

**NORTH RIDGEVILLE CITY COUNCIL
MEETING MINUTES
OCTOBER 2, 2017**

CALL TO ORDER: 7:30 P.M.

President Corcoran: Calling to order the Monday, October 2, 2017 Council meeting.

INVOCATION:

Led by President Corcoran.

PLEDGE OF ALLEGIANCE:

Led by President Corcoran.

ROLL CALL:

Present were Council members Dennis Boose, Bruce Abens, Bernadine Butkowski, Gregg Westover, Roseanne Johnson, Robert Chapek and President Kevin Corcoran.

Also present was Mayor G. David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, Auditor Jeffrey Wilcheck, City Engineer Daniel Rodriguez and Clerk of Council Tara Peet.

MINUTES - Corrections (if any) and approval:

President Corcoran: You have before you the public hearing minutes of September 18, 2017 regarding Danbury. Are there any objections or corrections to approving those minutes? Seeing none, those minutes are approved. You also have the City Council meeting minutes of September 18, 2017. Are there any objections or corrections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note we received the Civil Service Commission minutes of September 19, 2017, the Finance Committee minutes of September 18, 2017, the Parks and Recreation Commission minutes of August 23, 2017, the Planning Commission minutes of September 12, 2017 and the Special Planning Commission minutes of September 21, 2017.

LOBBY:

Moved by President Corcoran and seconded by Boose to bifurcate the lobby session.

President Corcoran: Are there any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

We are going to have two lobby sessions this evening. The first session will be for items that are on the agenda. The second will be for anything you would like to address with Council in general. If you would like to speak, please step up to the podium. Make certain you complete a lobby sheet in the back of the room if you choose to speak. You will be given three minutes to speak. Would anybody like to speak?

Mike Babet, 38601 Sugar Ridge Road: stated he is the acting chairperson of “Ridgeville Residence Committee”. He further stated it was formed to bridge the gap between the City and residents. He noted they have received several signatures in opposition of the rezoning on Sugar Ridge and Bender Road.

President Corcoran: Ms. Pawlicki.

Karen Pawlicki, 36390 Chestnut Ridge Road: stated she didn’t feel they were being represented by Council. Ms. Pawlicki stated she was in opposition of the rezoning on Sugar Ridge and Bender.

Moved by Boose and seconded by Westover to allow up to an additional three minutes to speak.

President Corcoran: All those in favor say yes. Those opposed say no.
Yes – 7 No – 0

Mr. Pawlicki also noted that Mr. Graham has other structures that are vacant.

President Corcoran: Mr. Smith.

Geoff Smith, 124 Middle Avenue, Elyria, OH: stated the Master Plan shows the parcel as R-1 and it should stay that way. He stated he felt the application to rezone needed denied.

President Corcoran: Ms. Hung.

Michelle Hung, 37037 Chaddwyck Lane: stated the Master Plan needs to be followed and is in opposition of the rezone.

President Corcoran: Ms. Towarnicke.

Delilah Towarnicke, 8868 Belton Drive: stated she is concerned with the increase in traffic if the property is rezoned. She also added she is concerned for the possible pollution a business could bring.

President Corcoran: Anybody else wish to speak this evening?

Jon Tipple, 36655 Chestnut Ridge Road: stated an article in the Chronicle says the City has twelve hundred industrial acres and felt the City does not need this additional thirty. He is opposed to the rezone petition.

President Corcoran: Anybody else wish to speak this evening?

Jacqueline Roman, 38360 Kingsbury Drive: stated she is proud of living in North Ridgeville and

asked Council to consider all of their options before approving the rezone petition.

President Corcoran: Anybody else wish to speak this evening?

Jack Babet, 38601 Sugar Ridge Road: stated he has many childhood memories riding his four-wheeler through North Ridgeville. He was in opposition of the rezone.

Kim Stermole, 37872 Sugar Ridge Road: stated she was in opposition of the rezone and reminded Council that the resident's need their vote like Council will need the resident's votes.

President Corcoran: Is there anybody else? Mr. Babet, did you have something different to say? The rules are, just so you all know, you cannot speak on the same subject you spoke on previously.

Mr. Babet asked for a show of hands from the audience for those that were in opposition of the rezone petition. He stated he believed eighty people were in attendance.

President Corcoran: Anyone else? We are moving on to Administrator's reports. Mr. Mayor, you are up first.

ADMINISTRATORS REPORTS:

A. Mayor: Thank you Mr. President. Before I begin my report, I just want to thank all of you and let you know I really respect what you are doing regardless of the outcome, you come here, you are sincere, you have been respectful and I appreciate your being here. As I said, being respectful and expressing your opinions. You are a great bunch of people. I'm proud of you.

I would like to start by introducing Daniel Rodriguez who's here with us this evening. I am requesting City Council approve the appointment of Mr. Rodriguez as City Engineer who is direly needed. Dan has fourteen years of engineering experience working for the county and the City of Lorain where he was Deputy Engineer. With his experience, I am confident he will serve our community well.

Moved by Mayor Gillock and seconded by President Corcoran to approve the appointment of Daniel Rodriguez as City Engineer.

President Corcoran: Are there any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: Congratulations Mr. Rodriguez.

City Engineer Daniel Rodriguez: I'm glad to be here and I cannot wait to get on the ground and get running here. Thank you very much for the opportunity.

Moved by Mayor Gillock and seconded by Westover to suspend the By-laws and add T 78-2017 to the agenda under first readings.

Mayor Gillock: This is an Ordinance regarding compensation for military leave.

Clerk of Council Peet: President Corcoran, that should be placed under second readings as it had a first reading the evening it was introduced.

President Corcoran: It goes under second readings.

Mayor Gillock: I will amend that to read under second readings.

President Corcoran: Are there any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

Mayor Gillock: I have several invitations to extend to our community this evening. Let's start with The Ribbon Cutting Ceremony at the Roundabout at Route 83 and Mills Road. The ribbon cutting will take place tomorrow, Tuesday October 3, at 4:00 p.m. at the roundabout. A reception will follow the ceremony at Bistro 83 for complimentary refreshments and hors d'oeuvres. This event is being graciously funded by American StructurePoint who is responsible for the design of the roundabout. The intersection will reopen on Wednesday to thru traffic. KMU Trucking and Excavating has done an outstanding job staying on schedule with this project. There is one disclaimer – the street lights that we need to have put up we learned will not even be shipped until October 10th. We don't know how long they will take to get here - what might need to be done to them when they get here and how long it will take to put them up. We didn't want to keep the intersection closed for another month waiting on these poles. We are going to open it. When they get here, we are going to have to figure out a way to get those up. We may have to close Mills westbound for a little bit, but we will work through it and we will get them up. We wanted to get it open. Thank you for your patience and it will be a great improvement.

I also want to point out that we have information available on our website on how to drive a roundabout. There is a simple one page handout with step-by-step instructions. Don't read this while you are in the car. There are also a couple of educational videos. You can find this information on the Engineering Department's webpage. This handout is also available at City Hall in our hall rack.

This Saturday, October 7 is a busy day with lots of fun activities for families. Start your day out at the fire department's annual Health & Safety Fair at fire station #1 on Avon Belden Road from 10:00 a.m. to 2:00 p.m. This is a free event with information tables related to healthy living and fire safety, giveaways, entertainment for the kids including a bounce house, Kasey the Fire & Life Safety Dog Show, fire prevention magic show and much more. You'll find the complete list of activities and schedule on our City's website.

Also on Saturday, our Parks & Recreation Department will be holding their annual FallFest at South Central Park from 4:00 p.m. to 6:00 p.m. This is a free event where families will experience fun games, food vendors, face and pumpkin painting, straw fights and hay rides. Please pre-register at Parks & Recreation to ensure there are enough pumpkins to go around.

While we are on the subject of FallFest, the Lions Club will also be sponsoring their annual Spookville at South Central Park this Friday, October 6 & Saturday, October 7 from 6:00 p.m. to 9:00 p.m. Families are invited to walk through the park, also known as the frightful forest. This can be enjoyed by children of all ages. Cost to attend is \$2 per person, children three and under are free. Non-perishable food items will also be collected to help benefit North Ridgeville Community Care. That concludes my report.

President Corcoran: Thank you Mayor. Mr. Safety-Service Director.

B. Safety-Service Director: With regards to the roundabout since we don't have the lights, please at night follow the signs. You have to go right and around the circle. When you do enter it, it is 45 on our side. You are not going to be able to make the roundabout at 45 so you need to slow down. It is not a racetrack. It is something that we need to mind and be careful of and how you drive through it. Be mindful of people that are entering on either side of it too because these are all over the country. This is our first in Lorain County. We know and hope that it is, well, I hope, it is certainly going to be successful and I think it will be. It really is a gem. If you haven't seen it and you see all the landscaping that Willoway Nursery has placed in it, and maintain it for the next five years – they really stepped up to the plate to make not only North Ridgeville proud, but Avon proud.

Secondly, we had a business owner that was here last Council meeting and reported he was a little bit concerned that our time that in the break-in. I want to report back to City Council in the incident report about our response times regarding break-in's – we don't necessarily, in fact, we almost never turn lights and sirens on. We actually are there very quickly and in this case, they were there in seven minutes. The dogs are on scene, possibly about another three or four minutes beyond that to see what they can catch. The owner did show up a few minutes later. It is interesting to know is he is very satisfied with the response time of seven minutes, but if there is a break-in, we don't tell the robbers or tell the people that are breaking in, we are on our way. We actually stealthily come in and we are a very safe community and I am very proud of the fact that they were able to respond within seven minutes of that call. That completes my report. Thank you.

President Corcoran: Mr. Engineer.

C. Engineer: Thank you. I did not have a formal report today as this is my first day on the job. I've been learning a lot today. Glad, again, to be here. Thank you guys for the opportunity. I will definitely have a report for the next meeting.

President Corcoran: Thank you. Mr. Auditor.

D. Auditor: Thank you. Late last week I received an email notifying me that the 2016 audit has been finalized and has been posted to the City's website. Along with the auditor report was a management letter and I am happy to report there were no material comments in the management letter. However, there are a few minor items that the Administration will have to address and we will address those with the Finance Committee in the future.

Second item for tonight, I'm working on dates for budget hearings and the budget meetings and present presentation to Council for getting the budget done this fall instead of in the first few months of next year. Those dates will be sent out in an email shortly as soon as I get a few more things worked out. That concludes my report.

E. Other Reports: President Corcoran: We have the August 2017 Mayor's Court reports, the August 2017 Police Department report, the August 2017 Support Car report and the September 2017 Parks and Recreation Director's report.

COUNCIL COMMITTEE REPORT(S):

Clerk of Council Peet:

FINANCE COMMITTEE report dated September 18, 2017 which recommends City Council adopt T 78-2017 as submitted.

Moved by Johnson and seconded by Abens to accept the Finance Committee reported dated September 18, 2017.

President Corcoran: Are there any comments or questions? Clerk, please call the roll.

Clerk of Council Peet: The motion carries and the report was accepted.

Yes – 6

No – 1 (Boose)

CORRESPONDENCE: None.

OLD BUSINESS: None.

NEW BUSINESS:

Clerk of Council Peet:

Planning Commission action(s) taken at the September 21, 2017 special meeting:

APPLICANT: Cody Bruce, K. Hovanian of Ohio, LLC, 6150 Park Square Drive, Lorain, OH 44053

OWNER: Same

REQUEST: Final plat approval of Meadow Lakes Subdivision 14 of Meadow Lakes PCD.

LOCATION: Yellow Tail Lane and Fawn Lane, north of Sandy Ridge Drive and South of Tail Feather Drive; Freedom Avenue between Roosting Lane and Tail Feather Drive.

Permanent Parcel Nos. 07-00-028-101-192, 07-00-033-112-054, and 07-00-032-000-669

PC ACTION: **Approved by a vote of 5-0.**

(Council action required)

Moved by Butkowski and seconded Johnson by to accept the Planning Commission action.

Councilwoman Butkowski: Mr. Chairman, I will give you a small report on this. There is no open space in this section on this development but that open space will be ... the open space for all of Meadow Lakes is figured as a whole. Even though there is no open space in here that will be taken into consideration for the total build out of Meadow Lakes.

President Corcoran: Are there any comments or questions? All those in favor say yes. Those opposed say no.

Clerk of Council Peet: The motion carries and the action was accepted.

Yes – 7

No - 0

Clerk of Council Peet:

APPLICANT: North Ridgeville Fire Department, 7090 Avon Belden Road, North Ridgeville, OH

OWNER: City of North Ridgeville, 7307 Avon Belden Road

REQUEST: Approval to construct a fire station for the North Ridgeville Fire Department.

LOCATION: 7000 Ranger Way, North Ridgeville, OH 44039 in an R-1 District
Permanent Parcel No. 07-00-016-104-030

PC ACTION: **Approved by a vote of 5-0.**

(Council action required)

Moved by Butkowski and seconded by Boose to accept the Planning Commission action.

Councilwoman Butkowski: Mr. Chairman, the only thing I guess I could say is finally, but they made the presentation of the plans that we have seen over time. They are just ready to get started.

President Corcoran: Thank you. I think finally is an appropriate comment.

President Corcoran: Are there any comments or questions?

Councilman Boose: Mr. President, do we have an idea when groundbreaking is going to be and when they are going to start?

Mayor Gillock: We are going to bid in October. We will award the contract, assuming it is within ten percent of our estimate, within thirty days and the contract can start any time after that. Whether he starts this winter or waits until spring will be up to him, but most of them like to move ground in the winter.

Councilman Boose: Thank you.

President Corcoran: All those in favor say yes. Those opposed say no.

Yes – 7 No - 0

President Corcoran: That has been approved.

RECESS:

President Corcoran: Would anyone like a recess?

Moved by Butkowski and seconded by Johnson to dispense with the recess.

President Corcoran: Are there any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: Moving on to first readings. We have T 82.

FIRST READINGS:

Ordinance and Resolution submittal(s)

Clerk of Council Peet:

T 82-2017 AN ORDINANCE AUTHORIZING THE SALE OF VEHICLES NO LONGER
NEEDED FOR MUNICIPAL PURPOSES.

(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Butkowski to dispense with the second and third readings for T 82-2017.

President Corcoran: Are there any comments or questions?

Mayor Gillock: Most of them are seven year old vehicles that we no longer need, so we are going to sell them. No use letting them sit out here on the lot so we are just getting rid of them.

President Corcoran: All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

Moved by Mayor Gillock and seconded by Boose to adopt T 82-2017.

President Corcoran: Are there any comments or questions?

Councilman Boose: Mr. President, by my count there are twenty vehicles on this list. All but one is ten years or older. My one question is, understanding we probably already replaced many of these, do we have any idea of what requests will be next year? We are getting rid of twenty. Are we looking to buy ten, five?

Auditor Wilcheck: Mr. Boose we are working on that right now as far as working into the budget. I will have an answer for you in about a month on that one. I don't have a feel for it yet.

Councilman Boose: Thank you. Hopefully we are not getting rid of something we won't be able to pay to replace next year so we don't have to walk to work. Thank you.

President Corcoran: Any other comments or questions? Clerk, please call the roll.

Clerk of Council Peet: The motion carries and becomes **Ordinance number 5483-2017.**

Yes – 7

No – 0

President Corcoran: T 83.

Clerk of Council Peet:

T 83-2017 AN ORDINANCE AMENDING ORDINANCE NO. 5466-2017 FOR THE LOR-10C-0.50 I-480 AND SR-10 EASTBOUND ON RAMP ROADWAY AND TRAFFIC SIGNAL IMPROVEMENT PROJECT AND OTHER APPURTENANCES, BY INCREASING THE AMOUNT FROM \$460,000.00 TO \$504,002.60.

(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Johnson to dispense with the second and third readings for T 83-2017.

President Corcoran: Are there any comments or questions?

Mayor Gillock: Mr. President, this is to improve the I-480 and Lorain Road intersection and we will be adding a four-way light there as a local company – Lepo will be building a road at their cost, out there which gives them better access to their facility and make some of that property up there more developable. The Engineer's estimate for the project was \$480,000 so the lowest bid came in at \$504,000 which is within ten percent, but the original Ordinance that we had passed was \$460,000 which is why we need to increase it. \$414,000 of this is being paid for by the state of Ohio under a grant. Our portion is less than \$100,000, \$90,000 actually.

Councilman Boose: Mr. President, just a note – in addition to the \$90,000, we also paid \$46,810 in engineering from what I recall according to Ordinance 5466. I did have a question – can you remind us, what fund will this come out of and where these additional funds will come out of?
Auditor Wilcheck: Mr. Boose, the project is budgeted in the Capital Improvement Fund. There is enough of a variance on some of the other line items there to absorb the increase.

Councilman Boose: Thank you.

President Corcoran: All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

Moved by Boose and seconded by Abens to adopt T 83-2017.

Moved by Mayor Gillock and seconded by Johnson to add the emergency clause to T 83-2017 in order to award the contract within thirty days.

President Corcoran: On the emergency clause, are there any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: On the adoption now with the emergency clause, any final comments or questions? Clerk, please call the roll.

Clerk of Council Peet: The motion carries and becomes **Ordinance number 5484-2017.**

Yes – 7 No – 0

President Corcoran: T 84.

Clerk of Council Peet:

T 84-2017 A RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, OHIO, APPROVING AND RATIFYING AN APPLICATION FOR TAX INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14 CREATED BY THE CITY OF NORTH RIDGEVILLE RESOLUTION NO. 768-94, BY RLG CLEVELAND, LLC, AN OHIO LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO.

(Introduced by Mayor Gillock)

President Corcoran: There are some issues with this and I will refer this Ordinance to Finance Committee. T 85.

Clerk of Council Peet:

T 85-2017 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO ZASHIN & RICH CO., L.P.A. FOR LEGAL SERVICES RENDERED IN CONNECTION WITH THE FAIR LABOR STANDARDS ACT LAWSUIT.
(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Johnson to amend Section 1 to now read "...in connection with the FLSA lawsuit which amount has exceeded the Auditor's certification."

Mayor Gillock: It gave an amount in the amount of \$7,160.16 which has exceeded the Auditor's certification. If you will note, there is going to be more bills because this is for July and we know there will be invoices for August and September. We did this with one of our Squire Sanders situation and I'm bringing it to the Auditor's attention. He made the recommendation to make this change which will allow him to pay more bills that we know are coming without coming back and doing another Resolution.

President Corcoran: You are okay with that amount in the fourth "Whereas" section?

Mayor Gillock: You can leave that in there because it says there is the expectation that other invoices will be forthcoming.

President Corcoran: Are there any comments or questions on the amendment?

Councilman Boose: Yes, two things – one, I know you turned down the mics, but I am having a hard time hearing. What was the language you were changing that to?

Mayor Gillock: We are going to delete the words after the word lawsuit, delete "in the amount of \$7,160.16 which". Delete that. Replace it with it with two words "which amount".

Councilman Boose: Thank you. Mr. President – I ask two things – one, can you tell us approximately how much we have already spent and can you give us an idea of how much "which" amount might be?

Auditor Wilcheck: Mr. Boose, we are expecting more invoices. I do not know the amounts on those. I'm not sure if the Law Director can shed a little light on that or not, but we do know there are more pending because that suit was just recently settled. I wish I could give you an answer on the dollar amount but I don't know. The attorney's work exceeded what the original estimate was and I believe that was in the neighborhood of \$10,000 was the original purchase order.

Councilman Boose: Okay, but it has been settled?

Auditor Wilcheck: Yes.

Mayor Gillock: Mr. President, it has been settled but it has not been approved by the federal judge so there could still be more work to be done, unless the Law Director has something to say.

Law Director Crites: Mr. President, it has been resolved. There is actually a court order on file that anybody can find if you go to the federal court's website. We are very happy to say what was somewhat concerning and frightening piece of litigation brought to us has been settled largely due to the forthright honest straight shooting behavior of our rank and file police officers for a nominal sum. It was based on the failure to follow the procedure for the calculation of overtime pay. It was resolved through the three year look back period which is provided for in the statute for an overall total compensation of approximately \$28,000, total, not per officer, total plus nominal attorney fees. It has been settled but I will continue to say two more things: one, we are still going to incur legal fees because the outside counsel we happily located is very much an expert in this very technical field and she continues to work with us and what is equally as important that is the implementation of FLSA compliant payroll procedures as we move forward. We are working on that now, but it shouldn't be that extensive. Please understand, the reason you see Ordinances like this more often than not for which are born statutorily because a purchase order has been exceeded is largely due to the fact that I'm conservative. I could issue a purchase order for \$50,000 every time I use outside counsel, but I don't do that. We like to keep control how we use the Law Department's budget and so I think this is a better way to deal with it rather than throw a grenade at a small matter.

Councilman Boose: Do we know when we will get the final bill?

Law Director Crites: No. I could give you a guess. We are under court order to be compliant under FLSA by December 31, 2017. We have to have it fixed. January Dennis.

Councilman Boose: I would much rather know how much before I say pay it, but that is me. Thank you.

Auditor Wilcheck: Mr. President, one additional comment along the lines here. Part of that settlement will require supplemental appropriation to pay. We will be forthcoming with that one at next meeting or so.

President Corcoran: Thank you. On the motion to amend - all those in favor say yes. Those opposed say no.

Yes – 6

No – 1 (Boose)

President Corcoran: T 85 has been amended.

Moved by Mayor Gillock and seconded by Johnson to dispense with the second and third readings.

President Corcoran: Are there any comments or questions? Clerk, please call the roll.

Clerk of Council Peet: The motion carries.

Yes – 7 No – 0

Moved by Mayor Gillock and seconded by Johnson to adopt T 85-2017 amended.

Moved by Mayor Gillock and seconded by Johnson to add the emergency clause to T 85-2017 in order to pay the invoices timely.

President Corcoran: On the emergency clause, are there any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: On the adoption now with the emergency, any final comments or questions? Clerk, please call the roll.

Clerk of Council Peet: The motion carries and becomes **Resolution number 1410-2017.**

Yes – 6 No – 1 (Boose)

President Corcoran: Moving on to second readings. We have T 74.

SECOND READINGS:

Clerk of Council Peet:

T 74-2017 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 TWENTY-SIX ACRES OF A THIRTY-TWO ACRE PARCEL FROM R-1 RESIDENCE DISTRICT TO I-2 LIGHT INDUSTRIAL DISTRICT LOCATED AT SUGAR RIDGE ROAD AND BENDER ROAD; PARCEL NUMBER 07-00-047-000-111 AND OWNED BY TRIPLE SEVEN, LLC.

(Introduced by petition of Triple Seven, LLC; First reading 08/21/2017; Referred to PC on 08/21/2017; PC on 09/12/2017; Report accepted on 09/18/2017; Public hearing on 10/16/2017)

President Corcoran: T 78.

Clerk of Council Peet:

T 78-2017 AN ORDINANCE AMENDING ORDINANCE NO. 5452-2017 REGARDING COMPENSATION FOR MILITARY LEAVE.

(Introduced by Mayor Gillock; First reading 09/05/2017; Referred to Finance on 09/05/2017; Finance on 09/18/2017)

Moved by Mayor Gillock and seconded by Westover to dispense with the third reading.

President Corcoran: Are there any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

Moved by Mayor Gillock and seconded by Westover to adopt T 78.

President Corcoran: Are there any comments or questions?

Moved by Mayor Gillock and seconded by Johnson to add the emergency clause to T 78 2017 in order to allow the officer the accumulated time to use before year end.

President Corcoran: Are there any questions on the emergency clause? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: On the adoption now with the emergency, any final comments or questions?

Councilman Boose: In the Committee that this was discussed in – Finance Committee earlier, I abstained because I did not feel I had all the information in regards to the issue. This evening I voted no on the report. I have done some investigation since and I have the following comments I would like to make.

I do not know the individual that this Ordinance specifically references. All I know is that they are an employee of our Police Department that was called to active military duty last year and that kept him away from their job and family in North Ridgeville for close to one year. As such, this Council is being asked to approve an exception to the current union contract that provides for up to only forty hours of vacation carry-over each calendar year. This legislation, from the information I've received, is being presented retroactively because either a) the employee did not know of or understand the details of the contract; b) the Police Chief did not know of or understand the details of the contract and/or made assurances that were contrary to the contract; or c) the Administration did not know of or understand the details of the contract and/or made assurances and/or promises that they were not able to make; or a combination of some or all of these. I first want to thank this employee for the military service in helping to provide the freedoms that I and all of you enjoy. They are true heroes in my mind. Just as my son-in-law has served in Iraq, my father serving during the Korean conflict, my uncles, cousins and friends serving in Vietnam - some of them not returning - all of them heroes. The sacrifices they made and continue to make to this day, are a debt that I cannot repay. This legislation is not about and should not be about the benefits an individual employee and service member deserves. This legislation is about assuring that all of our employees receive the full benefits provided by the City. In this case, a negotiated collective bargaining agreement – the union contract. When T 27-2017 later became Ordinance 5452-2017 first came before us, that Ordinance today we are talking about is trying to change that. I was a little surprised since the benefits it was requesting, I thought, were already in place. These benefits include 1) entitlement to the wages and benefits described in the Ohio Revised Code 5923.05; 2) the continuation or reactivation of health and medical benefits; and 3) the accrual of vacation time hours in the same manner as such be credited if the employee was in full employment status with the City during the term of military service. That is up to forty hours carry-over only. We can look to the Ohio Revised Code which was referenced. Ohio Revised Code 5923.05(B) says: “any permanent public employee who was

employed by political subdivision and who was called or ordered to the uniform services for longer than a month for each calendar year is entitled during the period designated in the order or act to a leave of absence and to be paid during each monthly pay period of that leave of absence – the lesser of the following: 1) the difference between the permanent public employee’s gross monthly wage or salary as in public employee and the sum of the permanent public employee’s gross uniform pay and allowances receive that month.” This means the difference between what they would be paid here at the City versus what they are paid at their military job. That difference or the sum of \$500.00 per month. It is my understanding with conversations with the Auditor’s Department that they have been receiving \$500.00 per month. To continue on Ohio Revised Code 5923.05(G) it continues that any permanent public employee of a political subdivision whose employment is governed by a collective bargaining agreement shall abide by the terms of that collective bargaining agreement with respect to the performance of that service. In my mind, it is clear that the Ordinance we passed earlier this year Ordinance 5452 meets the spirit of Ohio Revised Code. However, I do not see how the new Ordinance before us attempting to amend this Ordinance meets that same criteria. At no time during their presentation and discussion of the original Ordinance did the issue of exceeding the contractually approved vacation carry-over come up. To this proposed exception, I believe we must be cautious. The argument in favor of the legislation provided during the Finance Committee meeting on the matter evolved around the fact that the employee was not able to take vacation because they were on active military duty away from home. But there are other reasons why an employee may not be able to take vacation that we must also acknowledge, for example, God forbid an extended health related incapacitated recovery period – if they had a health related issue. God forbid an extended injury related incapacitated recovery period – if they had a serious injury and of course, the active military service. If we were to agree to the proposed legislation, you can be sure that we can potentially have other legislation considered at a later date by another employee that could not take vacation due to any of these health or injury related incapacitated recovery periods because of the precedent that this Ordinance is setting – all of which I am not currently allowed in the collective bargaining agreement. I also heard during the discussion, during the Finance Committee on this matter, that timing wise, there is no way that this individual will be able to take the entire requested remaining carryover. This particular employee has one hundred and ninety six hours that would be carried over when you include the forty hour carry-over from the time before for up to one hundred and fifty six additional hours above and beyond what the contract allows. He would want to take that between now and the end of the year. However, I can assure you that if we approve this, the union will be right there, as well they should to make sure that this individual receives the time necessary to use the approved vacation within the time allowed to take it which would be by the end of the year. Now remember, the original legislation we approved earlier this year stated that the employee would continue to accrue vacation hours to the credit of their account while on military leave in the same manner as would be credited if the employee was in full employment status with the City. This means a maximum of forty hours of carry-over only. We certainly want that employee to be whole and fortunately, there is a solution. The current contract already provides a benefit necessary for this and other employees to use when they need time away from the job. It is called comp time. It is my understanding that this employee is already using comp time to pay for extended time away from the job and continued to do so according to the contract and

procedural rules of the department. Again, this legislation is not about and should not be about the benefits of an individual employee and service member deserves. This legislation is about assuring that all of our employees receive the full benefits provided by the City – in this case a negotiated collective bargaining agreement - a union contract. If this is something that is very important to our safety service employees and it may very well be, it should be brought up in the collective bargaining discussion when they have them every so many years. I'm still not sure why this legislation is brought before us for the reasons we have been given. In my opinion, you do not correct an error in judgment by reinforcing the error by creating legislation to make it acceptable. Rather, it is often better to acknowledge the error and correct it within the already established rules in the contract which I have already described. I believe enacting legislation to benefit one employee above all others is not a good precedent setting procedure. I recommend the legislation not be enacted. Thank you.

President Corcoran: Is there anybody else who would like to comment.

Councilman Westover: Mr. President, simply speaking, this person serves the City of North Ridgeville in the Police Department – he is serving us and putting his life on the line when he is serving. He is also serving his country and he is away serving our country as many of you folks have and have people in your families that have. This man should be given the benefit of the doubt in something like this. We shouldn't make this into this grand soliloquy – did I say that right? With all due respect to Dennis, I think, I mean, he is probably right in theory, but in this case it is not theory. We don't live our lives by theory. We live our lives by our hearts. I think that he should be given the benefit of the doubt and this should be a no brainer.

President Corcoran: Is there anybody else? Mrs. Johnson?

Councilwoman Johnson: I just wanted to say that he was told by his superior that he had the time and that was part of the discussion in Finance Committee. He based his time off ... he went on what his superior said.

President Corcoran: Yes. I think that therein lies the problem. We have an Ordinance that we are trying to correct the mistake of his supervisor which unfortunately, supervisors make mistakes all the time. It is unfortunate that this has happened to this particular individual. The rules were there and the fact that they didn't know the rules is why this Ordinance is before us. I've never been in favor of introducing a law that favors or addresses one particular person. It shouldn't matter what they were doing at the time that they were missing from the City. The issue is there is a law we are creating to address one person for this one specific reason and that is a concern for me.

President Corcoran: On the motion to adopt T 78-2017, please call the roll.

Clerk of Council Peet: The motion fails.

Yes – 2

No – 5 (Boose, Chapek, Butkowski, Johnson, Corcoran)

President Corcoran: Moving on to third readings, we have T 51 amended.

THIRD READINGS:

Clerk of Council Peet:

T 51-2017 AN ORDINANCE ESTABLISHING AN ANNUAL SALARY AND BENEFITS
Amended FOR THE PARKS AND RECREATION DIRECTOR AND AMENDING
EXHIBIT "A" OF THE DEPARTMENT HEAD SALARY ORDINANCE NO.
2725-93 AND SUBSEQUENT AMENDMENTS THERETO.

(Introduced by Mayor Gillock; First reading 05/15/2017; Referred to COW on 05/15/2017; COW on 07/17/2017 (given an additional 60 days for study); COW on 08/21/2017; Report accepted on 09/05/2017; Second reading 09/18/2017; Amended on the floor on 09/18/2017)

Moved by Boose and seconded by Butkowski to adopt T 51-2017 amended.

President Corcoran: Are there any comments or questions? Clerk, please call the roll.

Clerk of Council Peet: The motion carries and becomes **Ordinance number 5485-2017.**

Yes – 7 No – 0

President Corcoran: T 75.

Clerk of Council Peet:

T 75-2017 A RESOLUTION AUTHORIZING THE NORTH RIDGEVILLE CIVIL
SERVICE COMMISSION TO ADOPT AND CONTINUE TO FOLLOW RULE
VII, SECTION 2 REGARDING THE LENGTH OF TIME ELIGIBILITY LISTS
MUST CONTINUE TO BE EFFECTIVE.

(Introduced by Mayor Gillock; First reading 09/05/2017; Second reading 09/18/2017)

Moved by Johnson and seconded by Butkowski to adopt T 75.

President Corcoran: Are there any comments or questions? Clerk, please call the roll.

Clerk of Council Peet: The motion carries and becomes **Resolution number 1411-2017.**

Yes – 7 No – 0

MEETING ANNOUNCEMENTS:

President Corcoran: We have a public hearing on Monday, October 16, 2017 at 7:00 p.m. regarding T 74-2017. There will be a Finance Committee meeting on Monday, October 16, 2017 at 6:30 p.m. regarding T 79 and T 84. Our next City Council meeting will be Monday, October 16, 2017 at 7:30 p.m.

LOBBY SESSION:

President Corcoran: We are now opening our second lobby up for anything you would like to address Council or the Administration on. You will be given three minutes to speak. Would anyone like to speak?

Scott Reynolds, 4917 Windsford Circle: stated he is very concerned about the traffic increase with the new developments south of Mills and on Stoney Ridge. Avalon Drive is a cut through already and he predicts it will get worse. Mr. Reynolds thought stop signs should be put in place as well as opening up Barres Road.

ADJOURNMENT:

President Corcoran: The meeting was adjourned at 8:47 p.m.

Approval of minutes on October 16, 2017:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL