



## CITY OF NORTH RIDGEVILLE LEGISLATIVE BULLETIN

Publication date: 05.16.2016

---

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.

---

### ORDINANCE(S)

**5361-2016 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,900,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING LEAR NAGLE ROAD, LORAIN ROAD, CHESTNUT RIDGE ROAD AND COOK ROAD BETWEEN CERTAIN TERMINI BY WIDENING, GRADING, DRAINING, CURBING, CONSTRUCTING AND RECONSTRUCTING THE PAVEMENT BASE, SIDEWALKS, DRIVEWAY APPROACHES, STORM SEWERS AND REQUIRED STORM WATER QUALITY STRUCTURES, WATER MAINS, RETAINING WALLS AND CULVERTS ACROSS MILLS CREEK AND ROBINSON DITCH, WHERE NECESSARY, SURFACING AND RESURFACING AND ACQUIRING AND INSTALLING STREET LIGHTING AND TRAFFIC CONTROL SIGNALS AND SIGNAGE, IN EACH CASE TOGETHER WITH NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND ACQUIRING REAL ESTATE AND INTERESTS THEREIN IN CONNECTION THEREWITH AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Auditor, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of each class of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty months;

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

**SECTION 1.** It is necessary to issue bonds of this City in the aggregate principal amount of \$2,900,000 (the Bonds) to provide funds to pay costs of improving Lear Nagle Road, Lorain Road, Chestnut Ridge Road and Cook Road between certain termini by widening, grading, draining, curbing, constructing and reconstructing the pavement base, sidewalks, driveway approaches, storm sewers and required storm water quality structures, water mains, retaining walls and culverts across Mills Creek and Robinson Ditch, where necessary, surfacing and resurfacing and acquiring and installing street lighting and traffic control signals

## **5361-2016 Continued**

and signage, in each case together with necessary appurtenances and work incidental thereto, and acquiring real estate and interests therein in connection therewith.

**SECTION 2.** The Bonds shall be dated approximately June 1, 2017, shall bear interest at the now estimated rate of 5% per year, payable semi-annually until the principal amount is paid, and are estimated to mature in twenty annual principal installments that are substantially equal. The first installment of principal of the Bonds is estimated to be payable on December 1, 2018, and the first installment of interest on the Bonds is estimated to be payable on December 1, 2017.

**SECTION 3.** It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$2,900,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated as of the date of issuance, and shall mature one year from the date of issuance; provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a different maturity date for the Notes that is up to seven days earlier than one year from the date of issuance, by setting forth that maturity date in a certificate awarding the sale of the Notes in accordance with Section 6 of this ordinance (the Certificate of Award). The Notes shall bear interest at a rate or rates not to exceed 3% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. Subject to the limitation set forth in this Section, the rate or rates of interest on the Notes shall be determined by the Auditor in the Certificate of Award.

**SECTION 4.** The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the City's paying agent, at the designated corporate trust office of Zions Bank, a Division of ZB, National Association, or at the principal office of a bank or trust company requested by the original purchaser of the Notes, provided that such request shall be approved by the Auditor after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Auditor is authorized to enter into any agreements determined necessary in connection with obtaining the services of a paying agent for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

**SECTION 5.** The Notes shall be signed by the Mayor and the Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, provided that no Note of the issue shall be issued in a denomination less than \$100,000 or be exchangeable for other Notes in denominations less than \$100,000; and provided further that the entire principal amount may be represented by a single note. The Notes may be issued as fully registered securities (for which the Auditor will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code, with a single physical note certificate representing the entire issue (or the consolidated issue into which it is combined with one or more other note issues of the City in accordance with Section 6 of this ordinance), if it is determined by the Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary

## 5361-2016 Continued

terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code and this ordinance. As used in this section and this ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes (book entry interests) may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes deposited with and retained in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and deposited with and retained in the custody of the Depository or its agent for that purpose; (ii) the owners of book entry interests shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of book entry interests shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Auditor does not or is unable to do so, the Auditor, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

**SECTION 6.** The Notes shall be sold by the Mayor and the Auditor to KeyBanc Capital Markets Inc., Cleveland, Ohio, at private sale at a purchase price not less than par and any accrued interest in accordance

## 5361-2016 Continued

with law and the provisions of this ordinance and the Certificate of Award referred to in Section 3. The Mayor and the Auditor are authorized, if they determine it to be in the best interest of the City, to combine the Notes with one or more other unvoted general obligation bond anticipation note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code; provided that no note of that issue shall be issued in a denomination less than \$100,000 or be exchangeable for other notes in denominations less than \$100,000. If the Notes are combined with one or more other such note issues of the City into a consolidated note issue, a single Certificate of Award.

The Auditor shall sign the Certificate of Award specifying the interest rate or rates the Notes shall bear, the final purchase price of the Notes and certain other final terms of the Notes and evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price.

The Mayor, the Auditor, the Treasurer, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance.

**SECTION 7.** The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The expenditure of those proceeds for the purpose set forth in Section 1, including, without limitation, for the payment of financing costs as defined in Section 133.01 of the Revised Code, is hereby authorized and approved. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

**SECTION 8.** The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**SECTION 9.** During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

**SECTION 10.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds the interest on which is excluded from

## 5361-2016 Continued

gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Auditor, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

**SECTION 11.** If in his judgment it is appropriate, the Auditor is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or Standard & Poor's Ratings Services, or both, as he determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund or the Street Levy Fund.

**SECTION 12.** The legal services of the law firm of Squire Patton Boggs (US) LLP be and are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and rendering at delivery a related legal opinion, all as set forth in the form of the engagement letter dated as of May 16, 2016, now on file in the office of the Clerk of Council. In providing those legal services, as an

**5361-2016 Continued**

independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Law is authorized and directed to sign and deliver the engagement letter, and the Auditor is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

**SECTION 13.** The Clerk of Council is directed to deliver a certified copy of this ordinance to the Lorain County Auditor.

**SECTION 14.** This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City of North Ridgeville have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

**SECTION 15.** As used in this ordinance, “Auditor” shall mean the person at the time performing the duties of the chief fiscal officer of the City; “Mayor” shall mean the person at the time performing the duties of the chief executive officer of the City; and “Director of Law” shall mean the person at the time performing the duties of the chief legal officer of the City.

**SECTION 16.** 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 of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

**SECTION 17.** This Ordinance is hereby declared to be an emergency measure, the emergency being for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely carry out its obligations under contracts for the improvements described in Section 1, which are urgently needed to enable the City to provide for the safe and efficient flow of traffic in the city and eliminate potential hazards to pedestrian, bicycle and vehicular traffic. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

---

**5362-2016      AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH FRANK WEBER FOR PROFESSIONAL ARCHITECTURAL SERVICES AND DECLARING AN EMERGENCY.**

**5362-2016 Continued**

**WHEREAS**, since the Assistant Building Official resigned her full-time position, the City of North Ridgeville needs to retain the services of a professional architect for plan examination services; and

**WHEREAS**, Frank Weber of Frank Weber Architect, LLC has provided similar services to the City in the past and is familiar with the City; and

**WHEREAS**, the City would like to retain Frank Weber as an outside contractor at an hourly rate of \$60.00 for commercial, business and industrial plan examination services, as required by the Ohio Building Code.

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

**SECTION 1.** The Mayor is hereby authorized to enter into an agreement with Frank Weber of Frank Weber Architect, LLC as an outside contractor for commercial, business and industrial plan examination services at an hourly rate of \$60.00.

**SECTION 2.** The fees paid to Mr. Weber shall be paid from the appropriate fund. Said sum shall be dispersed in accordance with the procedure established by the Auditor’s office.

**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 is hereby declared to be an emergency measure, the emergency being the need to continue moving plan review along. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

---

**5363-2016      AN ORDINANCE AMENDING N.R.C.O. CHAPTER 1444, BUILDING PERMITS AND FEES, BY INCREASING THE FEES CHARGED FOR THE EXAMINATION OF PLANS FOR BUSINESS, COMMERCIAL OR INDUSTRIAL BUILDINGS AND DECLARING AN EMERGENCY.**

**WHEREAS**, plan examination fees for all business, commercial and industrial buildings need to be increased in order to offset the cost of having an outside professional architect review plans; and

**WHEREAS**, certain fees as listed below and currently contained in N.R.C.O. Section 1444.04(a) need to be increased:

- (a)                    Commercial – New Buildings.
- (1)                    Building fee ..... \$600.00, plus \$5.00 per 100 square feet.
- (2)                    Plan approval fee ..... \$350.00, plus \$5.00 per 100 square feet.

**5363-2016 Continued**

**WHEREAS**, certain fees as listed below and currently contained in N.R.C.O. Section 1444.04(b) need to be increased:

- (b) Commercial – Addition/Alteration.
- (1) Addition – building fee ..... \$350.00, plus \$5.00 per 100 square feet.
- (2) Alteration – building fee ..... \$350.00, plus \$5.00 per 100 square feet.
- (3) Plan approval fee ..... \$350.00, plus \$5.00 per 100 square feet.

**WHEREAS**, a certain fee as stated below and currently contained in of N.R.C.O. Section 1444.05(a) *Plan Approval Fees* needs to be increased:

(a) A plan approval fee of three hundred fifty dollars (\$350.00), plus five dollars (\$5.00) per 100 square feet of floor area (new work or renovation), shall be charged for the examination of plans for all business, commercial or industrial buildings, including, but not limited to, apartment houses, places of assembly and business, industrial, commercial and institutional buildings. This fee shall be paid at the submission of application & plans for plan approval.

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

**SECTION 1.** N.R.C.O. Section 1444.04(a) *Business, Industrial and Commercial Uses* is hereby amended by increasing certain fees as follows:

- (a) Commercial – New Buildings.
- (1) Building fee ..... \$600.00, plus \$7.00 per 100 square feet.
- (2) Plan approval fee ..... \$350.00, plus \$7.00 per 100 square feet.

**SECTION 2.** N.R.C.O. Section 1444.04(b) *Business, Industrial and Commercial Uses* is hereby amended by increasing certain fees as follows:

- (b) Commercial – Addition/Alteration.
- (1) Addition – building fee ..... \$350.00, plus \$7.00 per 100 square feet.
- (2) Alteration – building fee ..... \$350.00, plus \$7.00 per 100 square feet.
- (3) Plan approval fee ..... \$350.00, plus \$7.00 per 100 square feet.

**SECTION 3.** N.R.C.O. Section 1444.05(a) *Plan Approval Fees* is hereby amended by increasing a certain fee contained therein and will read as follows:

(a) A plan approval fee of three hundred fifty dollars (\$350.00), plus seven dollars (\$7.00) per 100 square feet of floor area (new work or renovation), shall be charged for the examination of plans for all business, commercial or industrial buildings, including, but not limited to, apartment houses, places of assembly and business, industrial, commercial and institutional buildings. This fee shall be paid at the submission of application & plans for plan approval.

**5363-2016 Continued**

**SECTION 4.** 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 5.** This Ordinance is hereby declared to be an emergency measure, the emergency being for the need to continue building projects within the City. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

---

**5364-2016      AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL  
PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT  
TO O.R.C. SECTION 721.15(D).**

**WHEREAS,** the City of North Ridgeville, pursuant to O.R.C. §721.15(D), may sell certain personal property by Internet auction; and

**WHEREAS,** North Ridgeville City Ordinance No. 4177-2005 and amending Ordinance No. 4711-09 permit the sale of City-owned personal property via Internet auction; and

**WHEREAS,** the 2007 Ford Taurus (VIN # 1FAFP53U87A170330), which has been taken out of service due to rust issues, may be valued in excess of \$1,000.00, therefore the sale of the asset must be approved by Council; and

**WHEREAS,** the cost to repair the Ford Taurus exceeds its value.

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

**SECTION 1.** City Council finds that the 2007 Ford Taurus (VIN # 1FAFP53U87A170330) no longer serves a municipal purpose, and hereby approves the sale of the Ford Taurus via Internet auction.

**SECTION 2.** Proceeds from the sale of the 2007 Ford Taurus (VIN # 1FAFP53U87A170330) shall be deposited into the appropriate City fund(s).

**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.

---

**5365-2016 AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$50,020.00 FOR THE ACQUISITION OF REAL PROPERTY INTERESTS NECESSARY FOR THE WIDENING AND IMPROVEMENT OF LEAR NAGLE ROAD AND DECLARING AN EMERGENCY.**

**WHEREAS**, on March 16, 2015, City Council adopted Ordinance No. 5215-2015, giving the City Law Director the authority to file a Complaint for Appropriation in order to acquire property interests from Hurricane Laser Wash, LLC, on lands identified as parcel no. 07-00-004-109-025 in the County records, said interests being necessary for the Lear Nagle public road project; and

**WHEREAS**, on March 27, 2015, a Complaint for Appropriation was filed in the Lorain County Court of Common Pleas, Probate Division, bearing Case No. 2015 PC 00041, against Defendant Hurricane Laser Wash, LLC, through which the City obtained possession of the necessary property interests, and concurrently deposited with the Court the State of Ohio contracted appraiser's determination of the compensation due in the amount of \$24,980.00; and

**WHEREAS**, Hurricane Laser Wash, LLC, through retained legal counsel, filed its Answer to the City's Petition for Appropriation on May 5, 2015, contesting the appropriation as well as the amount of the declared value of the compensation to be delivered for the same, and the matter proceeded through a course of litigation and was scheduled for trial before jury; and

**WHEREAS**, the land owner/defendant obtained a professional appraisal report in anticipation of trial which concluded that the compensation due the owner for the decrease in value of the parcel caused by the acquisition of the necessary interests to be \$284,500.00; and

**WHEREAS**, prior to trial, at the statutorily required mediation of the case conducted at the Lorain County Common Pleas Court Mediation Department, the parties reached the tentative settlement of the appropriation action by terms which include the payment by the City of the total amount of \$75,000.00 as compensation due the owner for the land interests acquired. In order to consummate that settlement, the City must deliver to the Clerk of Courts of the Lorain County Probate Court the additional amount of \$50,020.00.

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

**SECTION 1.** The Mayor is hereby authorized to execute a settlement agreement resolving the pending litigation and requiring the additional payment, and the City Auditor's Office is authorized to issue and deliver funds in the amount of \$50,020.00 to the Lorain County Probate Court for the additional and final compensation due the owner of the above described parcel for the real property interests acquired by necessity for the road project.

**SECTION 2.** Funds paid for this case settlement shall be charged to and paid from the appropriate fund.

**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

**5365-2016 Continued**

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 is hereby declared to be an emergency measure, the emergency being for the health, safety and welfare of the residents and in order to meet the time sensitive deadlines. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

---

**5366-2016      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 SUBBASINS 5, 6, 7 AND 8 SANITARY SEWER REHABILITATION PROJECT AND OTHER APPURTENANCES, NOT TO EXCEED \$150,000.00 AND DECLARING AN EMERGENCY.**

**WHEREAS,** a City-wide flow monitoring study in 2005 identified the need for sanitary sewer repair and rehabilitation in 14 subbasins in the City; and

**WHEREAS,** as a result of dye testing and televising of the sanitary sewer system in Subbasins 5, 6, 7 and 8 performed in 2015, sewer repair and rehabilitation areas were identified; and

**WHEREAS,** bidding documents for the construction of the sanitary sewer repairs and rehabilitation for Subbasins 5, 6, 7 and 8 are available in the Engineering Department for this project; and

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

**SECTION 1.** The Mayor of the City of North Ridgeville, Ohio, is hereby authorized 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 Subbasins 5, 6, 7 and 8 Sanitary Sewer Rehabilitation Project and other appurtenances in an amount not to exceed \$150,000.00.

**SECTION 2.** The cost for said project shall be paid from the appropriate fund.

**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.

**5366-2016 Continued**

**SECTION 4.** This Ordinance is hereby declared to be an emergency measure, the emergency for the health, safety and welfare of the residents. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

---

**5367-2016 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO REZONE THE FOLLOWING LAND: LOCATED AT 36068 LORAIN ROAD; PERMANENT PARCEL NUMBER 07-00-025-106-060; FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY TIMOTHY TESMER.**

**WHEREAS,** by the present official zoning map and zoning Ordinance of the City of North Ridgeville, County of Lorain and State of Ohio, the following described land is situated in a R-1 Residence District;

**WHEREAS,** the parcel described in the attached **Exhibit “A”** is owned by Timothy Tesmer under the Guardianship of Michael Tully; and

**WHEREAS,** in the opinion of City Council, and upon the recommendation of the North Ridgeville Planning Commission, it would be conducive to the public welfare and safety and not detrimental to the community to have said real estate parcel rezoned from R-1 Residence District to B-3 Highway Commercial District.

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

**SECTION 1.** That Section 1240.01 of the Codified Ordinances of the City of North Ridgeville, Ohio, being the zoning Ordinances of said City, and the official zoning map appended thereto in Sections 1248.01 and 1248.02, be and the same is hereby amended so as to provide that from and after the effective date of this Ordinance, the following described land, located at 36068 Lorain Road; Permanent Parcel Number 07-00-025-106-060, shall be and hereby is changed from R-1 Residence District to B-3 Highway Commercial District owned by Timothy Tesmer and under the Guardianship of Michael Tully and more particularly described in the attached **Exhibit “A”**.

**SECTION 2.** That upon the effective date of this Ordinance, the Chief Building Official shall cause the official zoning map to be changed and corrected so as to show the B-3 Highway Commercial District created.

**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 Section 121.22 of the Ohio Revised Code.

**5367-2016 Continued**

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

---

**5368-2016 AN ORDINANCE AMENDING N.R.C.O. CHAPTER 1056 CONSTRUCTION SITE SOIL EROSION, SEDIMENT, STORM WATER RUNOFF AND STORM WATER QUALITY CONTROLS AND REGULATIONS BY INCLUDING THE NEW REQUIREMENTS CONTAINED IN THE OHIO EPA PERMIT REVISED SEPTEMBER 11, 2014.**

**WHEREAS**, Chapter 1056 *Construction Site Soil Erosion, Sediment, Storm Water Runoff and Storm Water Quality Control and Regulations* was created in part to comply with the rules of the Federal Water Pollution Control Act, the Ohio Water Pollution Control Act and the Ohio Environmental Protection Agency in order to protect the quality of the waters of the state;

**WHEREAS**, the Ohio Environmental Protection Agency has renewed the general permit OHC000003 “Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System” dated September 11, 2014;

**WHEREAS**, the Ohio Environmental Protection Agency is requiring that the City update its Chapter 1056 *Construction Site Soil Erosion, Sediment, Storm Water Runoff and Storm Water Quality Control and Regulations* to meet or exceed the new regulations in the Ohio Environmental Protection Agency renewal permit dated September 11, 2014;

**WHEREAS**, it is the desire of City Council and the Administration to update the codified Ordinances to meet or exceed the new requirements of the Ohio Environmental Protection Agency renewal general permit OHC000003;

**WHEREAS**, the current wording of N.R.C.O. Section 1056.01 *Purpose* reads as follows:

(a) The intent of this Chapter is to comply with the requirements of the Ohio Environmental Protection Agency (EPA) Permit No. OHQ000003: Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Storm Water Under the National Pollutant Discharge Elimination System (NPDES) by establishing standards to achieve a level of soil erosion and storm water control that will minimize and abate degradation of land and water resources and damage to public and private property resulting from earth disturbing activities involving one (1) acre or more. Reduction of storm water discharges from construction activity disturbing less than one (1) acre must be considered if that construction activity is part of a larger common plan of development or sale that would disturb one (1) acre or more. In addition this regulation further intends to:

(1) Assure that those involved in earth-disturbing activities minimize both soil erosion and the volume and rate of storm water runoff from their sites.

**5368-2016 Continued**

- (2) Assure that storm water controls are incorporated into site planning and design at the earliest possible stage and that all storm water management practices are properly designed, constructed, and maintained.
- (3) Prevent unnecessary stripping of vegetation and loss of soil and to promptly revegetate and stabilize the site following earth disturbing activities.
- (4) Encourage the construction of storm water management practices that serve multiple purposes such as flood control, erosion control, water quality protection, recreation, and habitat preservation.

**WHEREAS**, the current wording of N.R.C.O. Section 1056.05(c) reads as follows:

(c) Stream and Wetland Riparian Buffers. The site owner and/or applicant shall leave a riparian buffer on sides of and/or surrounding surface waters of the state, except for crossings and other riparian area impacts approved by the City Engineer. Buffer area shall equal all identified FEMA floodways and floodplains or revised floodplain via FEMA unless otherwise approved by the City Engineer. Buffer areas shall be maintained as identified in Section [1028.05](#)(c) for minor and major ditch setbacks.

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

**SECTION 1.** N.R.C.O. Section 1056.01 *Purpose* is hereby amended and will read as follows:

(a) The intent of this Chapter is to comply with the requirements of the Ohio Environmental Protection Agency (EPA) Permit No. OHQ000003 dated September 11, 2014: Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Storm Water Under the National Pollutant Discharge Elimination System (NPDES) by establishing standards to achieve a level of soil erosion and sediment control and storm water quality protection that will minimize and abate degradation of land and water resources and damage to public and private property resulting from earth disturbing activities involving one (1) acre or more. Reduction of storm water discharges from construction activity disturbing less than one (1) acre must be considered if that construction activity is part of a larger common plan. In addition this regulation further intends to:

- (1) Assure that those involved in earth-disturbing activities minimize both soil erosion and the volume and rate of storm water runoff from their sites.
- (2) Assure that storm water controls are incorporated into site planning and design at the earliest possible stage and that all storm water management practices are properly designed, constructed, and maintained.
- (3) Prevent unnecessary stripping of vegetation and loss of soil and to promptly revegetate and stabilize the site following earth disturbing activities.
- (4) Encourage the construction of storm water management practices that serve multiple purposes such as flood control, erosion control, water quality protection, recreation, and habitat preservation.

**5368-2016 Continued**

**SECTION 2.** N.R.C.O. Section 1056.05(c) Stream and Wetland Riparian Buffers is hereby amended by adding the following language at the end of the paragraph:

“The riparian buffer shall be marked in the field with orange construction fencing by the construction site operator prior to any earth disturbing activities.”

**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.

---

**5369-2016      AN ORDINANCE AMENDING N.R.C.O. CHAPTER 660 SAFETY, SANITATION AND HEALTH BY ALLOWING CERTAIN TYPES OF NON-STORM WATER DISCHARGES TO THE SURFACE WATERS OF THE STATE.**

**WHEREAS,** N.R.C.O Chapter 660 *Safety, Sanitation and Health* prohibits the discharge of certain substances into the storm sewers and ditches within the City; and

**WHEREAS,** the Ohio Environmental Protection Agency recommends that certain non-storm water discharges to the waters of the state be allowed; and

**WHEREAS,** the Ohio Environmental Protection Agency general permit OHQ000003 Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Storm Water Under the National Pollutant Discharge Elimination System dated September 11, 2014, authorizes certain non-storm water discharges to the waters of the state and recommends that municipalities adopt the same authorizations; and

**WHEREAS,** it is the desire of City Council and the Administration to update the codified Ordinances to meet the recommendations of the Ohio Environmental Protection Agency; and

**WHEREAS,** the current wording of N.R.C.O. Section 660.18 *Dumping into Storm Sewers and Ditches* reads as follows:

(a) No person shall discharge of any of the following substances into the storm sewers and ditches within the City:

- (1) Any garbage, solid wastes and residue from the preparation, cooking and dispensing of food and from the handling, storage, processing and sale of food products and produce;
- (2) Flammable or explosive liquids, solids or gases;

**5369-2016 Continued**

(3) Solid or viscous substances in quantities capable of causing obstruction to the flow of the storm sewers and ditches. Such substances include, but are not limited to, grass clippings, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, hair, animal wastes, parts or bodies of animals, lime slurry, lime residue, paint residues, fiber, glass or bulk solids.

(4) Any noxious or malodorous substances which can form a gas, which, singly or by interaction with other wastes, is capable of causing objectionable odors or hazards to health, life or property;

(5) Any water or waste which contains wax, acids, grease, oil or plastic;

(6) Any hazardous materials or toxic substances as defined by EPA standards.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section [698.02](#).

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

**SECTION 1.** N.R.C.O. Section 660.18 *Dumping Into Storm Sewers and Ditches* is hereby amended by replacing it with the following language:

(a) No person shall discharge of any of the following substances into the storm sewers and ditches within the City:

(1) Any garbage, solid wastes and residue from the preparation, cooking and dispensing of food and from the handling, storage, processing and sale of food products and produce;

(2) Flammable or explosive liquids, solids or gases;

(3) Solid or viscous substances in quantities capable of causing obstruction to the flow of the storm sewers and ditches. Such substances include, but are not limited to, grass clippings, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, hair, animal wastes, parts or bodies of animals, lime slurry, lime residue, paint residues, fiber, glass or bulk solids.

(4) Any noxious or malodorous substances which can form a gas, which, singly or by interaction with other wastes, is capable of causing objectionable odors or hazards to health, life or property;

(5) Any water or waste which contains wax, acids, grease, oil or plastic;

(6) Any hazardous materials or toxic substances as defined by EPA standards.

(b) The following are types of authorized discharges provided that Ohio EPA has not determined and notified the City in writing that these sources are substantial contributors of pollutants to the City's municipal separate storm sewer system: waterline flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensate, irrigation water, springs, water from crawl space pumps, lawn

**5369-2016 Continued**

watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and discharges or flows from fire-fighting activities.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section [698.02](#).

**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 §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.

---

**RESOLUTION(S)**

**None**

---

**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

[www.nridgeville.org](http://www.nridgeville.org)