

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
MINUTES OF  
SPECIAL MEETING**

**JULY 23, 2007**

**CALL TO ORDER:** 6:30 P.M.

President Ronald Arndt: The Chair calls the special meeting dated July 23, 2007 to order at 6:30 P.M.

**ROLL CALL:**

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Gayle Manning and President of Council Ronald Arndt.

Absent was Council Member Bernadine Butkowski.

Also, present were Mayor David Gillock, Safety-Service Director Denny Johnson, Law Director Andrew Crites, Auditor Chris Costin, and Clerk of Council Chuck Norris.

Absent was Engineer Larry Griffith.

**READING OF NOTICE:**

President Arndt: The purpose of this special meeting tonight is for us to reconsider Ordinance Number 4416-2007 that was previously adopted on May 21, 2007.

**SPECIAL MEETING:**

moved by Arndt, seconded by Olesen to adopt and affirm tonight ordinance 4416-2007  
President Arndt: Is there any discussion?

Council Member Jaenke: Mr. President, perhaps it would be appropriate to indicate what a yes or a no vote might mean.

President Arndt: By affirming Ordinance Number 4416 is to say that we, as Council, as it stands at this current moment, really reaffirm that the ordinance still stays in affect as we voted on it on May 21. A yes vote is to say yes, to keep the ordinance in the same form and fashion as it was voted on in May. Before I go any further, what confusion, if any, might there be about what I just described.

Council Member Buescher: Mr. President, just that, this also is a resolution submitting the ordinance to the vote of the people; both of those things are contained in this.

President Arndt: No, excuse me, I will stand back and let our Law Director articulate more clearly.

Law Director Crites: Actually, Mrs. Buescher, if 4416 is affirmed on the floor upon reconsideration this evening, than we will memorialize that act, actually by operation of the Charter. Then, we will vote on the resolution to send it to the Board of Elections. We are compelled to do so by Charter. One might argue that because we are compelled to do so by Charter that the resolution may not even be necessary, however, there is precedent in our Charter and also precedent in our State Supreme Court, that every action of Council should be done by ordinance or resolution. So we are, if it is affirmed, going to vote on a separate resolution to send to the Board of Elections. So, it is two steps.

President Arndt: The first step is simply to affirm that which we have already voted on and the second, should that vote be in the affirmative, would be to address resolution T 111.

Law Director Crites: If I may interject, just for the sake of preserving the record; because I believe that there is a possibility that there are very scrupulous eyes or discerning eyes out there looking at this record, we are here tonight to reconsider this ordinance; not to affirm it. This Council has the right to affirm or reject this ordinance, which has previously been passed. So, it is here before us tonight as if we were on the third reading; actually the fourth reading again. The issue is whether it will or will not be adopted.

President Arndt: Any questions?

Council Member Buescher: Well, because the resolution reads that this is an ordinance sending it to the vote of electors. I'm looking at T 111.

President Arndt: No, we are looking at ordinance 4416.

Council Member Buescher: Okay, I didn't realize we were going to do that tonight. Thank you.

Council Member Boose: Mr. President, just as a reminder, because the company that I work for is still in the middle of negotiations on a project that is extremely close to this and as I did on May 21, I will be abstaining to avoid any potential conflict of interest.

President Arndt: Thank you. For clarification purposes and before we make the vote; so that there can be no confusion, we have a motion by Arndt; a second by Mr. Olesen that upon the reconsideration, we are adopting Ordinance Number 4416-2007. Is there any other discussion before hand? There being none, will the Clerk please take roll?

Yes, 4                      No, 1 (Buescher)                      Abstain, 1 (Boose)

Clerk of Council Norris: Motion is approved by a vote of four to one and one abstention.

President Arndt: By operation, as our Law Director has just described, an order by our City Charter, Section 13.2 that deals with referendums, you will all find before you resolution number T 111-2007. It is submitted, as I said, as resolution T 111, as a vote of the electors.

moved by Arndt, seconded by Olesen to suspend our By-Laws tonight to give T 111-2007 its first reading

President Arndt: Is there any discussion? Will the Clerk please take roll?

Yes, 4                      No, 1 (Buescher)                      Abstain, 1 (Boose)

Clerk of Council Norris: Motion is approved by a vote of four, one and one abstention.

Mayor Gillock: Mr. President, It takes five to suspend By-Laws.

Council Member Buescher: Mr. President, being as we voted on 4416 and I voted no on that, I will change my vote to send this to the electors.

Law Director Crites: I appreciate that Mrs. Buescher because I was going to speak to that in order to ensure that there wasn't any confusion. Once Council has already voted to affirm the zoning ordinance, which was brought to us via our Charter referendum section, that moment has passed. We then are compelled by our Charter in 13.2 to submit this ordinance via the referendum process to the electors. I was going to ask that we reconsider for the same purpose. It really would be in the best interest to allow this, as it would be defeating and running in complete opposite of the provisions of our Charter to vote no. I was going to ask that it be reconsidered and to plea all of you to vote yes to this. You are not voting yes on the zoning ordinance, as that is already passed. The issue before us right now is should this go to the vote of

electors pursuant to our Charter provision and I would think that everyone would vote unanimously.

Council Member Buescher: My impression was that we were taking both of those actions on T 111 and like I say, since we did it the other way, then that is fine.

Law Director Crites: What would be appropriate and while we are at this same meeting, that someone make a motion to reconsider the vote on the motion to suspend the By-Laws.

Council Member Jaenke: I move to reconsider the vote to suspend the By-Laws.

Council Member Manning: Second.

Law Director Crites: As it has been seconded, we should then vote on the motion to reconsider because we already voted on suspending the By-Laws and it was defeated. Now before this body is a vote to reconsider the vote of suspending the By-Laws.

President Arndt: Thank you.

Mayor Gillock: Point of order. I would suggest that; the Law Director can correct me if I am wrong, but I believe to reconsider in a situation like this, the prevailing side has to make the motion to reconsider and a four to one vote does not pass. Mrs. Buescher was the prevailing side because the motion failed. Therefore, she has to make the motion to reconsider.

Law Director Crites: I would affirm that. That is correct. The motion to reconsider does have to be made by the prevailing side.

moved by Buescher, seconded by Manning to reconsider our vote with regard to T 111-2007

President Arndt: Is there any discussion? There being none, will the Clerk please take roll.

Yes, 6                      No, 0

moved by Arndt, seconded by Jaenke to give tonight, T 111-2007 its first reading

President Arndt: Will the Clerk please take roll?

Yes, 6                      No, 0

Clerk of Council Norris: The vote is six to zero and the motion is approved.

•        **First Reading**

Clerk of Council Norris:

T 111-2007    A RESOLUTION SUBMITTING ORDINANCE NO. 4416-2007 TO A VOTE  
1108-2007    OF THE ELECTORS

First Reading

moved by Arndt, seconded by Olesen to dispense with the second and third readings tonight on T 111-2007

President Arndt: Is there any discussion? There being none, will the Clerk please take roll.

Yes, 6                      No, 0

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

moved by Arndt, seconded by Olesen to adopt tonight T 111-2007

President Arndt: Is there any discussion?

Council Member Boose: Mr. President, just for clarification from the Law Director. This is not a vote of yes or no for the ordinance. This is a vote of yes or no to send this to the electors?

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Law Director Crites: That would be correct. It is a mandate of our Charter.

President Arndt: Section 13.2 by the way. Any other discussion?

moved by Mayor Gillock, seconded by Olesen to add the emergency tonight to T 111 to ensure that this gets to the Board of Elections long before their self imposed deadline

President Arndt: Is there any discussion? There being none, will the Clerk please take roll.

Yes, 6                      No, 0

President Arndt: In addition, we have a motion on the floor by Arndt; a second by Mr. Olesen to adopt tonight T 111-2007 with the emergency. Is there any discussion? There being none, will the Clerk please take roll.

Yes, 6                      No, 0

Clerk of Council Norris: Motion is approved by a vote of six to zero and T 111 becomes permanent resolution 1108-2007.

Permanent Resolution No. 1108-2007

President Arndt: This concludes the business related to this special meeting. The Chair will entertain a motion.

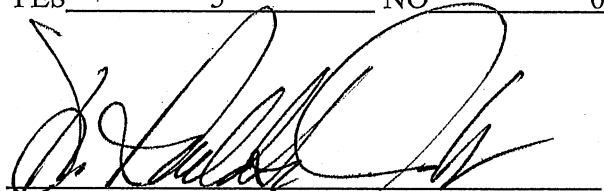
**ADJOURNMENT**

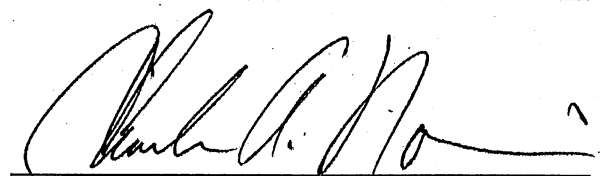
moved by Jaenke to adjourn the meeting

President Arndt adjourned the meeting at 6:47 P.M.

MOTION Jaenke 2ND Manning DATE September 4, 2007

YES 5 NO 0 ABSTAIN 0

  
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PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

  
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CLERK OF COUNCIL CHARLES A. NORRIS