

**NORTH RIDGEVILLE CITY COUNCIL
MEETING MINUTES
NOVEMBER 19, 2018**

CALL TO ORDER: 7:30 p.m.

President Corcoran called the Monday, November 19, 2018 Council meeting to order.

INVOCATION:

Led by President Corcoran.

PLEDGE OF ALLEGIANCE:

Led by President Corcoran.

ROLL CALL:

Present were Council members Dennis Boose, Martin DeVries, Michelle Hung, President Kevin Corcoran, President Pro-Tem Bruce Abens, Robert Chapek and Gregg Westover.

Also present was Mayor David Gillock, Law Director Brian Moriarty, Safety-Service Director Jeff Armbruster, Auditor Jeff Wilcheck, City Engineer Daniel Rodriguez and Clerk of Council Nancy Linden.

MINUTES - Corrections (if any) and approval:

President Corcoran asked for any corrections to the City Council meeting minutes of November 5, 2018. No discussion was offered. The minutes stand approved as submitted.

President Corcoran noted Council received the Utilities Committee meeting minutes of November 5, 2018.

LOBBY:

President Corcoran opened the lobby session.

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

A voice vote was taken and the motion carried.

Yes – 7 No – 0

President Corcoran stated the first lobby session will be for items on the agenda this evening. The second lobby session will be for any other concerns residents may want to bring to Council. He asked anyone that would like to speak to come to the podium and state their name and address for the record. He further added each person will be given three minutes to speak. He requested anyone that wished to speak to fill out a lobby sheet located in the back of the room.

Justin Cotleur, 5855 Deborah Drive: expressed his concerns about the cell tower and the risks involved to include cancer, the proximity to Liberty school and the lowering of property values.

John Cotleur, 6095 Denise Drive: expressed his concerns about the cell tower and the retention basin going in that may flood his area.

David Bogner, 34944 Shawn Drive: expressed his concern about the proposed proximity of the cell tower and what would happen in the event the tower collapsed. He stated the repeater will be a dated thing in a few years and didn't feel the risk was worth it. He noted the tower company has not looked at other sites. He noted the current location does not meet the seven hundred and fifty feet setback requirement.

Moved by Boose and seconded by Chapek to allow Mr. Bogner up to an additional three minutes to speak.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Mr. Bogner asked that a site be chosen that meets the setback requirements of seven hundred and fifty feet.

Chris Hensley, 34825 Shawn Drive: asked if all site options have been considered. He felt the City needed to look at what the best option available was. He referenced a study that detailed how property values are impacted by cell towers.

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

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Mr. Hensley stated he felt property values and a new site location should be considered.

Timothy Malinich, 5504 Robert Court: shared his concerns of the tower falling, if it will actually help communication and what the long term effects are from cell towers. He felt the ordinance requirements should be followed.

Pat Austin, 34897 Shawn Drive: stated she questioned the credibility of the site maps regarding the cell tower and how old the information was. She traveled around the gap area with her cell phone and had different results. She asked that an alternative location be found.

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

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Ms. Austin didn't feel the tree buffer was enough. She asked if the tower was imperative or a nice thing to have. She is concerned about safety and if the tower were to ever fall.

Martin Austin, 34897 Shawn Drive: stated the City should be protecting the residents and following the rules of the Ordinances. He noted the Mayor was President of Council when the regulations were put in place. He referenced the application for the tower behind City Hall which was to enhance communications.

Moved by Boose and seconded by DeVries to allow Mr. Austin up to an additional three minutes to speak.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Mr. Austin also he referenced that ground lease agreement regarding the Shady Drive tower which was to also enhance communications. He noted that the City is picking and choosing what ordinances they will follow.

Dr. Beth Malinich, 5504 Robert Court: stated the Ordinances should be followed regarding the setbacks. She noted that no one knows the long term effects of prolonged exposure to the towers and radiation. She stated in the past people used x-ray devices to fit for shoes and today the risk factors are known.

Moved by Boose and seconded by DeVries to allow Dr. Malinich up to an additional three minutes to speak.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Ms. Malinich continued stating it was the responsibility of the Council to protect the health and safety of the residents.

Steve Giordano, 34932 Shawn Drive: stated property values will be impacted by the cell tower. He addressed safety issues to include if the tower collapsed, he felt it wouldn't fall within fifty feet as was stated. He stated most failures happen at the base. He asked what security will be provided for sabotage. He asked what will be done to protect against snow or ice.

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

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Mr. Giordano asked if product safety and liability was considered by TowerCo. He asked what the City plans as an alternative approach. He asked that Council vote no or table the issue and provide an alternative.

Clyde Whitehouse, 34837 Shawn Drive: stated there is no point within the area sited by TowerCo in which the setback can meet seventy hundred and fifty feet. He felt alternative sites need to be looked at. He asked that Council deny the request.

Josh Hughes, 34909 Shawn Drive: stated he purchased his home for the beautiful backyard. He noted the trees cover the retention wires about eighty feet. He is concerned about the safety of his children if the tower is installed.

Moved by Boose and seconded by DeVries to allow Mr. Hughes up to an additional three minutes to speak.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Mr. Hughes stated there is no study that will show values aren't impacted. He asked that Council consider the residents.

Kevin McNulty, 34956 Shawn Drive: stated there are seven registered cell towers in the area. He thought putting a repeater on a tower is a Band-Aid and not a solution.

Pamela Madak, 34885 Shawn Drive: stated she has heard there are no other choices than to put the tower on the particular site. She noted that was completely untrue and there are other sites. The cell tower application was incomplete when submitted. She noted that the Ordinances need to be followed and they were not.

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

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Ms. Madak stated the drawing states the applicant will comply with all local Ordinances and it does not. She noted nothing was show to prove a substantial gap. She asked that Council follow the law and require the applicant to provide everything that is required for the application.

Ross Madak, 34885 Shawn Drive: stated property values will go down and the requirements of the Ordinances are not being met.

Moved by Boose and seconded by DeVries to allow Mr. Madak up to an additional three minutes to speak.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Mr. Madak stated the residents should have a voice when their property values will be negatively impacted. He noted he did not feel as though other sites were researched. He stated that safety was not being considered for the residents surrounding the community. He asked that City Council vote no.

Mike Babet, 38601 Sugar Ridge Road: he wondered why the Ordinances were not being followed. He noted that the Planning Commission application was incomplete and Council should deny the application or ask them to provide the information required.

Gary Gouchie, 9061 Franklin Drive: stated he learned at the Planning Commission meeting the City did not explore other sites nor explore the needs of the City.

Moved by Boose and seconded by Hung to allow Mr. Gouchie up to an additional three minutes to speak.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Mr. Gouchie thought the applicant should have looked at other sites to explore options. He asked that Council vote no until the needed studies are done and complete and the City's needs are looked into. He requested a third party engineer do a study.

Jason Woodward, TowerCo, 5000 Valley View Drive, North Carolina: stated a property on Stratford Circle, ninety-nine feet from a cell tower in North Ridgeville originally sold at \$329,000 and just sold in May for \$411,000. He also stated another home near a tower also went up in valuation.

Mr. Woodward addressed the manufacturer – Belmont and stated the fall radius is stamped and certified by their certified state engineers.

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

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Mr. Woodward stated they build cell towers near schools all the time and he has never seen any restrictions. Diamond Communications are his competitor. They were vetted before they received certification. They choose not to have cell towers on top of the high power line towers.

Mr. Woodward stated the state of Ohio supersedes the FAA. The tower is 185 feet tall and a lightning rod is placed at the top.

Jim Mathews, Baker, Dublikar, Beck, Wiley, & Mathews, 400 South Main, North Canton, OH (on behalf of TowerCo & Verizon): stated that the Telecommunications Act was passed to promote the development of cell towers. It was passed to exempt local control. He felt that everything in the Ordinances relating to zoning matters are exempt since it is City property. He stated they have conformed to what was required.

Moved by Boose and seconded by Hung to allow Mr. Mathews up to an additional three minutes to speak.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Mr. Mathews stated he thinks this was a good project that will service the interests of the community. The City Administration has worked with TowerCo for some time on the project.

Ms. Austin, 34897 Shawn Drive: stated the property that increased so much in value next to the cell tower may have been improved.

Councilman Westover asked Mr. Woodward if the cell towers cause cancer.

Mr. Woodward stated he was no expert but stated per the Act it should not be discussed at Council meetings. He noted the FCC states it is not a problem and the American Cancer Society backs that.

Councilman Westover asked Mr. Mathews if the tower falls or if ice falls off if his firm would handle the litigation.

Mr. Mathews stated that would be covered by the insurance coverage.

President Corcoran asked Mr. Woodward to go over the alternative options they looked into.

Mr. Woodward stated the path of least resistance is co-location. In the search, they vetted the powerlines through Diamond Communication. It was determined it was impossible. They looked at parcel maps that would meet code. They looked at municipal property then school property. They looked at the school and felt it would stand out too much. The other properties were residential and it would be difficult to get the variances required.

Jesse Styles, Strategis President, 2530 Superior Avenue, Cleveland, OH: stated they did look at the school parcel but there was not enough tree buffer.

Law Director Moriarty stated federal law does trump the Ordinances. The Ordinances were created to go in conjunction with federal law and if there is a conflict, federal law wins. The point to remember is this is a public utility and it is on City property. Zoning regulations and setback requirements do not apply. This does not mean there are things that they do not need to provide.

President Corcoran asked for any additional comments. No discussion was offered.

ADMINISTRATORS REPORTS:

A. Mayor: Mayor Gillock thanked the residents for coming and being civil. The laws are created by the FCC and the Ordinances follow that. He noted that if the tower is turned down and the City has to go to court, it will cost the City thousands. He stated he is trying to conserve taxpayer dollars. He stated the permitted use in the Ordinance is municipal property. Mayor Gillock stated the City is exempt from setbacks.

Mayor Gillock stated City Hall will be closed Thursday and Friday in observance of the Thanksgiving holiday.

Non-perishable food items and new toys are needed for the holidays for those less fortunate. There are collection boxes located at City Hall, Parks & Recreation and the Senior Center. All items collected will be donated to North Ridgeville Community Care. Please drop off donations no later than December 7.

The North Ridgeville Visitors Bureau is sponsoring their annual Holiday on the Ridge on Saturday, December 1. The Christmas tree lighting will be on the same day at 5:00 p.m. at South Central Park Gazebo. The high school choir will lead the spectators in festive songs of the season as local scouts decorate the tree. For more information, stop by City Hall or the Chamber of Commerce to pick up a brochure or visit the City's website for more details.

Moved by Mayor Gillock and seconded by Abens to suspend By-laws to add T 119-2018 (appropriation budget 2019) and T 120 (amending appropriation budget 2018) to the agenda under first readings.

A voice vote was taken and the motion carried.

Yes – 7 No - 0

B. Safety-Service Director: Safety-Service Director Armbruster expressed his appreciation to the residents for coming out and expressing their feelings regarding the cell tower.

The City continues to work with ODOT with regard to the Center Ridge Road construction. The third lane has been put down, but there is still duct work that needs vacated by Windstream. He hopes that Windstream will remove their poles by next fall.

C. Engineer: Engineer Rodriguez stated the third lane was paved and will be finished. Sinta Run will open tomorrow afternoon. All the temporary drives will be completed by next week.

Mayor Gillock asked when they will switch to the north side.

Engineer Rodriguez stated it won't all be shifted over. That lane may still be in use. The traffic will be shifted to the north somewhat.

Councilman Boose stated he received several complaints about the synchronization of the traffic lights. He wondered if something could be done.

Engineer Rodriguez stated he would speak to ODOT about it.

D. Auditor: Auditor Wilcheck stated T 119 incorporates all the changes from meetings last week. T 118 is for an emergency repair to the fire truck. He decided it was an emergency repair that was not set aside and that was why the Resolution was coming to Council. He also noted that T 120 is increasing the appropriations for the Fire Department to repair vehicles and the ladder truck. He also provided to the Council a copy of the revised capital projects schedule.

Councilman Boose asked that dates be placed on documents so the Council knows which is the most recent version.

Moved by President Corcoran and seconded by DeVries to go into executive session during the recess portion of the meeting to consider the compensation and employment of public employees.

A roll call vote was taken and the motion carried.

Yes - 7 No - 0

E. Other Reports: President Corcoran noted Council received the October 2018 Fire Department report, the October 2018 Mayor's Court reports and the October 2018 Water Distribution report.

COUNCIL COMMITTEE REPORT(S): None

CORRESPONDENCE: None.

OLD BUSINESS: None.

NEW BUSINESS:

Clerk of Council Linden:

Planning Commission action(s) taken at the November 13, 2018 rescheduled meeting:

APPLICANT: TowerCo, c/o Strategis, LLC (agent), 2530 Superior Ave., Suite 303,
Cleveland, OH 44114

OWNER: The City of North Ridgeville

REQUEST: Site plan approval to construct a 180 foot monopole cell tower with a 15 foot lightning arrester and installation of an equipment pad and generator.

LOCATION: Jaycox Road in an R-1 District; south of Shawn Drive and west of Olive Ave;
Parcel No. 07-00-017-101-001

PC ACTION: **Approved by a vote of 4-1. (A condition was added to require a spectrum analysis be submitted by the applicant and a request for the City to sort through Chapter 1462 to carve out what zoning regulations the applicant is required to comply with.)**

(Council action required)

Councilman Abens stated the Planning Commission voted in favor of the application. There is no perfect location for the tower and cell towers are an important part of the City's infrastructure by necessity. He noted no tax dollars are involved. Councilman Abens stated the proposed site is a utility right-of-way and high retention lines already exist before the homes did. The American Cancer Society stated there are no cancer risks associated with these towers. Councilman Abens stated none of the studies brought forth have shown that the cell tower will impact property values. Councilman Abens also stated that the concerns regarding safety of the tower falling have been addressed by TowerCo engineers. Councilman Abens noted that on the plot plan there is a fire hydrant on the parcel. Councilman Abens stated the City is exempt from the zoning code and the setback requirements. He noted that tower behind City Hall does not address the issues that the Police Department is having and TowerCo will provide the tower for the repeater to be installed on at no cost to the City.

Moved by Abens and seconded by Hung to approve the Planning Commission action.

Councilman Boose thanked everyone for their comments and concerns. He extended a special thank you to Martin Austin who was the driving force behind the resident involvement and is a great example of how residents can and should become involved within their neighborhoods.

Councilman Boose stated he would highlight why he believed the Planning Commission action should be denied. He stated Chapter 1462 clearly states how cell towers should be addressed. Councilman Boose quoted the purpose section listed in 1462.01(c). He also read section 1462.04 regarding placement of cell towers which are encouraged in non-residential areas to protect the citizens.

Councilman Boose stated that the code requires that when a tower is to be erected in a residential area, the applicant shall demonstrate to the Planning Commission using geographic reason for doing so, and that offers to co-location with other providers within the City or neighboring communities have proven ineffective. He noted that was not done by the applicant. He felt the

applicant failed to adhere to the City's Ordinances.

He noted the Sixth Circuit Court has determined this to be a reason for denial.

Councilman Boose noted the code required a setback be 750 feet from any residence within the residential area and 100 feet from a residential lot line. The applicant's proposal is requesting the tower be placed only 450 feet from a residential structure located on Shawn Drive to the north, and 390 feet from a residential structure located on Deborah Drive to the south. He noted that the code in section 1462.08 states that the provider shall locate a tower and related wireless telecommunications facilities only on a zoning lot of sufficient dimensions and conditions to accommodate the overall facility, tower, etc., so that all minimum setbacks and any other zoning requirements of the underlying zoning district are met. He stressed how important the setback requirement is to the placement of the cellular tower.

Councilman Boose stated the City's Law Department stated that the project is exempt from local zoning Ordinances and cites O.R.C. §519.211 as a reference for the opinion. He disagreed with the opinion. He noted that section pertains to township zoning, not municipal zoning. He also noted the cell tower behind City Hall went to BZBA for variance requests.

Councilman Boose stated an option and ground lease agreement with TowerCo 2013, LLC for a location at the North Ridgeville Shady Drive Complex was thoroughly discussed at a City Council meeting. Although the applicant brought up the question early in the discussion that he wasn't sure if the zoning was applicable because the proposed site was a municipal property, the applicant later stated if there were any restrictions or notices that had to be made due to the proximity of the residential community next to the location that, "it would go through the City zoning and whatever the requirements are". Mayor Gillock then stated that "I believe the Ordinance requires a 750 foot setback from any residential area and they are well beyond that". The Mayor further stated that "we rewrote our telecommunications chapter several years ago with lengthy discussion and review of the Federal Telecommunications Act. We have a really good Ordinance and TowerCo and Verizon have been good to work with and I do not see any problems with this".

During the Planning Commission meeting, the Law Department made an opinion that parts of Chapter 1462 should be considered part of the zoning code. He disagreed with the opinion.

Councilman Boose stated even if the City did believe they were exempt from the setback requirements, it did not mean the Council had to approve it. He stated that earlier in the year a zoning change request on Sugar Ridge Road came before Council and it was voted down even though it could have been approved. It was not approved because it was determined it was not the right thing to do. Later, a request to allow a B&B and party center to operate on Case Road was denied, even though, by law, it could have been approved. It was not approved because it was determined that it was not the right thing to do.

Councilman Boose stated there was an option and ground lease agreement and memorandum signed between TowerCo and the City dated June 28, 2017. The applicant provided a letter to the City dated October 16, 2018 referencing this option and ground lease agreement indicating that the agreement authorizes the applicant to act as an agent for the City in connection with all matters relating to the approval and development of the project, and that to the extent the City itself should be considered an applicant for purposes of facilitating the exemption from the zoning code. It was requested that the Planning Commission treat the City as an applicant. Councilman Boose felt a potentially serious precedent could be set that any business with a lease with the City for City-owned property could make them exempt from “limitations and restrictions” imposed by other City Ordinances.

Councilman Boose cited a study that was presented to Planning Commission by a resident which provided documentation based upon rigorous analysis using scientific methods that the impact of a property with a visible antenna located within 500 feet can reduce home values by 7.5%, and reduce home values by 1.8% if located within 1,000 feet. In this specific location, there are homes within these parameters which would provide an estimated aggregate loss in home values of over \$650,000; with an estimated loss of \$7,304 in annual property taxes. He felt that erecting the cell tower in the proposed location violates the purpose section of the Ordinance and impacts the residents.

Councilman Boose stated felt that the health concerns were real and needed to be part of the consideration in evaluating the tower at the proposed location.

Councilman Boose also questioned whether or not the tower was imperative for safety services and if it was, why has taken so long to alleviate the issues. He noted that the Shady Drive tower was a necessity and needed to be built quickly as was stated in April 2016, but it has not been built to date. He questioned what was imperative. He also stated the comments to the application by the Police Chief and Fire Chief do not indicate a necessity or that it was imperative.

Councilman Boose stated the applicant never provided anything substantial to prove a significant gap of coverage within the service area.

In summary, Councilman Boose stated the code speaks to cellular towers and guidelines. He recommended Council deny the recommendation of Planning Commission.

Councilman DeVries thanked everyone for coming out and voicing their opinions and concerns. He stated a cell tower is needed and he has directly been impacted on Denise Drive. He didn't feel home values would be impacted much especially if there are already power lines erected in that location.

Moved by President Corcoran and seconded by Boose to allow the meeting to continue past 10:00 p.m.

A voice vote was taken and the motion carried.

Yes – 7

No – 0

Councilman DeVries stated he wanted to help the police and fire with better communications. He stated the data in the police cars are downloaded through the cell towers. He stated this was a very difficult decision. He noted he has many reasons to vote yes for this, but his common sense says it is too close. He hopes Verizon and TowerCo will work with the City. He felt the needs of the community need looked at and other options need provided. He stated he will be voting no.

Safety-Service Director Armbruster stated the City did put a repeater up at Lorain Community College on the tower. It has helped, but it has not solved the problem. There are still gaps with data and cell service on that part of town. He felt the tower was imperative along with the Shady Drive tower.

Councilman Chapek stated he has been in the City a long time and wants to see it improve. He stated his daughter in Atlanta has a large tower and the homes are \$400,000 homes. The tower does not impact her or the home values. He noted he was torn and believed he will vote no. He told residents they need to take responsibility and not vote down issues.

Councilman Westover thanked everyone and stated he supports police and fire. He felt other locations need to be looked at. He stated he has a hard time voting for something that could cause harm to the residents.

A roll call vote was taken and the motion failed.

Yes - 2

No – 5 (Westover, Boose, Chapek, DeVries, Corcoran)

RECESS:

Adjourned into executive session at 10:10 p.m.

Reconvened into the City Council meeting at 10:28 p.m.

FIRST READINGS:

Ordinance and Resolution submittal(s)

Clerk of Council Linden:

T 118-2018 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO W.W. WILLIAMS.

(Introduced by Mayor Gillock)

Moved by Boose and seconded by DeVries to dispense with the second and third readings.

President Corcoran asked for any questions.

Councilwoman Hung asked if the Resolution was because the deductible was a certain amount and the amount is less the deductible.

Auditor Wilcheck stated there was no deductible. There are two separate repairs to be done on it. One repair was for the hydraulics on the ladder for \$183.00 and \$1,500.00 to \$2,000.00 to replace windows that were broken because of a hose nozzle that came down and hit the window.

President Corcoran asked for any other questions. No discussion was offered.

A voice vote was taken on the motion and it carried.

Yes - 7 No - 0

Moved by Boose and seconded by Westover to adopt T 118-2018.

Moved by Boose and seconded by DeVries to add the emergency clause to T 118-2018 as the services have been rendered and the bill is due to be paid promptly.

A voice vote was taken on the emergency clause and the motion carried.

Yes - 7 No - 0

Clerk of Council Linden took a roll call vote on the adoption of T 118-2018 with the emergency clause the motion carried. T 118-2018 now becomes **Resolution number 1438-2018**.

Yes - 7 No - 0

Clerk of Council Linden:

T 119-2018 AN ORDINANCE PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTH RIDGEVILLE, OHIO, FOR THE PERIOD COMMENCING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019.

(Introduced on the floor by Mayor Gillock)

Clerk of Council Linden:

T 120-1018 AN ORDINANCE AMENDING ORDINANCE NUMBER 5497-2017 OF THE CITY OF NORTH RIDGEVILLE, OHIO, PROVIDING APPROPRIATIONS FOR THE PERIOD COMMENCING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2018.

(Introduced on the floor by Mayor Gillock)

Moved by President Corcoran and seconded by Boose to dispense with the second and third readings for T 120-2018.

A voice vote was taken and the motion carried.

Yes - 7 No - 0

Moved by Boose and seconded by Westover to adopt T 120-2018.

Moved by Boose and seconded by Chapek to add the emergency clause to T 120-2018 in order for the funds to be transferred and available for their purpose.

A voice vote was taken on the emergency clause and the motion carried.

Yes - 7 No - 0

A roll call vote was taken on the adoption with the emergency clause and the motion carried. T 120-2018 now becomes **Ordinance number 5582-2018.**

Yes - 7 No - 0

SECOND READINGS:

Clerk of Council Linden:

T 103-2018 AN ORDINANCE AMENDING ORDINANCE NO. 2725-93 AND SUBSEQUENT AMENDMENTS THERETO IN ORDER TO ESTABLISH COMPENSATION AND BENEFITS AFFORDED TO DEPARTMENT HEADS AND CERTAIN DISCRETIONARY EMPLOYEES.

(Introduced by Finance Cmt – DeVries, Abens, Boose; Finance on 08/27/2018; Report accepted on 09/04/2018; First reading 10/01/2018; Referred to COW on 10/01/2018; COW on 10/15/2018; COW on 10/29/2018; Report accepted on 11/05/2018)

Mayor Gillock asked that it be sent back to Finance Committee. He stated he didn't have a chance to review the Ordinance but noticed the language would need changed to reflect that salaries will be adjusted annually at the same percentage rate as that provided to all other bargaining unit wage schedules. He noted they don't always get the same percentage. The way the Ordinance is written now is that they get an average of the three bargaining units. He also suggested school cost reimbursement says that the employee will be reimbursed the actual cost and limit it to the \$5,250.00 a year that is not taxable. Everything above that is taxable. The City received a couple requests that are quite hefty and would like to put that ceiling on there.

Councilman Boose stated he agreed with the cap on the school cost reimbursement.

Moved by President Corcoran and seconded by Boose to amend T 103-2018 by substitution.

A voice vote was taken and the motion carried.

Yes - 7 No - 0

President Corcoran referred the amended version to Finance Committee for further discussion.

Clerk of Council Linden:

T 104-2018 AN ORDINANCE AMENDING ORDINANCE NO. 5477-2017, WHICH ESTABLISHED AN ANNUAL SALARY AND BENEFITS FOR THE NORTH RIDGEVILLE CITY ENGINEER.

(Introduced by Mayor Gillock; First reading 10/01/2018; Referred to COW on 10/01/2018; COW on 10/15/2018; COW on 10/29/2018; Report accepted on 11/05/2018)

Moved by President Corcoran and seconded by Boose to amend T 104 by substitution.

A voice vote was taken and the motion carried.

Yes - 7 No - 0

Moved by President Corcoran and seconded by Boose to amend T 104 Amended in Section E, the third whereas and section two, to read “in the event of an extraordinary circumstance where the employee was denied due to operational necessities.”

Councilwoman Hung stated these two positions were denied because of understaffing.

Councilman Boose stated this will be implemented when denied not because they didn’t take it.

A voice vote was taken on the amendment to T 104 Amended.

Yes - 7 No - 0

Clerk of Council Linden:

T 105-2018 AN ORDINANCE AMENDING ORDINANCE NO. 5485-2017, WHICH ESTABLISHED AN ANNUAL SALARY AND BENEFITS FOR THE PARKS AND RECREATION DIRECTOR.

(Introduced by Mayor Gillock; First reading 10/01/2018; Referred to COW on 10/01/2018; COW on 10/15/2018; COW on 10/29/2018; Report accepted on 11/05/2018)

Moved by President Corcoran and seconded by Boose to amend T 105 by substitution.

A voice vote was taken and the motion carried.

Yes - 7 No - 0

Moved by President Corcoran and seconded by Boose to amend T 105 Amended in Section E, the third whereas and section two, to read “in the event of an extraordinary circumstance where the employee was denied due to operational necessities.”

A voice vote was taken and the motion carried.

Yes - 7 No – 0

Clerk of Council Linden:

T 113-2018 AN ORDINANCE AMENDING THE ORIGINAL DEPARTMENT HEAD SALARY ORDINANCE NO. 2725-93 AND SUBSEQUENT AMENDMENTS THERETO BY INCLUDING THE FULL-TIME POSITION OF LABORATORY MANAGER AND ESTABLISHING THE PAY RATE SCALE FOR THIS POSITION.

(Introduced by Finance Cmt – DeVries, Abens, Boose; Finance on 10/01/2018; Report accepted on 10/15/2018; First reading 11/05/2018)

Clerk of Council Linden:

T 114-2018 AN ORDINANCE AMENDING THE ORIGINAL DEPARTMENT HEAD SALARY ORDINANCE NO. 2725-93 AND SUBSEQUENT AMENDMENTS THERETO BY INCLUDING THE FULL-TIME POSITION OF CIVIL ENGINEER II (PE) AND ESTABLISHING THE PAY RATE RANGE FOR THIS POSITION.

(Introduced by Finance Cmt – DeVries, Abens, Boose; Finance on 10/01/2018; Report accepted on 10/15/2018; First reading 11/05/2018)

Clerk of Council Linden:

T 116-2018 AN ORDINANCE ESTABLISHING AN EMERGENCY MEDICAL SERVICE FINANCIAL ASSISTANCE ORDINANCE FOR NON-RESIDENTS.

(Introduced by Mayor Gillock; First reading 11/05/2018)

THIRD READINGS:

Clerk of Council Linden:

T 101-2018 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BS&A SOFTWARE FOR NEW SOFTWARE FOR THE CITY BUILDING DEPARTMENT, NOT TO EXCEED \$90,105.00.

(Introduced by Mayor Gillock; First reading 09/17/2018; Referred to Admin on 09/17/2018; Admin on 10/01/2018; Report accepted on 10/15/2018; Second reading 11/05/2018)

Moved by Hung and seconded by DeVries to adopt T 101.

Law Director Moriarty stated there is a long wait period with the contract. The City would like to get on their calendar as soon as possible as it may not be until June. He stated waiting another thirty days would push them back to at least summer or fall.

Safety-Service Director Armbruster stated the City is trying to get in the que.

Moved by Hung and seconded by Westover to add the emergency clause in order to get into the que as fast as possible and to not delay this project any further.

A voice vote was taken on the emergency clause and the motion carried.

Yes - 7 No - 0

A roll call vote was taken on the adoption with the emergency clause and the motion carried. T 101-2018 now becomes **Ordinance number 5583-2018.**

Yes - 7 No - 0

MEETING ANNOUNCEMENTS:

The next regular Council meeting will be on Monday, December 3, 2018 at 7:30 p.m. in Council Chambers.

2nd LOBBY:

President Corcoran asked anyone that would like to speak on any City business may step up to the podium and stated their name and address for the record. Each person will be given three minutes to speak. He asked that a lobby sheet be completed in the back of the room for the record.

Martin Austin, 35897 Shawn Drive: thanked City Council for taking the time to listen to them regarding the cell tower.

ADJOURNMENT:

President Corcoran adjourned the meeting at 10:47 p.m.

Approval of minutes on December 3, 2018:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL