

The following is a verbatim transcript of the Ordinance, Rules & Claims Committee meeting, pertaining to the proposed zoning code, held March 3, 2003.

Mr. Snyder: Inaudible... Council of the Whole meeting of Monday, March the 3, 2003 to order. The first thing on the agenda is Ordinance, Rules & Claims - Chairman Chuck Osborne.

Mr. Osborne: Thank you Mr. President. We just completed the public hearing on the proposed zoning - I think it's been concluded. We had no comments at all from the public. We had two in the gallery tonight and could not coax any comments. Regarding the proposed zoning, which Mrs. Magel pointed out was complimentary of our efforts -- we have a memo from the City Engineer that it will take one, possibly two months for the consulting firm in Cleveland, D.B. Hartt, to compile the changes that have been made. There are numerous - the PRD is totally removed at this point so we can move the zoning promptly through and get in effect. Numerous other changes that Vice Chairman Magel - I guess on second thought from the previous copy, she'd like to have made, along with the approval of the rest of council. We intend to have the first reading on the proposed zoning next week and we will continue at two week intervals and hopefully the third reading will be well six weeks from this coming Monday, which will put us into mid May and thirty days after the third reading the Mayor will have signed it and it will become effective, which will put us into mid June. Mrs. Magel -- or I'll open it up to the rest of the committee. If you have any comments ...

Mr. Snyder: I have one. Thank you.

Mr. Osborne: That I left out of the public...

Mr. Snyder: Chairman Osborne, if I may, two things. Consequent to our public hearing I did just have a discussion with the Law Director, Mr. Batista, asking him of our wishes to read that first through third reading and he will look at it on Thursday and if it does in fact contain all our wishes and everything that we actually want ... and again this is cursory, we would have to wait till he looked at it on Thursday, if he felt that was the case. However, if we were not sure that's exactly what we wanted, we could not even have the first reading without the final draft. Did I state that right Mr. Batista?

Mr. Batista: Yea.

Mr. Snyder: So if we are positive that's what we want, he will look at Thursday and we'll move accordingly. However, if it does not contain the true spirit, we are prohibited to even have the first reading. But basically the way this - the way I presented it to him is the way you presented it to the council previously. He feels that it could be ...inaudible... as well as I'd like to caution council one thing. We have changed considerably the intent of that book since it's been to Planning Commission. And our own ordinances and rules of council require that we have 2/3's majority vote to change any recommendation of the Planning Commission. So hence we need six affirmative votes to pass those readings or it will have to go back to Planning.

Mr. Osborne: Okay, well that kind of confirms my fears all along that the slash and burn we've done to this book - I was prepared to send it back to the Planning Commission. You say now that we need six votes ...

Mr. Snyder: Well it does take 2/3's. By my math like five point something, so 6 would probably be the safe bet. So I'm saying if there are not 6 affirmative votes, by our own rules of council and the city ordinance, we must return it to Planning for reconsideration. However, if there are 6 votes or as we say super votes, we can continue along and it can be passed within the spirit of the law at that point. Inaudible...

Mr. Osborne: Well from the ... I'm sorry, go ahead.

Mr. Snyder: My statement to you sir is as chairman I would make sure that there are 6 affirmative votes either by nod or however you want to do it. If there are 6 votes we can continue along. You know and I would suggest it would be in the best interest of all of us to ascertain that prior to moving it forward.

Mr. Osborne: Okay. Well prior to going to the rest of the council, Mrs. Magel would you like to make some comments?

Mrs. Magel: The only comment I would like to make is, this is the copy of the changes and I do believe it's the spirit of which council -- I had worked on. And there will be a copy of the changes, along with the actual zoning book at the library. So throughout the readings someone can take a look at the book itself as well as the changes and still make comments as we go along this six week procedure.

Mr. Osborne: Okay, thank you Mrs. Magel. Inaudible... excuse me, as I said in the public hearing, I'm willing to go for anything -- this is six years. Whatever is left of it I'll vote. We have to get something in place for the city. The zoning we have in place now is very deficient and if I may paraphrase the Law Director, from my recollections I was told that we need this prior to I was even being sworn in -- we needed it desperately then and we need it just as desperately now. So I'd like to open it up to the rest of council and see if we do have the votes. Again, I will approve anything that we can squeak through this council. Mr. Foltz.

Mr. Foltz: Yea, I am quite pleased with what's been presented to us here. I think we've gone over this, ... Kathy's worked hard on it. Member Osborne you've taken it along the road, as well as Mr. Benekos, Phil Roush before him I believe and Gene. So I'm quite satisfied what we've put on the table here. I think we had very productive meetings the last month or about this and really cut through a lot of areas that we need to decide at that point. So I think we came together here and have a nice working document here to pass. So I'm very much in favor of it.

Mr. Osborne: Mr. Lindower.

Mr. Lindower: Yea, I - from what I've reviewed and so forth and been involved in the preparation of the zoning ordinance, I think it's time for us to get off of dead center and move forward. I'm ready to go.

Mr. Osborne: Mr. McLaughlin.

Mr. McLaughlin: I'm also ready to go. I think it's things we've needed for the last six years. Kathy did work hard for two years on it. And again if we need to tweak something we can come back to it and as a council look at what we need to do and tweak it then. But I'm ready to move on with this thing.

Mr. Osborne: Mrs. Kiesling.

Mrs. Kiesling: I am also. I think it is definitely in the spirit of what we've worked on the last couple months.

Mr. Osborne: Okay, thank you.

Mrs. Kiesling: We should move forward.

Mr. Osborne: I will keep the council informed as the Law Director's thoughts on this and will anxiously await his input. And I'm glad to see this is - after six years and \$50,000.00 and untold delay that we can finally get some core zoning passed. So with that I'll turn it back over to Mr. President.

Mr. Snyder: Thank you.

Mrs. Magel: Mr. President.

Mr. Snyder: Yes mam.

Mrs. Magel: I believe if we continue this and we ask ... one or two months from Mr. - for D. B. Hartt to update this, we're going to have to allocate funds.

Mr. Snyder: Yes mam, I believe we did increase I believe by around a \$1,000.00, but I don't know that that's going to be enough. However, they'll probably give us - they'll give us a projection about how much it is won't they?

Mr. Osborne: Mr. President.

Mr. Snyder: Sir.

Mr. Osborne: Well we discussed this several months back when I asked for 5,000 or so just to finish this off and I was assured at that time there was no legislation needed. This is going to come in well under \$15,000.00. Is that right Julie? And that - they'll just bill us and I wouldn't think more than the - for the updates I would think, and I'm just pulling this out of thin air, a thousand, two thousand bucks. Mr. Benekos...

Mr. Benekos: Yea, it's not going to take them that long to do. It's going to take them that long to get to it. They have other projects. These - this work should only take about a week's worth of time. We'll sit down with them, be sure they're clear on what the items are and then they'll incorporate that. So yea, I don't anticipate it being more than a couple thousand dollars. But we need to write the PO, is there an account? Which account?

Mrs. Herr: Yea we can - we can...

Mr. Benekos: Well I'll get that from you.

Mrs. Herr: Yea, I'll give it to Jim.

Mr. Benekos: Okay.

Mrs. Magel: Once you give it to Jim will you let us know? I'd like to know what account.

Mrs. Herr: Sure.

Mrs. Magel: Okay.

Mr. Snyder: Okay.

Mr. Osborne: Well we paid some previous expenses here that way just in the last 60 days. Is right - is that correct Julie?

Mrs. Herr: I'm not sure if their - they submitted an invoice.

Mr. Osborne: Okay.

Mrs. Herr: I'm not...

Mr. Osborne: Okay, but we were prepared to issue a PO?

Mrs. Herr: Yea.

Mr. Snyder: Okay, I thank you both ...inaudible...

Mr. Osborne: Anyone else have any concerns or constructive comments? Seeing none. Thank you Mr. President.

Mr. Snyder: Thank you Mr. Osborne. Personnel and Safety, Chairman Dave Lindower...