

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING FEBRUARY 17, 2004**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order the February 17, 2004 regular meeting of the North Ridgeville City Council. If you all rise for our Invocation and our Pledge of Allegiance.

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 of Council Ronald Arndt.

Absent was Council 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 Chuck Norris.

MINUTES - Corrections (if any) and Approval:

Council Minutes of regular meeting February 2, 2004

 moved by Olesen, seconded by Swindig to approve

President Arndt: Are there any corrections or discussion? All those in favor signify by yes. All those oppose by no. Any abstentions?

 Yes, 6 No, 0

President Arndt: Please note:

Board of Zoning and Building Appeals Minutes of regular meeting January 22, 2004; and
Planning Commission Minutes of regular meeting February 10, 2004.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We now come to the Mayor and Directors reports and the Chair invites the Mayor and the Directors the opportunity to provide Council with an oral report. We will begin with the Mayor. Mr. Mayor, is there any report from your office?

Mayor

Mayor Gillock: Thank you, Mr. President. For those who have not driven by Webster's restaurant recently, at the corner of Center Ridge and Barton Road, it has been torn down or is almost entirely down. The entire site will be cleared removing the extensively fire damaged restaurant on that property. It is my understanding the property will just be cleared and we have not received any plans for new construction or anything. To my understanding, just be cleared.

Number two, as Mayor of North Ridgeville, I've been asked to appoint a representative to the Board of the Lorain County Community Action Agency. It is with great pleasure that I inform you that Reverend Ellen Palmer Marcey from the First Congregational United Church of Christ has accepted this appointment on the City's behalf.

Next, both Safety-Service Director Dennis Johnson and I have completed the requisite of Mayor's Court training. This allows us to continue conducting our Mayor's Court. As part of that training, we received an update on the new state laws in regards to DUI's which are called OVI's, operating vehicles under the influence. You have before you this evening Ordinance T 16-2004. I would ask that Council pass this, this evening with the emergency clause. The ordinance accomplishes two things. One, it updates our Codified Ordinances to incorporate all the ordinances passed by Council over the last three years. Secondly, it incorporates those new laws passed by the state into our codified ordinances. Otherwise, for most of these traffic ordinances we would be unable to cite traffic offenders under our own code. It is imperative that we adopt the revisions as soon as possible so that our ordinances reflect the changes in the state law which were effective February 1.

Lastly, just a couple of reminders. Our income tax Department will help you, residents, with your City taxes if you so desire. Send in your form with a W-2 attached and they will calculate that and return it to you.

Secondly, please remember it is the property owners responsibility to keep sidewalks clean. I know this can be difficult at times for all of us but, please do not exacerbate the problem by plowing snow onto the sidewalks making them that much more impassible which has been found to be the case in a couple of incidences. We have found cases where businesses plowing their parking lots have pushed snow up on the sidewalks. Please avoid this as we do have a lot of Citizens that like to walk and this forces them to walk into the street. Thank you and that concludes my report.

President Arndt: Thank you, Mr. Mayor. We now move to our Safety-Service Director, Mr. Johnson. Any report from your department?

Safety-Service Director

Safety-Service Director Johnson: Yes, sir. We held discussions with Underground Utilities last week concerning the Chestnut Ridge sewer project. The safety of the residents and workers is our highest priority and the contractor was made aware of the need to keep the road open as much as possible, as much as safely possible and completing the project in a timely manner. The contractor will be making a proposal for a 48 hour work week to try to move this project forward a little quicker. We have also made changes in the traffic light at Lear Nagle and Chestnut to help move traffic with the areas smoothly as possible during the construction. We appreciate the residents patience as we move through this. This is a major thoroughfare and it's been a real

problem.

Our Care Call Program is up and running. Anyone who wishes to subscribe can contact the office for Older Adults at 353-2828. We encourage anyone with an elderly relative, neighbor or friend who resides in North Ridgeville to contact us at 353-2828 and have that person evaluated. That's my report. Thank you.

President Arndt: Thank you, Mr. Johnson. From the Engineer, Mr. Griffith, any report?

Engineer

Engineer Griffith: No report.

Auditor

President Arndt: We now move to the Auditor and we have a written report from Mr. Costin.

Auditor's Written Financial Report for January 2004

moved by Swindig, seconded by Butkowski to accept the Auditor's Report for January 2004,

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

Yes, 6 No, 0

President Arndt: Will the Clerk please read the other reports.

Other Reports

Clerk of Council Norris:

Parks & Recreation Department 2003 Annual Report;

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

Fire Department Report for January 2004;

Service Department Activity Report for January 26 through February 8, 2004; and

Building Department Report for January 2004.

President Arndt: Will the Clerk please read the Planning Commission Report.

Clerk of Council Norris: Planning Commission Report to Council of regular meeting February 10, 2004:

APPLICANT: Rob Izer of Pulte Homes, GBC Design, Inc., 3378 W. Market Street,
Akron, 44333

OWNER: Sugar Chestnut LLC, 50 Public Square, Cleveland, 44113

REQUEST: Cluster home design and approval for Jordan Place at Waterbury

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING FEBRUARY 17, 2004**

Page 4

LOCATION: Cluster home design and approval for Jordan Place at Waterbury, Terrell Drive, all of Block R in Waterbury PCD in a R-1 District
Permanent Parcels No. 07-00-038-000-207

PC ACTION: Approved
moved by Olesen, seconded by Swindig to approve the Planning Commission report for Pulte Homes

President Arndt: Is there any discussion? There being none, all those in favor signify by yes.
All those oppose signify by no. Any abstentions?
Yes, 6 No, 0

President Arndt: Gentlemen, you'll have an opportunity, if you choose, to speak just a bit latter.
Thank you.

Clerk of Council Norris:

APPLICANT: Michael Bramhall of Bramhall Engineering & Surveying Co., Inc.
37307 Harvest Drive, Avon, OH 44011

OWNER: All Purpose Construction, Inc., 37000 Center Ridge Road

REQUEST: A change or modification consistent with the intent of the previously approved Meadow Lakes Subdivision, No. 6 (Variance must be approved by ZBA)

LOCATION: Meadow Lakes Sub No. 2, Recording Vol. 73, Pg. 52 in the Lorain County Recording Office.

PC ACTION: Approved
moved by Olesen, seconded by Young to approve

President Arndt: Is there any discussion? Yes, Mrs. Butkowski?

Council Member Butkowski: I'm concerned about the excessive variance that's in here. These lots are small enough as it is. Seems to me that it was a 35 foot variance according to some of the paper work here. That's pretty excessive.

President Arndt: Is there any further discussion? There being none, all those in favor signify by yes. All those oppose by no. I will request that the Clerk take a roll.
Yes, 5 No, 1 (Butkowski)

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

APPLICANT: Alltel Ohio, Inc.; Telemark Resources, Inc, 48 Locust Street, P.O. Box 233, Oberlin, OH 44074

OWNER: Metal Marker Manufacturing Company, 6225 Lear Nagle Road

REQUEST: Placement of telephone switching equipment to upgrade telecommunications to portion to Lear Nagle Road.

LOCATION: 6225 Lear Nagle Road
Permanent Parcel No. 07-00-008-115-004

PC ACTION: Approved

moved by Olesen, seconded by Young to approve

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

Those oppose signify by no. Any abstentions?

Yes, 6 No, 0

President Arndt: Will the Clerk please read the Council Committee report of Buildings and Lands.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Norris:

BUILDINGS & LANDS COMMITTEE REPORT #4224 Members of Council: We have considered the matter of the attached Property Maintenance Code and recommend this attachment substitute Exhibit A of T 133-2003 and recommend that this request be approved and proper legislation be drawn authorizing the above and that Committee Report #4220 be withdrawn and T 133-2003 as substituted receive a first reading February 17, 2004.

Signed: Chairperson Richard W. Jaenke and Member Andy Young.

Council Member Young: Move to accept the Buildings and Lands Report #4224.

Council Member Olesen: Second.

President Arndt: Is there any discussion? Yes, Mr. Young?

Council Member Young: This is the substitution of the property maintenance code after everybody has had an opportunity to put a lot of input into it. A lot of people have done a lot of good work on it. Just about every member of Council has put in some comments and our Law Director has done a nice job and we have had the Assistant Law Director's concerns addressed along with Guy Fursdon's concerns. I think this is a solid substitute to the original bill and it's definitely a good start at helping the City become a great place.

President Arndt: Thank you. Any other conversation and discussion?

Council Member Butkowski: We did get one red-lined copy of this and then there's been a lot more changes. I'd appreciate getting that to see where the changes have been made since we received the first one. There's 39 pages here and at the last meeting there was quite a few changes made again and I'd like to get a red-lined copy of it instead of everything in here. It would make it a lot easier to see where the changes are made.

President Arndt: So, let me make certain I understand. You did not receive a red-lined copy prior to this?

Council Member Butkowski: I received one but, then they had another Buildings and Lands Committee meeting and they made a lot more changes and we did not receive another red-lined copy of it. Just this copy that's attached here that is not a red-lined copy. It's very difficult to see where the changes have been made unless I sit down and read every page, check word for word.

Council Member Olesen: Mr. President, I don't think our Assistant Clerk of Council had time to make the red-lined copy from the second go around but, this is not an unreasonable request to give everybody a good idea of what was actually changed to this legislation.

Council Member Young: Mr. President, having been at the committee meeting, not a whole lot was changed. We did address some concerns of the Law Director to tighten the language so that we wouldn't be exposed to any unnecessary litigation and his comments were very valid and good but, it didn't change the overall spirit or intent of the legislation.

Council Member Buescher: Mr. President, I believe that Mrs. Butkowski's comments are important because she wasn't at the second meeting and we want to be sure what was changed is accurate in the final copy.

Council Member Young: Mr. President, I don't have any problem providing everyone with a red-lined copy. I was just trying to assure everyone that not a whole lot was changed and not much is different.

President Arndt: Having been one of those people who did read through, maybe I'm a little geeky but, I did read through every line and I did check and yes indeed, the recommendations and modifications were correct however, I do support Mrs. Butkowski in her request. We will make certain that be done.

Council Member Swindig: Mr. Chairman, I'm asking the committee, being that we have two of the members here, can we postpone the first reading until the first meeting in March?

Council Member Young: Mr. President, this has already been postponed a couple of times. We want to be a proactive Council. I'm more than happy to entertain that but, I think we'd like to get this on the books and ready to roll so that we can progress forward on other matters.

Mayor Gillock: Mr. President, I'd like to ask the Law Director to shed some light on this. This doesn't have a chapter and paragraph the Ohio Revised Code included in it. It's got to have some, we were talking about we have to have another ordinance drawn up for this anyway to adopt it as a codified ordinance.

Law Director Crites: Exactly, to elaborate. There is no, in front of us tonight, an accompanying ordinance actually asking for Council approval to adopt what you see before us is the amendment property maintenance code as part of our City's code. That's a procedural defect I think might stand in the way of us giving its first reading tonight unless we would be willing to reference the previously viewed, T 133-2003 which originally accompanied it. I'll leave it to Council, of course, error on the side.

Council Member Young: Mr. President, I'd be more happy to postpone in light of the Law Director and the Mayor's concerns.

Council Member Buescher: Mr. President, I also think that it would set a bad precedence for us to put anything on a first reading that comes out of a committee report. I agree that we should postpone until the next meeting.

Council Member Olesen: Mr. President, as another committee member of the Buildings and Lands, I don't have a problem with doing that either.

President Arndt: There is a motion on the floor to accept and it's been seconded by Mr. Olesen.

Council Member Young: Mr. President, I'll move that we postpone it to another date and I think procedurally, we're allowed to do that and I'll withdraw my motion to accept.

Council Member Olesen: I'll withdraw my second.

President Arndt: A motion has been withdrawn as well as the second. It will be postponed until

our next meeting.

Mayor Gillock: Mr. President, wasn't the motion just to accept the Buildings and Lands Committee report?

President Arndt: That's correct.

Mayor Gillock: You can do that.

Council Member Olesen: We can do that, can't we?

Mayor Gillock: You should do that before you proceed to legislation.

Council Member Buescher: Mr. President, the way this is written it does include giving it its first reading so, you would have to amend.

President Arndt: Thank you. So, we will postpone until our next meeting. Will the Clerk please read our correspondence.

CORRESPONDENCE:

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

- 1) Received a certified letter from Zakee A. Rashid, Vice President and General Manager for Comcast, Cleveland, announcing beginning April 1, 2004 Comcast-Cleveland will be implementing technology changes to their cable system affecting those customers who subscribe to Showtime, HBO and Cinemax.
- 2) Received a letter from Linda Walls Rominski, Manager of the Ohio Consumers' Counsel announcing their outreach and education efforts to include speaking to groups and organizations across the state on utility topics.
- 3) Received a letter from Pat Cano, Executive Director of the Lorain County Visitors Bureau presenting their 2004 Festivals and Events calendar.
- 4) Received a memo from Law Director Andrew Crites submitting his opinion as it relates to T 2-2004, the sign ordinance.
- 5) Received a letter from Parks Director Jim Spaulding notifying Council of a change in the regular meeting date to Wednesday, February 18, 2004 in the Senior Center multi-purpose room at 7:30 P.M.
- 6) Received a memo from President of Council Ronald Arndt notifying Council of his intent to propose three Council By-Law amendments at the March 1, 2004 Council meeting.
- 7) Received a memo from Council Member Allen Swindig notifying Council of his intent to propose three Council By-Law amendments at the March 1, 2004 Council meeting.
- 8) Received a letter from Lorain County Solid Waste Management District Director Dan Billman in regard to combating litter problems and announcing the addition of Dan Paluch to

their staff who's main focus will be to help develop and implement a litter control plan for our community.

NEW BUSINESS:

President Arndt: We now find ourselves under new business. Is there any new business to be presented to Council? Mrs. Butkowski?

moved by Butkowski to authorize the Auditor to make payment to each elected official of the City of North Ridgeville in the amount of 25 dollars representing reimbursement of the filing fee as required by Ohio Revised Code Section 102.02 for the filing of the required 2003 Financial Disclosure Statement, seconded by Buescher

President Arndt: Is there any discussion? Mr. Olesen?

Council Member Olesen: For those who don't understand what this is, all Council people are required to file a financial disclosure every year to the Ethics Commission of Ohio and for many years this fee was 10 dollars. They have bumped it up to 25 which would be a 150 percent increase and, it didn't set to well with me. I think that's a lot of money to do this.

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

Yes, 6 No, 0

President Arndt: Is there any other new business to be presented to Council?

AUDIENCE PARTICIPATION (Lobby):

President Arndt: We've now reached the audience participation of our meeting. Any members of our audience tonight are invited to address Council. We request that you fill out the lobby sheet that you can find in the back of the room because it enables us to contact you personally if there should be a need for any follow up. You're welcome to approach the podium at this time. However, please clearly state your name and your address and please limit your comments to three minutes. The lobby is now open.

1) Eric Schneider of 551 Stafford Drive spoke as the democratic candidate for the Ohio House of Representatives 57th District and gave a biography of himself. Spoke of his qualifications and plans he will put forth.

2) Chris Deamon of 3646 Misty Meadow Trail stated that he appreciates Mayor Gillock's open door policy and noted the quick response by the Mayor to some of the residents. Spoke his concerns in regard to funds for the repair of Case Road being diverted to Root Road and Lorain Road. Asked that Barres Road be opened because on Misty Meadow Trail, they are getting all the through traffic and spoke his concerns regarding safety of the children.

Council Member Young: Mr. President, I'd like to ask that the Chair of the Streets, Sidewalks

and Bridges Committee review over the issue involving Case Road because I too have received constituents mail on their concerns about Case Road, funds from Case Road being diverted over to the Root Road intersection and maybe even having the committee make a recommendation to the administration and to Council as to what should be done.

President Arndt: Thank you. Mr. Mayor?

Mayor Gillock: I appreciate Mr. Deamon's comments. We have taken a look at Case Road and something does need to be done there. Our concerns are, we have a limited amount of money and we have a situation in another intersection of Lorain and Root that we feel might be a higher priority because we're having accidents there regularly and that is falling apart. We're not forgetting Case Road but, with Case Road we still have construction there with Meadow Lakes and Avalon going on. I have also had inquiries from two other developers or making inquiries about building in that area which could entail installing sewer up Case Road and we don't want to spend what available funds that we have to repair a road to turn around and tear up it back up. That's why we're looking at maybe using these funds somewhere else this year. Case will certainly remain a priority. We're also working with the Street Department to see what we can do right now in regards to that because it is a bad situation and we certainly appreciate your comments.

Council Member Buescher: Mr. President, I've had several Case Road constituents email me concerning this matter and it is true and I've explained to them that we have in the past, repaired roads and then put sewers or other lines in and then once the road is torn up again it never is quite the same so, it would be a shame to waste the money there. I agree, something immediately should be done to at least make that portion of the road safer.

3) Alan Rosich of 5425 Fountain Circle addressed Council of the Case Road issue and noted the types of vehicles using Case Road are skewed towards large massive trucks, construction equipment and school buses. Explained that these vehicles are barely accommodated by the poor grade and narrowness and deterioration of the road. Spoke of the inadequate lighting. Noted that Case Road was a priority last year and should be this year. Asked that funds not be reallocated to another project.

Council Member Young: Mr. President, I would like to reiterate my request that the Safety Committee take a look at Case Road. I agree with Mr. Rosich's comments. I've been down Case Road as well and we don't want to have any accidents in that area because, from what I understand, people are driving down the center of the road where it's less bumpy and less hazardous and less damage done to their cars. The last thing we need is an accident at that location.

President Arndt: I certainly can attest to Case Road having lived there for 21 years. I have a real appreciation for the comments that have been brought to the Council.

Council Member Buescher: Mr. President, my committee will look into that.

President Arndt: Terrific because I was going to make the request that Mrs. Buescher, who is the Chair of our Streets, Sidewalks and Bridges Committee do that.

REFERRED TO STREETS, SIDEWALKS & BRIDGES COMMITTEE.

Safety-Service Director Johnson: Mr. Chairman, I would just like to add, to make sure that everybody understands, we are in cold patching season right now and it's not a good idea to put much of anything down because it just comes right back up again. As soon as we get into hot patch season and paving season, it's something we can look at.

President Arndt: Any other comments from our audience tonight? We will recess for ten minutes and be back at 8:15 P.M.

RECESS: from 8:05 P.M. to 8:15 P.M.

ORDINANCES AND RESOLUTIONS:

President Arndt: I would like to call our meeting back to order. Will the Clerk please read the ordinances and resolutions submittals.

• **Ordinances & Resolution Submittals**

Introduced by Mayor Gillock 2/17/2004

T 11-2004 **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1228.01,
DUTIES OF CITY ENGINEER; CONSTRUCTION SPECIFICATIONS AND
REGULATIONS.**

moved by Swindig, seconded by Olesen to suspend By-Laws on T 11 to give this a first reading

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

Introduced by Mayor Gillock 2/17/2004

T 12-2004 **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.09,
DETENTION PONDS.**

moved by Swindig, seconded by Olesen to suspend By-Laws to give T 12 its first reading 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

Introduced by Mayor Gillock 2/17/2004

T 13-2004 **AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.07,
COMPUTATION OF STORM WATER RUNOFF.**

moved by Swindig, seconded by Olesen to suspend By-Laws to give T 13 its first reading 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

Introduced by Mayor Gillock 2/17/2004

T 14-2004 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

moved by Swindig, seconded by Olesen to suspend By-Laws to give T 14 its first reading 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

Introduced by Mayor Gillock 2/17/2004

T 15-2004 AN ORDINANCE AUTHORIZING PAYMENT TO LORAIN COUNTY
TRANSIT FOR TRANSIT SERVICE.

Introduced by Mayor Gillock 2/17/2004

T 16-2004 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF
CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE
VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO
APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE
UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL
ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

moved by Young, seconded by Swindig to suspend By-Laws to give T 16 its first reading 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

• **First Readings**

Introduced by Mayor Gillock 2/17/2004

T 11-2004 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1228.01,
DUTIES OF CITY ENGINEER; CONSTRUCTION SPECIFICATIONS AND
REGULATIONS.

First Reading

Introduced by Mayor Gillock 2/17/2004

T 12-2004 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.09,
DETENTION PONDS.

First Reading

Council Member Butkowski: Mr. President, I would like to amend T 12, on the second whereas, after the coma, someone who may have fallen in will have an easier time of getting out, I would

like to strike that. I don't think it's necessary and it may open us up for a lawsuit.

President Arndt: So that I make certain that I understand, someone who may have fallen in will have an easier time of getting out, is what you are suggesting be struck.

Council Member Butkowski: Yes, Mr. Chairman.

 moved by Butkowski, seconded by Young

President Arndt: Is there any discussion?

Law Director Crites: If I may, Mr. President? Wouldn't it just make more sense to remove the entire line in the preamble?

Council Member Butkowski: That would be fine with me.

Law Director Crites: Otherwise we're left with this dangling, whereas, by lessening the slope of wet detention ponds.

Council Member Butkowski: That's what this whole thing does. you can strike that. I will amend my motion to strike the whole whereas.

 moved by Butkowski, seconded by Young to amend the amendment to strike the entire second whereas

President Arndt: Is there any further discussion? There being none, those in favor signify by yes. Those opposed signify by no. Any Abstentions?

 Yes, 6 No, 0

 Introduced by Mayor Gillock 2/17/2004

T 13-2004 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1474.07,
 COMPUTATION OF STORM WATER RUNOFF.

 First Reading

 Introduced by Mayor Gillock 2/17/2004

T 14-2004 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS.

993-2004 First Reading

 moved by Swindig, seconded by Young to dispense with second and third

readings

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

Those opposed by no. Any Abstentions?

 Yes, 6 No, 0

 moved by Swindig, seconded by Young to adopt T 14-2004

President Arndt: Is there any discussion? Mrs. Butkowski?

Council Member Butkowski: This is another one from the French Creek Sewer where Mr. Habib has gone over his purchase order and just continued to spend the money and then we have to come back and approve it. He's been doing that repeatedly and somehow we have to put a stop to this. He had a purchase order for 3,000 dollars. The Auditor was able, in his qualified, to increase it by 4,000 dollars and then he just went over that, all on his own. I think that he should have to come back and get these purchase orders. We keep approving these things so, why should he do it. I don't see why we should approve this at this point. Maybe if he has to sit and

wait for awhile, he'll learn. I don't know. He hasn't in the past and something has to be done about this.

President Arndt: Is there any other discussion? All those in favor signify by yes. All those opposed by no.

Council Member Butkowski: No.

President Arndt: I'll ask the Clerk to please take roll

Yes, 5 No, 1 (Butkowski)

Clerk of Council Norris: Motion is approved by a vote of five to one and becomes permanent resolution 993-2004.

Permanent Resolution No. 993-2004

Introduced by Mayor Gillock 2/17/2004

T 16-2004 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF
3997-2004 CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE
VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO
APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE
UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL
ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

First Reading

moved by Young, seconded by Swindig to dispense with second and third readings

President Arndt: Is there any discussion? I might point out here that it's really very critical for us to get this adopted quickly because of the state changes that are included and they affect our City and our allocation of court costs and it enables us to handle citations in our City. I also would remind you, on page five, section six, that the emergency clause is built within this legislation. Any other discussion? Mr. Olesen?

Council Member Olesen: Mr. Chairman, does this mean that we do not have to formally add the emergency?

President Arndt: That is correct. Mr. Young?

Council Member Young: However, it does mean we have to pass this by a two-thirds majority. According to the Charter, if it ever needs the emergency clause, it has to pass by two-thirds.

President Arndt: Thank you. Any other discussion? There being none, those in favor of suspending our second and third readings tonight, signify by yes. Those opposed by no. Any abstentions?

Yes, 6 No, 0

moved by Young, seconded by Swindig to adopt with the emergency included in the ordinance

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

Mayor Gillock: Call for roll call.

President Arndt: Will you please call the roll.

Clerk of Council Norris: On the motion to adopt T 16 including the emergency.

Yes, 6 No, 0

Clerk of Council Norris: Motion is approved by a vote of six to zero and becomes permanent ordinance 3997-2004.

Permanent Ordinance No. 3997-2004

OLD BUSINESS:

President Arndt: We have no second readings. We have no third readings. We now come to old business and this old business has been essentially withdrawn through the acceptance of the Buildings and Lands Report Number 4224. What additional old business comes before our Council tonight?

Council Member Butkowski: Mr. Chairman, we did not accept that, remember? Because it had the addendum on it.

 moved by Young, seconded by Olesen to withdraw our old business, the Buildings and Lands Committee Report

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

Yes, 6 No, 0

President Arndt: What additional business to come before Council?

Council Member Buescher: Mr. President, I still don't think that we passed the new Buildings and Lands Committee Report and we did want to do that tonight but, we didn't want to give it its first reading.

Council Member Young: Mr. President, I think we decided because the committee report actually included in the language to give it a first reading and we decided overall just to postpone it.

President Arndt: We did. The decision was to postpone it until our next meeting which is March 1.

Council Member Young: We can amend it but, it doesn't make any difference one way or another.

Council Member Buescher: Mr. President, my concern was that we not give both of those things a reading or a vote on the same night. I thought that what we would want to do is to approve the committee report and then at the next meeting, give it its first reading. If you want to do it that way this time, I think it's okay but, I don't think we should do that on a regular basis.

President Arndt: Are we clear?

Council Member Olesen: Mr. President, I think we're clear but, I think that grabs as an idea here to approve that committee report and amend it, not to give it a first reading tonight. I would like to propose that we do that. I'm not sure how we would revert back to this and do it again.

Amend it to exclude the first reading tonight. Approve it but exclude the first reading.

Council Member Butkowski: Mr. President, I think you're going to have to have the people that

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING FEBRUARY 17, 2004**

Page 15

wrote the committee report to be the ones to amend it. We can't amend somebody's committee report.

 moved by Young to accept the committee report excluding the first reading, seconded by Buescher

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: Thank you. Now, I'll ask this question once again, what additional old business do we need to share before Council tonight or have we covered that adequately? Will the Clerk please read the upcoming committee meeting announcements.

UPCOMING COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Next Regular Council Meeting will be held in Council Chambers Monday, March 1, 2004 at 7:30 P.M. here in Council Chambers.

Council Member Butkowski: Mr. President, I have an announcement of the Finance Committee. The annual City appropriations will be held on February 24, 25 and 26 from 9:00 A.M. to 4:00 P.M. All Council Members and the public are encouraged to attend. You will learn first hand how the income of the City is spent. You will also understand how each department holds down their expenditures while they try to give the City good services and the best opportunity to see the needs of the City. I hope everyone can attend as many as possible.

President Arndt: Thank you, Mrs. Butkowski. Any other announcements?

ADJOURNMENT:

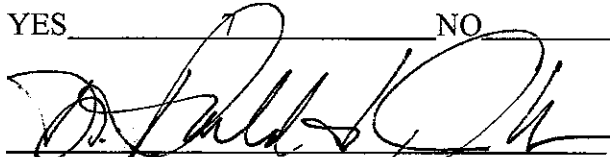
 motion to adjourn by Swindig

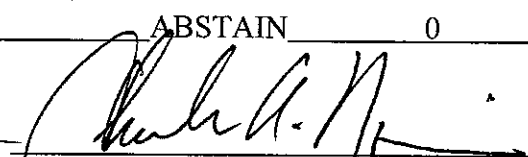
President Arndt: Meeting adjourned.

Meeting adjourned at 8:35 P.M.

MOTION _____ Jaenke _____ 2ND _____ Butkowski _____ DATE _____ March 1, 2004
(as corrected)

YES _____ NO _____ 0 _____ ABSTAIN _____ 0 _____


PRESIDENT OF COUNCIL DR. RONALD F. ARNDT


CLERK OF COUNCIL CHARLES A. NORRIS