 116-2001.

President Brown: Thank you, Mr. White. Please take roll.

ROLL CALL:

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski, David Gillock and Jean Brown.
Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.
Auditor Costin was excused at 7:16 P.M.

Auditor Costin: Madame President, I would like to request permission from the Chair to leave to attend a previously scheduled meeting that I have.
President Brown: You may do that. Thank you for your attendance at these other meetings.

FIRST READING
T 116-2001 A RESOLUTION OF SUPPORT FOR ISSUE TWO PROJECT PRIORITIES.
939-2001 First Reading
motion by Swindig to suspend By-Laws to suspend second and third readings, 2nd by Overby
President Brown: Discussion on the suspension? Mrs. Minnick?
Council Member Minnick: Well, it's not on the suspension, but, before Mr. Costin leaves, just in case he can answer the question, where is the City's portion coming from?
Auditor Costin: Madame Chairman, in the past we have taken a City portion either from Street funds or the Capital Projects funds.
Council Member Minnick: Because it's a concern that it would be taken from the Street Levy because I understand that was taken to redo Sugar Ridge Road and I got complaints from residents that their streets are now being neglected, that there wasn't enough money. So, that is a concern of mine, where that money is coming from.
Auditor Costin: Well, I don't assume we're going to receive this money yet this year. This is probably a 2002 project and it would go through the normal appropriation process. So, it will be

Council's decision, but where we take our matching money from, are from the Street funds including MVR and/or Street Levy or Capital Projects. That would be the answer to your question.
Council Member Minnick: Okay and this basically is just in support of, it's not approving anything.
Mayor Hill: Madame President, regardless of where the money comes from, it's available as it has been every single year and this is the fourteenth year of Issue Two projects which is Ohio Public Works. You can't beat getting 60 percent paid for by the State and 40 percent paid for by the City. I would like to speak to the dispensing of the second and third and hopefully the emergency will be added because, for a couple of reasons. Soon we may have a new engineer. We need to get all those forms submitted to the Integrating Committee prior to, I believe it's the first week in September. This will give the engineer a chance to look it all over and make sure the t's are crossed and the i's are dotted. Secondly, if you don't submit it on time, you don't get it. Simple as that. It's basically the same list that was submitted last year and because we got funding for Sugar Ridge, which was top priority and it's determined by how much money they're willing to give us. So, it could range to the two hundred sixty thousand to two hundred eight. What we simply did was, Lorain Road and south Barton Road, moved up. Although, I think, Lorain Road was first last time but we just didn't get all that money and we added Case Road to finish the reconstruction of Case Road.
Auditor Costin: Madame Chairman, I believe to answer a question, as to the process. If we obtain the project and Council sees fit not to appropriate it, I don't believe we would get the Public Works portion of the dollars as well because the process is that we have to submit a request for their payment of their portion and accompanying that request has to be proof that we paid our portion. For example, if our portion is 40 percent, we will of had to pay 40 percent of those bills before Public Works will pay 60 percent of those bills and we can't have paid those bills unless Council has appropriated the project.
Mayor Hill: Madame President, as I said, I believe this is the fourteenth year. If you look at Lorain Road, the total cost of the project is four hundred twenty-five thousand. Issue Two pays Two Hundred Eighty Thousand. That's what we're asking for. I don't know how you throw two hundred eighty thousand out. South Barton, one hundred eighty thousand, Issue Two, one hundred thirty-three thousand, City's portion only forty-seven thousand. Can't beat that with a stick. Case Road, four hundred thousand, Issue Two two hundred sixty thousand, City's portion, on hundred forty thousand. I just don't know how anybody can say no.
Council Member Minnick: Madame President, I agree that Issue Two money is wonderful. But, we cannot neglect the neighborhood streets in the process and Case Road between Burns and City limits is going to be suffering heavy truck traffic with the construction that is going on. So, my point is, fine, Issue Two portion is fine. But, we cannot, in the mean time, ignore the residents streets. These people who are using these streets daily have been here from the beginning and I just want to make sure that there is going to be money left to take care of neighborhood streets. Already I'm getting complaints. Why isn't my street being repaired? I have to tell them because the money was spent in another part of the City. That's all I'm asking

is where that money is going to come from so we don't neglect the neighborhood streets. They are deteriorating at a rapid pace.
Council Member Swindig: Madame Chairman, this is a resolution of support for it. It's not stating that we're going to get the money. I've seen it in the past where we have not received Issue Two money.
Council Member Minnick: I understand that, Madame Chairman.
Council Member Swindig: I think that it's best that we pass it and we get it in so we can possibly, because there's a very good possibility we won't get anything. But, I think it's a good opportunity to get the most for our money. Thank you.
Mayor Hill: Madame President, first of all, I take great exception that neighborhood streets are being neglected. They certainly are not. If you counted the number of miles in the last five years, they greatly exceeded what was done in the last ten years and if you would like to sit down and count miles, I'm willing to do that. One of the reasons we were able to address the neighborhood streets is because of buying our own paving machine and training our own people. Secondly, the appropriations happen to be up to next Council. Thank you.
President Brown: Thank you. Did you already read the notice, Mr. White?
Clerk of Council White: We have before us, second and third reading suspension. Are you ready?
President Brown: Yep, I'm ready.

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

Clerk of Council White: Motion carries six, zero, one to suspend second and third readings on T 116-2001.

motion by Borocz to adopt, 2nd by Overby.

President Brown: Discussion on the adoption.

motion by Mayor Hill to add the emergency, 2nd by Overby

President Brown: Discussion on the emergency?
Clerk of Council White: I need a reason please.
Mayor Hill: To assure that we get our application submitted because if we don't, there's no chance for the money. The next Council will have absolutely no choice.
Clerk of Council White: On the emergency.

Yes, 5 No, 1 (Butkowski) Abstain, 1 (Minnick)

Clerk of Council White: Motion carries five, one, one on the emergency. For the adoption.

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

Clerk of Council White: Motion carries six, zero, one. T 116-2001 becomes Resolution Number 939-2001 with emergency.

Permanent Resolution No. 939-2001.

ADJOURNMENT
motion by Borocz to adjourn, 2nd by Overby
President Brown: Adjourn.

Meeting adjourned at 7:21 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001

YES 6 NO 0 ABSTAIN 0

Jean K. Brown
PRESIDENT OF COUNCIL

Jeri White
CLERK OF COUNCIL

NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING AUGUST 8, 2001

CALL TO ORDER 7:23 P.M.
President Brown: I would like to call this Special Council meeting to order for the North Ridgeville Municipal Council on T 117-2001. Please read the notice, Mr. White.

READING OF NOTICE
Clerk of Council White read the notice of the Special Council meeting in full as on file in the office of the Clerk of Council as it relates to T 117-2001.

President Brown: Thank you. Please take roll.

ROLL CALL:

Present were Council Members Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski, David Gillock and Jean Brown.
Absent was Council Member Larry Overby.
Also, present were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.
Absent was Auditor Chris Costin.

President Brown: First reading of T 117-2001, Mr. White.

FIRST READING
T 117-2001 AN ORDINANCE AMENDING SECTION 660.15 OF THE CODIFIED ORDINANCES ENTITLED "NOTICE TO REMOVE LITTER AND DEBRIS, CUT WEEDS AND PROVIDE PROPER DRAINAGE; ABATEMENT; ACTION BY CITY; RECOVERY OF COSTS."
First Reading

Council Member Gillock: Madame President, I would like this referred to Buildings & Lands, if we could. Last June 15th, I sent a request to the Law Department for a similar ordinance. I enclosed with that copies of ordinances from Westlake, North Olmsted, and Avon and I have not yet received anything back. So, if we could refer this, it's been two months, if we could refer this to Buildings & Lands, perhaps I can get my ordinance and we can work out a compromise between the two of them.
Safety-Service Director Johnson: Yes, this did come from the Law Department from your meeting and I think it's quicker back there that they have it finalized as to what you had given them.
Council Member Gillock: Madame President, this ordinance is substantially different. At least on four points of what I wanted to offer.
President Brown: I would like to refer it to Buildings & Lands and have a report ready. Mr.

Overby is gone. We'll notify him that he is going to have a meeting.
REFERRED TO BUILDINGS & LANDS COMMITTEE.

ADJOURNMENT

motion by Swindig to adjourn, 2nd by Borocz
President Brown: Adjourn.

Meeting adjourned at 7:26 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001

YES 6 NO 0 ABSTAIN 0

Jean K. Brown
PRESIDENT OF COUNCIL

Jeni White
CLERK OF COUNCIL