

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JULY 19, 2004**

CALL TO ORDER: 7:30 P.M.

President Pro-Tem Bernadine Butkowski: The July 19, 2004 Council meeting is called to order. Could we stand to have the Prayer and the Pledge.

INVOCATION: lead by President Pro-Tem Butkowski.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Allen Swindig, Bob Olesen, Andy Young and President of Council Pro-Tem Bernadine Butkowski.

Absent were Council Member Richard Jaenke and President of Council Ronald Arndt.

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

MINUTES - Corrections (if any) and Approval:

President Pro-Tem Butkowski: You have before you tonight, the meetings for:

Public Hearing Minutes of July 6, 2004

 moved by Olesen, seconded by Young to approve

President Pro-Tem Butkowski: Are there any questions or corrections? All those in favor? Is there anyone opposed? Abstain?

 Yes, 5 No, 0

Council Minutes of regular meeting held July 6, 2004

 moved by Swindig, seconded by Buescher to approve

President Pro Tem Butkowski: Are there any corrections? Mr. Young?

Council Member Young: On page 25, about eight lines down, the words "three days" should read "30 days".

President Pro-Tem Butkowski: Clerk, would you please note that.

Clerk of Council Norris: Noted.

Council Member Buescher: Madame President, I don't have my minutes in front of me but, I remember that on page one Mr. Arndt was speaking and about the middle of where he was speaking, I think it should be "dapper" instead of "dabber". Then, on page 11, it is "shoddy" instead of "shotty".

President Pro-Tem Butkowski: Are there any other corrections? All those in favor? All those opposed? Anyone abstain?

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Yes, 5 No, 0

President Pro-Tem Butkowski: Minutes are approved.

President Pro-Tem Butkowski: Please note:

Planning Commission Minutes of regular meeting July 13, 2004

MAYOR AND DIRECTORS REPORTS:

President Pro-Tem Butkowski: We'll move onto the Mayor's and Directors reports. Mr. Gillock?

Mayor

Mayor Gillock: Thank you, Mrs. Butkowski. First, tonight I would like to comment in reference to several complaints we have received in regards to the tree trimming now being performed in the City. First Energy or Ohio Edison, as we know them, is trimming the trees back from their electrical wires. They have said that whereas in the past if they had six feet of room to clear they would probably would have only trimmed back two to three feet. However, as a result of last year's blackout, they are now taking the entire six feet. They do have easements in the right-of ways allowing them to do this. Unfortunately, for the integrity of the electrical system, this is the way they feel it has to be done and this is not something the City has any control over. They do this about every three years and it is my understanding that they trim the trees in a manner that allows the trees to continue to grow but, as many of you are becoming aware, it isn't very pretty.

I want to advise Council that we applied for a grant under a new program through the Ohio Department of Commerce through their Bureau of Underground Storage Tank Registration, known as BUSTR, entitled Abandoned Gas Station Revitalization Program. I received a call Friday from Peter Chase, the Executive Director, informing me that we have been chosen to be a recipient of the program. The State, at their cost, will analyze the ground of the gas station at the corner of Route 83 and Center Ridge Road and provide us with an up to date report on contamination, what is there, is it getting better or worse and so forth. The program itself does not provide any assistance against actual cleanup. We hope to use this information to further our efforts to address this long time eye sore in the City.

Shortly after I became Mayor, I corresponded with both Senator Armbruster and Representative Martin's office in regards to the Turnpike storage area on Lorain Road at the Turnpike entrance ramp. I asked that it be cleaned up and/or shielded as it was very unsightly. We were not happy that the first thing you see when leaving the Turnpike and entering North Ridgeville is a yard full of broken concrete, brush, tools, equipment and so forth. Representative Martin's office has been frequently updating us on the progress of cleaning this up and called just a few days ago to tell us that the site will be cleaned up by the end of August. The fence there, has already been removed as has much of the material. Almost all of the equipment is gone. Barriers are being

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taken out as they are needed and will not be brought back. The larger area will be seeded with grass, trees and shrubs and are suppose to be planted by the end of August and the work finished by then. I would like to thank both Representative Martin and Senator Armbruster for their help in getting this eyesore removed from one of the entrances to our City.

I would like to nominate Click Davis to the Fair Housing Board. Click is here this evening. Would you standup and be recognized Click, please? Thank you. Mr. Davis currently serves on the Fair Housing Board. His term expires this month. Chairman McVeigh indicated Mr. Davis was an active participant on the Board and recommended that he be reappointed and would now make that motion.

moved by Mayor Gillock, seconded by Olesen to nominate Click Davis to the Fair Housing Board

President Pro-Tem Butkowski: All those in favor? All those opposed? Anyone abstain?

Yes, 5 No, 0

Mayor Gillock: Thank you. Thank you, Mr. Davis, for again volunteering a few years of your service.

Also, as Mr. Rangus has resigned from the Planning Commission, we now have an opening on that board. I would like to, at this time, nominate Gayle Manning to the Planning Commission. Gayle, would you please stand. Gayle has been a resident of North Ridgeville for 29 years. She's a teacher in North Olmsted School system and has won several awards for her excellence. She has been involved in a number of North Ridgeville School levies and is currently serving on the North Ridgeville Library levy and has been very involved in the City. I believe her willingness to be involved and her demonstrated ability to get things done and attention to detail will service well by having her on the Planning Commission and I will now make that motion.

moved by Mayor Gillock, seconded by Young to appoint Gayle Manning to the Planning Commission

President Pro-Tem Butkowski: Is there any discussion? All those in favor say aye. Those opposed? Abstain?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. Gayle Manning is a member of our Planning Commission. Welcome aboard both Click and Gayle.

Mayor Gillock: Gayle, again, thank you for volunteering your services and your time. That concludes my report. Thank you.

President Pro-Tem Butkowski: Mr. Johnson, Safety-Service Director.

Safety-Service Director

Safety-Service Director Johnson: Thank you, Mrs. Butkowski. As Mayor Gillock has already mentioned, Nelson Tree Services is currently trimming trees in North Ridgeville under contract

with Ohio Edison. Both Ohio Edison and Nelson's Tree Service have been very good at working with the City and keeping us informed. The work is being done under authority giving to electric utilities by the State of Ohio to protect electric service. It cannot be regulated by the City. Before a tree is trimmed, a representative of Nelson will visit each property where trimming is required and will speak with the resident or leave a doorknob hanger, similar to this one, on the property. That should be about two weeks before the trimming is done. It will have contact information and a description of the work planned and other important information. Residents are encouraged to speak with Nelson's to ensure any concerns are addressed. Nelson Tree Service has been given approval by the City to completely remove any street tree if the resident prefers complete removal over the planned trimming of the tree. Any resident who has problems or questions concerning this work should contact City Hall and we will do what we can to help.

Finally, I ask Council to suspend By-Laws, as necessary, to consider a proposed ordinance for a backup generator system at the French Creek Plant. As the memo from Mayor Gillock explained, it's important to get the equipment installed as soon as possible to avoid prolong power outages without backup power. We are asking that it be passed tonight with the emergency clause added. That concludes my report.

Council Member Swindig: Madame President, I have one on the tree trimming but, it's not Davis that's doing it, it's Asplung doing it along the ditch that they have cut down and I've had a resident complain quite heavily on the cutting down of the trees on the other side of the ditch from the high tension wires.

Safety-Service Director Johnson: What street, Mr. Swindig?

Council Member Swindig: It was on Cornell.

Safety-Service Director Johnson: Was that right at the high tension wires?

Council Member Swindig: That was the house, years ago, the first owner of the house built a garage there. They made him move the garage. Across the street they had a house built under that. They had them take the house down and put another house away from the high tension but, that's the area I'm talking about. It's on the house side of the ditch where they cut the trees down and they took them right down to the ground.

Safety-Service Director Johnson: I'll talk to you after the meeting to find out which house we're talking about.

President Pro-Tem Butkowski: Are there any other questions? We'll move onto the Engineer, Mr. Griffith.

Engineer

Engineer Griffith: This Saturday, July 24 from 8:30 A.M. to 2:00 P.M., there will be a county wide computer and office equipment recycling day held at the Alltel Service Center at 560 Ternes Avenue in Elyria. Discarded personal computers, cell phones, printers, fax machines and so forth contain hazardous materials that, if disposed of properly, pose no environmental

problems. Plus, many of the materials and components can be recovered and recycled. For example, last year's event provided 40 refurbished computer systems that were donated to schools and nonprofit organizations. Most of those went to the Lorain County Community College and the Lorain County Office of Aging. If you have recently purchased new equipment for your home or your office, please consider turning in that equipment rather than throwing it in the trash. There are some items that cannot be accepted such as copy machines, UPS systems, televisions, stereo systems and so on. If you have any questions, please call the Lorain County Solid Management District at 329-5440 during regular working hours. Thank you, Madame President.

President Pro-Tem Butkowski: Thank you, Mr. Griffith. Are there any questions of the engineer? We'll move onto the Auditor, Mr. Costin.

Auditor

Auditor Costin: Thank you. Two items, first of all, the monthly report for the month of June has been completed and distributed to Council.

Auditor's Written Financial Report for June 2004

moved by Swindig, seconded by Buescher to approve the Financial Report for June 2004

President Pro-Tem Butkowski: All those in favor? Those opposed? Abstain?

Yes, 5 No, 0

President Arndt: Motion passes.

Auditor Costin: Second item, we have a bond anticipation note, sanitary sewer note in the amount of 500,000 dollars that will mature September 28. For the record, at the first Council meeting in September, after the August recess, there will be legislation on the floor that will be needed to be passed with the emergency so that we can issue notes, in the same amount of money, to retire the notes that are maturing on September 28. That concludes my report and comments.

President Pro-Tem Butkowski: Thank you, Mr. Costin. We'll move onto other reports. Clerk, could you please read the other reports.

Other Reports

Clerk of Council Norris: Please note:

Building Department Report for May 2004;

Service Department Report of activity from June 1, 2004 through June 27, 2004;

Mayor's Court Operating Trust Fund/Bail Trust Fund Report for June 2004;

Service Department Report of activity from June 28, 2004 through July 11, 2004; and

Fire Department Report for June 2004.

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Planning Commission Report of regular meeting July 13, 2004:

Clerk of Council Norris:

APPLICANT: Ken Mohler, 6554 Steinbeck Court
OWNER: Same
REQUEST: Approval to enhance and beautify landscaping along with play area surrounding and across a drainage improvement.
LOCATION: 6554 Steinbeck Court in an R-1 District
Permanent Parcel No. 07-00-009-120-169
BACKGROUND: Planning Commission postponed hearing for sixty days on June 8th. (Please see council report provided on June 9th). On June 17th the Planning Commission received a letter from the applicant withdrawing his application.
PC ACTION: Approved to Accept the Applicant's request to Withdraw.
moved by Butkowski, seconded by Buescher to approve
President Pro-Tem Butkowski: Are there any questions? All those in favor? All those opposed? Abstain?
Yes, 5 No, 0
President Arndt: Motion passed.

Clerk of Council Norris:

APPLICANT: Harvest Classic Homes, 33488 Liberty Parkway, N. Ridgeville, OH 44039
OWNER: Sugar Chestnut LLC, 1050 Terminal Tower, 50 Public Square, Cleveland, OH 44113
REQUEST: Cluster Site Plan Approval for The Pines at Waterbury PCD, Block "K", Subdivision #3.
LOCATION: Fronting Terrell Drive, South of Sugar Ridge Road, in Waterbury PCD
Permanent Parcel No. 07-00-035-102-096
PC ACTION: Approved. Planning Commission requested the developer to submit a letter from Forest City agreeing to include "The Pines" in the Home Owner's Association for Waterbury as stated by the developer.
President Pro-Tem Butkowski: Are there any questions? Could I have a motion to approve?
moved by Olesen, seconded by Swindig to approve
Council Member Young: Madame President, there is some discussion. I saw in the Planning Commission minutes that there was a question of whether or not this cluster site, these private streets can eventually become dedicated streets and the question was, whether or not the streets were wide enough. I think they were going to go back to the Engineer and the Building Department to find out whether or not that was possible. Did they provide you with any additional information?
Engineer Griffith: That's been resolved. It will be a public street.

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Council Member Young: Twenty-six feet then?

Engineer Griffith: No, it will be 24.

Council Member Young: Twenty-four feet but, they're okay to become a dedicated street?

Engineer Griffith: Yes.

Council Member Young: No further questions.

President Pro-Tem Butkowski: Are there any other questions? All those in favor? All those opposed? Abstain?

Yes, 5 No, 0

President Arndt: Motion passes.

Clerk of Council Norris:

APPLICANT: Mould Development LLC, 9449 Island Road, N. Ridgeville, OH 44039

OWNER: Same

REQUEST: Preliminary Plan Approval of a Subdivision to include one street and one tenant in a Special Development District

LOCATION: Adjacent (east side) to 32991 Lorain

Permanent Parcel Nos. 07-00-003-102-063 and 07-00-010-108-002

PC ACTION: Approved

moved by Olesen, seconded by Buescher to approve

President Pro-Tem Butkowski: Are there any questions? All those in favor? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. Council committee reports.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris:

1) ADMINISTRATIVE COMMITTEE REPORT #5504 Members of Council: We have considered the matter of T 92-2004, submitting a proposed Charter amendment to Section 3.8 of Article III entitled Clerk of Council and recommend that this request be approved and T 92-2004 be adopted as corrected, see attached.

Signed: Chairperson Robert Olesen, Members Richard Jaenke and Andy Young.

moved by Buescher, seconded by Olesen to accept

President Pro-Tem Butkowski: Are there any questions? All those in favor? All those opposed? Any abstentions?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes.

Mayor Gillock: Madame President, whichever one of these Council decides to move forward with has to be passed this evening. Do you want to suspend By-Laws to give these first readings as we go or are you anticipating waiting to the end and do them all at the same time?

President Pro-Tem Butkowski: Let's wait until the end and do it all at the same time. We can suspend By-Laws to accept all of them. That would be easier.

2) ADMINISTRATIVE COMMITTEE REPORT #5505 Members of Council: We have considered the matter of T 93-2004, submitting a proposed Charter amendment to Section 3.15 of Article III entitled Adoption of Ordinance by Reference and recommend that this request be approved and T 93-2004 be adopted as corrected, see attached.

Signed: Chairperson Robert Olesen, Members Richard Jaenke and Andy Young.

moved by Buescher, seconded by Olesen to accept

President Pro-Tem Butkowski: Are there any questions?

Council Member Olesen: Madame President, just to clarify this ordinance, it relieves the Clerk's office of keeping five copies of everything when we can get some of this on the internet. It's going to save a lot of time and money.

Council Member Young: Madame President, we can get just about everything other than the actual ordinances on the internet. I am in support of this ordinance with reluctance but, with interest in seeing an ordinance or possibly drafting an ordinance myself to appropriate funds so that we can put our City ordinances on the internet so that people can access our City ordinances from their home.

President Pro-Tem Butkowski: Thank you, Mr. Young. Are there any other comments or questions? All those in favor of the motion? All those opposed? Anyone abstain?

Yes, 5 No, 0

President Pro-Tem Butkowski: Clerk, please read 5506.

Clerk of Council Norris:

3) ADMINISTRATIVE COMMITTEE REPORT #5506 Members of Council: We have considered the matter of T 94-2004, submitting a proposed Charter amendment to Section 4.2 of Article IV entitled Duties (Auditor) and recommend that this request be approved and T 94-2004 be adopted as corrected, see attached.

Signed: Chairperson Robert Olesen, Members Richard Jaenke and Andy Young.

moved by Buescher, seconded by Olesen to accept

President Pro-Tem Butkowski: Are there any questions? Yes, Mr. Olesen?

Council Member Olesen: Just to explain this. This is similar to 92. It creates the continuity of government because it allows the Deputy Auditor to take the place of the Auditor in City proceedings if the Auditor is unable to do his job.

President Pro-Tem Butkowski: Thank you, Mr. Olesen. Are there any other questions or comments? All those in favor of the motion? All those opposed? Any abstentions?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes.

Clerk of Council Norris:

4) ADMINISTRATIVE COMMITTEE REPORT #5507 Members of Council: We have considered the matter of T 95-2004, submitting a proposed Charter amendment to Section 5.2 of Article V entitled Duties (Director of Law) and recommend that this request be approved and T 95-2004 be adopted as corrected, see attached.

Signed: Chairperson Robert Olesen, Members Richard Jaenke and Andy Young.

moved by Buescher, seconded by Olesen to accept

President Pro-Tem Butkowski: Are there any questions or comments?

Council Member Olesen: Yes, Madame President, this is the same as the two others. It's a Charter change to allow our Assistant Director of Law to govern City proceedings in the event of the absence of our Director of Law.

President Pro-Tem Butkowski: Thank you, Mr. Olesen. Are there any other questions or comments? All those in favor of the motion? All those opposed? Roll a call vote please.

Yes, 3 No, 2 (Swindig, Young)

Clerk of Council Norris: Motion is approved by a vote of three, two.

5) ADMINISTRATIVE COMMITTEE REPORT #5508 Members of Council: We have considered the matter of T 96-2004, submitting a proposed Charter amendment to Section 10.3 of Article X entitled Classification of Service and recommend that this request be approved and T 96-2004 be adopted as corrected, see attached.

Signed: Chairperson Robert Olesen, Members Richard Jaenke and Andy Young.

moved by Buescher, seconded by Olesen to accept

President Pro-Tem Butkowski: Are there any questions or comments?

Council Member Olesen: Yes, Madame President, I'd like to defer to our Law Director on this one. This one we looked at in committee and we wanted an explanation and some research done on this for this meeting before we take our vote and if you do that, I'd appreciate it.

President Pro-Tem Butkowski: Mr. Crites?

Law Director Crites: I think it's really important that everyone recognized has probably voted on this. This proposed amendment is not just addressing the one inconsistency that exists between our Charter and our ordinances and it's created by the problem itself and that is our Charter was passed at a time, specifically the position of Assistant Law Director, that position was created well after the Charter was passed. Because of that, the ambiguity and the conflict exists. This proposed Charter amendment will do, as far as that position is concerned, correct the ambiguity, get rid of the conflict and put our Charter in line with the Ohio Revised Code which dictates that an Assistant Director of Law is an unclassified civil servant. However, the point I want to make tonight is that this proposed Charter amendment is much more forward reaching in its application because of the fact that the way our Charter exists now, anybody we hire or any positions that are created in the City, because they're not specifically referenced in the unclassified civil service in this Charter provision, would become a classified civil servant. For instance, the example that is present right now we're looking at because everyone here knows how busy we are. We're looking at expanding the Engineering Department to bring in another

position, as I understand it, more of a professional, more of a consulting type nature, etcetera, skilled labor, educated. We want to bring him in as an unclassified civil servant like I am. If we are to do that as our Charter is currently written without this amendment, this new hire automatically becomes a classified civil servant. Finally, what I want Council to especially understand is, what this does is allow the Council to be the body, not the Mayor, not the Law Director in a form of an opinion but, the elected legislative body in the City be the body that decides whether or not, specifically, new hire or any position in the City is a classified or unclassified civil servant. I think that serves the City best.

President Pro-Tem Butkowski: Mr. Crites, could you explain to the Council and the audience what a classified civil servant is?

Law Director Crites: How much time do we have? For the purpose of what matters the most is, a classified civil servant can only reach promotion coming through the ranks and more specifically, can only be terminated through the laws that relate to civil servant, or more importantly, we could never have a classified civil servant to serve at will, to be hired and fired by the Mayor's office and/or by Council. I think for the purposes of what we are doing here, that is the most significant distinction between the two areas of civil service.

President Pro-Tem Butkowski: Thank you. Are there any other questions or comments? All those in favor of the motion? All those opposed? Please call the roll.

Yes, 3 No, 2 (Swindig, Young)

Clerk of Council Norris: Motion is approved by a vote of three to two.

6) ADMINISTRATIVE COMMITTEE REPORT #5509 Members of Council: We have considered the matter of T 97-2004, submitting a proposed Charter amendment to Section 11.6 of Article XI entitled Bidding Required and recommend that this request be approved and T 97-2004 be adopted as corrected, see attached.

Signed: Chairperson Robert Olesen, Members Richard Jaenke and Andy Young.

moved by Buescher, seconded by Olesen to accept

President Pro-Tem Butkowski: Is there any discussion? I have some discussion. I want to make a motion to amend, at the bottom of the page on T 97, 11.06, the first sentence there reads "Each net expenditure or any contract for purchase". I'll stop there because the correction should be where "or" is, "expenditure or", "or" should be "for" and "any contract for", "for" should be "or". They should be reversed. So, "for" should be first, "or" should be second.

moved by Butkowski, seconded by Buescher to change the wording on T 97

President Arndt: Is there any discussion?

Council Member Young: Madame President, could we ask the Law Director because I think this changes the whole definition quite drastically as to how that exactly is going to work.

Law Director Crites: Thanks, Mr. Young. I likewise, just tonight, learned that the original, the very original language which goes back to the original version of the Charter, was as Madame President suggests the amendment be tonight. But, I think, as Mr. Young suggests, ultimately what matters here the most is not what the original language is, it's what we want this provision

to say and for that, if I may ask of the Auditor, Mr. Costin, if you think that, I can tell you what legally it says with the "for" and "or" as it is but, I defer to you in terms of where the money goes and how it's requested within the City as if we do this as each net expenditure for any contract or purchase of supplies, if it still fits into what the ultimate end is that we're seeking here.

Auditor Costin: Madame Chairman, let me explain what the intent is and you can add the legalese. There's two parts to this process. There's actually three parts but, we'll get beyond the appropriation part. We won't discuss the appropriation of expenditure. What we'll discuss here is the authorization of the expenditure. There's two parts of this process. First of all an expenditure in excess of the statutory amount, which currently is 25,000 dollars, should require Council's approval. That's part one. The second part deals with bidding. Under the Revised Code there are certain items that need to be bid and there are certain exclusions from that. It's not intended that the excludable items be required to be bid under our Charter. What is intended is that our Charter requires the other items that aren't required to be bid to at least require Council approval so that if we want to hire an architect, outside legal counsel, outside professional services for 25,000 dollars or more, the provision is intended to require Council approval. But, it doesn't require bidding. The language is kind of interwoven here. The way you read it talks about each net expenditure and contract for purchases of material and so forth and later on it goes on to talk about, the second sentences goes on to say, when so authorized and directed. I'm not entirely sure I understand that because I don't know what it means by, when so authorized and directed by what. Perhaps the language could be clarified to say when so require to bid under provisions of the Ohio Revised Code and we continue on.

Mayor Gillock: Madame President, the way the Charter reads now, it states that each net expenditure for any contract for purchase of supplies so, therefore, its limits is only to purchase supplies. It omits any reference to contract for professional services. That's the error that we're trying to address. The way we originally drafted this where it says each net expenditure or any contract, it divides it into two things. One is a net expenditure which probably isn't really well defined but, it divides it into net expenditures or contracts for purchase. Making the change that you suggest breaks it into two items and one is a net expenditure for any contract, which is clear, or for purchase of supplies and material, which is clear. I think both ways will work. I think yours is a much clearer way of stating it and as you said when you went back to the original Charter, back to 1977, this is the way it was worded so, I think that matches the original intent and it does make sense to me. Either way we go, it clears up our error in not having Council's approval for professional services which is the end result or goal.

President Pro-Tem Butkowski: Thank you. Yes, I did do a lot of research and I went back, with the help of the Council Clerk's office, and found that it was worded very differently at different times but, from 77, 79, 83, it was very consistent and that's what it was and after that, for various reasons, there were little changes done and I'm not going to go into that because it will get too confusing. Is there any other discussion?

Law Director Crites: If I may? It's interesting how this originally was born. It was just a correction of a typo and now it's become, we're reworking the language here. I'm concerned and

I do understand and appreciate and recognize the source of where this language that you were proposing the amendment comes from and that's from the original language drafted. I'm not so convinced that the original language drafted is the best language because of the fact, as Mr. Costin mentioned, as amended it seems to apply to expenditures that only occur by contract and that's not the case. Very often expenditures incur by appropriation and not by contract and so therefore, to say, each net expenditure, and if we could stop that phrase there then go on to say, or any contract for purchase. I do understand that as amended it still says that to a degree but, later in the sentence. Correct, Mayor? I think that was the point you were making. So, if we were to amend it to say, each net expenditure for any contract, then, or purchase of supplies, if I may, if it's not overly simplistic but, I think it helps. If we do want to amend it, I would propose that we add simply the word "the" before, we need to somehow, I hate the idea that I'm redrafting this right now in the middle of a Council meeting but, I'm concerned about the fact that it seems to leave out the fact that we want expenditures that are done by the City, not by contract, to still come through the public process of approval and bidding.

Mayor Gillock: Madame President, although I feel this is important, I think it's only the administration that, the way it's written, can take advantage of it. I'm not adverse to waiting and bringing this back at a latter election if we want to do that and clarify it. It's an important item but, it's not urgent that we have to rush it and take the chance of getting it wrong so, if we want to withdraw it, I do not object until we clarify it.

President Pro-Tem Butkowski: Thank you, Mr. Gillock.

Council Member Young: Madame President, before we withdraw it, I think the intent has been confused and muddled and I think I am confused by it as well. As it stands right now, the Ohio Revised Code says that any expenditures over 25,000 dollars must come to Council. Is that right? Are we changing the language so that our Charter does say that?

Auditor Costin: Think in terms of those expenditures that are required to be bid and those expenditures that are not required to be bid. The Ohio Revised Code, to the best of my knowledge, does not require expenditures not required to be bid, to be separately authorized by Council ordinance. What the Revised Code talks about or addresses is bidding requirements. It says where you have something that fits this bidding requirement, you have to follow these procedures. Then it says there are certain things not required to be bid. Because they're not required to be bid, they wouldn't necessarily have to have a separate Council ordinance over the Revised Code. Historically, as long as I've been here, any expenditure for professional services or those other exemptions other than payroll and the items indicated here, have always had Council ordinances because it has been our practice and we followed the way the Charter had originally been written. How those changes even occurred, I'm not sure. I think there were typographical errors when the Charters were reprinted. They weren't intended to be changed. So, historically, we have always followed the same process as what was originally intended years ago requiring Council's approval for expenditures in excess of the statutory limit that weren't otherwise covered by the Revised Code. Now, it was just brought up during the last administration in terms of this exception.

Council Member Young: Is it a loop hole, essentially, that the old administration found? Is that what you're telling us?

Auditor Costin: I'm not going to answer that.

Council Member Buescher: Madame President, I'm just curious if the Mayor could tell me what would be the date that we would have to submit this to the Board of Elections.

Mayor Gillock: Deadline, I believe, is August 12.

Council Member Young: Madame President, I'm still not clear as to what exactly we're trying to do. Apparently there's a gap or something, am I correct, in the way that it's written after the typographical error that the administration, any administration, could take advantage of without having to come to Council for approval. Is that correct?

Mayor Gillock: Madame President, I concur entirely with Mr. Costin. It had been the practice that the administration always came to Council for approval of expenditures in excess of the State statutory limit. The last administration, there was a ruling that said, based on the wording in the Charter which somehow was changed, apparently in 1984 and our attorney from Squire, Sanders and Dempsey indicated that it was probably a typographical error but, the last administration, the Law Director issued a legal ruling that said they didn't need Council approval for those expenditures. We're trying to put the wording back the way it was that says if we're going to spend more than the State statutory limit for professional services, engineering services, we still need Council approval. I see it as a check and balance for the administration. It may not be required in the Ohio Revised Code but, I've always felt it was a good thing to have it put back.

Council Member Buescher: Madame President, I suggest that we send that back to the Law Director and I know that this happens every year and we're suppose to be in recess but, if the rest of Council would be willing to have a meeting we could get that to the Board of Elections before the deadline.

Council Member Young: Madame President, now that I understand the intent and I think that everybody here does understand the intent of, basically, give Council the power of the purse back and I think Mayor Gillock can say that in the last Council meeting, I think we should just go forward with it as is, with your amendment. The word, the, I don't think necessarily changes the legal meaning of it. I say we go ahead and move (tape one, side one ends).

President Pro-Tem Butkowski: ...it's a clean up thing to make sure we got it.

Council Member Buescher: Madame President, do you suggest then Mr. Young, that we leave it the way it was presented by the Mayor or with Mrs. Butkowski's amendment.

Council Member Young: With Mrs. Butkowski's amendment.

Council Member Butkowski: Mrs. Buescher, did you want to keep your motion?

Council Member Buescher: Yes.

President Pro-Tem Butkowski: Are there any other questions or comments?

Council Member Swindig: I have one, Madame Chairman. Council still does, even though they do it this way, if we don't have the money were not going to get it appropriated to get it paid anyway. We still have the control of the purse strings. Thank you.

President Pro-Tem Butkowski: Thank you, Mr. Swindig. Are there any other questions? Mr. Costin?

Auditor Costin: I think what Councilman Swindig said is perfectly true. We do have control. There has to be an appropriation. Where the issue comes up is, let's say that we appropriated professional services with the intent of something and because you appropriated professional services with the understanding that it would be used for engineering, the administration had the right to take those professional services and instead of doing engineering, do something else. That's where you're giving up the purse strings and what we don't want to do is we don't want to go back to what happened years ago, line item appropriations, where every invoice had to be pre approved. We don't want to go back to the dark ages. What you want to do is have the controls that maintain that authority for you. That's the clarification that we're trying to arrive at there.

President Pro-Tem Butkowski: And that's what this does for us.

Auditor Costin: I have to leave that up to the attorney. I explained it perfectly well before you did your amendment.

Council Member Butkowski: But, in 1977 you worked under the way I did the amendment.

Law Director Crites: If I may, my final legal opinion on the issue? My drafted language and your amendment say the same thing and ultimately it's going to come down to, language can be interrupted and mis interrupted as the Mayor previously eluded. As long as we know what we want to do here in the Council, my Law Department's doing the opinions, it's going to be interrupted the way which we want it to say and that is it's going to require Council action and so I would support your language submitted because it says the same that mine does and it has a nice historical background as well.

Council Member Young: Madame President, the reason for all my questions and clarifications is so that when, if and when, a judge does have to determine what the language says and the judge goes back to the minutes to see what the intent of Council was at the time, then the judge will have plenty of information to realize what it was that we were exactly trying to do. I thank the Mayor and Mr. Costin for the help and the Law Director for clarification of this. I think it's pertinent that we pass it tonight.

President Pro-Tem Butkowski: Thank you, Mr. Young. Any other questions? Call the vote. All those in favor of the amendment that I made? All those opposed? Any abstentions?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes for the amendment. Now, the motion that was made by Mrs. Buescher and seconded by Mr. Olesen for acceptance of the committee report. All those in favor? All those opposed? Abstain?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. Next committee report number 5510.

Clerk of Council Norris:

7) ADMINISTRATIVE COMMITTEE REPORT #5510 Members of Council: We have considered the matter of T 98-2004, submitting a proposed Charter amendment to Section 11.7

of Article XI entitled Waiver of Requirement and recommend that this request be approved and T 98-2004 be adopted as corrected, see attached.

Signed: Chairperson Robert Olesen, Members Richard Jaenke and Andy Young.

moved by Buescher, second by Olesen to accept

President Pro-Tem Butkowski: Are there any questions? Call the vote. All those in favor? All those opposed? Any abstentions?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. Can I have a motion now to put all seven of these onto first reading for tonight?

Council Member Young: Point of order, Madame President. I'd like to request Council to do them one by one because in order suspend the rules, according to section 29 of our By-Laws, it requires a two-thirds vote of Council in order to get the rules suspended in order to put them on as first readings.

President Pro-Tem Butkowski: Thank you, Mr. Young. We'll go back over each one of them and will call them by committee number to put them on for first reading. Clerk, would you do that please.

Clerk of Council Norris: Committee Report Number 5504.

moved by Buescher, seconded by Olesen to give T 92-2004, Committee Report No. 5504, it's first reading tonight

President Pro-Tem Butkowski: All those in favor, signify by yes. All those opposed? Are there any abstentions?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes.

Clerk of Council Norris: Committee Report Number 5505

moved by Buescher, seconded by Olesen to give Committee Report 5505, T 93-2004 its first reading tonight

President Pro-Tem Butkowski: All those in favor? All those opposed? Abstain?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes.

Clerk of Council Norris: Committee Report Number 5506, T 94-2004.

moved by Buescher, seconded by Olesen to suspend By-Laws to give Committee Report 5506, T 94-2004 its first reading tonight

President Pro-Tem Butkowski: All those in favor? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes.

Clerk of Council Norris: Committee Report Number 5507, T 95-2004.

moved by Buescher, seconded by Olesen to give Committee Report 5507, T 95-2004 its first reading tonight

President Pro-Tem Butkowski: All those in favor? All those opposed? Please give a roll call.

Yes, 3 No, 2 (Swindig, Young)

Clerk of Council Norris: Motion fails to obtain two-thirds majority.

Clerk of Council Norris: Committee Report Number 5508, T 96-2004.

moved by Buescher, seconded by Olesen to give Committee Report 5508, T 96-2004 its first reading tonight

President Pro-Tem Butkowski: All those in favor, signify by yes. All those opposed? A roll call please.

Yes, 3 No, 2 (Swindig, Young)

President Pro-Tem Butkowski: Motion fails by reason of failure to obtain a two-thirds majority approval.

Clerk of Council Norris: Committee Report Number 5509, T 97-2004.

moved by Butkowski, seconded by Swindig to suspend By-Laws to give Committee Report 5509, T 97-2004 its first reading tonight

President Pro-Tem Butkowski: All those in favor? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes.

Clerk of Council Norris: Committee Report Number 5510, T 98-2004.

moved by Buescher, seconded by Olesen to give Committee Report 5510, T 98-2004 its first reading tonight

President Pro-Tem Butkowski: All those in favor? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes.

Council Member Swindig: Madame Chairman, I have an oral committee report requesting that legislation be drawn for the issuance of bond anticipation, BAN's, for 500,000 dollars to be used to repay existing BAN's maturing on September 28, 2004 and request this report be approved.

moved by Swindig, seconded by Buescher to authorize the 500,000 dollar notes

President Pro-Tem Butkowski: Are there any questions? Mr. Costin, did you want to speak.

Auditor Costin: These, Madame Chairman, were the notes I referred to under my report for which the legislation can come direct to you at the first meeting for your passage rather than a committee report.

President Pro-Tem Butkowski: Thank you. Are there any other questions or comments? All those in favor of the motion, signify by saying yes. All those opposed?

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Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes.

CORRESPONDENCE:

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

- 1) Received the Certificate of Estimated Property Tax Revenue from the Lorain County Auditor estimating the property tax revenue for the life of the police levy calculated to be \$985,544.
- 2) Received a letter from Larry Ollifee, Sales Representative, Packaging Division of Petroskey Plastics, Inc. submitting details of their capabilities and product offerings in establishing a solid waste collection program.
- 3) Received a letter from Zakee A. Rashid, Vice President/General Manager of Comcast announcing changes in installation prices.
- 4) Received a letter from the Ohio Division of Liquor Control notifying Council that permits to sell alcoholic beverages will expire October 1, 2004.

NEW BUSINESS:

President Pro-Tem Butkowski: Is there any new business tonight? We will move onto audience participation, lobby.

AUDIENCE PARTICIPATION (Lobby):

President Pro-Tem Butkowski: You will have three minutes to speak tonight. Please fill out the paper in the back and give us your name and address before you speak. Is there anyone who wishes to speak tonight.

Rosemary Berg of 37953 Center Ridge Road spoke her concerns regarding problems with the installation of the Center Ridge sewer. Asked if there are provisions for a cost overrun and at what percentage. Asked if inquiries were made to the Better Business Bureau or references checked on the contractor. Stated that her concern is that they have been over their easement and if they come over the easement on her property she will call the police and Mayor.

President Pro-Tem Butkowski: Thank you, Mrs. Berg. Is there anyone else that wishes to speak tonight? Mayor Gillock, did you want to respond or not?

Mayor Gillock: I'll defer to the Engineer.

Engineer Griffith: As far as the contractor is concerned, I've personally been involved with projects that that contractor has worked on for at least 25 years. I really don't see a problem with the contract. Every time, in my experience, that there has been a problem, we've been able to

work everything out in an equitable manner. I really don't foresee anything that we won't be able to work out in this case either. Unfortunately, with the rock and the terrible soils that we have here in North Ridgeville, it's something we, unfortunately, have to live with.

President Pro-Tem Butkowski: Thank you, Mr. Griffith. We're going to recess ten minutes and then we'll come back.

RECESS 8:33 P.M. to 8:43 P.M.

ORDINANCES AND RESOLUTIONS:

President Pro-Tem Butkowski: We'll resume our meeting. We'll start with new ordinances and resolutions. Clerk, please read the new ordinances.

• **Ordinances & Resolutions Submittals**

Clerk of Council Norris:

T 100-2004 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE PURPOSE OF CONSTRUCTING A SIDEWALK ON CHESTNUT RIDGE ROAD FROM BAINBRIDGE ROAD TO LEAR NAGLE ROAD, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, AND CONSTRUCTION PHASE SERVICES FOR SAME, NOT TO EXCEED \$120,000.00.

Council Member Swindig: Madame Chairman, the Mayor passed out an ordinance tonight for the 350,000 for the generator for French Creek and I would like to suspend By-Laws to have a first reading and a T number assigned to it.

President Pro-Tem Butkowski: We'll have to get it on the agenda first and then we'll go from there.

moved by Swindig, seconded by Olesen to put the ordinance passed out tonight for the generator for 350,000 dollars on the agenda tonight

President Pro-Tem Butkowski: Are there any questions or comments? If not, all those in favor? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. We will put this on the agenda. Please assign a T number.

Clerk of Council Norris: T number will be 105.

moved by Swindig, seconded by Olesen to give T 105-2004 its first reading tonight.

President Pro-Tem Butkowski: Any questions? If not, all those in favor? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes and T 105 will have its first reading tonight.

We'll go into first readings. Clerk, will you read our first readings for tonight.

• **First Readings**

Clerk of Council Norris:

T 101-2004 AN ORDINANCE APPROVING THE FINAL PLAT OF WATERBURY
PHASE 4 - SUBDIVISION 4 FOR RECORDING PURPOSES ONLY.
First Reading

T 102-2004 AN ORDINANCE APPROVING THE FINAL PLAT OF WATERBURY
PHASE 5 - SUBDIVISION 5 FOR RECORDING PURPOSES ONLY.
First Reading

T 103-2004 AN ORDINANCE AMENDING AND CLARIFYING ORDINANCE NO. 3735-
2001 AND APPROVING THE RELATED VACATION PLAT.
First Reading

T 104-2004 A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF
1016-2004 NORTH RIDGEVILLE THE QUESTION OF AN ADDITIONAL 1.9-MILL
TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING
EQUIPMENT USED DIRECTLY IN THE OPERATION OF THE POLICE
DEPARTMENT AND PAYING SALARIES OF PERMANENT POLICE
PERSONNEL, PURSUANT TO SECTION 5705.19 (J) OF THE OHIO
REVISED CODE.
First Reading
moved by Swindig, seconded by Young to suspend second and third reading for T
104-2004

President Pro-Tem Butkowski: Are there any questions? All those in favor? All those
opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes.

moved by Swindig, seconded by Young to adopt

President Pro-Tem Butkowski: Is there any discussion?

moved by Swindig, second by Olesen to amend by adding the emergency due to
the deadline of getting it on the ballot

President Pro-Tem Butkowski: Are there any questions? We'll vote first for the emergency. All
those in favor of putting the emergency on this resolution? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. Motion was made by Swindig, second by
Young to adopt. Is there any discussion on the adoption? All those in favor? Any opposition?

Yes, 5 No, 0

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President Pro-Tem Butkowski: Motion passes. What would the resolution be for that?

Clerk of Council Norris: T 104 becomes permanent resolution 1016-2004 with the emergency.
Permanent Resolution No. 1016-2004

T 92-1004 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
4043-2004 THE ELECTORS OF A PROPOSAL TO AMEND SECTION 3.8 OF ARTICLE
III OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

moved by Swindig, seconded by Olesen to suspend second and third readings

President Pro-Tem Butkowski: Are there any questions? All those in favor, signify by yes. All those opposed? Motion passes to suspend second and third readings.

moved by Swindig, seconded by Olesen to adopt

moved by Swindig, seconded by Olesen to add the emergency due to the deadline of getting it on the ballot

President Pro-Tem Butkowski: Are there any questions of the emergency? All those in favor? Opposed?

Yes, 7 No, 0

President Pro-Tem Butkowski: Motion passes to add the emergency. Motion was made by Mr. Swindig and seconded by Mr. Olesen to adopt. Are there any questions? All those in favor? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. Ordinance number?

Clerk of Council Norris: The ordinance number is 4043-2004 with the emergency.
Permanent Ordinance No. 4043-2004

T 93-2004 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
4044-2004 THE ELECTORS OF A PROPOSAL TO AMEND SECTION 3.15 OF
ARTICLE III OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE,
OHIO.

First Reading

moved by Buescher, seconded by Olesen to suspend second and third readings

President Pro-Tem Butkowski: Are there any questions? All those in favor? All those opposed? Motion passes to suspend second and third readings.

moved by Buescher, seconded by Swindig to adopt

moved by Swindig, seconded by Olesen to add the emergency due to the time restraints of getting it on the ballot

President Pro-Tem Butkowski: Are there any questions of the emergency? All those in favor? Opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes to add the emergency. Motion was made by Mrs.

Buescher and seconded by Mr. Swindig to adopt. Are there any questions? All those in favor?
All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. Ordinance number?

Clerk of Council Norris: The ordinance number is 4044-2004 with the emergency.

Permanent Ordinance No. 4044-2004

T 94-2004 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
4045-2004 THE ELECTORS OF A PROPOSAL TO AMEND SECTION 4.2 OF ARTICLE
IV OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

moved by Olesen, seconded by Buescher to suspend second and third readings

President Pro-Tem Butkowski: Are there any questions? All those in favor, signify by yes. All
those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. Is there a motion to adopt?

moved by Olesen, seconded by Swindig to adopt

moved by Swindig, seconded by Olesen to add the emergency due to the time
restraints to get it onto the ballot

President Pro-Tem Butkowski: Are there any questions on the emergency? All those in favor?
Any opposition?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes to add the emergency. Motion was made by Mr.
Olesen and seconded by Mr. Swindig to adopt. Are there any questions? All those in favor? All
those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: This ordinance is adopted with the emergency. Ordinance
number?

Clerk of Council Norris: The ordinance number is 4045-2004 with the emergency.

Permanent Ordinance No. 4045-2004

T 97-2004 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
4046-2004 THE ELECTORS OF A PROPOSAL TO AMEND SECTION 11.6 OF
ARTICLE XI OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE,
OHIO.

First Reading

moved by Swindig, seconded by Olesen to suspend second and third readings

President Pro-Tem Butkowski: Are there any questions? All those in favor? All those
opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. Is there a motion to adopt?
moved by Buescher, seconded by Olesen to adopt
moved by Buescher, seconded by Olesen to add the emergency so that this can get
to the Board of Elections in a timely fashion

President Pro-Tem Butkowski: Are there any questions on the emergency? All those in favor?
All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes to add the emergency. Motion was made by Mrs.
Buescher and seconded by Mr. Swindig to adopt. Are there any questions? All those in favor of
the adoption with the emergency? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes. Ordinance number?

Clerk of Council Norris: Permanent ordinance number is 4046-2004 with the emergency.
Ordinance No. 4046-2004

T 98-2004 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
4047-2004 THE ELECTORS OF A PROPOSAL TO AMEND SECTION 11.7 OF
ARTICLE XI OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE,
OHIO.

First Reading

moved by Swindig, seconded by Buescher to suspend second and third readings

President Pro-Tem Butkowski: Are there any questions? All those in favor, signify by yes. All
those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes to suspend second and third readings.

moved by Swindig, seconded by Olesen to adopt

moved by Swindig, seconded by Olesen to add the emergency due to the time
restraints to get it to the Board of Elections to be put onto the ballot

President Pro-Tem Butkowski: Are there any questions on the emergency? All those in favor?
Opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes to add the emergency. Motion was made by Mr.
Swindig and seconded by Mr. Olesen to adopt. Are there any questions? All those in favor?
Opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes

Clerk of Council Norris: The ordinance number is 4047-2004 with the emergency.
Permanent Ordinance No. 4047-2004

T 105-2004 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS

4048-2004 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE CONSTRUCTION OF AN EMERGENCY BACKUP POWER SYSTEM FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, AND TO NEGOTIATE AND ENTER INTO A CONTRACT WITH A CONSULTING ENGINEERING FIRM TO PREPARE SPECIFICATIONS, BID DOCUMENTS, BID AWARD AND CONSTRUCTION MANAGEMENT, TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, IN THE APPROXIMATE AMOUNT OF \$350,000.00.

First Reading

moved by Swindig, seconded by Buescher to suspend second and third readings

President Pro-Tem Butkowski: Are there any questions?

Council Member Swindig: Yes, Madame Chairman. I have a question of the Auditor. Do we still have the money in the French Creek Plant to do this because of what has happened when we had a black out, out there, about a month ago?

Auditor Costin: I just had that private discussion with the Mayor. My understanding is that we're simply increasing the limit from 207 to 350. We would have in our next appropriation ordinance, we'll be adding the appropriation but, the money would probably be available without any harm in the French Creek R & I Fund. The monies will be available. They'll just need to be appropriated.

President Pro-Tem Butkowski: Are there any other questions? Mr. Costin?

Auditor Costin: For the record, I need it to be known that this is not in addition to the 207. This 350 is replacing 207 and accordingly, if it's Council's wish, I would request that section three be added or changed to say that Ordinance 3991, which is referred to herein, Ordinance 3991-2004 shall be replaced by this ordinance and then section three would become four and four would become five accordingly.

moved by Young, seconded by Buescher to revised Section 3 to say "Ordinance 3991-2004 shall be replaced by this ordinance

President Pro-Tem Butkowski: All those in favor of the amendment. All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: We have a motion on the floor to suspend second and third readings made by Swindig and seconded by Buescher. All those in favor? Opposed?

Yes, 5 No, 0

moved by Swindig, seconded by Olesen to adopt

Council Member Swindig: Madame Chairman, may I address the Mayor?

President Pro-Tem Butkowski: Yes, Mr. Swindig.

Council Member Swindig: Do we need the emergency on this one?

Mayor Gillock: Yes.

moved by Swindig, seconded by Young to add the emergency due to a power failure in 2003 and the one we had a couple of months ago so that we have a back

up generator for the protection of the citizens

President Pro-Tem Butkowski: Are there any questions on the emergency? All those in favor?
All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes to add the emergency. Motion was made by Mr. Swindig and seconded by Mr. Olesen to adopt. Are there any questions? All those in favor?
Opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes with the amendment and the emergency.
Ordinance number?

Clerk of Council Norris: T 105 becomes permanent ordinance 4048-2004 with the emergency.
Permanent Ordinance No. 4048-2004

- **Second Readings**
T 91-2004 AN ORDINANCE ACCEPTING THE FINAL PLAT OF STONEGATE AT
 WATERBURY, PHASE I.
 Second Reading

- **Third Readings**
Mayor Gillock: Madame Chairman, based on the memo to Members of Council from Larry Griffith, the City Engineer, in regards to T 80, T 81 and T 82, in that he does not have all the required information, I would like to make a motion that T 80, T 81 and T82 be postponed until the Engineer informs us he has the necessary information.

 moved by Mayor Gillock to postpone T 80-2004, T 81-2004 and T 82-2004

President Pro-Tem Butkowski: Is there any discussion on this? All those in favor? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passed to postpone T 80, T 81 and T 82. Move onto T 85.

- T 85-2004 AN ORDINANCE REPEALING ORDINANCE NO. 3287-97, THE OHIO
4049-2004 BUILDING OFFICIALS ASSOCIATION ONE, TWO, AND THREE FAMILY
 DWELLING CODE OF 1996, AND ALL AMENDMENTS THERETO.

 Third Reading

 moved by Young, seconded by Olesen to adopt

President Pro-Tem Butkowski: Are there any questions? All those in favor of the adoption, signify by yes. Opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Ordinance passes. Ordinance number?

Clerk of Council Norris: That will be ordinance number 4049-2004.

Permanent Ordinance No. 4049-2004

T 86-2004 AN ORDINANCE ADOPTING THE 2004 RESIDENTIAL CODE OF OHIO
4050-2004 FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS.

Third Reading

moved by Young, seconded by Olesen to adopt

President Pro-Tem Butkowski: Are there any questions? All those in favor? Opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: Motion passes to adopt T 86. Ordinance number?

Clerk of Council Norris: That will be ordinance number 4050-2004.

Permanent Ordinance No. 4050-2004

T 87-2004 AN ORDINANCE AMENDING AND MAKING ADDITIONS AND
4051-2004 DELETIONS TO ORDINANCE 4050 - 2004, THE 2004 RESIDENTIAL CODE
 OF OHIO FOR ONE-, TWO- AND THREE-FAMILY DWELLINGS.

Third Reading

moved by Young, seconded by Olesen to adopt

moved by Young to amend the title language to read 4050-2004, seconded by
Olesen

President Pro-Tem Butkowski: Are there any questions? All those in favor? All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: The amendment passes. Motion was made by Mr. Young and
seconded by Mr. Olesen to adopt. Are there any questions on the adoption? All those in favor?
All those opposed?

Yes, 5 No, 0

President Pro-Tem Butkowski: T 87 passes. Ordinance number?

Clerk of Council Norris: That will be ordinance number 4051-2004.

Permanent Ordinance No. 4051-2004

OLD BUSINESS:

President Pro-Tem Butkowski: What we have in old business is in the Buildings and Lands
Committee and that will not appear on the agenda again until the report comes out of that
committee.

Council Member Swindig: Madame Chairman, I have one thing to bring up. In every Council
person's box, they received communication on the bike helmet from triple A and the Police
Department explaining what they are doing and I wanted to make a note into the minutes that
every Council Member has that letter.

President Pro-Tem Butkowski: Thank you. It's a letter concerning the resolution for children to
wear their helmets in North Ridgeville and we hope that all the children do that here in the City.

Upcoming meeting announcements?

UPCOMING COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris:

Next Regular Council Meeting Tuesday, September 7, 2004 at 7:30 P.M. in Council Chambers

There will be a Public Hearing Tuesday, September 7, 2004 beginning at 7:10 P.M. on the following proposed ordinances:

- 1) T 91-2004 AN ORDINANCE ACCEPTING THE FINAL PLAT OF STONEGATE AT WATERBURY, PHASE I.
- 2) T 101-2004 AN ORDINANCE APPROVING THE FINAL PLAT OF WATERBURY PHASE 4 - SUBDIVISION 4 FOR RECORDING PURPOSES ONLY.
- 3) T 102-2004 AN ORDINANCE APPROVING THE FINAL PLAT OF WATERBURY PHASE 5 - SUBDIVISION 5 FOR RECORDING PURPOSES ONLY.
- 4) T 103-2004 AN ORDINANCE AMENDING AND CLARIFYING ORDINANCE NO. 3735-2001 AND APPROVING THE RELATED VACATION PLAT.

There will be a Buildings and Lands Committee meeting Thursday, July 22, 2004 at 8:30 A.M. regarding senior housing.

President Pro-Tem Butkowski: Are there any other announcements?

Council Member Swindig: Madame Chairman, I'd like to take this time to wish everybody a safe summer and a nice vacation on our month off.

President Pro-Tem Butkowski: Just a reminder, we will not have Council meetings. We are adjourned during the month of August.

ADJOURNMENT:

motion to adjourn by Swindig

President Pro-Tem Butkowski:

Meeting adjourned 8:43 P.M.

MOTION Butkowski 2ND Buescher DATE September 7, 2004

YES 6

NO 0

ABSTAIN 1

- Arndt

PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

CLERK OF COUNCIL CHARLES A. NORRIS