

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JANUARY 20, 2004**

CALL TO ORDER: 7:30 P.M.

President Ronald Arndt: The Chair calls to order the January 20, 2004 regular meeting of the North Ridgeville City Council. If you all rise for our Invocation. I would like to invite a member from Pack 140, we are fortunate to have a scout troop here. The Scout Leader is Bill Sumac. If you or one of your members would lead us in the Pledge we would be really tickled. We will start first with our Invocation.

INVOCATION: lead by President Arndt.

PLEDGE OF ALLEGIANCE: lead by Boy Scout Pack 140.

President Arndt: What an exciting opportunity to have these young people come back again. Unfortunately, their last visit they came in right at the end. So, I can see that they have this eager desire to learn about government in action. We are really very pleased to have your with us, gentlemen.

CALLING OF THE ROLL - ROLL CALL:

Present were Council Members Nancy Buescher, Allen Swindig, Richard Jaenke, Bob Olesen, Bernadine Butkowski, Andy Young 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 Arndt:

Council Organizational Meeting Minutes of January 2, 2004

motion by Jaenke to approve, 2nd by Olesen

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

Council Member Butkowski: I was not in attendance at that meeting. Under roll call, my name is listed.

President Arndt: Thank you, if we would make that correction. Is there any further discussion? There being none, those in favor signify by saying yes. Those opposed or abstaining.

Council Member Butkowski: Abstain.

President Arndt: I will ask the clerk to take a roll.

Yes, 6 No, 0 Abstain, 1 (Butkowski)

Clerk of Council Norris: Minutes are approved six to zero, one abstention.

Council Work Session Minutes of January 5, 2004

motion by Jaenke to approve, 2nd by Young

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President Arndt: Any discussion? All those in favor signify by yes.

Council Member Olesen: Abstain.

President Arndt: I will ask the Clerk to take a roll call

Yes, 6 No, 0 Abstain, 1 (Olesen)

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

Regular Council Minutes of January 5, 2004

motion by Jaenke to approve, 2nd by Swindig

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

Yes, 7 No, 0

President Arndt: Meeting minutes are passed.

MAYOR AND DIRECTORS REPORTS:

President Arndt: We come now to the Mayor and Directors reports and the Chair invites the Mayor and the Director, should they desire to provide Council with an oral report. I begin with Mr. Mayor. Is there a report from your office?

Mayor

Mayor Gillock: Thank you, Mr. President. I only have a few items this evening that I would like to bring to Council's attention. First, for the third year in a row our City Auditor, Chris Costin, has qualified for a Certificate of Achievement for excellence in financial reporting for the City's CAFR Report, our Comprehensive Annual Financial Report, given by the Government Finance Officers Association. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting and its attainment represents a significant accomplishment by government and its management. I certainly appreciate Chris's hard work and efforts in this area.

Next, I would like to inform Council that the City did receive a check for 5,147 dollars from FEMA, the Federal Emergency Management Agency. This is for expenses we incurred due to the power outage that occurred last October 14. This reimbursed the City for approximately 87 percent of the labor and vehicle cost that we did incur. I thank Jim McVeigh, our City Treasurer, for his efforts in recouping those funds.

For those who are interested in the State of the City Address given last Thursday, Comcast will air a tape of that address at 10:00 A.M. on Tuesday and Thursday and 7:00 P.M. on Monday, Wednesday and Friday for the next couple of weeks on their local origination channel 32 beginning tomorrow.

Lastly, I would like to inform Council that we have employed Renee Zafarana as our magistrate for Mayor's Court. Renee was our first magistrate and was instrumental in helping the City to originally set up the Mayor's Court and we welcome her back in that roll. Thank you and that is all I have for this evening.

President Arndt: Thank you, Mr. Mayor. I now direct our attention to our Safety-Service Director and ask if there would be a report from his department.

Safety-Service Director

Safety-Service Director Johnson: Yes, Mr. President. I want to publicly thank the men and women of Jerry Krueger's Service Department for the excellent work they've done so far this winter with snow plowing and salting. The Mayor and I have talked to nearly all of them. I'm impressed with the dedication and sense of responsibility that's prevalent in this department. While I'm on the subject of snow removal, I would like to ask residents to please refrain from parking on the streets when snow removal is necessary. Our trucks have a hard time maneuvering around these parked cars, especially in the cul-de-sacs. I've instructed all departments to send their reports directly to Council with the new changes in the reporting for the Mayor and myself. I won't be reading a list of paved streets and sewers cleaned and so forth. Those will be provided in written form directly to Council from the departments. If any Member has an interest in a particular report, please let me know. Finally, as reported by Mayor Gillock in his State of the City presentation, we're near start up on a program we're calling Care Call. This program, we use a computer system with specialized software to call senior citizens on a daily basis to check on their well being and provide help if needed. I encourage who could be benefitted by this new service to contact the senior center. If you have a neighbor, a friend, a relative in North Ridgeville that can be helped by the service, just let us know. This concludes my report.

President Arndt: Thank you, Mr. Safety-Service Director. I now ask the Engineer, should he have a report to share.

Engineer

Engineer Griffith: No report.

Auditor

President Arndt: The Auditor does have a preliminary Written Financial Report for December 2003. Any other further comments, Mr. Costin?

Auditor Costin: I just want to point out what you just did. This is a preliminary report and likely to be changes. We wanted to get something out to you for an understanding of where we, preliminary, are today. No other comments, thank you.

President Arndt: Thank you, Mr. Costin. Will the Clerk please read the other reports.

Other Reports

Mayor's Court Operating Trust Fund/Bail Trust Fund Report for December 2003;
Water System Monthly Operation Report for December 2003;

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Police Department Activity Report for December 2003;
Fire Department Report for December 2003;
Fire Department 2003 Yearly Report;
Law Director Annual Report for 2003; and
Building Department Report for December 2003.

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

Clerk of Council Norris: The Planning Commission Report to Council of Regular Meeting
January 13, 2004:

APPLICANT: Whitlatch & Co., P.O. Box 363, Twinsburg, Ohio, 44087

OWNER: Same

REQUEST: Preliminary site plan approval of a 37 lot subdivision to be known as
Stonebriar Subdivision, requesting cluster designation and approval

LOCATION: 35103 Lorain Road in an R-1 District
Permanent Parcels No. 07-00-013-333-082 and 07-00-024-102-016

PC ACTION: Approved

President Arndt: We have a representative of Whitlatch and Company, Mr. Harlan, who is
requesting an opportunity to address Council prior to the vote on the motion to approve the
Planning Commission's report. Do I hear a motion to suspend our By-Laws to permit his
comments.

motion by Buescher, 2nd by Swindig to suspend By-Laws to permit Mr. Harlan's
comments

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

Council Member Butkowski: Will there be a time on this as there is for the lobby?

President Arndt: We can make it that way and I would like to keep that time to three minutes.

motion by Butkowski to keep the comments to three minutes, 2nd by Buescher

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

Yes, 7 No, 0

President Arndt: On the motion to suspend the By-Laws to allow Mr. Harlan's comments. All
those in favor? All those opposed, by no.

Yes, 7 No, 0

President Arndt: Mr. Harlan, you have three minutes.

Mr. Harlan: Lynn Harlan, Whitlatch and Company. What you have before you, I gave each of
you a packet, Stonebriar. Stonebriar is a 37 lot subdivision to construct over on Lorain Road,
just west of Island Road. This is a piece of property that has been a soybean field for the last few
years. It was part of a 20 acre tract of which we broke off the house here in the front which we
are selling off. We're going to contract selling that house, developing the back half. The only
reason I'm asking for the cluster designation is because of the ditch that crosses, I think it's a

natural element that I want to keep there and it narrows up the site in a couple areas which allowed me to keep the number of lots as long as I can get the 15 percent reduction in lot area. I tried to hold as many R-1 requirements. The front yard setbacks meet the R-1. Actually, overall, area average of the lots meets the R-1. The main items were just the narrowing because of the stream. We're going to put two retention basins on the west side and keep the creek, clean it up. That's about it. You've changed your agenda nowadays. You don't have that work session before Council anymore. If there's any questions on it, I can truly answer them.

President Arndt: Thank you. This is part of the work session. I appreciate that. Thank you for bringing this information for all of us to look at. On the Planning Commission report, do I hear a motion to approve.

motion to approve by Jaenke, 2nd by Olesen

President Arndt: Is there any discussion? There being none, I ask for a voice vote. Those in favor say yes. All those opposed say no. Passes unanimously.

Yes, 7 No, 0

COUNCIL COMMITTEE REPORTS:

President Arndt: We now come to our Council Committee Reports and I simply want to check in with Council to see if there are any committee reports that need to be shared. Under correspondence, I will request that the Clerk please read our correspondence.

CORRESPONDENCE:

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

- 1) Received from the Ohio Police & Fire Pension Fund, notice to employers of the need to file a resolution, in the form approved by OP&F, regarding pick-up or pre-tax contributions.
- 2) Received from the City of Westlake, a resolution requesting that the Cleveland Metroparks consider establishing a dog park at the Bradley Road Metropark.
- 3) Received a letter from Ohio E.P.A. Director Christopher Jones reporting on the review and approval of detail plans subject to the condition of compliance with all applicable laws, rules, regulations and standards of about 1200 feet of an eight inch pipe extending west of Jaycox Road in Schoolhouse Lane for the Gardner Estates.
- 4) Received a notice from the Ohio Municipal League on the 2004 training for newly elected Council Members. Please contact the office of the Clerk of Council to make arrangements.
- 5) Received from the Ohio Ethics Commission, pre-printed Financial Disclosure Statements. Any elected official who did not receive a pre-printed form, please contact the office of the Clerk of Council.

NEW BUSINESS:

President Arndt: We now come to our section under new business and we have a few items. First of which, our Mayor has some new business.

Mayor Gillock: I would like to nominate Jim Rothgery to the Planning Commission for the unexpired term ending December 31, 2004

motion by Young, 2nd by Swindig to approve

President Arndt: Any discussion? Yes, Mr. Mayor?

Mayor Gillock: Mr. Rothgery is here this evening. Will you please stand up? Jim has been a regular fixture at a lot of our Council meetings. He's also attended a lot of the planning and zoning meetings over the years. He's familiar, I think, with our zoning and planning regulations. He is a private businessman. He owns his own business, Window Genie and I think would make an excellent addition to our Planning Commission.

President Arndt: Thank you, Mr. Mayor. Any other discussion? All those in favor signify by saying yes. All those opposed, by no.

Yes, 7 No, 0

President Arndt: Mr. Rothgery, welcome and thank you. Mrs. Butkowski?

motion by Butkowski to hire Donna Tjotjos as Clerical Aide, 2nd by Swindig

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

Yes, 7 No, 0

President Arndt: Mrs. Tjotjos, if you'd be kind enough to stand and welcome to our exciting community of North Ridgeville in our Clerk of Council office. Mr. Swindig?

motion by Swindig to appoint, as the Ward II representative to the Board of Drainage and Flood Control, David Gerdeman, 2nd by Jaenke

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

Yes, 7 No, 0

President Arndt: Is David here? Well, welcome David even though you're not here in the room with us. We appreciate your willingness to participate and support our City. Is there any other new business to be brought before Council?

AUDIENCE PARTICIPATION (Lobby):

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

motion by Swindig to dispense with recess, 2nd by Butkowski
President Arndt: Any discussion. All those in favor signify by saying yes. All those opposed, no.

Yes, 7 No, 0

President Arndt: I will then request that the Clerk please read our ordinances and resolutions submittals.

RECESS: dispensed with.

ORDINANCES AND RESOLUTIONS:

• **Ordinance & Resolution Submittals**

Clerk of Council Norris:

T 2-2004 AN ORDINANCE AMENDING CHAPTER 1286, SIGNS.

motion by Swindig, 2nd by Jaenke to suspend By-Laws to give T 2 its first reading

President Arndt: Any discussion? Mr. Young?

Council Member Young: In section four there's a reference to, no temporary sign shall remain posted for more than 30 days. I believe there is a United States Supreme Court case ruling that says that anything with regard to any time limits is unconstitutional and I'd ask that the Law Director take a look at this a little bit closer. I think the case is only about two years old and I'll even take a look to see if I can supply you with a case site.

Mayor Gillock: Mr. President, I would ask that this be referred to Buildings and Lands. There's several issues with our whole sign ordinance. The purpose of getting this on the agenda was to bring it to committee for discussion purposes.

President Arndt: We have a motion and second on the floor. Do we want to vote on that or is it acceptable? Mr. Mayor?

Mayor Gillock: You can do both. You can still go ahead for first reading and still be referred to committee.

President Arndt: Thank you, Mr. Mayor. All those in favor, signify by saying yes. All those opposed signify by no.

Council Member Young: No.

President Arndt: I will ask the Clerk to take a roll.

Yes, 5 No, 2 (Butkowski, Young)

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

President Arndt: The Chair does REFER THIS TO BUILDINGS AND LANDS

T 3-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO RETAIN THE LAW FIRM OF BAUMGARTNER & O'TOOLE, CO. LPA, NOT TO EXCEED \$40,000.00.

motion by Swindig, 2nd by Jaenke to suspend By-Laws to give T 3 its first reading
President Arndt: Do I hear any discussion? Yes, Mr. Swindig?

Council Member Swindig: This is to go ahead and further the negotiations with our City contracts with our unions.

Council Member Young: Mr. President, I'm not exactly sure on the parliamentary procedure here. I would like to propose an amendment and I don't know if this is the appropriate time to do this but, if it's not, for everybody to consider this amendment to add onto, change section two to section three and add a new section two, basically states, that the law firm of Baumgartner & O'Toole, Company, LPA will be required to submit detail billing statements itemizing time spent, tasks performed, and the amount charged per hour to be reviewed and approved by the North Ridgeville City Law Director.

Mayor Gillock: Mr. President, I believe that's required by law to get approval to be paid. Mr. Costin may have some input.

Council Member Young: Mr. President, it's my understanding that when you do produce the billing statements, there's certain detail billing statements as opposed to non detail billing statements and I think our Law Director would agree and it would be nice to see a specific itemization of what they're spending their time on so that we can see what exactly they're doing and our Law Director can see whether or not it's appropriate or not.

President Arndt: I'd like to ask our Law Director to give us his comment.

Law Director Crites: I would like to, of course, look into it and respond with a more educated response but, the fact is, I believe either by ordinances require, that before the payment is approved, and I ask Mr. Costin's input as well, that any bill would have to be accompanied with a detail break down of the services.

Auditor Costin: That's a difficult question to answer because, the function of the Auditor's office is to make sure that the monies available and then to pay the bills after the approval and acceptance by administration. So long as we have something that evidences that the work was done, I don't know that there's a requirement that we have as detail of a break down as I believe was just requested.

Law Director Crites: I certainly concur with the logic behind it, especially coming out of my department's budget.

Mayor Gillock: Mr. President, in lieu of the comments of Mr. Costin, I wholeheartedly support the amendment. If it's going to be left up to the administration, we want all the detail we can get.

President Arndt: It's been moved by Swindig, seconded by Jaenke to suspend our By-Laws for a first reading.

Council Member Young: Mr. President, I think we screwed up parliamentary procedure, but, I'll make that motion to amend the ordinance with the language that I proposed. We sort of discussed it without a second.

motion by Young, 2nd by Jaenke to amend T 3 with the language that Mr. Young provided
President Arndt: Is there any further discussion? There being none, those in favor, signify by yes. Those opposed by no.

Yes, 7 No, 0

President Arndt: Now, with regard to the original motion that was on the floor. We have a motion by Swindig and a second by Jaenke to suspend our By-Laws and put T 3 on our first reading. Any further discussion? All those in favor say aye. All those opposed no.

Yes, 7 No, 0

T 4-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE PURCHASE OF FUELS/AND OR GASOLINES TO BE USED FOR SUPPLYING THE ON-SITE FUEL TANKS AT THE SERVICE GARAGE AND FIRE STATION FOR THE CITY'S FLEET OF VEHICLES.

motion by Swindig, 2nd by Jaenke to suspend By-Laws to give T 4 its first reading

President Arndt: Any discussion? All those in favor signify by yes. All those opposed, signify by no.

Yes, 7 No, 0

T 5-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW, AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF CHEMICALS TO BE USED BY THE FRENCH CREEK WASTEWATER TREATMENT PLANT.

motion by Swindig, 2nd by Jaenke to suspend By-Laws to give T 5 its first reading

President Arndt: Any discussion? Yes, Mr. Mayor?

Mayor Gillock: I would just point out that the next, I believe it's five ordinances, T 5 through T 9 are annual ordinances for purchasing materials and supplies we need for running the plant, fixing roads and so forth. There's concrete, there's asphalt, these are annual expenditures of a normal nature.

President Arndt: Thank you. Any other discussion? Mr. Swindig?

Council Member Swindig: Like he's saying but, the thing is by getting the ball rolling now, when the weather breaks, we will have all the ammunition to do the work that we can do.

President Arndt: Thank you. It's been moved by Swindig and seconded by Jaenke to suspend the By-Laws. Mr. Costin?

Auditor Costin: If I may I might further add to the addition of those comments that the respective prior ordinances expire around April first so to give the administration appropriate time to bid, it would be requested that you consider passing these tonight but, they would not need the emergency.

President Arndt: Thank you, Mr. Costin. Any further discussion? All those in favor signify by yes. All those opposed, signify by no.

Yes, 7 No, 0

T 6-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE AND ENTER INTO A CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW, AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF ASPHALT AND RELATED MATERIALS TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.

motion by Swindig, 2nd by Jaenke to suspend By-Laws to give T 6 its first reading
President Arndt: Any discussion? All those in favor signify by yes. All those opposed, signify by no.

Yes, 7 No, 0

T 7-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE AND ENTER INTO A CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW, AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF LIMESTONE AND SAND TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.

motion by Swindig, 2nd by Jaenke to suspend By-Laws to give T 7 its first reading
President Arndt: Any discussion? All those in favor signify by yes. All those opposed, signify by no.

Yes, 7 No, 0

T 8-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE AND ENTER INTO A CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW, AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND DELIVER CONCRETE TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.

motion by Swindig, 2nd by Jaenke to suspend By-Laws to give T 8 its first reading
President Arndt: Any discussion? All those in favor signify by yes. All those opposed, signify by no.

Yes, 7 No, 0

T 9-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ADVERTISE FOR BIDS AND NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE RENTAL OF EQUIPMENT AND RELATED SERVICES FOR ROAD REPAIR AND MAINTENANCE TO BE

USED BY THE SERVICE DEPARTMENT.

motion by Swindig, 2nd by Jaenke to suspend By-Laws to give T 9 its first reading
President Arndt: Any discussion? All those in favor signify by yes. All those opposed, signify by no.

Yes, 7 No, 0

T 10-2004 AN ORDINANCE CONFIRMING THE CONTINUANCE OF REAL AND PERSONAL PROPERTY TAX EXEMPTIONS UNDER THE OHIO ENTERPRISE ZONE AGREEMENT WITH BECKETT AIR, INCORPORATED AND R.W. BECKETT CORPORATION, AND DECLARING AN EMERGENCY.

motion by Swindig, 2nd by Jaenke to suspend By-Laws to give T 10 its first readings
President Arndt: Is there any discussion? Yes, Mr. Mayor?

Mayor Gillock: I just like to point out that this ordinance is prepared by Squire, Sanders and Dempsey at the request of Beckett Corporation and I might add, at their expense. Beckett has certain tax abatements in place. They're doing some realignment and setting up an LLC and doing some other name changes and this is just to enable them to continue these programs that are already in place under their new titles that they're putting into place.

President Arndt: Thank you, Mr. Mayor. Yes, Mr. Young?

Council Member Young: Again, here's a parliamentary procedure question. I think the Tax Abatement Review Board should probably take a closer look at this just to make sure that we aren't given away the whole enchilada on this thing, just to double check procedurally. Their attorney's prepare it, they paid for their attorneys to prepare this, just to double check and dot our eyes and cross out t's and make sure we're not giving away everything in the world. It would be nice to have a second look at it. Maybe having the Tax Abatement Review Board look at it.

President Arndt: Any other conversation or discussion? Yes, Mr. Swindig?

Council Member Swindig: If Mr. Young puts that in the way of a motion, I will second it.

Council Member Young: So moved.

Council Member Swindig: Second.

President Arndt: It's been moved by Young, 2nd by Swindig. . .

Mayor Gillock: Mr. President, you already have a motion on the table.

Council Member Butkowski: Mr. Chairman, I think this can be done at the first reading.

President Arndt: Thank you.

Council Member Young: Mr. President, I withdraw my motion.

President Arndt: Thank you. Mr. Young has withdrawn his request so, we will deal with the original motion that's on the floor. A motion by Swindig, seconded by Jaenke to suspend our By-Laws to allow the first reading tonight of T 10. Any further discussion? All those in favor signify by yes. All those opposed, signify by no.

Council Member Young: No.

President Arndt: I will ask the Clerk to take roll

Yes, 6 No, 1 (Young)

• **First Readings**

Clerk of Council Norris:

T 2-2004 AN ORDINANCE AMENDING CHAPTER 1286, SIGNS.

Mayor Gillock: Mr. President, did you refer that to Buildings and Lands yet?

President Arndt: Yes.

T 3-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3980-2004 RIDGEVILLE, OHIO, TO RETAIN THE LAW FIRM OF BAUMGARTNER &
O'TOOLE, CO. LPA, NOT TO EXCEED \$40,000.00.

First Reading

motion by Swindig, 2nd by Jaenke to suspend second and third readings as amended

President Arndt: Is there any further discussion? I will ask the Clerk to take roll.

Yes, 7 No, 0

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

motion by Swindig, 2nd by Olesen to adopt T 3 as amended

motion by Swindig to add the emergency due to being union contracts that we can keep negotiating with the unions in good faith, 2nd by Young

President Arndt: Is there any further discussion? I will ask the Clerk to take roll.

Yes, 7 No, 0

Clerk of Council Norris: Emergency is approved by a vote of seven to zero. On the adoption as amended with the emergency.

Yes, 7 No, 0

Clerk of Council Norris: T 3 is adopted by a vote of seven to zero with the emergency and becomes permanent ordinance 3980-2004.

Permanent Ordinance No. 3980-2004

T 4-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3981-2004 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A
CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY
LAW FOR THE PURCHASE OF FUELS/AND OR GASOLINES TO BE USED
FOR SUPPLYING THE ON-SITE FUEL TANKS AT THE SERVICE GARAGE
AND FIRE STATION FOR THE CITY'S FLEET OF VEHICLES.

First Reading

motion by Butkowski, 2nd by Young to suspend second and third readings

President Arndt: Any discussion? I'll ask the Clerk to take roll.

Yes, 7 No, 0

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

motion by Butkowski, 2nd by Swindig to adopt

President Arndt: Any discussion? Clerk, if you'll take the roll.

Yes, 7 No, 0

Clerk of Council Norris: T 4 is adopted by a vote of seven to zero becoming permanent ordinance 3981-2004.

Permanent Ordinance No. 3981-2004

T 5-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3982-2004 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A
CONTRACT, FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW,
AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF
CHEMICALS TO BE USED BY THE FRENCH CREEK WASTEWATER
TREATMENT PLANT.

First Reading

motion by Swindig, 2nd by Jaenke to suspend second and third readings

President Arndt: Any discussion? There being none, I'll ask the Clerk to take roll.

Yes, 7 No, 0

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

motion by Swindig, 2nd by Jaenke to adopt T 5

President Arndt: Any discussion? There being none, Clerk, will you take the roll.

Yes, 7 No, 0

Clerk of Council Norris: T 5 is adopted by a vote of seven to zero becoming permanent ordinance 3982-2004.

Permanent Ordinance No. 3982-2004

T 6-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3983-2004 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE AND
ENTER INTO A CONTRACT, FOR A TWELVE-MONTH PERIOD,
ACCORDING TO LAW, AND IN A MANNER PRESCRIBED BY LAW, FOR
THE PURCHASE OF ASPHALT AND RELATED MATERIALS TO BE USED
BY THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

motion by Olesen, 2nd by Swindig to suspend second and third readings

President Arndt: Any discussion? No discussion, Clerk will you take roll.

Yes, 7 No, 0

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

motion by Olesen, 2nd by Swindig to adopt T 6

President Arndt: Any discussion? Will the Clerk take the roll.

Yes, 7 No, 0

Clerk of Council Norris: T 6 is adopted by a vote of seven to zero becoming permanent ordinance 3983-2004.

Permanent Ordinance No. 3983-2004

T 7-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3984-2004 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE AND
ENTER INTO A CONTRACT, FOR A TWELVE-MONTH PERIOD,
ACCORDING TO LAW, AND IN A MANNER PRESCRIBED BY LAW, FOR
THE PURCHASE OF LIMESTONE AND SAND TO BE USED BY THE CITY
OF NORTH RIDGEVILLE, OHIO.

First Reading

motion by Butkowski, 2nd by Olesen to suspend second and third readings on T 7

President Arndt: Any discussion? Will the Clerk take roll.

Yes, 7 No, 0

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

motion by Swindig, 2nd by Olesen to adopt T 7

President Arndt: Any discussion? Will the Clerk take the roll.

Yes, 7 No, 0

Clerk of Council Norris: T 7 is adopted by a vote of seven to zero becoming permanent ordinance 3984-2004.

Permanent Ordinance No. 3984-2004

T 8-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3985-2004 RIDGEVILLE, OHIO, TO ADVERTISE FOR BIDS AND NEGOTIATE AND
ENTER INTO A CONTRACT, FOR A TWELVE-MONTH PERIOD,
ACCORDING TO LAW, AND IN A MANNER PRESCRIBED BY LAW, TO
FURNISH AND DELIVER CONCRETE TO BE USED BY THE CITY OF
NORTH RIDGEVILLE, OHIO.

First Reading

motion by Olesen, 2nd by Butkowski to suspend second and third readings on T 8

President Arndt: Any discussion? Will the Clerk take roll.

Yes, 7 No, 0

motion by Olesen, 2nd by Butkowski to adopt T 8

President Arndt: Any discussion? Will the Clerk take roll, please.

Yes, 7 No, 0

Clerk of Council Norris: T 8 is adopted by a vote of seven to zero becoming permanent ordinance 3985-2004.

Permanent Ordinance No. 3985-2004

T 9-2004 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH
3986-2004 RIDGEVILLE TO ADVERTISE FOR BIDS AND NEGOTIATE AND ENTER
 INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER
 PRESCRIBED BY LAW FOR THE RENTAL OF EQUIPMENT AND
 RELATED SERVICES FOR ROAD REPAIR AND MAINTENANCE TO BE
 USED BY THE SERVICE DEPARTMENT.

First Reading

motion by Swindig, 2nd by Jaenke to suspend second and third readings on T 9

President Arndt: Any discussion? Clerk, will you please take roll.

Yes, 7 No, 0

Clerk of Council Norris: Approval by seven to zero.

motion by Swindig, 2nd by Jaenke to adopt T 9

President Arndt: Any discussion? Will the Clerk please take the roll.

Yes, 7 No, 0

Clerk of Council Norris: T 9 is adopted by a vote of seven to zero becoming permanent ordinance 3986-2004.

Permanent Ordinance No. 3986-2004

T 10-2004 AN ORDINANCE CONFIRMING THE CONTINUANCE OF REAL AND
 PERSONAL PROPERTY TAX EXEMPTIONS UNDER THE OHIO
 ENTERPRISE ZONE AGREEMENT WITH BECKETT AIR, INCORPORATED
 AND R.W. BECKETT CORPORATION, AND DECLARING AN
 EMERGENCY.

First Reading

motion by Young, 2nd by Swindig to send this to the Tax Abatement Review Board

President Arndt: It's been moved by Young, second by Swindig to refer T 10 to the Tax Abatement Review Board. Any discussion? Mr. Mayor?

Mayor Gillock: I would just like to bring to Council's attention that these exemptions have already been granted and this is a continuation of those exemptions. The Tax Abatement Review Board can't change these or do anything to them. They are already in place. Worse case scenario, all that would happen is Beckett would not be able to do the property transfer from Beckett to Beckett Properties and in addition, these agreements have not only been approved by the Tax Abatement Review Board but, by Council and most significantly, by the County. So, you can't change these in any way without the County's approval and since it is just a property transfer from Beckett to Beckett Properties, I think it's redundant to send it back to the tax Abatement Review Board because they really can't do anything. But, that's up to Council. I just wanted to bring that to their attention.

President Arndt: Thank you, Mr. Mayor. Any further discussion?

Council Member Young: Mr. President, it would be nice to take a look at this in closer detail just to make sure that we're not doing something to detriment the City. If this was prepared by

Beckett's attorneys, then it's prepared to Beckett's advantage and may or may not be to the City's detriment. There's no rush to judgement here. We can take our time. Look at this and what the Mayor said may very well be correct but, it would be nice to have a little bit of a closer scrutiny on this.

Auditor Costin: Just so there's a further explanation, Squire's represents us. These are actually our attorneys and they do our litigation work in bonding and I don't know if this was requested by the previous administration but, I believe they were involved in the original ordinances for Beckett when they were written so, I think that they are representing the interests of the City. Quite frankly, I don't know if there's any deadlines and I'm not suggesting that his recommendation is not a good one but, I just wanted to bring that to your attention so that there's no misunderstanding. I believe Squire's represents us.

Mayor Gillock: Mr. President, That is correct. During this administration, Beckett brought it to us. Squire, Sanders and Dempsey prepared this at our request, protecting our interest but, I requested, since it was for Beckett's benefit, that they pay the attorney fees for preparing this which they agreed to do. Squire, Sanders is representing us in this case.

Council Member Young: Mr. President and I think the Law Director may or may not agree with me but, that raises all kinds of conflict of interest type issues. Again, I think it deserves to be taken a look at. It may be nothing and it may be fine but, Let's take our time with this.

Council Member Olesen: Mr. President, is there any urgency on the part of Beckett that this be passed rather quickly without referring it back to a committee which is going to add anywhere from four to six weeks.

President Arndt: Mr. Mayor what's your understanding of the time requirements.

Mayor Gillock: I'm not aware of any deadlines other than costs that would normally be associated in taking a length of time to prohibit this property transfer taking place. I'm sure they want to get it done as soon as they can but, I was not given a deadline. Although, Squire, Sanders did add the emergency clause to the ordinance.

Council Member Buescher: Mr. President, I applaud Mr. Young's concern and caution and I agree that it wouldn't be a bad idea to take a look at it.

President Arndt: Any further discussion?

Council Member ~~Buescher~~ BUTKOWSKI: Mr. Chairman, I think I agree with Mrs. Buescher and Mr. Young also. There's no reason to hurry with this. Let's be sure before we do something.

Law Director Crites: Mr. President, if I may. I don't think, for the sake of caution, that it necessitates it being sent to committee. That's why I'm here. I'd like the opportunity to take a look at the documents, contact Squires. By looking at the body of the ordinance it looks like a classic lease back, commercial lease back their doing for their own tax benefit. But, I think it would be a matter that would be easily looked into with Squires to make sure their t's and crossed and I's are dotted and I could report back to Council accordingly at the next session.

President Arndt: Any further discussion?

Council Member Swindig: If Mr. Young wants to remove that and have it referred to our Law Director, then I'll remove my second.

Council Member Young: I'll withdraw my motion but, I move to table it for enough time for the Law Director to take a look at it.

Council Member Swindig: I'll second that.

Mayor Gillock: Mr. President, you may postpone this to a given date. You cannot table it or it's gone forever. I would just suggest that you postpone it until the next meeting.

President Arndt: You've taken your motion off the table, is that correct?

Council Member Young: I took the motion to send it to the Tax Abatement Review Board off the table. There's still the motion to table. I can amend my motion to leave it. . .

President Arndt: If we postpone, I'll entertain a motion to postpone until our next meeting.

Council Member Young: That's fine. I'll withdraw my motion and make that motion.

President Arndt: You're going to make the motion?

Council Member Young: Sure, why not.

President Arndt: We have a motion on the floor by Mr. Young, seconded by Mr. Swindig to postpone any action on T 10 until our next City Council meeting.

motion by Young, 2nd by Swindig to postpone until our next City Council meeting

President Arndt: Is there any further conversation or discussion? I will ask the Clerk to take roll, please.

Yes, 7 No, 0

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

• **Second Readings**

President Arndt: There are no second readings. I will ask the Clerk to please read our third readings.

• **Third Readings**

Clerk of Council Norris:

T 115-2003 AN ORDINANCE AMENDING ORDINANCE 3659-2001 BY REVISING
3987-2004 SECTION 405.4 - DOWNSPOUTS, OF THE OHIO BUILDING OFFICIALS
ASSOCIATION ONE, TWO, AND THREE FAMILY DWELLING CODE OF
1996.

Third Reading

motion by Olesen, 2nd by Jaenke to adopt T 15

President Arndt: Any discussion? Will the Clerk please take roll.

Yes, 7 No, 0

Clerk of Council Norris: T 115 is adopted by a vote of seven to zero becoming permanent ordinance 3987-2004.

Permanent Ordinance No. 3987-2004

T 121-2003 AN ORDINANCE CREATING A NEW OVERLAY ZONING
REVISED DISTRICT TO BE DESIGNATED THE ADULT ENTERTAINMENT

DISTRICT, AE-1.

Third Reading

motion by Jaenke, our committee recommends that this be referred back to Buildings and Lands for further study, 2nd by Young

President Arndt: Any further discussion? Will the Clerk please take roll.

Yes, 7 No, 0

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

T 129-2003 AN ORDINANCE AMENDING NRCO SECTION 1228.06 POST-TYPE
3988-2004 STREET LIGHTING INSTALLATIONS.

Third Reading

motion by Jaenke, 2nd by Olesen to adopt T 129

President Arndt: Any discussion? Will the Clerk please take roll.

Yes, 7 No, 0

Clerk of Council Norris: T 129 is adopted by a vote of seven to zero becoming permanent ordinance 39887-2004.

Permanent Ordinance No. 3988-2004

T 130-2003 AN ORDINANCE ADDING NEW PROVISIONS TO THE CODIFIED
3989-2004 ORDINANCES OF THE CITY OF NORTH RIDGEVILLE REGULATING
EXTERIOR LIGHTS TO MINIMIZE OBJECTIONABLE LIGHTING AT
PROPERTY LINES.

Third Reading

motion by Olesen, 2nd by Jaenke to adopt T 130

President Arndt: Any discussion? Will the Clerk please take roll.

Yes, 7 No, 0

Clerk of Council Norris: T 130 is adopted by a vote of seven to zero becoming permanent ordinance 3989-2004.

Permanent Ordinance No. 3989-2004

T 132-2003 AN ORDINANCE REPEALING NRCO CHAPTER 1426, NATIONAL
3990-2004 ELECTRIC CODE.

Third Reading

motion by Jaenke, 2nd by Olesen to adopt T 132

President Arndt: Any discussion? Clerk, please take roll.

Yes, 5 No, 2 (Buescher, Butkowski)

Clerk of Council Norris: T 132 is adopted by a vote of five to two becoming permanent ordinance 3990-2004.

Permanent Ordinance No. 3990-2004

T 150-2003 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
3991-2004 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 \$207,000.00.

Third Reading

motion by Jaenke, 2nd by Swindig to adopt T 150

President Arndt: Any discussion? Will the Clerk please take roll.

Yes, 7 No, 0

Clerk of Council Norris: T 150 is adopted by a vote of seven to zero becoming permanent ordinance 3991-2004.

Permanent Ordinance No. 3991-2004

T 151-2003 AN ORDINANCE AMENDING ORDINANCE NO. 3208-97, WHICH
3992-2004 ESTABLISHED A COMPUTER SERVICES DEPARTMENT.

Third Reading

motion by Jaenke, 2nd by Young to adopt T 151

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

Yes, 7 No, 0

Clerk of Council Norris: T 151 is adopted by a vote of seven to zero becoming permanent ordinance 3992-2004.

Permanent Ordinance No. 3992-2004

motion by Young to suspend the By-Laws to consider T 153 prior to T 152, 2nd by Swindig

President Arndt: Any discussion?

Council Member Buescher: Mr. president, I was just wondering why you want to change that order?

Council Member Young: Due to the language of both the ordinances. It's more appropriate for the ordinance adopting procedures for special development districts be passed before the ordinance adding special development districts as a new zoning classification.

Council Member Buescher: Are you just voting on suspending the By-Laws?

Council Member Young: That's correct.

President Arndt: And in addition, I might add to Mr. Young, there is a black area in 152 that requires 153 to have been legislative first. Any further discussion on the motion on the floor to

suspend By-Laws to read T 153 prior T 152? Will the Clerk please take roll.

Yes, 7 No, 0

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

T 153-2003 AN ORDINANCE ADOPTING PROCEDURES FOR SPECIAL
3993-2004 DEVELOPMENT DISTRICTS.

motion by Olesen, 2nd by Young to adopt

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

Council Member Buescher: I've dedicated a great deal of time and energy over the past several months working on the proposed special development district legislation to which no one has claimed authorship in writing to this very day. The many flaws in the original legislation prompted me to request an outside legal opinion as its guarantee to Council under the City Charter. Attorney Keyse-Walker became the attorney in charge when Council hired him, verified my concerns. No matter how anyone chooses to defend this legislation tonight or no matter how it has been defended to this point, and no matter how good it may appear on the surface, the fact remains, the property owners do not have to agree to have their properties rezoned when and if Council decides to rezone to this new classification with either a simple request from a developer or the City itself. It has been erroneously reported in the media that all property owners involved have to approve the rezoning before the City moves forward. I've said it before and I'll say it again, the City would never rezone developer owned property without the permission of the developer for fear of legal ramifications. This legislation smacks of double standard. The potential remains to deprive property owners of the highest and best use of their properties as a result of the restrictions which can be placed on them and their inability to sell property under their existing zoning classifications and there's the real potential for owners to have difficulty selling their property to their advantage under the new zoning classification. Although, major areas near the I-480 and Lorain Road and the Ridgeview Shopping Center are targeted on the attached map, the new zoning classification can extend to any where in the City and be implemented in any existing zoning classification with simple amendments to the two pieces of legislation which are up for votes tonight. Although the outside counsel hired by City Council has cleaned up a very poorly written piece of legislation based on required zoning procedures according to the dictates of the City Charter, his initial caution still remains concerning the possibility of placing property owners in financial jeopardy and the City itself in financial jeopardy as a result of the obvious potential for legal ramifications. In good conscious and in order to responsibly represent owners through the City to the best of my ability, I have not choice but to vote no on both pieces of legislation.

President Arndt: Thank you, Mrs. Buescher. Mr. Young?

Council Member Young: It is my understanding that this legislation has been through committees for the past numerous years and this one of the things that our City desperately needs in order to benefit the entire City and benefit the homeowners of the entire City. It'll ease the tax burden off the shoulders of the homeowners and hopefully some of the commercial industry that

this ordinance is designed to attract will then bring in revenues into the City so that we can make some infrastructure changes that we need to make and I don't believe that there is no author. I believe the author is everybody who has poured their heart and soul into this including all of the attorneys who have poured their heart and soul into it. All the Council Members in committee and through the collective wisdom over these number of years and all these individuals putting their heart and soul into this. I feel that we have a good positive piece of legislation in both 153 and T 152 and I'm speaking as a proponent to accept and adopt this special development district procedures and ordinance this evening.

Council Member Olesen: There has been no change in the office of the Clerk of Council requiring a sign off by a property owner before any rezoning will be put through. It's still there. It will be there under this plan also.

President Arndt: Any other discussion? Mr. Young?

Council Member Young: I'd also like to point out the fact that there was public hearing tonight on both 153 and 152 and no member, no citizen in North Ridgeville came forth in that public hearing to speak out against these ordinances therefore, by a resounding silence they endorse these ordinances and I request everybody to vote in favor of them.

Council Member Buescher: Mr. President, I have to really disagree with that because this is very complicated legislation and it would be very difficult for the average citizen to come forward in defense of it or against it.

President Arndt: Any further conservation? We have a motion on the floor by Olesen, seconded by Young to adopt T 153. Will the Clerk take roll.

Yes, 6 No, 1 (Buescher)

Clerk of Council Norris: T 153 is adopted by a vote of six to one and becomes permanent ordinance 3993-2004.

Permanent Ordinance No. 3993-2004

T 152-2003 AN ORDINANCE ADDING SPECIAL DEVELOPMENT DISTRICT AS A
3994-2004 NEW ZONING CLASSIFICATION.

Third Reading

motion by Young, 2nd by Olesen to adopt T 152

President Arndt: Is there any discussion? I'll ask the Clerk to take roll.

Yes, 6 No, 1 (Buescher)

Clerk of Council Norris: T 152 is adopted by a vote of six to one becoming permanent ordinance 3994-2004.

Permanent Ordinance No. 3994-2004

T 155-2003 AN ORDINANCE AMENDING SECTION 1046.04, CONNECTION OF
3995-2004 SERVICE; PERMIT REQUIRED; TAP-IN AND OTHER CHARGES, OF THE
 NORTH RIDGEVILLE CODIFIED ORDINANCES.

Third Reading

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
REGULAR MEETING JANUARY 20, 2004**

Page 22

motion by Jaenke, 2nd by Swindig to adopt T 155

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

Yes, 7 No, 0

Clerk of Council Norris: T 155 is adopted by a vote of seven to zero becoming permanent ordinance 3995-2004.

Permanent Ordinance No. 3995-2004

OLD BUSINESS:

President Arndt: What old business remains before our Council tonight? Will the Clerk please read the upcoming meeting announcements.

UPCOMING COMMITTEE MEETING ANNOUNCEMENTS:

Clerk of Council Norris: Next Regular Council Meeting Monday, February 2, 2004 here in Council Chambers at 7:30 P.M.

ADJOURNMENT:

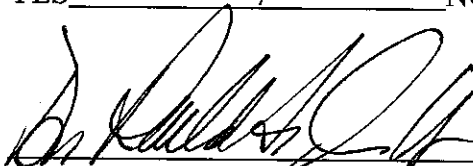
motion to adjourn by Swindig

President ~~Gillock~~ ARNDT: Meeting adjourned.

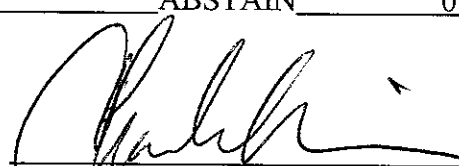
Meeting adjourned at 8:52 P.M.

MOTION Jaenke 2ND Swindig DATE February 2, 2004

YES 7 NO 0 ABSTAIN 0



PRESIDENT OF COUNCIL DR. RONALD F. ARNDT



CLERK OF COUNCIL CHARLES A. NORRIS