

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 7, 2005**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order tonight, the North Ridgeville Municipal City Council regular meeting dated Monday, March 7, 2005.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: by all.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Allen Swindig, Bob Olesen, Bernadine Butkowski, Andy Young and President Ronald Arndt. Absent was member Richard Jaenke.

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 Charles Norris.

President Arndt: Mr. Jaenke is not with us tonight as he is on vacation.

MINUTES - Corrections (if any) and Approval:

Clerk of Council Norris:

Council Minutes of the regular meeting held February 22, 2005

 moved by Olesen, seconded by Butkowski to approve the Council Minutes of the regular meeting dated February 22, 2005

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions? Will the Clerk please take roll.

 Yes, 5 No, 0 Abstain, 1 (Buescher)

Clerk of Council Norris: Minutes are approved by a vote of five, zero, and one abstention.

Clerk of Council Norris: Council will also note before them are the:

Civil Service Commission Minutes of regular meetings February 15 and 22, 2005

Parks & Recreation Commission Minutes of regular meeting January 26, 2005

Board of Zoning and Building Appeals Minutes of regular meeting February 24, 2005

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Directors reports and the Chair invites the Mayor and the Directors to provide City Council with the opportunity to present their oral reports. We would like to begin with our Mayor, Mr. Gillock.

• **Mayor**

Mayor Gillock: Thank you, Mr. President. First, I would like to give Council and residents an idea of the impact of a snow fall, as we had last week, has on our service garage and equipment.

We used sixteen vehicles to plow and in that 24 hour period we logged 5,800 miles, or an average of 362 miles per vehicle. Actually, 14 of those vehicles logged most of the miles averaging 445 miles each in that 24 hour period. We used approximately 580 gallons of diesel fuel. This snowfall lasted only about one half as long as the ones we had at Christmas and New Years. So, you can see, that each time we get a major snow fall, the equipment is used extensively.

This morning my staff and I met with the Ohio Department of Transportation and Kokosing Construction in a preconstruction meeting on the new railroad overpass on Route 83. We anticipate construction to begin in earnest around March 28. Watch your local newspapers for more information as to road closings, detours, etcetera as that project proceeds during the coming months.

I would like to make residents aware that beginning next Monday, a week from today, we will be doing our spring cleaning in the cemeteries. If you have decorations and so forth that you want to save or reuse, please have them removed before next Monday or they will be thrown away. A notice was put in last weeks paper, but I wanted to again bring this to everyone's attention, as we realize that many of these decorations do have special meaning to their owners and a lot of them reuse them.

Several residents have called in regards to a notice they received from Interstate Gas Supply. IGS has been the supplier through Northeast Ohio Public Energy Council, NOPEC, for the last few years. Beginning in April, IGS will no longer be the supplier and all users will be switched back to Columbia Gas by default. Columbia Gas is the default supplier. NOPEC is looking for another supplier and has indicated to us that they do not expect to contract with a new supplier in the near future. Gas prices are currently at an all-time high. Right now, Columbia Gas is less expensive than most other suppliers. If you look on the PUCO web site where they provide an apple to apples comparison, only one company is lower. It's a very small difference and that company's contract is on a month to month basis. In addition, NOPEC doesn't want to enter into a two year contract at this time, locking us into a two year contract, with the anticipation of prices coming down in the next several months. For now, we believe the only thing we can do is wait and hope the cost of natural gas comes down, although, residents can try to find a lower rate and enter into a contract on their own.

Lastly, I want to confirm that the old Ridgeview Shopping Plaza has been sold. That is a long awaited and hoped for development. We anticipate most of those buildings, not the bowling alley, coming down in the near future and we are working with the developer at this time on trying to promote a new commercial center at that site. I think all of us will be very happy when that occurs.

In closing Mr. President, I would like to ask for an executive session after the lobby session to discuss acquisition of property. Thank you and that concludes my report.

- **Safety-Service Director**

Safety-Service Director Johnson: Thank you, Mr. President. I would like to expand on the information the Mayor presented. The total miles within that 24 hour period being 5,800, will get you from New York to Los Angeles and back with a few side trips, pushing snow the whole way. It's impressive in my mind. I would also like to point out, that I neglected to mention a few weeks ago, that the new sign between the windows is a sign that was taken from this room, I believe, when they did remodeling several years ago. It is an original plaque from the Grange Association when they owned the building. The building was donated to the City from Grange Association. It was mounted by the building and grounds maintenance people several weeks ago and if you get a chance stop and take a look at some of the names on it. That concludes my report.

- **Engineer**

Engineer Griffith: I feel the need to speak again concerning many of our residents using our streams and ditches as a dumping ground for yard debris. As I said last Council meeting, our streams and ditches are not refuse dump sites. We have been receiving feedback from residents that we sent letters to and for the most part, they've been cooperative and understanding as to the problems that can be created by this debris. Because of the limited manpower in both Engineering and Service Departments, we sent corrective notices to everyone along a stream or ditch and do not single out just those residents that are creating the problem. I wish we had the manpower to investigate and send letters just to the offenders, but that is not possible because of how time consuming that would be. We clearly state in the letter that if you are not dumping debris in the ditches and streams, than please accept our apologies for bothering you. In other words, as my mother use to say, if the shoe doesn't fit, then don't wear it. There is no need to get upset that we might be issuing you a ticket. However, that being said, if you are one of the offenders and you continue to pollute and do not clean up the current mess that you have made, we may issue you a ticket.

This little booklet, that I talked about last week, is also available at the Library along with some other related materials.

Please, I ask everyone for the good of the City and your neighborhood, to recycle debris materials if possible, or package them for BFI. Thank you, Mr. President.

- **Auditor**

Auditor Costin: Thank you. There was no report formally scheduled for this meeting. However, you have received the final copy of the January report for which I would request your acceptance and passage.

Auditor's Final Written Financial Report for January 2005

moved by Swindig, seconded by Butkowski to approve the Auditor's final written financial report for January 2005

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.

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All those opposed by no. Any abstentions?

Yes, 6 No, 0

Auditor Costin: One last comment, our department is currently wrapping up summarizing the budgetary requests presented during the appropriation meetings and there will be a Finance meeting this week to make final decisions and the final appropriations for 2005 will be presented to Council for passage at the next meeting on March 21. That concludes my comments.

• **Other Reports**

Clerk of Council Norris: Other reports before Council this evening include:
Police Department Report for January 2005.

COUNCIL COMMITTEE REPORTS:

President Arndt: We know come to our Council Committee Reports. I know that Mrs. Butkowski has a request.

 moved by Butkowski, seconded by Swindig to submit the Finance Committee Report numbers 5541, 5542, 5543 and 5544 for consideration tonight

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.

All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: Council Committee reports for March 7, 2005 Council meeting include:

1) **FINANCE COMMITTEE REPORT #5541** We have considered the matter of an increase to the cemetery service charges and lot charges and recommend that this request be approved and proper legislation be drawn authorizing the increases in charges per the attachment.

Signed: Chairperson Bernadine Butkowski and Member Allen Swindig.

 moved by Butkowski, seconded by Buescher to accept the Finance Committee Report number 5541

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.

All those opposed by no. Any abstentions?

Yes, 6 No, 0

2) **FINANCE COMMITTEE REPORT #5542** We have considered the matter of video conferencing for Court arraignments and recommend that this request be approved and proper legislation be drawn authorizing the video conferencing, not to exceed \$40,000.00.

Signed: Chairperson Bernadine Butkowski and Member Allen Swindig.

 moved by Butkowski, seconded by Swindig to accept and approve the Finance Committee Report number 5542

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.

All those opposed by no. Any abstentions?

Yes, 6 No, 0

3) **FINANCE COMMITTEE REPORT #5543** We have considered the matter of title

changes for the Council office employees and recommend that this request be approved and proper legislation be drawn authorizing the change of "Assistant Clerk of Council, CMC" to "Chief Deputy Clerk" and "Clerical Aide" to "Deputy Clerk".

Signed: Chairperson Bernadine Butkowski and Member Allen Swindig.

 moved by Butkowski, seconded by Buescher to approve the Finance Council Committee
 Report number 5543

President Arndt: Is there any discussion?

Member Olesen: I think that it should be pointed out that this doesn't mean more money and that it is just a change in title.

President Arndt: Thank you. Is there any further discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

 Yes, 6 No, 0

4) FINANCE COMMITTEE REPORT #5544 We have considered the matter of the cost of public records and other fees and recommend that this request be approved and proper legislation be drawn authorizing the increase in costs per the attachment.

Signed: Chairperson Bernadine Butkowski and Member Allen Swindig.

 moved by Butkowski, seconded by Swindig to approve the Finance Council Committee
 Report number 5544

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.

All those opposed by no. Any abstentions?

 Yes, 6 No, 0

President Arndt: Dr. Norris, if you will please read our correspondence.

CORRESPONDENCE:

Clerk of Council Norris: Council has before it this evening, seven items of correspondence.

1) Received a memo from Utilities Supervisor Jim Whitlock submitting the water rate increase calculations and rates.

2) Received a letter from resident Sheldon Van Meter requesting consideration to residency requirements for City employees.

Member Young: Mr. President, I recommend that we refer this to the Administrative Committee.

President Arndt: So be it. REFERRED TO THE ADMINISTRATIVE COMMITTEE.

3) Received a letter from Brook Park Clerk of Council Roseanne Armstrong, CMC submitting a copy of their adopted resolution opposing job cuts at NASA.

4) Received a letter from residents Mr. and Mrs. Weir commenting on the property maintenance code and the affects on the elderly, disabled and people on fixed incomes.

Member Young: Mr. President, I recommend that this be referred to the Building and Lands Committee.

President Arndt: So be done. REFERRED TO THE BUILDING AND LANDS COMMITTEE.

- 5) Received a letter from J. Craig Snodgrass, Assistant Chief Deputy Auditor announcing that the County Auditor's office reinstated personal property taxes to the duplicate previously abated under the Enterprise Zone agreement with Reliance Com/Tec Corporation AKA Marconi Communications.

Member Young: Mr. President, I have a question for the Law Director with regard to this piece of correspondence. Is this underway where we are in the process of collecting?

Law Director Crites: I have to be frank with you. I have never seen it. I would have to take a look at it.

Mayor Gillock: This was added to the tax duplicate. It is up to the County Auditor to collect it, which they will attempt to do.

Member Young: Thank you.

- 6) Received a letter from Lorain Clerk of Council Nancy Greer submitting a resolution passed by Lorain City Council urging the State of Ohio to allow Indian Gaming in Ohio and suggesting neighboring communities unite and consider passing similar supporting legislation.

- 7) Received a letter from State Senator Jeffery Armbruster acknowledging receipt of our resolution requesting a main Post Office.

President Arndt: Dr. Norris, will you read our New Business please.

NEW BUSINESS:

Clerk of Council Norris:

Request for new C1, C2 liquor permit from Riser Foods Company, DBA GETGO North Ridgeville #3199, 34085 Center Ridge Road

President Arndt: The Chair, at this point, chooses to ask Council if they have any objections to granting this liquor permit's change in corporate stock ownership at this location?

moved by Arndt, seconded by Olesen that we not request a hearing as stated on the application so that this permit can be sent to the State for final disposition

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.

All those opposed by no. Any abstentions?

Yes, 6 No, 0

Renewal Application for Placement of Farmland in an Agricultural District by Michael J. Smith for property located at 5756 Stoney Ridge Road containing 35.88 acres of land

Renewal Application for Placement of Farmland in an Agricultural District by Frank J. Masny for property located at 6050 Otten Road containing 29.36 acres of land

Renewal Application for Placement of Farmland in an Agricultural District by George Grosik and Margaret Haputa for property located at 9225 Island Road containing 33.97 acres of land

President Arndt: For the benefit of Council, the requirements for an Agricultural District include a public hearing within thirty days of receipt of the application and the action must be taken by Council within thirty days of that public hearing.

 moved by Arndt, seconded by Swindig to approve these three renewal applications with the modifications as in their previous approvals and request legislation for the March 21, 2005 Council meeting

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

 Yes, 6 No, 0

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any members of our audience tonight are invited to approach, speak and address your City Council. We request that you fill out the lobby form you can find in the back of the room. It enables us to contact you personally should there be a need to do so. You are now welcome and invited to approach the podium that is immediately to the right of Mrs. Buescher. When you do approach that podium, please state your name and your address clearly, please. The lobby is now open.

 moved by Arndt, seconded by Olesen to convene an Executive Session for the purpose of discussing land acquisition

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

 Yes, 6 No, 0

Council adjourned into Executive Session at 7:56 P.M.

President Arndt: Reconvened the meeting at 8:19 P.M.

ORDINANCES AND RESOLUTIONS:

President Arndt: We now find ourselves at our Ordinance and Resolution Submittals. Dr. Norris, will you begin with T 36.

• **Ordinances & Resolution Submittals**

T 36-2005 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
 ORDINANCE CHAPTER 1228, IMPROVEMENTS, BY AMENDING
 SECTION 1228.01(F) AND APPENDIX II.

 moved by Swindig, seconded by Olesen to suspend By-Laws tonight to give T 36 its first reading.

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

 Yes, 5 No, 1 (Butkowski)

Clerk of Council Norris: Motion is approved by a vote of five to one.

T 37-2005 A RESOLUTION OPPOSING PROPOSED JOB CUTS AT NASA.

moved by Swindig, seconded by Butkowski to suspend By-Laws to give tonight T 37 its first reading.

President Arndt: President Arndt: Is there any discussion?

Mayor Gillock: This is introduced by myself and Council Member Butkowski. It's a resolution opposing the proposed seven hundred job cuts at NASA. We do have a lot of residents in North Ridgeville that work there as well as businesses within the area. Mrs. Butkowski and I both had sample ordinances that we combined to put these together to express our hope to President Bush and others that they may take another look at this and reconsider keeping some of these jobs in Cleveland. We would like to get this adopted, if we could, this evening with the emergency so that we can get this off in the mail to the appropriate people. Thank you.

Council Member Buescher: Mr. President, It was reported on the news this evening that pretty much across the board, both political parties in the State and also throughout all of our local communities, that the people are in favor of passing this resolution.

Council Member Butkowski: Mr. Chairman, with these people losing their jobs over there, this will affect our City in great magnitude along with the whole area. We have enough unemployed, where the whole Cleveland area is so depressed. We certainly can't have our federal government doing it to us too. Its about time that the federal government takes a look at what they're doing to the communities in the areas that they are spending their money in and as years ago when they were trying to get West Virginia in helping them move up, all kinds of federal money went down there. I think now, its time that it comes here to Ohio and what we already have stays here in Ohio.

President Arndt: Are there any other comments? We have a motion on the floor by Mr. Swindig and a second by Mrs. Butkowski to suspend our By-Laws tonight to give T 37 a first reading tonight. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

• **First Readings**

President Arndt: Will the Clerk please begin our first readings tonight.

Clerk of Council: The first readings before Council include:

**T 22-2005 AN ORDINANCE FOR MAINTENANCE AND COSTS ASSOCIATED WITH
4116-2005 THE CONSTRUCTION OF A UTILITY CROSSING BELOW THE OHIO
 TURNPIKE NORTH OF BAGLEY ROAD.**

First Reading

moved by Mayor Gillock, seconded by Olesen to dispense with the second and third readings tonight on T 22

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

moved by Mayor Gillock, seconded by Buescher to adopt tonight T 22

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 22 is adopted and becomes permanent ordinance 4116-2005.
Permanent Ordinance No. 4116-2005

T 5-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF
REVISED SUBDIVISION 8 IN PHASE IV OF MEADOW LAKES PCD FOR
RECORDING PURPOSES ONLY.
First Reading

T 32-2005 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED
ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS
THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING
LAND: A PORTION OF PROPERTY LOCATED AT 100 MILLS ROAD,
PERMANENT PARCEL NUMBER 07-00-030-000-055 (AS SHOWN BY
LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-
1 NEIGHBORHOOD BUSINESS DISTRICT, AND OWNED BY AVENBURY,
LLC.
First Reading

T 33-2005 A RESOLUTION TO APPROVE WITH MODIFICATION THE
1031-2005 APPLICATION MADE BY LILLIAN RAK, TRUSTEE TO HAVE CERTAIN
LAND OWNED BY HER DESIGNATED AS BEING LOCATED WITHIN AN
AGRICULTURAL DISTRICT.
First Reading
moved by Swindig, seconded by Young to dispense with the second and third
readings tonight on T 33

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

moved by Swindig, seconded by Young to adopt tonight T 33

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 33 is adopted and becomes permanent resolution 1031-2005.
Permanent Resolution No. 1031-2005

T 34-2005 A RESOLUTION TO APPROVE WITH MODIFICATION THE
1032-2005 APPLICATION MADE BY WILLIAM SCHRAUF TO HAVE CERTAIN
LAND OWNED BY HIM DESIGNATED AS BEING LOCATED WITHIN AN
AGRICULTURAL DISTRICT.
First Reading

moved by Swindig, seconded by Butkowski to dispense tonight with the second and third readings on T 34

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

moved by Swindig, seconded by Young to adopt T 34 tonight

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 34 is adopted and becomes permanent resolution 1032-2005.
Permanent Resolution No. 1032-2005

T 35-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION 9,
PHASE 4 WITHIN MEADOW LAKES PCD FOR RECORDING PURPOSES
ONLY.
First Reading

T 36-2005 AN ORDINANCE AMENDING NORTH RIDGEVILLE CODIFIED
ORDINANCE CHAPTER 1228, IMPROVEMENTS, BY AMENDING
SECTION 1228.01(F) AND APPENDIX II.
First Reading

Council Member Butkowski: Mr. Chairman, could you refer this one to Building and Lands so that they can go over these revisions.

President Arndt: So be done. REFERRED TO BUILDING AND LANDS.

T 37-2005 A RESOLUTION OPPOSING PROPOSED JOB CUTS AT NASA.
1033-2005 First Reading

moved by Butkowski, seconded by Olesen to dispense tonight with the second and third readings on T 37

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

moved by Butkowski, seconded by Olesen to adopt tonight T 37

moved by Mayor Gillock, seconded by Young to add the emergency tonight to T 37 because time is of the essence in order to help preserve these jobs within the tax base of the City of North Ridgeville

Council Member Buescher: Mr. Young, all of us don't want to have cuts all across the country, but somebody has to take cuts. I think that we are showing some favoritism here.

President Arndt: Is there any further discussion? Thank you. All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

President Arndt: In addition, we have a motion by Mrs. Butkowski and a second by Mr. Olesen to adopt tonight T 37 with the emergency. Is there any discussion? There being none, all those

in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 37 is adopted and becomes permanent resolution 1033-2005.
Permanent Resolution No. 1033-2005

• **Second Readings**

President Arndt: Dr. Norris, if you will read our second readings please.

Clerk of Council Norris: Council has one Second reading before it this evening:

T 26-2005 AN ORDINANCE AMENDING ORDINANCE 3979-2004, REGULATING
ADULT CABARETS.

Second Reading

President Arndt: THE CHAIR REFERS THIS TO BUILDINGS AND LANDS

President Arndt: If you will begin with our third readings, please.

• **Third Readings**

Clerk of Council Norris: Third readings this evening include:

T 12-2005 AN ORDINANCE VACATING A PORTION OF FAIRWAY DRIVE.

4117-2005 Third Reading

 moved by Swindig, seconded by Olesen to adopt

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 12 is adopted becoming permanent ordinance number 4117-2005.
Permanent Ordinance No. 4117-2005

T 13-2005 AN ORDINANCE VACATING A PORTION OF WEST BREEZEWAY
4118-2005 DRIVE.

Third Reading

 moved by Olesen, seconded by Swindig to adopt tonight, T 13

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 13 is adopted becoming permanent ordinance number 4118-2005.
Permanent Ordinance No. 4118-2005

T 19-2005 AN ORDINANCE ACCEPTING THE FINAL PLAT OF PHASE 2 OF
4119-2005 PIONEER RIDGE BY DEL-WEBB IN WATERBURY PCD.

Third Reading

 moved by Swindig, seconded by Olesen to adopt tonight, T 19

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 19 is adopted becoming permanent ordinance number 4119-2005.
Permanent Ordinance No. 4119-2005

T 21-2005 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 \$105,000.00.

Third Reading

moved by Olesen, seconded by Young to adopt tonight, T 21

President Arndt: Mr. Mayor, I'm just double checking. Was it your intent to postpone?

Mayor Gillock: Yes

Council Member Buescher: Mr. President, we are going into our final appropriations and at that time, we would have to make the decision on whether the monies are available to do this project. It would be putting the cart before the horse to pass this tonight.

Council Member Olesen: Mr. President, I will then retract my motion.

Council Member Butkowski: Mr. Chairman, the Finance meeting will be held on this Thursday, March 10 at 10:00 A.M. We will be covering this and other matters.

Council Member Young: Mr. President, it is my understanding that at this Finance Committee meeting, March 10, 2005 at 10:00 A.M., that this is by far the most important meeting of the entire year for the entire City because this is where the appropriations are prioritized as to what projects get prioritized above and beyond everything else. After this meeting on March 10, we are locked in essentially, and we have a difficult time bringing in any additional or new projects. In the invocation, Mr. President Arndt, basically stated that we have to find solutions to our local problems and we have to work together to find solutions to our local problems. The lack of sidewalks in this City is a local problem. Our lack of funding for sidewalks has been postponed, has caused the sidewalk projects, in general throughout the City, to be postponed year after year, election cycle after election cycle. Sidewalks are without a doubt, a safety issue if nothing else. Are we going to wait until a child, an adult or bicyclist gets killed on a street without a sidewalk before we start putting in the sidewalks? This is a situation where we have 55 thousand dollars being given to us by a Block Grant by the federal government, which our famous President decided to gut that program too. So these Block Grants are not going to be available in the future. This is a very important project that we need to pass and take advantage of that 55 thousand dollars. If we don't take advantage of that 55 thousand dollars and we don't make this a priority, then that will all go by the wayside. It is my understanding that on March 10, 2005, the Finance Committee is going to prioritize these items. We, as Council, should pass this tonight to show that this is an essential, 100 percent, number one priority above and beyond anything else. We cannot continue to postpone the problems with the sidewalks in this City any longer. Not only that, we cannot risk losing this 55 thousand dollar Block Grant or postpone it

any further. We have to come up with 105 thousand dollars and we get 55 thousand dollars back; which sounds like a great return on investment. Not only that, we will get sidewalks and we get a safer street on Chestnut Ridge Road, which is an extremely busy street as it is. I don't think we should look a gift horse in the mouth and I don't think we should turn down the opportunity to prioritize this tonight. I request the motion to be renewed as I am not withdrawing my second.

President Arndt: Mr. Costin, is there any insight that you might be able to share?

Auditor Costin: What I would share is that if it is passed tonight, then it obviously has the highest priority because if it is passed, it has to be funded. The Finance Committee indicated at the first batch of meetings that they would like our office to recap all the requests for capital projects, recap all the monies available and bring it back on March 10, so that they can take a look and prioritize all the projects as to availability of money and where the money would be coming from. So, your options are that you can choose your sidewalk project tonight without prioritizing it compared to the rest of the projects or you can wait until the Finance meeting and compare all the projects that are capital in nature including police cars or whatever else that has been requested by department heads and make a decision at that time. Those would be the two choices.

President Arndt: Is there anyone else on Council who chooses to speak for or against this issue?

Council Member Olesen: The only thing that I would like to add is that I know full well how much the residents are in favor of this project. I have been talked to and they have asked if they were really going to get this, right? Are we really going to get our sewers and are we going to get our sidewalks? They really want their sidewalks. I realize the monetary situation of the City, also. I wonder if there is a way to approve this tonight and funding would be conditional upon finding the money available through the Finance meetings. If that can be done, I will motion that we will do the project conditional on the fact that we come up with the funds to do it during the appropriation meeting.

Law Director Crites: If I may, that is possible. You would essentially be just making a superceding motion to amend the piece of legislation that is before us to just add the condition upon the money being available, which I can understand why you are doing it. I think if you are asking procedurally, I think you can do that by making a motion while the motion to adopt is on the floor.

Mayor Gillock: Mr. Olesen does not have to withdraw his motion. He made a motion and it is seconded.

President Arndt: The motion on the floor has been made by Mr. Olesen, seconded by Mr. Young to adopt. That is the current motion on the floor.

Mayor Gillock: Did not Mrs. Buescher make a motion to postpone until the next meeting?

President Arndt: I believe she was in the discussion phase. Please correct me if I'm in error.

Council Member Buescher: Right, because Andy made the motion to pass this.

President Arndt: He seconded it. Mr. Olesen made the motion, seconded by Mr. Young.

Council Member Buescher: So, I couldn't make a motion to postpone unless they both withdraw?

President Arndt: You could make that motion. That would be a superceding motion. We would have to vote on that motion first. I wanted to make certain, as I was under the impression that

Mrs. Butkowski had a comment.

Council Member Butkowski: If someone makes a motion to put a condition on this if it passes, if the money is available, then it would be all right to pass it. If the ordinance fails and we still want the project then we would have to start all over again with an ordinance. If you decide to vote against it as it stands and we still want to have the project, we will have to start all over again.

Council Member Butkowski: I move to add to this ordinance that if it's passed tonight, if the money is available.

Council Member Young: Mr. President, correct me if I'm wrong. We are still on the initial discussion of the initial motion because neither of the amendments have received a second tonight. Both of those motions would fail without a second. Isn't that right?

Law Director Crites: If that be the case.

Council Member Young: I challenged the Auditor. I challenged Council and I challenged the Administration to find a capital project that is going to be funded one third by other monies. The sidewalk project is going to be funded one-third, of the entire project, by federal government money. I don't know how any other capital project could possibly be higher priority than this one, when one-third of the entire project is being funded by other money.

Mayor Gillock: We have a project to issue two funds to redo Root and Lorain Road, which is funded 60 percent by federal funding. That will still cost us over 200 thousand dollars. We don't have 350 thousand without looking, perhaps to do both of these. We have to look at them and prioritize them.

Council Member Buescher: We have worked pretty hard this week listening to all of the department heads who came before us during the Finance Appropriation meetings. We have a huge, huge list of things that we have to take a look at. I don't believe that it is right to go forward before this Committee has its final appropriations meeting because it would be irresponsible of us to not get together and make this decision at that meeting. I appreciate Mr. Young's enthusiasm and I appreciate what he is saying, but we have to do this in a careful manner, without making a decision here tonight. It can't hurt to postpone. It can do a lot of damage if we just put the money into this without looking at it further.

Auditor Costin: One item I would bring up. When we have these subordinate suggestions about availability of money, that is a complex question. I might remind Council that last year, we borrowed 300 hundred thousand dollars to fund our capital projects. Now, when you borrow monies, that means it's available and yet what needs to be prioritized is how important is it to fund these capital projects through borrowing. When we borrow, that ultimately means that we have to repay with interest and other costs. I would hesitate to hear the recommendation that we spend money subject to its availability because once again, I don't know if you can define availability without considering all the factors including the amount of monies available, absolute necessity for those capital project items, how it will affect operations. Let's face it. I am not going to suggest we need or don't need police cars. I would suggest, that if we didn't have a police car, we probably wouldn't need the policeman that drives the car. So, you have to consider the ramifications on operations as well. That would be the only thing that I would caution Council. It's your choice. Council sets the Appropriations. It's just a matter of, I believe, you would want to do these in a proper priority. Another thing that has been talked

about at the Finance meetings is that we anticipate everything for the entire year. We anticipate our best guess of estimated revenues and we anticipate our best guess at appropriations. Councilman Young said that once we passed those, we are locked in. The reality is, is that we are not locked in. Last year, we actually wound up changing some projects. Probably within the first seven days after the appropriations. Something new is going to come to light that we didn't even anticipate and accordingly, we are looking at putting in a contingency for those very things that might occur, that we didn't anticipate, that had we have known, might have been the highest priority. There is a lot of difficulty that goes into this decision making and probably the greatest reason for this difficulty is that we just plain don't have the finances at this point, to fund all those projects. It would just make sense that we list those out in terms of what they are and just peck away, one, two, three, four. State statute requires that if you don't have the money, you don't spend it. It is as simple as that. I would agree and anybody that has known me over the years, will recognize that I fought very hard for any projects that were subsidized. If we could leverage our monies, those would be first priority. But, I think we are at a point in our history where that may be the priority, but we have some very difficult decisions to make and I think we should see the entire picture before we make those decisions. That will ultimately rest with Council.

Council Member Young: Just one final comment. This ordinance was proposed last year. We postponed it from last year. We were essentially told next year, next year, next year. Well it is next year. I don't think we should postpone it anymore and to speak on Mr. Costin's discussion about borrowing money, it would be a higher interest rate that we would have to pay back if we had to borrow 160 thousand dollars as opposed to just the 105 thousand dollars and we take advantage of the 55 thousand dollars that is being subsidized now. Again, for twenty plus years or more, this City has talked about bringing sidewalks into this community. During every election cycle, every single politician has discussed the issue of sidewalks and now is the time where we should pass this. We cannot wait until somebody gets hit on the road way. We need to pass this now. I can't imagine a higher priority than this one. I appreciate the Mayor's comments on the issue two money. That issue two money wasn't here last year. I would like to see us as Council, who holds the purse strings, vote this as a priority now. To do so otherwise, would be awful.

Council Member Olesen: If I'm reading Mr. Costin correctly, what he is telling us is that we can approve this project tonight and if the Finance Committee says we don't have the money, we don't have the money. We can't do it. So that doesn't have any bearing on us passing it tonight. I think we can pass it and let the Finance Committee make the decision whether they can fund it. This is a very important project and I agree 100 percent.

move by Buescher, seconded by Butkowski to postpone

President Arndt: Is there still some discussion?

Council Member Young: Again, it has already been postponed a year. To postpone it any further, I think would not be the right thing to do as elected officials for the residents. Mr. Olesen also raised a very good point. These poor residents on Chestnut Ridge Road had their front yards dug up. There is an engineering study that has already been done. We are saving money without having to hire another engineering firm because the engineering studies are all basically done. From what I understand last year, we were trying to appropriate 120 thousand

dollars as opposed to 105 thousand. This is the time to do this now. To postpone it, we are just postponing it again, again and again. I say we vote it in as a priority now and I urge Council to vote no on the motion to postpone this item now.

President Arndt: Mr. Costin, just for final clarification, the comment that I heard Mr. Olesen make is that on target?

Auditor Costin: I have to disagree only from the standpoint that according to our Charter, if we have to be technical about it, an ordinance cannot be passed by Council that is financial in nature unless the Auditor indicates that there is money available. In the past, we have done some things like that. I recognize that perhaps the money wasn't technically appropriated, but we had it either in contingency funds or available to appropriate. If Council deems it necessary to pass this project, which they have every prerogative to do, then I would have to say the money is not available. If it is your wish to pass this, what I would suggest is, that we will deem it available by making it the first item on our priority list. The money would be there. Again, I hesitate to say contingent on availability. It's not a matter that we have no money. It's a matter of we have insufficient money to do everything we want to do. Accordingly, it's not having any money available, it's having some money available and what do we want to do with the money that is available. Prioritizing is the issue.

Council Member Swindig: This is an important project, I agree. I do not want to see a City employee get laid off. That is my gut feeling. I would rather hold off until after we see what we have in the pie.

President Arndt: The Chair is going to call the question.

Council Member Young: Point of order Mr. President, there is a new motion with a motion for the postponement and I get two opportunities to speak according to the By-Laws.

President Arndt: Okay.

Council Member Young: Mr. Costin said several times, on what we want to do. I would like to speak to both Mr. Costin and Mr. Swindig. Who is the we in what we want to do? The we is the constituents. The residents want sidewalks and they have wanted them for a long period of time. The residents on Chestnut Ridge Road want sidewalks and they have wanted them for a long time. The we is who wants the sidewalks. I hear the extreme that Mr. Swindig is talking about that there might be a potential lay off, but we are talking about priorities in the capital projects fund, not the operating expenses fund. I recommend that we not postpone and that we pass this tonight and I recommend that you vote down Mrs. Buescher's motion to postpone it.

President Arndt: The Chair is going to call.

Auditor Costin: Mr. Chairman, just so that there is no misunderstanding. There is very little money in the capital projects fund after we pay our debt service. It would be unlikely that the money for this project would come out of there. It is more likely that it would come out of the street levy fund or one of the street funds. I think that is what Mr. Swindig was referring to. We have the ability to pay our portion out of those funds and unfortunately, not only do those pay for capital projects for road repair and the like, streets, bridges and sidewalks, they do fund our operations as well. I think that is what Councilman Swindig was referring to. Let there be no mistake about it, I am not trying to pick a side on this particular issue. I am just trying to caution you because I have lived through enough of these battles to know that there are other things, that had we had thought about them, maybe we would have changed our priorities. Perhaps, there

isn't anything higher than this at this point, but it is just a matter of keeping in mind that when we discussed all of our requests, they should have at least an equal merit as a starting point with regard to the dollars that are available. That is the philosophy we have used in years past.

President Arndt: There is a motion on the floor by Mrs. Buescher, seconded by Mrs. Butkowski to postpone T 21 until after the appropriations.

Council Member Young: Mr. President, a point of clarification. Is this until after appropriations? In the event that it passes, it comes back to the next meeting regardless?

President Arndt: I ask for clarification on the motion.

Council Member Buescher: Postpone until the next Council meeting.

Council Member Butkowski: Yes, and as the second, I'll agree with that.

President Arndt: We have a motion on the floor by Mrs. Buescher, seconded by Mrs. Butkowski to postpone T 21 until our next Council Meeting. Is there any further discussion to that?

Council Member Olesen: I don't want to jeopardize the City and I don't want to jeopardize the employees who work for the City as much as I want this project.

President Arndt: Thank you. I will ask the Clerk to please take roll.

Yes, 5 No, 1 (Young)

Clerk of Council Norris: Motion is approved five to one.

T 23-2005 A RESOLUTION APPROVING AND ACCEPTING PORTIONS OF THE
1034-2005 SANITARY SEWER SYSTEM OF WILDFLOWER CONDOMINIUMS AND
ACQUIRING ACCOMPANYING EASEMENTS FOR PUBLIC USE AND AS
PART OF THE PUBLIC SANITARY SEWER SYSTEM.

Third Reading

moved by Olesen, seconded by Swindig to adopt tonight, T 23

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 23 is adopted becoming permanent resolution number 1034-2005.

Permanent Resolution No. 1034-2005

OLD BUSINESS:

Clerk of Council Norris: Old business before Council this evening:

T 24-2005 A FINAL RESOLUTION PROPOSING COOPERATION WITH THE
1035-2005 DIRECTOR OF TRANSPORTATION FOR THE HEREINAFTER DESCRIBED
IMPROVEMENTS TO U.S. 20 WITHIN THE CORPORATE LIMITS OF THE
CITY OF NORTH RIDGEVILLE, OHIO.

moved by Arndt, seconded by Swindig to adopt tonight, T 24

President Arndt: Is there any discussion?

moved by Mayor Gillock, seconded by Olesen to add the emergency.

President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

President Arndt: In addition, there is a motion on the floor by Arndt, seconded by Mr. Swindig to adopt tonight T 24 with the emergency. Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 6 No, 0

Clerk of Council Norris: T 24 is adopted with the emergency becoming permanent resolution 1035-2005.

Permanent Resolution No. 1035-2005

Mayor Gillock: Mr. President, I would like to remind you, the Clerk, along with myself, that we need to sign that this evening so we can get that in the mail first thing in the morning.

President Arndt: Will the Clerk please read our upcoming meeting announcements.

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Upcoming meeting announcements include:

Public Hearings to be held on Monday, March 21, 2005 to consider Applications for Placement of Farmland in an Agricultural District beginning at 7:20 P.M. and continuing in the following order:

- 1) Michael J. Smith for property located at 5756 Stoney Ridge Road containing 35.88 acres
- 2) Frank J. Masny for property located at 6050 Otten Road containing 29.36 acres of land
- 3) George Grosik and Margaret Haputa for property located at 9225 Island Road containing 33.97 acres of land

Next Regular Council Meeting Monday, March 21, 2005 at 7:30 P.M. in Council Chambers.

There will be Public Hearings held on Monday, April 4, 2005 commencing at 7:10 P.M. in the following order:

- 1) T 5-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF
REVISED SUBDIVISION 8 IN PHASE IV OF MEADOW LAKES PCD
FOR RECORDING PURPOSES ONLY.
- 2) T 35-2005 AN ORDINANCE APPROVING THE FINAL PLAT OF
SUBDIVISION 9, PHASE 4 WITHIN MEADOW LAKES PCD
FOR RECORDING PURPOSES ONLY.

Public Hearing Monday, April 4, 2005 at 7:20 P.M. to consider T 32-2005

President Arndt: Mrs. Butkowski?

Council Member Butkowski: Yes, I would like to announce that the Finance meeting that will be held for the wrap up from the appropriations. This meeting will be held on March 10 at 10:00

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A.M. in the conference room. Everyone is welcome.

President Arndt: Are there any other comments before the meeting adjourns?

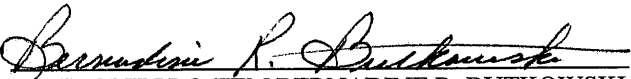
ADJOURN:

 moved by Swindig to adjourn
President Arndt: Meeting adjourned.

Meeting adjourned at 9:04 P.M.

MOTION _____ Olesen _____ 2ND _____ Young _____ DATE _____ March 21, 2005 _____

YES _____ 5 _____ NO _____ 0 _____ ABSTAIN _____ 0 _____



PRESIDENT PRO-TEM BERNADINE R. BUTKOWSKI



ASSISTANT CLERK OF COUNCIL PAULA D. COPE, CMC