



# CITY OF NORTH RIDGEVILLE LEGISLATIVE BULLETIN

Publication date: 10.17.2016

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The City of North Ridgeville Legislative Bulletin contains Ordinances and Resolutions acted upon by City Council. If noted within Ordinance or Resolution text, supplemental and supporting documents, such as exhibits, are available, upon request, by contacting Tara L. Peet, MMC at the Clerk of Council's office, 7307 Avon Belden Road, North Ridgeville, OH 44039, (440) 353.1508.

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## **ORDINANCE(S)**

### **5403-2016 AN ORDINANCE AMENDING ORDINANCE NO. 5209-2015 TO REMOVE THREE (3) PARCELS DESIGNATED THEREIN FROM THE TAX INCREMENT FINANCING PROGRAM ESTABLISHED BY THAT ORDINANCE**

**WHEREAS**, on March 2, 2015, Council adopted Ordinance No. 5209-2015, which established the funding of public infrastructure improvements described in Exhibit B of that ordinance and which benefit the parcels identified in Exhibit A of that ordinance pursuant to Ohio Revised Code Chapter 5709 through the allocation to the City of payments made in lieu of real taxes due on the increase in the assessed value derived from real property improvements made to those parcels; and

**WHEREAS**, three (3) parcels identified and included in the Tax Increment Financing ("T.I.F.") structure established by Ordinance No. 5209-2015 have been purchased and consolidated by Scannell Development Company, with which the City has entered into an agreement for the T.I.F. funding of public infrastructure improvements directly related and specifically benefiting that Scannell parcel; the Scannell parcel has been assigned parcel number 07-00-046-108-062 by the Lorain County Auditor; and

**WHEREAS**, on October 17, 2016, City Council adopted Ordinance Number 5406-2016, which specifically established a TIF financing program for the funding of public infrastructure improvements benefiting that parcel. Accordingly, the three (3) "parent" parcels which were consolidated to form that sole parcel should be removed from inclusion in the general TIF program previously established by Ordinance No. 5209-2015.

### **NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:**

**SECTION 1.** Exhibit A of Ordinance No. 5209-2015 shall be amended to remove the following three (3) parcel numbers: 07-00-046-108-047, 07-00-046-108-048, and 07-00-046-108-034

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

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**5404-2016 AN ORDINANCE AMENDING ORDINANCE NO. 5316-2016, WHICH APPROVED PROFESSIONAL ARCHITECTURAL SERVICES FOR THE NEW FIRE STATION, BY INCREASING THE AMOUNT FROM \$696,000.00 TO NOT TO EXCEED \$745,000.00 AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Pitts property location upon which the new main fire station was to be built has been revised and an alternate site has been proposed on City-owned land; and

**WHEREAS**, due to the site relocation, additional architectural services, structural engineering and civil engineering services will be needed in order to ensure the proposed site is viable for the fire station improvements.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:**

**SECTION 1.** Ordinance No. 5316-2016 is hereby amended by increasing the amount from \$696,000.00 to not to exceed \$745,000.00.

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to meet the construction timeline. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

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**5407-2016 PID NO. 102554  
PROJECT NAME: BRIDGE INSPECTION PROGRAM SERVICES  
AN ORDINANCE COOPERATING WITH THE DIRECTOR OF THE OHIO  
DEPARTMENT OF TRANSPORTATION TO PERFORM BRIDGE INSPECTIONS.**

**WHEREAS**, it is the opinion of Council and the Administration that it would be beneficial to the City and to the public's welfare and safety to take advantage of a program offered by ODOT to inspect the City's bridges free of charge; and

**WHEREAS**, upon passage of this ordinance, the Clerk of Council shall return two (2) original signature copies to Omar Abu-Hajar, P.E., Local Bridge Program Manager, Ohio Department of Transportation, 3<sup>rd</sup> Floor – Mail Stop 5180, 1980 West Broad Street, Columbus, Ohio 43223.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:**

**5407-2016 (Cont'd)**

**SECTION 1 – Project Description**

The City of North Ridgeville has identified the need for the described project:

*Bridge Inspection Program Services, including, but not limited to bridge load rating calculations, scour assessments, bridge inspections, and fracture critical plan development.*

**SECTION II – Consent Statement**

Being in the public interest, the City of North Ridgeville gives consent to the Director of Transportation to complete the above-described project.

**SECTION III – Cooperation Statement**

The City of North Ridgeville shall cooperate with the Director of Transportation in the above-described project as follows:

*The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).*

*The City agrees to pay 100% of the cost of those features which are not included in Exhibit A.*

**SECTION IV – Utilities and Right-of-Way Statement**

The City of North Ridgeville agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

**SECTION V – Authority to Sign**

The Mayor of said City of North Ridgeville is hereby empowered on behalf of the City of North Ridgeville to enter into contracts with the Director of Transportation necessary to complete the above described project.

**SECTION VI – Legal Requirements**

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION VII – Effective Date**

This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

**5406-2016 (Cont'd)**

**WHEREAS**, Bob Schmitt Homes, Inc. has submitted the final plan and plat to the Planning Commission of North Ridgeville and the Planning Commission gave final approval on the 15th day of August, 2016, for Ridgefield Subdivision Phase No. 13; and

**WHEREAS**, the Engineer of the City of North Ridgeville has reviewed the site plan and plat and finds them in good order and has approved them subject to full compliance with both his recommendations to Planning Commission and applicable City of North Ridgeville Ordinances, and recommends to Council that this phase be approved; and

**WHEREAS**, this Council desires to approve the plat for recording purposes and for compliance with all North Ridgeville Codified Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:**

**SECTION 1.** The Council of the City of North Ridgeville does hereby approve the final plan, including the plat as submitted by Bob Schmitt Homes, Inc. for Ridgefield Subdivision Phase No. 13 for recording purposes.

**SECTION 2.** The City Engineer has reviewed the site plan and plat and he, together with the other necessary City officials, is authorized to approve the necessary plat and documents showing compliance with engineering requirements and applicable North Ridgeville codified Ordinances.

**SECTION 3.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

**SECTION 4.** This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

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**5407-2016 AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43 AND DECLARING AN EMERGENCY.**

**5407-2016 (Cont'd)**

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Ohio Revised Code Section 5709.40) with respect to such parcels of real property located in the City to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, Scannell Development Company (the "Company") is developing Permanent Parcel No. 07-00-046-108-062 located in the City, as depicted in **Exhibit A** hereto, to be used as manufacturing and headquarters facilities for Riddell, Inc., which property had been the site of a shopping center that stood vacant for a number of years until recently substantially demolished (that property, as the parcels therein may be consolidated or subdivided, is hereinafter referred to as the "Property," excluding the portions thereof to be part of public streets and other public improvements otherwise exempt from property taxation for their governmental use); and

WHEREAS, this Council desires to make or cause to be made all or part of the public infrastructure improvements in the City described in **Exhibit B** hereto (the "Public Improvements"), that once made would directly benefit the Property; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code (the "Service Payments") to help pay costs of the Public Improvements; and

WHEREAS, the Boards of Education of the North Ridgeville City School District and the Lorain County Joint Vocational School District have received notice of this Ordinance consistent with Ohio Revised Code Section 5709.83 and the City has previously entered into an agreement with the North Ridgeville City School District with respect to tax exemptions;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of North Ridgeville, Lorain County, Ohio, that:

Section 1. The Public Improvements described in **Exhibit B** hereto intended to be made by or on behalf of or at the request of the City are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Property. This Council hereby determines that the (i) the proposed land acquisition, the remaining demolition on the Property and the provision of private gas and electric service and other privately owned utility service needed for the development of the Property are necessary for economic development purposes, (ii) the proposed storm water and flood remediation projects on the Property are necessary for the public health, safety and welfare and to control flooding in the area and (iii) the Public Improvements are necessary for the development of the Property and for the public health, safety and welfare.

## **5407-2016 (Cont'd)**

Section 2. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, and in particular, Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 25 years and exempt from taxation commencing with tax year 2017 and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of 25 years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount of Service Payments available for and sufficient to pay those costs of the Public Improvements provided in Section 4 hereof.

Section 3. As provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to, and shall make, Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund established in Section 4 hereof. This Council hereby authorizes and directs the Mayor, Auditor, Treasurer and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to carrying out the purposes of this Ordinance, and to make such arrangements as are necessary and proper for payment of the Service Payments. No owner shall, under any circumstances, be required in any tax year to both pay Service Payments with respect to an Improvement and reimburse local taxing authorities for the amount of real property taxes that would have been payable to local taxing authorities had the Improvement not been exempted from taxation pursuant to this Ordinance.

Section 4. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the North Ridgeville Performance Ln TIF Fund, as a public improvement tax increment equivalent fund (the "Fund"), into which shall be deposited all of the Service Payments distributed to the City with respect to the Improvement on the Property, by or on behalf of the County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay trustee and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay costs charged by the issuer of the obligations;

**5407-2016 (Cont'd)**

(iii) to reimburse the City, the State of Ohio or other governmental entity, or a private entity, including the owner or lessee of the Property, under contract with the City, for any funds used to pay costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B), or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments; and

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

Section 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of the Development Services Agency the status report required under Section 5709.40 of the Ohio Revised Code.

Section 6. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 7. This Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity due to the time constraints of getting this done before the holidays. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

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**RESOLUTION(S)**

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**CITY COUNCIL MEETING DATES FOR 2016**

January 4, 2016	January 19, 2016	February 1, 2016
February 16, 2016	March 7, 2016	March 21, 2016
April 4, 2016	April 18, 2016	May 2, 2016
May 16, 2016	June 6, 2016	June 20, 2016
July 5, 2016	July 18, 2016	August 1, 2016
August 15, 2016	September 6, 2016	September 19, 2016
October 3, 2016	October 17, 2016	November 7, 2016
November 21, 2016	December 5, 2016	December 19, 2016