NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
PUBLIC HEARING JANUARY 18, 2005

CALL TO ORDER
President of Council Ronald Arndt called the Public Hearing to order at 7:19 P.M.

ATTENDANCE
In attendance were Council Members Nancy Buescher, Al Swindig, Richard Jaenke, Robert Olesen, Bernadine Butkowski, Andy Young and President Ronald Arndt.
Also, present was Clerk of Council Chuck Norris.

READING OF NOTICE
Clerk of Council Norris read the Notice of Public Hearing regarding final Approval of Ashton Place (39 lots); Ashton Place Condominium (49 lots), and 4 new Waterbury sublots, (Blocks N3, N4, N5 and N6) within Waterbury PCD.

PUBLIC HEARING
President Arndt asked if anyone in the audience chooses to speak for or against the final approvals.

ADJOURNMENT
President Arndt adjourned the Public Hearing at 7:22 P.M.

MOTION Buescher 2ND Olesen DATE February 7, 2005

YES 7 NO 0 ABSTAIN 0

PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

CLERK OF COUNCIL CHARLES A. NORRIS

NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
PUBLIC HEARING JANUARY 18, 2005

CALL TO ORDER
President of Council Ronald Arndt called the Public Hearing to order at 7:15 P.M.

ATTENDANCE
In attendance were Council Members Nancy Buescher, Al Swindig, Richard Jaenke, Robert Olesen, Bernadine Butkowski, Andy Young and President Ronald Arndt.
Also, present was Clerk of Council Chuck Norris.

READING OF NOTICE
Clerk of Council Norris read the Notice of Public Hearing regarding final approval of Pioneer Ridge by Del Webb, Phase 1 (formerly known as Waterfalls by Waterbury) within Waterbury PCD.

PUBLIC HEARING
President Arndt asked if anyone in the audience chooses to speak for or against the final approval of Pioneer Ridge.

ADJOURNMENT
President Arndt adjourned the Public Hearing at 7:18 P.M.

MOTION Olesen 2ND Jaenke DATE February 7, 2005

YES 7 NO 0 ABSTAIN 0

PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

CLERK OF COUNCIL CHARLES A. NORRIS

NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JANUARY 18, 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 Tuesday, January 18, 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, Richard Jaenke, Bob Olesen, Bernadine Butkowski, Andy Young and President 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 Charles Norris.

MINUTES - Corrections (if any) and Approval:
Clerk of Council Norris:
Council Minutes of regular meeting held January 3, 2005
Please note correction on Page 13 and 14; under T 140-2004, the Permanent Ordinance Number should be 4096-2005 and not 4095-2005 as written.

moved by Olesen, seconded by Butkowski to approve the Council minutes of the regular meeting held January 3, 2005

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

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

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

Council, also, please note the:
Board of Zoning and Building Appeals Minutes of regular meeting December 16, 2004;
Planning Commission Minutes of regular meeting January 11, 2005.

MAYOR AND DIRECTORS REPORTS:
President Arndt: We now have the opportunity for the Mayor and the Directors to provide our City Council with their oral report. We would like to begin with our Mayor, Mr. Gillock.

Mayor:
Mayor Gillock: Thank you, Mr. President. Having been out of town for a couple of days, this will be a short report this evening. I want to remind you that the Chamber of Commerce luncheon which is held on the fourth Thursday of the month in January, will be the State of the City. You can contact the Chamber of Commerce for ticket information. It will be held at Lake Ridge Academy or you can call our office and we will give you the information. That's January 27 at noon at the Chamber of Commerce State of the City luncheon.

Secondly, I'd like tonight, to appoint Roger Galippo to the unexpired term of Ron Schwachenwald on the Planning Commission. Roger has lived in North Ridgeville for many, many years. He has worked for Weschler Instruments for 31 years and I think brings excellent qualifications to take on this responsibility.

moved by Mayor Gillock, seconded by Buescher to appoint Roger Galippo to an unexpired term on the Planning Commission

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

Yes, 7 No, 0

President Arndt: Mr. Galippo, welcome. We really appreciate you.
Mayor Gillock: Roger, would you please stand so that we can recognize you? We thank you for taking on this responsibility. That concludes my report for this evening.

President Arndt: Thank you, Mr. Mayor. We now have the opportunity to hear from our Safety-Service Director, Mr. Johnson.

Safety-Service Director

Safety-Service Director Johnson: Thank you, Mr. President. Mother Nature has not been very kind to our area lately. Heavy snowfalls, flooding rains and bitter cold temperatures have all taken their toll on our man power, our budgets and our equipment. But we're faring much better than those coping with the aftermath of the Asian tsunami and California mud slides.

Repairs to our equipment are nearly complete. Our employees are rested and ready for the next challenge. I hope it's a small one.

That concludes my report.

President Arndt: Thank you, Mr. Johnson. I would also like to comment on the statements made by Mr. Rangus at our last meeting on how the snow plow drivers got things thrown at them and jesters. What I discovered is that when I waive and take time to let them know how well of a job they are doing, they seem to return to finish snow plowing the street. Maybe the answer is, wave and give them thumbs up. We really appreciate the nice efforts that they made on our behalf.

We now have the opportunity to hear from our Engineer, Mr. Griffith.

Engineer

Engineer Griffith: Thank you, Mr. President. On January 12, 2005, the Ohio EPA formalized an agreement to improve septic tank waste water treatment systems in the twenty-five million homes nationwide that use septic tanks to treat their effluent. I quote the EPA, "This agreement will help solidify our national partnership to protect drinking water supplies and local water quality through promoting changes in the way these waste water systems are managed." Septic tanks are used in nearly twenty five percent of the homes across the country and used in about one third of all the new housing and commercial development. When properly cited, designed and maintained, these systems are capable of producing eye quality waste water. However, these same systems are the second greatest threat to ground water quality; second only to leakage of and underground storage tanks. It is estimated that nationwide, ten to twenty percent of the septic systems are not adequately treating waste water due to inadequate site location, design or maintenance. Improved performance of septic tank systems will provide better protection of public health, water and resources. In other words, sometime in the near future, home owners who have septic tanks, may be asked to upgrade or improve their system in some manner. If you would like more information, please contact the Engineering Department at (440) 353-0842. Thank you, Mr. President.

President Arndt: Thank you, Mr. Griffith. We now have the opportunity to hear from our Auditor, Mr. Costin.

Auditor

Auditor Costin: Thank you. The December financial report, you'll note, has been disseminated to Council. Please be aware that this represents a preliminary report. This is not the final December report as we still have to wait for certain invoices to come in and deal with encumbrances. Cash balances will be correct but, as is historically the case, in the past, this does represent just a preliminary report so Council has something to review. The final report will be scheduled to be here, probably, in another 30 days. I have no other comments at this point. I'm sure there'll be some questions on some of the legislation that is in front of you.

President Arndt: Thank you, Mr. Costin. Dr. Norris, will you read our other reports, please.

Other Reports

Clerk of Council Norris: Other reports before Council this evening include:
Mayor's Court Operating trust Fund/Bail Trust Fund Report for December 2004;
Fire Department 2004 Yearly Report; and
Fire Department Report for December 2004.

Planning Commission Report from the regular meeting held January 11, 2005;

APPLICANT:	Melanie and Thomas Hricovec, Stoney Ridge Enterprises, LLC, 4431 Stoney Ridge Road, Avon, OH 44011
OWNER:	Stoney Ridge Enterprises, LLC, 4431 Stoney Ridge Road, Avon, OH 44011
REQUEST:	Install fence, electric service, address number for outside boat and recreational vehicle storage, etc.
LOCATION:	Mills Industrial Parkway in an I-2 District Permanent Parcel No. 07-00-018-101-213
ACTION:	Approved by Planning Commission by a vote of four to one

moved by Jaenke, seconded by Olesen to approve the action of the Planning Commission

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

Yes, 7 No, 0

APPLICANT: Joseph Burda, Joes Motor Sports, 34626 Center Ridge Road
OWNER: Jozsef Burda, 6533 Miller Road
REQUEST: Install a 60 foot by 100 foot temporary parking lot to enclose vehicles and keep out of sight
LOCATION: 34626 Center Ridge Road in a B-2 District
Permanent Parcel No. 07-00-061-101-007
ACTION: Denied by Planning Commission by a vote of four to one

moved by Jaenke, seconded by Olesen to approve the action of the Planning Commission that denies the request for the installation of a 60 foot by 100 foot temporary parking lot at Joes Motor Sports

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

Yes, 7 No, 0

APPLICANT: Pulte Homes of Ohio, 30575 Bainbridge Road, Suite 200, Solon, Ohio 44139
OWNER: Sugar Chestnut LLC, 1050 Terminal Tower, 50 Public Square, Cleveland, OH 44113
REQUEST: Final approval for Phase 2 of Pioneer Ridge by Del-Webb in Waterbury PCD
LOCATION: Frontage along Bender Road and Adjacent to Phase 1 of Pioneer Ridge by Del-Webb in Waterbury PCD
Permanent Parcel No. 07-00-037-000-021
ACTION: Approved by Planning Commission by a vote of four to one

moved by Jaenke, seconded by Olesen to approve the Planning Commission action for the final approval for Phase 2 of Pioneer Ridge, by Del-Webb in Waterbury PCD

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

Yes, 7 No, 0

APPLICANT: Bob Yost and John O'Neil, 260 South Logan, Elyria, OH 44035
OWNER: Bradley Center Ltd., 605 Bradley Road, Bay Village OH 44140
REQUEST: Final Approval for Sandy Ridge Subdivision
LOCATION: 42.8691 acres east of Case Road, north of Center Ridge Road in an R-1 and B-3 District.
Permanent Parcel No. 07-00-039-000-001, 07-00-045-110-063, 07-00-040-000-002, 07-00-046-107-006
ACTION: Approved by Planning Commission by a vote of three to one

moved by Jaenke, seconded by Olesen to approve the Planning Commission action for the final approval of Sandy Ridge Subdivision

President Arndt: Is there any discussion?

Council Member Buescher: Mr. President, the residents who live along the creek on Case Road experience an ongoing heavy flooding problems from the over flow of the creek as evidenced by their photographs which they presented to Planning Commission. Their concerns are valid without question. The proposed development will have onsite retention. However, even though the water flow will be slowed down in the process, it will, nevertheless, eventually enter the already over burdened creek. This seems to be an area of the City which has been totally neglected in the process of attempting to eliminate City wide flooding problems. The City needs to take action to alleviate the existing problems by working along the creek to remove any obstructions, if they should exist, and by looking into engineering solutions to provide relief to the residents. As Ward 1 representative of the people, I find it necessary to address these concerns before any new development can be approved in this area of the City. Therefore, I have no choice but to vote no on this proposal at this point in time.

Council Member Butkowski: Mr. President, I also have concern for flooding in this area. The Case Road residents on the east side have more than once spoke before the Planning Commission and shown pictures of their flooding. The flooding is from the Ridgeway Ditch, which is a major ditch in our City. I would like to see the developer offer to pay for the clearing of this ditch so that his homes will not experience the flooding along with the other homes on the east side of Case Road. I believe that would be one way that he could show an interest in the City and to alleviate any problems for his development along with helping the City out with a problem that's there that we have not addressed for a long time and needs to be done. I think it would be a good gesture on his part to offer to do this for the City.

Council Member Olesen: Mr. President, I would like to defer to our Engineer, if I might, because I understand that this developer has done all he can do in his area regarding this problem. The problem is not in his area. It's downstream of the development from what I can read in the minutes of the Planning Commission meeting and what I discussed with Mr. Jaenke. I wonder if Mr. Griffith would be allowed to comment on this?

President Arndt: Mr. Griffith, if you would be kind enough to provide comment.

Engineer Griffith: This development will not make the situation worse than it is now. I don't want to sound like I'm stepping on your toes but, actually, the problem is upstream and not downstream. Something should be done upstream to hold the water so it doesn't end up coming down here and causing such a problem. From what I understand that there have been problems downstream previously because of blockages of tree limbs and branches and things of that nature but, that's somewhat easy to take care of as far as just cleaning out the stream. The overall problem is not that simple. I don't know what the total cost of the project was for the study that done on French Creek. But, in all probability, the City might need to do something of that nature, to study that whole drainage area to find out what can be done to improve the situation.

President Arndt: Thank you, Mr. Griffith.

Council Member Jaenke: Mr. President, I have a question of the Engineer. I assume that the developer has met all of the requirements in terms of drainage. For instance, the retention basin will be located on his property and the ditch itself will not be impacted, only because of problems we might have upstream or downstream. That's a whole another issue. In terms of developers, it is my understanding that he will retain all of his own water. Is this correct?

Engineer Griffith: He has met all of our code requirements.

President Arndt: Is there any other discussion?

Council Member Buescher: Mr. President, in my opinion, I believe that even though the developer meets all the code requirements, it is still up to the City to find out the reason that we're having a problem with flooding in that area. I believe that if the City doesn't have the money to do those studies right now, then we shouldn't be allowing further development to cause more problems in that area.
Mayor Gillock: Mr. President, just a couple of points. At the Planning Commission meeting, we did make a commitment to the residents that we would get back in there, hopefully this summer, and clean that creek out again. This creek has not been cleaned out since 1992. We will get in there and do that. Also, I want to reiterate that the Engineer stated at that meeting, that this will not make the situation worse and in fact it might make it better. So, I think we have to look at it in that light. We might improvement the situation. We're not going to make it worse so, I would be reluctant to say no based on no real facts. So, hopefully we're going to help that situation there in the long run.
Council Member Young: Mr. President, I too will be voting no on this issue, especially because of all the flooding concerns. The Engineer did say, without the City hiring a consultant to perform an extensive study, it would be difficult to determine whether or not how the flooding will impact this area. Also, open space issues were addressed at the Planning Commission meeting, we as Council and Buildings and Lands Committee had decided that the Planning Commission should step up their efforts in ensuring that the 20 percent open space requirement is enforced. This developer seems to be sidestepping the issue by stating that the retention basin and some of the areas behind the property lines are considered open space. But, open space in the spirit, this Council intended it, I understand that this is not a PCD and the PCD definition of open space does not necessarily apply here, however, I question that it might apply because open space is defined by the City in the PCD ordinance, where it is not anywhere else. I believe that 20 spaces open space should be usable space for the new residents of this area. In addition to that, the natural wild life area, as this development abuts the Sandy Ridge area was also addressed as a concern in Planning Commission and how this will impact the natural wild life in that areas so, I will be voting no.
Mayor Gillock: Mr. President. As a matter of clarification, our ordinances do define open space outside the PCD.
President Arndt: Thank you. We have a motion on the floor by Mr. Jaenke and a second by Mr. Olesen to approve the action of the Planning Commission. Will the Clerk please take roll.
Yes, 3 No, 4 (Buescher, Swindig, Butkowski, Young)
Clerk of Council Norris: Motion fails by a vote of three to four.

APPLICANT:	FJD Properties, LLC, 37000 Center Ridge Road
OWNER:	Same
REQUEST:	Approval to vacate a portion of Fairway Drive
LOCATION:	Fairway Drive located within Meadow Lakes PCD Permanent Parcel No. 07-00-032-900-004
ACTION:	Planning Commission approved by a vote of four to zero

moved by Jaenke, seconded by Olesen to approve the Planning Commission action for the approval to vacate a portion of Fairway Drive
President Arndt: Is there any discussion? There being none, all those in favor signify by yes.

All those opposed by no. Any abstentions?
Yes, 7 No, 0

APPLICANT: FJD Properties, LLC, 37000 Center Ridge Road
OWNER: Same
REQUEST: Approval to vacate a portion of West Breezeway Drive
LOCATION: West Breezeway Drive located within Meadow Lakes PCD
Permanent Parcel No. 07-00-032-900-004
ACTION: Planning Commission approved by a vote of four to zero.
moved by Jaenke, seconded by Olesen to approve the Planning Commission action for the approval to vacate a portion of West Breezeway Drive
President Arndt: Is there any discussion? There being none, all those in favor signify by yes.
All those opposed by no. Any abstentions?
Yes, 7 No, 0

COUNCIL COMMITTEE REPORTS:

1) BUILDINGS & LANDS COMMITTEE REPORT #5528 We have considered the matter of the request to vacate a portion of Fairway Drive and recommend that this request be approved and proper legislation be drawn authorizing this request.
Signed Chairperson Richard W. Jaenke, Members Andy Young and Robert Olesen.
moved by Jaenke, seconded by Olesen to accept the Building and Lands Committee Report #5528
President Arndt: Is there any discussion? There being none, all those in favor signify by yes.
All those opposed by no. Any abstentions?
Yes, 7 No, 0

2) BUILDINGS & LANDS COMMITTEE REPORT #5529 We have considered the matter of the request to vacate a portion of West Breezeway Drive and recommend that this request be approved and proper legislation be drawn authorizing this request.
Signed Chairperson Richard W. Jaenke, Members Andy Young and Robert Olesen.
moved by Jaenke, seconded by Olesen to accept the Building and Lands Committee Report #5529
President Arndt: Is there any discussion? There being none, all those in favor signify by yes.
All those opposed by no. Any abstentions?
Yes, 7 No, 0

3) FINANCE COMMITTEE REPORT #5527 We have considered the matter of the necessity to replace and decrease the existing Street Levy from 2.0 mills to 1.9 mills and recommend that this request be approved and proper legislation be drawn requesting the Lorain County Auditor to certify the current tax valuation of the City and dollar amount of revenue that would be generated by the replacement levy.
Signed: Chairperson Bernadine Butkowski; Member Richard Jaenke and Council Member Robert Olesen.

moved by Butkowski, seconded by Jaenke to accept the Finance Committee Report #5527.

President Arndt: Is there any discussion?

Council Member Swindig: Mr. President, not on the committee report. These have been talked about in Finance Committee before but, I was never notified of this meeting before hand when it was set up. I have an answering machine. I have caller ID. I was never notified. I do not have email. I don't know if it was a mistake by the Finance Chairman or what. I agree with these reports but, I think I should be included in a Finance meeting. Thank you.

President Arndt: Mr. Costin, you had some comments?

Auditor Costin: Yes. I just want to spend a minute on 5527 and the next one. These were discussed at great length at the recent Finance meeting. What I would explain is that, to put these two issues on the ballot is a two step process. The first is a resolution. We'll be talking about a street levy and a fire levy today which are both expiring this year and accordingly, the two step process requires that we pass a resolution requesting that the County Auditor provide us with certain information based on Council's request. The second step is, upon receipt of the information, pass another resolution taking it to the electorate. Accordingly, Council found on their desk this afternoon when you arrived, the resolutions that were produced is the result of the Finance Committee that we held last week. If it's Council's intention to proceed, then it would be necessary to pass the resolutions to proceed to request that information of the County Auditor tonight, because we need to address it at the next Council meeting and have that second piece of legislation passed so it can be to the Board of Elections by February 17. We only have two council meetings between now and that due date so, it will be a requisite of Council to actually pass the formal resolutions tonight, which is step one of the process.

President Arndt: Is there any other discussion? If the Council will stand at ease for a moment, please.

Auditor Costin: Mr. President, I apologize, I referred to report 5527 and 5530. The resolution for report 5527 and report 5531 we will need to actually, formally pass tonight so that the Clerk of Council could proceed to get that information.

President Arndt: Thank you, Mr. Costin. So, the Chair makes a motion to amend the agenda to put Finance Committee Report #5527 and 5531 under ordinance and resolution submittals. Is there any discussion? Apparently there's some confusion.

Mayor Gillock: Mr. President, I would suggest that you suspend your By-Laws to introduce these two resolutions under Ordinances and Resolutions.

President Arndt: Neither of these resolutions, at this point, have a number to them.

Mayor Gillock: You just simply request those from the Clerk.

President Arndt: The Chair moves to suspend By-Laws to add these two resolutions to our Ordinances and Resolutions Submittals

Council Member Young: Mr. President, I concur with the Mayor. I recommend if we approve the committee reports, approve the committee reports and once we come to the Ordinances and Resolutions Submittals, then suspend By-Laws to include these two after we subsequently approve the committee reports.

President Arndt: Thank you. That makes much better sense. We do have a motion on the floor by Mrs. Butkowski and a second by Jaenke to accept the Finance Committee Report number 5527. Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any Abstentions?

Yes, 7 No, 0

4) FINANCE COMMITTEE REPORT #5530 We have considered the matter of submitting to the Electors of the City of North Ridgeville the question of a replacement with a decrease to 1.9 mills of an existing 2.0 mill Street Levy and recommend that this request be approved and proper legislation be drawn authorizing the placement of the Street Levy on the ballot at the primary election to be held Tuesday, May 3, 2005.
Signed: Chairperson Bernadine Butkowski; Member Richard Jaenke and Council Member Robert Olesen.

moved by Butkowski, seconded by Jaenke to approve the Finance Committee Report #5530

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

Yes, 7 No, 0

5) FINANCE COMMITTEE REPORT #5531 We have considered the matter of the necessity to replace and decrease the existing Fire Levy from 2.0 mills to 1.9 mills and recommend that this request be approved and proper legislation be drawn authorizing requesting the Lorain County Auditor to certify the current tax valuation of the City and dollar amount of revenue that would be generated by the replacement levy.
Signed: Chairperson Bernadine Butkowski; Member Richard Jaenke and Council Member Robert Olesen.

moved by Butkowski, seconded by Jaenke to approve the Finance Committee Report #5531

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

Yes, 7 No, 0

6) FINANCE COMMITTEE REPORT #5532 We have considered the matter of submitting to the Electors of the City of North Ridgeville the question of a replacement with a decrease to 1.9 mills of an existing 2.0 mill Fire Levy and recommend that this request be approved and proper legislation be drawn authorizing the placement of the Fire Levy on the ballot at the primary election to be held Tuesday, May 3, 2005.
Signed: Chairperson Bernadine Butkowski; Member Richard Jaenke and Council Member Robert Olesen.

moved by Butkowski, seconded by Jaenke to approve the Finance Committee Report #5532

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

Yes, 7 No, 0

7) FINANCE COMMITTEE REPORT #5533 We have considered the matter of increasing the City Income Tax to 1.50 percent effective July 1, 2005 and recommend that this request be approved and proper legislation be drawn authorizing the income tax increase.
Signed: Chairperson Bernadine Butkowski and Member Richard Jaenke.

moved by Butkowski, seconded by Jaenke to approve the Finance Committee Report #5533

President Arndt: Is there any discussion?
Auditor Costin: Mr. President, as a matter of explanation, the next two issues were also discussed at great length at the Finance Committee meeting. It will be shown that passage of 5533 by the electorate of the income tax increase coupled with the passage of committee report 5534, which is going to increase the tax credit to forty percent of the 1.50 percent upon passage of 5533. It will be shown that the majority of our residents living in the City will be unaffected by the tax increase. In other words, while the tax rate would go up, so would the credit rate for the resident living in our City. Accordingly, anybody that's working in a City outside of North Ridgeville that has a tax rate of 1.5 or higher, which simply represents the majority of cities out there, they will feel absolutely zero impact from the passage of these two pieces of legislation. Thank you.
President Arndt: Thank you, Mr. Costin. Is there any other discussion? There being none, all those in favor signify by yes. All those opposed by no. Any Abstentions?

Yes, 7 No, 0

8) FINANCE COMMITTEE REPORT #5534 We have considered the matter of revising the City tax credit on income earned outside the City from .10 of one percent to .40 of 1.50 percent effective July 1, 2005 subject to passage by the electors of the 1.50 percent Income Tax increase and recommend that this request be approved and proper legislation be drawn authorizing.
Signed: Chairperson Bernadine Butkowski and Member Richard Jaenke.

moved by Butkowski, seconded by Jaenke to approve the Finance Committee Report #5534

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

Yes, 7 No, 0

CORRESPONDENCE:

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

1) Received a letter from Auditor Chris S. Costin reporting on his review of water charges and/or communications from the City's major water suppliers and City Engineer and concurs that a water rate increase is applicable for the year 2005 of 9.09 percent.

2) Received a memo from Safety Service Director Denny Johnson submitting a memo from the Assistant Law Director relating to concerns with the current cellular communications ordinance.

President Arndt: THE CHAIR REFERRED THIS TO THE UTILITIES COMMITTEE.

Clerk of Council Norris:

3) Received a memo from the Ohio Ethics Commission relating to the 2004 preprinted Financial Disclosure Statements all City elected Officials received in their boxes January 11, 2005. Extra copies are available in the Office of the Clerk of Council.

4) Received notification from the Ohio Department of Commerce, Division of Liquor Control that the application for Geppettos Pizza & Ribs Inc., DBA Geppettos Johnny Malloys, correct street address is 34259-63 Center Ridge Road instead of 34263 Center Ridge Road as shown on the original notice.

NEW BUSINESS:

President Arndt: The Chair asks if there is any new business to be brought before Council? Yes, Mr. Costin?

Auditor Costin: Mr. President, I would like to explain item one of the correspondence. For the benefit of those unaware, the increase in the water rates was necessitated by increases to the City for the cost of our purchased water. The Engineering Department does a calculation of the average cost from all suppliers and that cost is simply redistributed to the users. We have to pay for this water. We have to get the money from somewhere. It's basically, a redistribution to our users of the cost increases that come to the City.

Council Member Young: Mr. President, a quick follow up. I was just conferring with my colleague on Council, that can be increased without Council approve. Council has no say on that matter.

Auditor Costin: Actually, it's a Council ordinance that requires this calculation sop that any increase cost to the City is distributed to the users of the water. That's a result of an ordinance passed several years ago because for certain years prior, this City actually was absorbing water deficits. Water increases were not being redistributed. It was a formula that was worked into an ordinance back, I'm sorry I can't remember the year that may I referred to in my detail communication but, it's actually a Council manic ordinance that has a formula in it to redistribute the increase water cost to the City so that we don't run amiss again having to subsidize deficits in that fund.

Engineer Griffith: I would like to point out that this increase is an increase that's already in effect and placed in effect last year. We've paid this for some time without charging it back to the residents.

Council Member Young: Mr. President, I agree with what Mr. Costin said. The formula was instituted by Council ordinance sometime ago. However, when the formula requires an increase, it does not come back to Council for approval of that increase. Moreover, this is the first we had heard of the increase as Council Members.

Auditor Costin: (tape 1 side 1 ends) Historically, each year either in January or early February you receive the correspondence from our office of the rate increase that necessitated to be passed through. In fact, three years ago, we had an increase which was, I can't remember the exact amount of the increase but, I'm thinking it was less than six percent and because we had sufficient funds in the water fund, Council passed an ordinance at that time, based on the recommendation of the Engineer and the Auditor's office, to eliminated the mandatory water increase. Unfortunately, out City is not in a position, at this point in time, for us to make that same recommendation. I believe the required increase is something that will have to be

maintained.
President Arndt: Mr. Costin, for my clarification and if I understand this correctly, this is simply a pass through of the actual cost that the City has incurred for additional water increases from our other water sources.
Auditor Costin: That is correct and that's why I wanted to bring it up and discuss it.
President Arndt: Is there any further discussion?
Council Member Butkowski: Mr. President, the ordinance that Mr. Costin was referring to is ordinance number 2655, which was passed in 1992.
President Arndt: Thank you. Mr. Young?

Council Member Young: Mr. President, on an unrelated matter, but it is still new business, since there seems to be a disparity between the understanding of the definition of open space and apparently, there is disparity between that definition within our ordinances, in the PCD and the regular ordinances, I would like to recommend that the Law Director take a look at the disparity between the definitions of open space and come up with language for open space with the spirit and intent, I believe Council when they passed the PCD with open space requirements, was to be used by members of the new developments and it should not be retention basins or behind people's property where the open space requirement sort of gets cast aside and no one has access to it. This has come up time and time again. It came up at the Planning Commission. It's in the Planning Commission minutes. I would like to ask that Mr. Crites review the language and perhaps propose something to Buildings and Lands Committee.
Council Member Jaenke: Mr. President, I'd like to make another comment. Approximately three or four months ago, we had the idea that the City Planner should also have some input into the PCD ordinances for any fine tuning. In addition to the Law Director, I would like to see our City Planner also get involved in this process.
Council Member Olesen: We have asked for the City Planner's help but, right now the finances are so that we may not be able to do this for a while.
President Arndt: Just for the benefit of Council tonight, under Old Business T 139 gives us the opportunity to bring that to the surface and the use of the City Planner. Is there anyone else who needs to speak before Mr. Young?
Engineer Griffith: I just wanted to say that I understand the financial condition of the City, but I'm also concern that I don't think that there's anyone in this room that has the experience with City planning that the City Planner has and I would really be hesitant to see you go forward with something that the City Planner wasn't involved in.
Council Member Young: Mr. President, I agree with the Chair that T 139 is up for discussion under old business. I'm just asking for the Law Director to take a look at the definition of open space and I will reserve my comments as to whether or not a City Planner is necessary at that time.
President Arndt: Mr. Law Director?
Law Director Crites: Sounds great.

President Arndt: Any other new business to be brought before your Council tonight? There being none, we have the opportunity to move to our Lobby portion and our audience participation.

AUDIENCE PARTICIPATION (Lobby):

President Arndt: Any members of our audience tonight that chooses to address your City Council is invited to do so. We ask that you approach the podium immediately to the right of Mrs. Buescher. Prior to speaking to your Council, if you would fill out the lobby form that you can find in the back of the room because it enables us to contact you personally should there be a need for follow up. Please clearly identify your name and your address. Please limit your comments to three minutes. The lobby is now open.

moved by Butkowski, seconded by Jaenke to suspend our By-Laws and forego our recess 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, 7 No, 0

RECESS: dispensed with.

ORDINANCES AND RESOLUTIONS:

- **Ordinances & Resolution Submittals**

moved by Young, seconded by Jaenke to suspend By-Laws tonight to add the two resolutions as approved in reports number 5527 and number 5531.

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

Yes, 7 No, 0

Mayor Gillock: Mr. President. Would you please have the Clerk assign T numbers to those.
Clerk of Council Norris: The resolution coming out of Committee Report #5527 dealing with Streets is T 10. The resolution coming out of Committee Report #5531 dealing with Fire is T 11.

T 6-2005 A RESOLUTION IN SUPPORT OF THE ESTABLISHMENT OF A MAIN OFFICE OF THE UNITED STATES POSTAL SERVICE WITHIN THE CITY OF NORTH RIDGEVILLE, OHIO AND REQUESTING THE SUPPORT OF OUR ELECTED OFFICIALS.

moved by Butkowski, seconded by Olesen to suspend By-Laws to give T 6 its first reading

President Arndt: Is there any discussion? Mr. Olesen?
Council Member Olesen: Mr. President, I think it's wrong when you want to send your neighbor a letter and it has to go to Cleveland first when mailed from our local post office. This system is not working quite right and it is prone for delays and everything else that goes wrong with mail.
President Arndt: Thank you. Are there any other comments? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

T 7-2005 AN ORDINANCE AMENDING NRCO SECTION 1028.02, MAINTENANCE; AUTHORITY OF MAYOR.

President Arndt: THE CHAIR REFERS T 7-2005 TO THE STREETS, SIDEWALKS AND BRIDGES COMMITTEE

T 8-2005 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A 24 X 100-FOOT CONVEYOR WITH LEGS AND COVER, INCLUDING INSTALLATION, ERECTION, AND FREIGHT, NOT TO EXCEED $80,000.00.

moved by Mayor Gillock, seconded by Olesen to suspend By-Laws to give T 8-2005 its first reading this evening

President Arndt: Is there any discussion?
Mayor Gillock: Mr. President, I would ask that this be passed this evening with the emergency. This is a part that is needed to complete some of the retrofit. We have the new centrifuge and we now need this conveyor to move that product out, to complete that process.
President Arndt: Is there any other discussion? All those in favor signify by yes. All those opposed by no. Any abstentions?

Yes, 7 No, 0

T 9-2005 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.

T 10-2005 A RESOLUTION DECLARING IT NECESSARY TO REPLACE AND DECREASE AN EXISTING TAX FOR THE PURPOSE OF GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS AND BRIDGES IN THE CITY OF NORTH RIDGEVILLE, OHIO, PURSUANT TO SECTIONS 5705.03, 5075.191 AND 5705.192 OF THE REVISED CODE.

moved by Butkowski, seconded by Swindig to suspend By-Laws give T 10-2005 its reading tonight

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

Yes, 7 No, 0

T 11-2005 A RESOLUTION DECLARING IT NECESSARY TO REPLACE AND DECREASE AN EXISTING TAX FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES AND BUILDINGS AND SITES THEREFOR AND FOR THE PAYMENT OF PERMANENT, PART-TIME AND VOLUNTEER FIREMEN, PURSUANT TO SECTIONS 5705.03, 5075.191 AND 5705.192 OF THE REVISED CODE.

moved by Butkowski, seconded by Swindig to suspend By-Laws give T 11-2005 its first reading

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

Yes, 7 No, 0

- **First Readings**

T 6-2005
1025-2005 A RESOLUTION IN SUPPORT OF THE ESTABLISHMENT OF A MAIN OFFICE OF THE UNITED STATES POSTAL SERVICE WITHIN THE CITY OF NORTH RIDGEVILLE, OHIO AND REQUESTING THE SUPPORT OF OUR ELECTED OFFICIALS.

First Reading

moved by Butkowski, seconded by Buescher to dispense with the second and third readings on T 6-2005

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

Yes, 7 No, 0

moved by Butkowski, seconded by Olesen to adopt T 6-2005

President Arndt: Is there any other discussion?

Council Member Butkowski: Mr. Chairman, the reason I introduced this, over the years there's been a lot of problems. It's always been the question as to why we don't have our own main post office in North Ridgeville. After I brought the issue out at the last meeting, I received quite a few phone calls. A lot of people are even having problems. We do have residents in this City whose mailing address is Elyria, Ohio and their mail is delivered from Elyria. They have immense problems with deliveries from UPS and other carries. A you know, when you call up any of these companies that you order from, they pop your address up on the internet and it says Elyria, Ohio. When their package gets to UPS, it's put on a truck that's running around Elyria and they don't know where that address is. It's causing more problems than a lot of people in this City know. The City itself, when it first instituted sending out its newsletter, we found out that we were missing some of the people in North Ridgeville because they don't have a North Ridgeville address. We had to go back and find all those people. A lot of our businesses that send out newsletters to people in North Ridgeville, do not reach everybody in North Ridgeville. There's a lot more to this than just having our own main post office. It's time for the City to have its own post office. We're the third largest in the County.

Council Member Young: Mr. President, I would like to point out section three where it states that the Clerk of Council is hereby directed to forward copies of this resolution to President George W. Bush, United States Senator George Voinovich, United States Senator Mike DeWine, United States Representative Sherrod Brown, Governor Bob Taft, State Senator Jeffry J. Armbruster and State Representative Earl Martin, I would like to recommend to the Clerk of Council to send this certified mail so that we know it doesn't get lost in the mail.

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

Yes, 7 No, 0

Clerk of Council Norris: T 6 is adopted and becomes permanent resolution 1025-2005.
Permanent Resolution No. 1025-2005

T 8-2005
4097-2005
AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A 24 X 100-FOOT CONVEYOR WITH LEGS AND COVER, INCLUDING INSTALLATION, ERECTION, AND FREIGHT, NOT TO EXCEED $80,000.00.
First Reading
moved by Butkowski, seconded by Jaenke to dispense with the second and third readings on T 8-2005
President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
moved by Butkowski, seconded by Jaenke to adopt T 8-2005
moved by Butkowski, seconded by Olesen to add the emergency to T 8-2005 in order to complete the construction project within a timely manner
President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
President Arndt: In addition, we have a motion and a second to adopt T 8 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, 7 No, 0
Clerk of Council Norris: T 8 is adopted with the emergency and becomes permanent ordinance 4097-2005.

T 10-2005
1026-2005
A RESOLUTION DECLARING IT NECESSARY TO REPLACE AND DECREASE THE EXISTING TAX FOR THE PURPOSE OF GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS AND BRIDGES IN THE CITY OF NORTH RIDGEVILLE OHIO PURSUANT TO SECTION 5705.03, 5075.191, 5705.192 OF THE REVISED CODE.
First Reading
moved by Swindig, seconded by Butkowski to dispense with the second and third readings for T 10-2005
President Arndt: Is there any discussion? There being none, all those in favor signify by yes. All those opposed by no. Any abstentions?
Yes, 7 No, 0
moved by Swindig, seconded by Jaenke to adopt T 10
moved by Swindig, seconded by Jaenke to add the emergency to T 10 to enable us to get the legislation to the County Auditor in an adequate amount of time to take this to the voters

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion and a second to adopt T 10 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, 7 No, 0

Clerk of Council Norris: T 10 is adopted with the emergency and becomes permanent resolution 1026-2005.

Permanent Resolution No. 1026-2005

T 11-2005
1027-2005
A RESOLUTION DECLARING IT NECESSARY TO REPLACE AND DECREASE THE EXISTING TAX FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES AND BUILDINGS AND SITES THEREFORE AND FOR THE PAYMENT OF PERMANENT PART TIME AND VOLUNTEER FIREMEN PURSUANT TO SECTIONS 5705.03, 5075.191 AND 5705.192 OF THE REVISED CODE.

First Reading

moved by Swindig, seconded by Butkowski dispense with the second and third readings

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

Yes, 7 No, 0

moved by Swindig, seconded by Butkowski to adopt T 11

moved by Swindig, seconded by Butkowski to add the emergency to T 11 in order to submit requests to the County Auditor for verification and proceed with submitting to the voters

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

Yes, 7 No, 0

President Arndt: In addition, we have a motion and a second to adopt T 11 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, 7 No, 0

Clerk of Council Norris: T 11 is adopted with the emergency and becomes permanent resolution 1027-2005.

Permanent Resolution No. 1027-2005.

•Second Readings

T 4-2005
AN ORDINANCE APPROVING THE FINAL PLAT OF ISLAND POINT SUBDIVISION FOR RECORDING PURPOSES ONLY.

Second Reading

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

•**Third Readings**

T 146-2004
4098-2005 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 DESIGN, FABRICATION, EQUIPMENT, PROGRAMMING, TESTING, AND START-UP OF THE COMPUTER (SCADA) SYSTEM FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED $100,000.00.
Third Reading
moved by Butkowski, seconded by Olesen to adopt T 146-2004
President Arndt: Is there any discussion? There being none, all in favor signify by yes. All those opposed by no? Any Abstentions?
Yes, 7 No, 0
Clerk of Council Norris: T 146 is adopted and becomes permanent ordinance 4098-2005.
Permanent Ordinance No. 4098-2005

T 147-2004
4099-2005 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 PURCHASE AND INSTALLATION OF AN OIL/WATER SEPARATOR AND ASSOCIATED EQUIPMENT FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED $25,000.00.
Third Reading
moved by Olesen, seconded by Jaenke to adopt T 147-2005
President Arndt: Is there any discussion? There being none, all in favor signify by yes. All those opposed by no? Any Abstentions?
Yes, 7 No, 0
Clerk of Council Norris: T 147 is adopted and becomes permanent ordinance 4099-2005.
Permanent Ordinance No. 4099-2005

T 148-2004
4100-2005 AN ORDINANCE AMENDING NRCO SECTION 1042.05, LIMITATIONS ON WASTEWATER STRENGTH, TO REFLECT NEW OEPA STANDARDS.
Third Reading
moved by Butkowski, seconded by Jaenke to adopt T 148-2005
President Arndt: Is there any discussion? There being none, all in favor signify by yes. All those opposed by no? Any Abstentions?
Yes, 7 No, 0
Clerk of Council Norris: T 148 is adopted and becomes permanent ordinance 4100-2005.
Permanent Ordinance No. 4100-2005

T 155-2004 AN ORDINANCE AMENDING NRCO 3736-2001, APPROVING THE FINAL
4101-2005 PLAT OF PHASE III OF MEADOW LAKES PCD, TO REFLECT A SUBSEQUENT AMENDMENT OF THE FINAL PLAT.
Third Reading
moved by Swindig, seconded by Young to adopt T 155-2005

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

Yes, 7 No, 0

Clerk of Council Norris: T 155 is adopted becoming permanent ordinance 4101-2005.
Permanent Ordinance No. 4102-2005

T 156-2004 AN ORDINANCE ACCEPTING THE FINAL PLAT OF PIONEER RIDGE BY
4102-2005 DEL WEBB, PHASE I, (FORMERLY KNOWN AS WATERFALLS BY WATERBURY) WITHIN WATERBURY PCD.
Third Reading
moved by Olesen, seconded by Swindig adopt T 156

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

Yes, 7 No, 0

Clerk of Council Norris: T 156 is adopted and becomes permanent ordinance 4102-2005.
Permanent Ordinance No. 4102-2005

T 157-2004 AN ORDINANCE APPROVING THE FINAL PLAT OF ASHTON PLACE,
4103-2005 ASHTON PLACE CONDOMINIUM, AND FOUR (4) ADDITIONAL SUBLOTS IN WATERBURY FRONTING SEPARATELY ON TERRELL DRIVE IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.
Third Reading
moved by Olesen, seconded by Jaenke adopt T 157-2005

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

Yes, 7 No, 0

Clerk of Council Norris: T 157 is adopted and becomes permanent ordinance 4103-2005.
Permanent Ordinance No. 4103-2005

OLD BUSINESS:

T 139-2004 AN ORDINANCE RETAINING THE SERVICES OF A CITY PLANNER, NOT TO EXCEED $___________.

President Arndt: The Chair is going to make a motion to amend T 139-2004, not to exceed seven thousand dollars.

Council Member Jaenke: Second

President Arndt: It's been moved and seconded to amend T 139 to read, an ordinance retaining the services of the City Planner, not to exceed seven thousand dollars. Is there any discussion?

Council Member Swindig: Yes, Mr. President. I think we should postpone this until after permanent appropriations.

Council Member Young: Mr. President, I would like to point out the whereas. The whereas, is,

the services of the City Planner are needed to review the Planned Community Development ordinance. I believe that the PCD ordinance has already gone through a rigorous test through each of the committees and through our Law Director and, I believe, another attorney, before it reached Council floor and passed. I believe it is fantastic in its current format and if there are any problems, I believe, that through the collective wisdom of this Council and Administration, we could fix whatever problems that remain within this ordinance. The Law Director, in reviewing the definition of open space, I believe the open spaces in the PCD ordinance is much better. I believe that's the definition we should adopt as the universal definition. At this time of tightening the purse, I feel this is a gross waste of tax payers dollars, especially with the fantastic minds that we have on this Council and in this Administration and to allot seven thousand dollars of the tax payer's monies would be inappropriate. I also believe that we should wait in light of Mr. Swindig's comments. I will be voting no on this issue. Also, just for a point of clarification, is this the second reading, third reading? Once we amend, where does this go?
President Arndt: It will be a first.
Council Member Olesen: Mr. President, granted we all have fantastic minds, but, we had the City Planner attend one of the Building and Lands meetings and provided the members with some insight on problems which affect the City. We definitely need these insights on some of the key issues that are affecting our growth. Thank you.
Council Member Jaenke: There is an issue dealing with open space that our committee had several discussions on. I believe that is part of the reason we felt that he should have a hard look at the open space section of the PCD. Not that we're going to change it, just to get his input. Secondly, there was an idea that our City Planner could assist in some training of the Planning Commission in terms of their responsibilities. We have a lot of new members on Planning and I believe it would benefit the City to have our City Planner participate in some type of training session for the Planning Commission members. It was a dual purpose in terms of the seven thousand dollars.
Council Member Butkowski: I would like to defer to the Auditor to see if there is money allocated in our budget for this.
Auditor Costin: We are currently under temporary appropriations. What we've done until we get through the permanent appropriations, we have certain money sitting in what we call a suspense account. If Council deems necessary to pass various legislation such as this, the money will be available to do so. Once it's passed, when we get the permanent appropriations, obviously this money is set aside and used. This Auditor is not going to hold you back on that topic which is a hot button right now. If Council deems it necessary to move forward with this, then so be it. You will be supported by the Auditor's office.
Mayor Gillock: Mr. President, I concur with Council Member Young to a certain extent. The PCD ordinance was originally written by a Planner at the cost of eight thousand dollars. To spend seven thousand dollars to have another Planner review it, I don't know what kind of work product you're going to get. You can have another Planner review it, and another Planner review. He's made some suggestions which I think Council can handle. If Council wanted to improve it, I think that can be done but, I believe it is a redundant expenditure of funds which we spent once and really don't really need to spend again under the current budget constraints we currently have.
Council Member Buescher: Mr. President, Mr., Hartt, the City Planner we have been using, suggested that the PCD ordinance is a good ordinance if it is carried out properly. He basically

let us all know at a Planning Commission meeting that it is not being carried out properly and particularly with the open space because it is scattered all throughout and it serves no purpose whatsoever. What we need is like what Mr. Jaenke was saying with Planning Commission to get a better understanding of how the PCD works, because it's a very complicated piece of legislation. I'm not so sure we should spend money for a Planner to look at the PCD. I would like to have a Planner that we can consult with some smaller questions. We don't have to spend that much money, but that we can refer to him for questions in certain areas of what we are trying to achieve. I really like the idea of the classes for the Planning Commission Members. That's a very good idea.

Council Member Swindig: I don't disagree that we need a City Planner. I am disagreeing with the fact that we don't have the money. Let's watch our cash flow. We are only in January looking to spend seven thousand dollars that we may need on something down the road. We could use some right now on some road salt for some of these streets. I would rather leave that money untouched until we go into permanent appropriations.

Council Member Olesen: I would make a motion that we postpone and bring this to a vote after appropriations.

Council Member Young: Second. Actually, I'm going to withdraw my second. I'd rather see this die.

Council Member Butkowski: Mr. President, the Planner was at some of the Building and Lands meetings. How was he paid? Was he paid?

President Arndt: Mr. Costin, do you have any insight?

Auditor Costin: I don't recall paying anybody just recently. We did pay, I can't tell you what year it was per the discussion that you had earlier about the eight thousand dollars, that was paid for. In terms of recent meetings, I'm not aware of payment.

Council Member Jaenke: The City Planner attended the Building and Lands meeting for the purpose of Senior Housing and that was his major thrust. I don't believe there was any charge to the City for that service.

Mayor Gillock: We have paid B.B. Hartt some sum of monies so fat. We have paid him to familiarize himself with our PCD ordinance. We paid him to review parts of Meadow Lakes. We did not pay him for the review of the Senior Housing ordinances. As Mr. Jaenke said, he was representing a developer. There have been other bills that we have paid that have been basically based on the two PCD's and came out of those deposits. He doesn't work for free.

Council Member Young: Mr. President, I would like to ask that a City Planner, whether it be D.B. Hartt or somebody else, especially in this time of budget crunch where everybody has made cuts on the administrative level and throughout the administrative level, I ask that D.B.Hartt may find in his graces, or whomever who is familiar with the PCD ordinance because, if you are a City Planner soliciting for bids to be a City Planner with our City, you're probably familiar with the PCD ordinance to possibly just make recommendations pro-bono. That individual would be forever in our good graces.

President Arndt: Thank you, in light of the present discussion, the chair removes its motion. Mr. Jaenke?

Council Member Jaenke: I shall remove my second.

moved by Young, seconded by Butkowski to table T 139

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

Yes, 7 No, 0

UPCOMING MEETING ANNOUNCEMENTS:

Clerk of Council Norris:
Next Regular Council Meeting Monday, February 7, 2005 at 7:30 P.M. in Council Chambers

Public Hearing Monday, February 7, 2005 at 7:20 P.M. regarding T 5-2005, approving the final plat of Subdivision 8 in Phase IV of Meadow Lakes PCD for recording purposes only.

Council Member Olesen: Thank you, Mr. President. I just want to remind everybody in this room, plus those watching on television, that the biggest fund raiser for the Senior Center is the spaghetti dinner. They are having their first one this year on January 28, 2005 from 5:00 P.M. to 7:00 P.M. at the Senior Center. These funds support the senior activities and it's a great evening. The prices are good. It's a lot of fun and fellowship and I urge anyone who hasn't been there to attend.

President Arndt: Are there any other meetings or announcements that Council Members would like to share.

ADJOURN:

moved by Swindig to adjourn.

Meeting adjourned at 9:00 P.M.

MOTION Jaenke 2ND Olesen DATE February 7, 2005

YES 7 NO 0 ABSTAIN 0

PRESIDENT OF COUNCIL DR. RONALD F. ARNDT

CLERK OF COUNCIL CHARLES A. NORRIS