

**NORTH RIDGEVILLE CITY COUNCIL  
MEETING MINUTES  
JULY 16, 2018**

**CALL TO ORDER:** 7:30 p.m.

President Corcoran called the Monday, July 16, 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, President Pro-Tem Bruce Abens, Robert Chapek, Martin DeVries, Michelle Hung, President Kevin Corcoran 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 or additions to the public hearing meeting minutes of July 2, 2018 regarding T 73-2018. No discussion was offered. The minutes stand approved.

President Corcoran asked for any corrections or additions to the City Council meeting minutes of July 2, 2018. No discussion was offered. The minutes stand approved.

President Corcoran noted Council received the Board of Zoning and Building Appeals meeting minutes of June 28, 2018, the Finance Committee meeting minutes of July 2, 2018 and the Planning Commission meeting minutes of July 10, 2018.

**LOBBY:**

President Corcoran opened the lobby session. He stated there will be just one lobby session. 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.

Cathy Neitzel, 5229 Orchard Lane: stated she wanted to address the issue of their street. She noted water damage and sewer damage to the street over the years her handicapped neighbor fell into one of the potholes and couldn't get up. She stated the flooding is numerous. She stated they don't have sewers on their street, they have water basins and they have now collapsed. She stated that in the last two weeks they had their main water shut down to their homes because they had to fix the water problem. She asked that it be addressed immediately.

President Corcoran stated he would pass the pictures along to the Administration.

Sally Bayer, 5241 Orchard Lane: stated she was a neighbor of Cathy's and just wanted to express her support of the issues Cathy addressed. She stated her concern is that she has a special needs son. There is one water basin on their side of the street. She stated there aren't enough and that is why the water just sits and her apron is flooded every day. Her neighbor's apron is sunk down so far, it's cracked, broken and kids were out throwing rocks into it. The concern is that someone could get injured. She stated the Mayor is aware of the issues. She stated a neighbor that moved in not too long ago had his area viewed with a camera under his driveway and they said that it had collapsed but they didn't have time to come and do anything about it. She asked that something be done.

Martin Austin, 34897 Shawn Drive: stated he wasn't at the last Council meeting but noted that he read in the newspaper about the 5G legislation and how Council is giving the Administration the approval to make changes on upcoming things. He stated Council is the voice of the people and he is afraid of what the Administration may do without the checks and balances in place.

#### **ADMINISTRATORS REPORTS:**

**A. Mayor:** Mayor Gillock asked that T 82-2018, T 83-2018, T 84-2018 and T 85-2018, which create full time positions and establish pay rates for Civil Engineer I and Civil Engineer II be adopted with the emergency. He noted they have been interviewing and have a candidate identified. The position was funded during appropriations. The Assistant City Engineer has announced her retirement to take effect at the end of this month after ten years with the City. He noted that Cathy did an outstanding job. Mayor Gillock stated the position needs filled. Mayor Gillock noted that the position of Civil Engineer II is just to have on the books if the City wanted to promote someone from Civil Engineer I to Civil Engineer II.

Mayor Gillock stated T 88-2018 was an Ordinance authorizing and directing the submission to the electors a proposal to repeal Section 9.7 - *Mandatory Referral of Rezoning to Electors of Article IX Zoning and Building Ordinances and Board of Appeals of the City's Charter*. He asked that it be adopted with the emergency in order to certify the necessary paperwork to the Board of Elections to reach the November 6 ballot. The Charter amendment has a very complicated formula that states that somewhat of fifteen percent of the land zoned for multifamily has to be occupied before you can rezone any other property. The biggest issue is any time you rezone to multifamily, which in North Ridgeville is anything more than a duplex; it has to go to the ballot and be approved in the ward and throughout the City. This has caused the City a number of problems with development. He cited the property located at the corner of Route 83 and Center Ridge Road, where the old middle school stood has had interest in people who would like to do a development something similar to Crocker Park. Mayor Gillock stated as the Charter reads right now, it cannot be done without going to the ballot. The City has also had interests in the old Field Sweet School that someone would like to turn into condos.

Mayor Gillock noted the Service Department is continuing to prep Bender Road to be paved. They are scheduled to start milling Bender Road tomorrow followed by paving with an estimated completion date of July 27 subject to weather.

Mayor Gillock stated the next movie in the park will be this Friday, which will be Jumanji and on Friday August 3, the movie will be Coco.

Mayor Gillock stated the summer concert series is being held at South Central Park. He invited everyone to come enjoy the sounds of Sammy Deleon y Su Orquesta on Friday, July 27. The concerts are free and take place at the Gazebo. All are subject to weather.

The next monthly coffee and conversation is scheduled for next Thursday, July 26 from 8:00 a.m. to 9:00 a.m. in Council Chambers. Please stop by with any questions you might have.

The Senior Center will be hosting their annual summer concert fundraiser. Entertainer Logan Wells will take the stage on Friday, August 3 at 2:00 p.m. at the North Ridgeville Early Childhood Learning Center, which is behind Dairy Queen. Tickets are \$8 presale at the Senior Center or \$10 at the door. For more information please call the Senior Center at (440) 353-0828. Logan Wells has performed professionally for over twenty-four years with a number of different groups.

Mayor Gillock stated to the residents who spoke regarding Orchard Lane – he will definitely take a look at that area. The Engineering and Street Department will take a look at the storm sewers and see what can be identified.

**B. Safety-Service Director:** Safety-Service Director Armbruster stated Paul Blanchette is getting caught up on grass cutting due to the fact there hasn't been much rain. He asked that everyone mow their lawns and take care of their property because that enhances everyone's property value.

Safety-Service Director Armbruster noted that he and the Engineer met with ODOT. Windstream continues to be an issue the City is working through to move the fiber lines that are still along Center Ridge Road on those shortened poles.

**C. Engineer:** Engineer Rodriguez stated crews continue to work the south side of U.S. 20, east of Lear Nagle grading and prepping for temporary concrete and asphalt pavements. Lear Nagle is grading stone in and they are prepping for new asphalt pavement and concrete curbs on the west side of the road at the intersection. Traffic has shifted to the east. One lane northbound and one lane southbound will be maintained at the Lear Nagle intersection. That has been going on for a few weeks.

A portion of a newly installed water line has finally passed its testing and so customers that are serviced off that portion of the main will be switched over to the new main so that the old main could be abandoned. There is still some remaining storm sewer work that needs to take place at Lear Nagle that will be finished before the new pavement gets installed.

The French Creek bridge repairs are underway. Crews are installing footers for the south side of the bridge. They will be working across to the north and that will be continuing on until November.

On the Boulder Drive water main, the consultant has just about finished the design on that project. They have some final comments they are waiting on from Avon Lake Regional Water as they have a water line in the vicinity and they want to make sure that the City isn't near it or any construction practices that take place around it are very careful. That should be done in a week or two and that should be bid out for construction this fall.

The full depth concrete repairs are complete. The contractor should have grassed in or seeded. If there are any open areas left on Denise or Highland, please call the Engineering Department.

Engineer Rodriguez stated Assistant City Engineer Cathy Becker will be retiring at the end of July and he personally thanked Cathy for her many years of service in North Ridgeville and for making his transition to working in North Ridgeville so much easier and smooth. Her expertise and skills will be missed as she heads off into retirement. The Engineering Department wishes Cathy nothing but the best.

**D. Auditor:** Auditor Wilcheck stated the June Financial report was emailed out last Friday and up for third reading is T 73-2018, the 2019 Tax Budget and that is due to the County Auditor's office on Friday.

**E. Other Reports:** President Corcoran noted the June 2018 Fire Department report and the June 2018 Water Distribution reports.

**COUNCIL COMMITTEE REPORT(S):** None.

**CORRESPONDENCE:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**RECESS:**

Moved by Boose and seconded by Westover to dispense with recess.

President Corcoran asked for any comments or questions. No discussion was offered.

A voice vote was taken and the motion carried.

Yes – 7

No – 0

**FIRST READINGS:**

**Ordinance and Resolution submittal(s)**

Clerk of Council Linden:

**T 82-2018** AN ORDINANCE CREATING THE FULL-TIME POSITION OF CIVIL  
ENGINEER I (EI).

(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Westover to dispense with the second and third reading for T 82-2018.

President Corcoran asked for any comments or questions.

Councilman Boose stated he didn't receive a copy of the job description or certification that is required for this position.

Engineer Rodriguez stated the job description that was created was shared with the Law Department. He stated he doesn't know how the process moves along from there. He noted the City does not have any other engineer positions on staff except for the Assistant City Engineer and City Engineer. The job description was created by using other engineer's job descriptions and detailed toward a beginning engineer. The person will be doing a lot of field work, design and working with inspectors, estimating and different things of that nature. As far as the salary ranges are concerned, Engineer Rodriguez noted he reached out to different communities in the area and came up with a salary range for the position based on the size of the community and based on how long the people have been employed.

Councilman Boose thanked Mr. Rodriguez but stated it didn't help him try and understand the difference between a Civil Engineer I and a Civil Engineer II because he didn't have the differences in the job descriptions or certifications; nor did he have any information or documentation as to how the salary ranges came about.

A roll call vote was taken on the dispensing of the second and third readings and the motion failed.

Yes – 2

No – 5 (Boose, Abens, Chapek, DeVries, Hung)

Mayor Gillock stated the City will get a job description written. The job description is not part of the Ordinance but noted if Council wants to see it, it will be provided.

President Corcoran stated there was no reason to do anything with T 83, 84 or 85, but added not passing the legislation puts Mr. Rodriguez in a difficult position given Ms. Becker leaves Friday.

Mayor Gillock stated an intern was hired.

Safety-Service Director Armbruster stated there is a lot of frustration in the Engineering Department. The City advertised for weeks to get four individuals to come and interview for the

EI position. Safety-Service Director Armbruster noted that one candidate received another job and didn't show up for the interview. Another one is living at home with his parents and has to come here and he really wasn't one of the final people. Safety-Service Director Armbruster stated they did have an excellent candidate come in. The Administration writes the job description. Safety-Service Director Armbruster asked Council to reconsider bringing the position back to the table because the City will lose this young engineer. He stated he just lost another individual to the City of Lorain that outbid North Ridgeville as he was promoted three steps ahead of the City. He was supposed to start Monday. He called on Friday after all the drug testing and said that he wasn't coming over to the Building Department. The City is so short staffed in the Building and Engineering Departments.

Councilman Boose stated he empathized with Mr. Rodriguez and that department. The last thing he wanted to do is hamper the department. He stated he would be willing to have a special Council meeting later in the week to come once Council has job descriptions and the documentation of how the salary ranges came about. Councilman Boose felt that it is important to understand how those things are arrived at when salary ranges are adjusted.

Mayor Gillock requested withdrawing the Ordinance for Civil Engineer II in order to prevent any confusion.

Safety-Service Director Armbruster stated he agreed with the Mayor. He further added the City has a candidate that is interested in the position and wants to get into government.

Councilwoman Hung asked if Council reconsidered, could she be assured the description and requested information will be in their mailboxes by tomorrow.

Engineer Rodriguez stated he believed the Mayor said he would provide a job description.

Mayor Gillock stated he didn't know if the Law Director put the job description together yet.

Law Director Moriarty stated he did not have a job description drafted, but he did have salary ranges.

Councilman DeVries stated his main concern was how the salary was arrived. He added the City needs to get control of the salaries. Councilman DeVries stated he wanted the best for the City, but at the same time the City needs to make sure it is being responsible in how the money is being spent. He stated he needed to see an assessment of how the salary, as well as a job description, was arrived at.

Mayor Gillock stated the Engineer explained to Council how he went around to surrounding cities for ranges as a guide in order to put the range together.

Councilman Abens stated he felt it sounded like the Administration has been working on these positions for some time. He noted it would have been helpful had this legislation been

introduced while the Administration was interviewing so Council could take a look at it at the same time. Councilman Abens stated it was just a result of relying on emergency legislation and not giving Council an opportunity to take a look at things.

President Corcoran stated that was the end of T 82 for now. He noted the problem with the special meeting was the notice.

Mayor Gillock stated he is not inclined to call a special meeting until the City has an idea of who they will hire because he didn't think he would get the guy that they had in mind. There is no reason to worry about a special meeting until then.

President Corcoran asked wouldn't it be better to have the position created so the Administration wasn't in this situation again.

Mayor Gillock stated he could get Council a job description but he was not certain it would be what the Administration would use or not.

Councilperson Boose stated it was not only just the job description; it was also how the salary ranges were arrived at as Mr. DeVries indicated.

Mayor Gillock stated the indicated range is \$52,000 to \$63,000 and this individual was offered \$60,000.

President Corcoran asked Mr. Wilcheck to identify how much was appropriated for the position.

Mayor Gillock stated he stood corrected and added the individual the City is talking to is making \$60,000. The City has not finalized an offer yet.

Councilman DeVries asked if the dollars were appropriated.

President Corcoran stated it had been.

Councilman DeVries stated he would be willing to reconsider.

Councilman Abens stated he would reconsider as well.

President Corcoran asked the Auditor if he could provide what was appropriated.

Auditor Wilcheck stated he didn't know.

Engineer Rodriguez stated what was appropriated was upwards of \$80,000 because the City was not certain if they would hire an Engineering Intern or a PE.

Moved by DeVries and seconded by Abens to reconsider the vote to dispense the second and third readings on T 82-2018.

President Corcoran stated the motion was to reconsider dispensing with the second and third readings.

Councilman Boose made a point of clarification. The last vote before Council was to dispense with the second and third readings. This vote is to reopen the issue.

President Corcoran stated that was correct.

A voice vote was taken on the motion to reconsider the motion to dispense with second and third readings and the motion carried.

Yes – 7                      No – 0

President Corcoran stated the discussion of the idea of waving the second and third readings on T 82 is open. He asked if there were any other information that anyone would like to share.

Mayor Gillock stated he thought an accurate job description could be provided by the end of the week. He stated the Engineer will put it together.

President Corcoran asked for any other questions. He stated because the original motion to dispense failed, Council will need a new motion to dispense with the second and third readings.

Moved by DeVries and seconded by Westover to dispense with the second and third readings for T 82.

President Corcoran asked for any questions or comments. No discussion was offered. He asked the Clerk to call the roll vote.

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

Yes – 6                      No – 1 (Boose)

Moved by Mayor Gillock and seconded by Westover to adopt T 82-2018.

Moved by Mayor Gillock and seconded by Westover to add the emergency clause to T 82-2018 in order to get staffing completed in the Engineering Department to stay on top of the projects in the City.

President Corcoran asked for a roll vote on the emergency clause.

A roll call vote was taken on the emergency measure and it carried.

Yes – 6                      No – 1 (Boose)



President Corcoran asked the Clerk to call the roll vote on the adoption of T 82-2018 with the emergency clause.

A roll call vote was taken and the motion carried. T 82-2018 becomes **Ordinance number 5559-2018.**

Yes – 6

No – 1 (Boose)

Council Clerk Linden:

**T 83-2018** 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 I (EI) AND ESTABLISHING THE PAY RATE RANGE FOR THIS POSITION.

*(Introduced by Mayor Gillock)*

Moved by Mayor Gillock and seconded by Westover to dispense with the second and third readings for T 83-2018.

President Corcoran asked for any comments or questions.

Mayor Gillock stated Engineer Rodriguez had been working on the salary surveys and has obtained numbers from Lorain County Engineer's office, the City of Lorain and the City of Columbus for Civil Engineer I. The ranges for Lorain County were \$46,000 to \$85,000, for Lorain it was \$57,000 to \$70,000 and for Columbus it was \$56,000 to \$84,000. The City is substantially below all three entities. Mayor Gillock stated that information will be forwarded to City Council.

Councilman DeVries asked if the assessment of the salaries included experience, size of City, time on the job and certifications earned.

Engineer Rodriguez stated he contacted the HR Departments and he was given a number. He indicated he explained what he was looking for as an Engineer Intern with a couple of years' experience, but they all have a range. EI is one range to another range and the PE is one range to another range. He added the City of Lorain is about the same size community as North Ridgeville and then City of Columbus is very large. He noted he never heard back from Elyria.

A voice vote was taken on the dispensing of the second and third readings and the motion carried.

Yes – 6

No – 1 (Boose)

Moved by Mayor Gillock and seconded by Westover to adopt T 83-2018.

Moved by Mayor Gillock and seconded by Westover to add the emergency clause to T 83-2018 in order to get staffing completed in the Engineering Department to stay on top of the projects in the City.

President Corcoran asked the Clerk to take a roll call vote on the emergency.

A roll call vote was taken and the motion carried.

Yes – 6                      No – 1 (Boose)

President Corcoran asked the Clerk to call the roll vote on the adoption with the emergency.

A roll call vote was taken and the motion carried. T 83-2018 becomes **Ordinance number 5560-2018.**

Yes – 6                      No – 1 (Boose)

Clerk of Council Linden:

**T 84-2018**      AN ORDINANCE CREATING THE FULL-TIME POSITION OF CIVIL ENGINEER II (PE).

*(Introduced by Mayor Gillock)*

President Corcoran referred T 84-2018 to the Finance Committee.

Clerk of Council Linden:

**T 85-2018**      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 Mayor Gillock)*

President Corcoran referred T 85-2018 to the Finance Committee.

Clerk of Council Linden:

**T 86-2018**      AN ORDINANCE AMENDING ORDINANCE NO. 5555-2018, WHICH AUTHORIZED THE CREATION OF A SMALL CELL DESIGN GUIDELINE MANUAL.

*(Introduced by Councilman D. Boose)*

Councilman Boose stated he asked the Law Director to prepare this Ordinance amending what Council passed at the last meeting - 5555-2018. He noted revised legislation was given to Council at the last meeting and no one had an opportunity to read it. Councilman Boose stated he was not comfortable with giving up his right to legislate on future changes in the Ordinance or the manual which was why he voted no last meeting. He asked that it be reconsidered in T 86-2018. Councilman Boose noted that in T 87-2018, specifically on page eighteen, it states “indicate that the manual can be modified from time to time by the City.” To make it clear, the “City” means “Council”. Councilman Boose recommended that in section one, of page one of T

86-2018, where it says “Whereas, the Administration requests authorization to create a design guideline manual for small cells for the use of right-of-ways for small cell usage in accordance with H.B. 478 and the Ohio Revised Code Chapter 4939 which will be referred to and incorporated into the small cell Ordinance;” he suggested the following to be added: “any subsequent modifications to the design guide manual for small cells must be approved by Council.”

Moved by Boose and seconded by Corcoran to amend T 86-2018 to add the words at the end of section one, “any subsequent modifications to the design guideline manual for small cells must be approved by Council.”

President Corcoran stated 5555-2018 originally designed to create design specifications or requirements for anyone looking to put a small cell tower in and the reason for passing that was because of the timing of the opening of those applications that could be made to the City being before the August Council meeting, leaving the City with no protection at all if something wasn’t passed. President Corcoran stated he recommended passing T 86-2018, as amended. He noted that if T 87 wasn’t adopted, Council wouldn’t even need 5555-2018. He felt that once T 87-2018 was approved, Ordinance number 5555-2018 should just be repealed. There would be no reason for it to exist once T 87 is in place.

Councilman Boose stated as long as there wasn’t anything in T 87 that allows changes not to be approved by Council.

President Corcoran stated that would be addressed.

Councilman Boose stated he had several changes to recommend for T 87.

President Corcoran stated he also found some changes and forwarded them to Brian and some of them were taken out. There are a few more that need addressed. President Corcoran stated the whole idea of the small cell legislation was to protect the City and give the City options for anyone making an application. Not having something in place leaves the City open to anything that comes.

Councilman DeVries asked if the legislation was time sensitive.

President Corcoran stated yes, August 4. He further added he was not certain if there would be people lined up at the front but the chance should not be taken. President Corcoran asked everyone on Council if they understood.

Councilman Abens stated he was not sure that Council needed to be so involved in the writing and amending of the manual. It will at times possibly create delays that will be a problem and create emergency situations again. He noted that Council depends on the experts and administrators to know what would be a good idea if it is not included in the manual.

Law Director Moriarty stated the Ordinance or the chapter was written so it also complied with Ohio and federal regulations. There are restrictions on modifications that can be made to make sure that it is within that. Law Director Moriarty stated he thought the initial intent with why the City wanted to have that ability to make changes was knowing that would be in the regulatory measures from either the federal or state government.

Councilman Abens stated he agreed but added by keeping the City of North Ridgeville still it kept the City in the loop because Council is part of the City rather than making it City Council thereby excluding the Administration from making appropriate changes.

Councilman Boose stated there is no manual before Council so he found it difficult to agree with Councilman Abens.

Mayor Gillock stated he was okay with the amendment to T 86. He noted that T 87 states when Exhibit "A" is finalized, it will be brought to City Council. He felt Council should be involved.

President Corcoran asked if there were any further questions. No discussion was offered. He took a voice vote on the motion to amend T 86-2018. The motion carried.

Yes – 7                      No – 0

Moved by Boose and seconded by DeVries to dispense with the second and third readings for T 86-2018 Amended.

President Corcoran asked for any comments or questions. No discussion was offered. He took a voice vote on the motion and it carried.

Yes – 7                      No – 0

Moved by Boose and seconded by DeVries to adopt T 86-2018 Amended.

Moved by Boose and seconded by DeVries to add the emergency clause to T 86-2018 Amended due to timing issues.

President Corcoran took a voice vote on the emergency measure and the motion carried.

Yes – 7                      No – 0

President Corcoran asked the Clerk to call the roll vote on the adoption with the emergency for T 86-2018 Amended.

Clerk of Council Linden took a roll call vote and the motion carried. T 86-2018 Amended becomes **Ordinance number 5561-2018.**

Yes – 7                      No – 0

Clerk of Council Linden:

**T 87-2018** AN ORDINANCE CREATING A NEW CHAPTER ENTITLED “USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES” AS PART OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CITY OF NORTH RIDGEVILLE CODIFIED ORDINANCES.

(Introduced by Mayor Gillock)

Moved by President Corcoran and seconded by DeVries to dispense with the second and third readings for T 87-2018.

President Corcoran opened the discussion for any corrections or additions that need made to the Ordinance as there were several.

Councilman Boose stated on page five, section F, it states: “This chapter shall supersede all conflicting requirements.” He asked if there were any conflicting ordinances.

Law Director Moriarty stated not that he was aware of.

Councilman Boose stated on page seven, under definitions, specifically – decorative pole it states “temporary or holiday or special event attachments.” He asked how a permanent small cell tower could be placed on something temporary.

Law Director Moriarty stated the language was probably an abundance of caution to make sure that it doesn’t happen. He received a template from the Ohio Municipal League. Then he went ahead and spoke with a number of cities in the surrounding area such as Bratenahl, North Royalton, Dublin and Bay Village. They were all similar in format.

Councilman Boose stated under the definition of right-of-way, it referenced a City Manager. The City does not have one.

Law Director Moriarty stated that was part of the template. This is why it is noted in the Ordinance: “or substantially similar fashion” because there are also references to a section 99 that does not exist in the code that have to be deleted. There are some minor changes that have to be made to this.

Councilman Boose asked if Law Director Moriarty agreed to taking out the reference to the City Manager.

Law Director Moriarty stated he thought it should just read “by the City.”

Mayor Gillock stated an alternative, would be “the Mayor or his designee.”

President Corcoran stated the changes need to be tracked.

Law Director Moriarty stated the reference to Section 99 in dealing with right-of-ways will need taken out.

President Corcoran noted that the section that discusses small cell design guidelines references sections 99.23 and section 99.25 which need removed.

Councilman Boose asked what he is recommending in place of those sections.

Law Director Moriarty stated language could be added to state “to be established in this chapter or in the codified ordinances of the City of North Ridgeville.”

Councilman Boose stated in that same section there was another reference to City Manager that needed changed.

Councilman Boose stated on page eleven, under application required, B(2) appointment required; he asked who will be the designated City employee.

Law Director Moriarty stated he will include that decision with the application process. He believed it would probably be the Engineering Department or the Building Department.

Councilman Boose stated there was no application form yet. He asked what the process will be for drafting that form.

Law Director Moriarty stated the form will be created in the next few days.

Councilman Boose stated in the same section under item C, it references a Department of Public Works which does not exist.

Law Director Moriarty asked if that should read the Mayor or his designee.

Mayor Gillock stated it would probably be the Chief Building Inspector in the Building Department.

President Corcoran stated in the past, application was made to the Building Department because they required an electrical permit. It makes sense that it would go to them.

Councilman Boose stated under item D, in the same section, it discussed fees for different types of applications. He asked if the City is anticipating different fees for different types.

Councilman Boose thought as the wireless facility moves up in complexity there would be higher fees.

Law Director Moriarty stated it will be the maximum available through the statute.

Councilman Boose asked if there will be a separate application for the removal of the small cell facilities.

Law Director Moriarty stated yes.

Councilman Boose stated he felt there were some positive things in the legislation. He noted page fifteen, section C(3) which states except in the case of a public utility subject to the jurisdiction ..... the city, for good cause shown, may withhold, deny, or delay its consent to any person based upon the person(s) failure to possess the financial, technical, and managerial

resources necessary to protect the public health, safety, and welfare. There are many items throughout the document that talk about that.

President Corcoran asked the Law Director to touch on those sections.

Law Director Moriarty stated not only the with the fees as well as the tolling of the times, as well as the time period in which the City had to make a decision, the Law Director drafted the maximum allowable per statute on all of those references.

Councilman Boose stated page sixteen, item D(2) and D(3) Application Review Times and Processes; the sections seem to conflict. Councilman Boose noted that it states: "To toll the time period for incompleteness, written notice thirty days and any notice of incompleteness, requiring other information or documentation does not toll the time period." In section three it states, "The time period for granting or denying consent resumes when the entity makes a supplemental submission."

Law Director Moriarty stated if the application is lacking specificity, or if the applicant needed to provide additional documents, then there is a provision that allows them to do that without affecting their tolling period.

Councilman Boose stated in item E - Timeframe for completion of permit; it states "The city and operator agree to extend this period." Councilman Boose asked what the time extension should be.

Law Director Moriarty stated he did not see where cities had a limitation on that.

Councilman Boose stated once something goes through Planning Commission, it has a two year deadline. He asked if the City would want to consider something like that.

Law Director Moriarty stated he can see if there are any guidelines in respect to that.

Councilman Boose stated at the top of page seventeen, section, (E) (2), it says "if divisions 1(a) and (b) of this section cannot be met, the permit shall be void unless the City grants an extension in writing to the operator." Councilman Boose suggested adding: "upon a written request by the operator." He added he didn't think it should be the City's job to keep track of all that. He thought that they should request an extension.

President Corcoran stated he thought that would be the process as an extension wouldn't randomly be granted without any conversation with the applicant.

Councilman Boose stated that was what he was trying to avoid.

Mayor Gillock asked if it was being suggested that the applicant make a request to make a request.

Councilman Boose stated he missed the language and apologized. He thought consolidation of applications up to thirty was a good idea. Councilman Boose asked if staff could handle processing thirty applications at once under the time limitations listed.

Law Director Moriarty stated under statute, there is no way the City can go below thirty.

Councilman Boose stated that was based on applications, not cell towers.

Law Director Moriarty stated that was correct.

Councilman Boose stated for consistency, table was noted earlier in the document and it would be good to make it consistent throughout.

Law Director Moriarty stated he would have Brenda do that.

Councilman Boose stated on page eighteen, General Small Cell Requirements (A), design guidelines manual is referenced again and it is understood that the City does not have one yet and it is forthcoming. He noted that also on page eighteen, under Small Cell Design Guidelines Manual, the sentence "The City shall promulgate additional detailed Small Cell Design Guidelines Manual" does not read right.

Law Director Moriarty stated the words "a detailed" should have been included.

Councilman Boose stated as reference on page nineteen, he did not see any height requirements identified in the document.

Law Director Moriarty stated it should probably be within the manual. All the restrictions for height, setbacks and things like that are covered in the design manual.

Councilman Boose stated there is discussion about volume and overall volume. He asked if there was some mathematical calculation to determine height.

Law Director Moriarty stated he is working with the Building Department on that.

Councilman Boose asked what the height was.

Law Director Moriarty stated it was directed by statute and he didn't know off the top of his head.

Councilman Boose asked if it were hundreds of feet.

Law Director Moriarty stated, no. It depended on the type of structure. If it is a new structure, he believed it was fewer than thirty-five feet. If it is an existing structure, he believed less than ten feet. He stated there are restrictions by statute that are placed on that. Law Director Moriarty noted that the section with the design guideline manual, paragraph five, has already been removed which would be in accordance with what Council had just done by amending T 86.

Councilman Boose asked if all five have been deleted.

Law Director Moriarty stated yes.

Councilman Boose stated small cell design guidelines manual needed to be referenced consistently because sometimes the word manual was left out. Councilman Boose stated in the standard conditions permit approval, 19(B), it discusses cell phone facility permit duration. He



asked if this allows for any cell towers now. He also asked if any current ones are grandfathered or do they have to meet the same permit requirements.

Law Director Moriarty stated he believed they are grandfathered by statute.

Councilman Boose state on page twenty, under F - Department of Public Works, it should be changed to Building Department. On page twenty-one, under A - Safety Requirements, it states "Any person who owns a small cell wireless facility sited in the right-of-way shall at all times employ ordinary and reasonable care and install and maintain in use nothing less than the best available technology." He asked if it was reasonable to expect and require this by Ordinance.

Law Director Moriarty stated he thought so.

President Corcoran stated on page twenty-one, under letter N(2) there is a reference to 98.12 and that has to be taken out.

Councilman Boose stated on Recovery of Cost, page twenty-two, it indicates under A and B that the City may adjust this fee ten percent every five years rounded to the nearest \$5.00. He asked if that was limiting.

Law Director Moriarty stated that was set out by statute.

Councilman Boose asked if it could be changed.

Law Director Moriarty stated it cannot.

Councilman Boose stated on page five, under applicability, in item (A) and (B) it talks about not subject to zoning review or approval.

Law Director Moriarty stated that section is per the new law coming out unfortunately. That is one of the reasons why the companies went down to Columbus and had that law created, so they can avoid all that.

Councilman Boose asked if that was per statute.

Law Director Moriarty stated yes.

Mayor Gillock stated it does say as a permitted use not subject to zoning review. That is pretty much the way the City's zoning manual is written anyway. If there is a permitted use, it is permitted.

Councilman Boose thanked President Corcoran for allowing him to review the Ordinance in front of Council.

President Corcoran stated that was the whole intent of doing it tonight so it would be in place by the deadline.

Moved by Boose and seconded by DeVries to amend T 87-2018 to account for the changes reviewed on the floor this evening.

President Corcoran asked for any questions or comments. No discussion was offered. A voice vote was taken and the motion carried.

Yes – 7                      No – 0

President Corcoran asked for any comments or questions on the motion to dispense with the second and third readings for T 87 Amended. No discussion was offered. A voice vote was taken and the motion carried.

Yes – 7                      No – 0

Moved by Boose and seconded by DeVries to adopt T 87 Amended.

Moved by Boose and seconded by DeVries to add the emergency clause to T 87 Amended due to the August 4, 2018 deadline.

President Corcoran took a voice vote on the emergency clause and the motion carried.

Yes – 7                      No – 0

President Corcoran asked the Clerk to call a roll vote on the adoption with the emergency for T 87-2018 Amended.

Clerk of Council Linden took a roll call vote and the motion carried and becomes **Ordinance number 5562-2018.**

Yes – 7                      No – 0

Clerk of Council Linden:

**T 88-2018**     AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO REPEAL SECTION 9.7 *MANDATORY REFERRAL OF REZONING TO ELECTORS*, OF ARTICLE IX ZONING AND BUILDING ORDINANCES AND BOARD OF APPEALS, OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.

Moved by Boose and seconded by President Corcoran to dispense with the second and third readings for T 88.

Councilman Boose stated he had some reservations to the exact extent of what this might do in taking into consideration what the Mayor had given examples of. In other examples, he was not sure if this works. He added he is all for the electors of the community to make that decision, therefore he had no issue with moving forward in allowing them to vote yes or no whether they would like to have that Charter section changed in this regard or not.

President Corcoran took a voice vote on the motion and it carried.

Yes – 7                      No – 0

Moved by Boose and seconded by Chapek to adopt T 88.

Moved by Boose and seconded by Chapek to add the emergency clause to T 88 in order to meet the filing deadline with the County Board of Elections.

President Corcoran took a voice vote on the emergency clause and the motion carried.

Yes – 7                      No – 0

President Corcoran asked the Clerk to take a roll vote on the adoption with the emergency.

Clerk of Council Linden took a roll call vote and the motion carried and becomes **Ordinance number 5563-2018.**

Yes – 7                      No – 0

**SECOND READINGS:**

Clerk of Council Linden:

**T 75-2018**     AN ORDINANCE CREATING THE FULL-TIME POSITION OF LABORATORY MANAGER.

*(Introduced by Mayor Gillock; First reading 07/02/2018)*

President Corcoran referred T 75 to the Finance Committee.

Clerk of Council Linden:

**T 76-2018**     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 Mayor Gillock; First reading 07/02/2018)*

President Corcoran referred T 76 to the Finance Committee.

Clerk of Council Linden:

**T 78-2018**     AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH EMD STUDIO INC. FOR PROFESSIONAL ARCHITECTURAL SERVICES, NOT TO EXCEED \$219,500.00.

*(Introduced by Mayor Gillock; First reading 07/02/2018)*

President Corcoran referred T 78 to the Building and Lands Committee.

Clerk of Council Linden:

**T 81-2018**     AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

*(Introduced by President Corcoran; First reading 07/02/2018)*

**THIRD READINGS:**

Clerk of Council Linden:

**T 45-2018** AN ORDINANCE CHANGING THE NAME OF A PORTION OF SHADY DRIVE TO WATERBURY BOULEVARD.

(Introduced by petition of K. Hovnanian Waterbury, LLC; First reading 04/16/2018; Referred to SSB and PC on 04/16/2018; SSB on 05/07/2018; SSB report accepted on 05/21/2018; PC on 05/08/2018 & 06/12/2018; PC report accepted on 06/18/2018; Second reading 07/02/2018)

Moved by Boose and seconded by Abens to adopt T 45-2018.

President Corcoran asked the Clerk to call the roll vote.

Clerk of Council Linden took a roll vote and the motion carried and becomes **Ordinance number 5564-2018.**

Yes – 7                      No – 0

Clerk of Council Linden:

**T 70-2018** AN ORDINANCE AMENDING ORDINANCE NO. 3907-2003, WHICH CREATED THE POSITION OF SAFETY COORDINATOR AND SET THE COMPENSATION THEREFORE.

(Introduced by Mayor Gillock; First reading 06/18/2018; Second reading 07/02/2018)

Moved by Boose and seconded by Abens to adopt T 70-2018.

President Corcoran asked the Clerk to call the roll vote.

Clerk of Council Linden took a roll vote and the motion carried and becomes **Ordinance number 5565-2018.**

Yes – 7                      No – 0

Clerk of Council Linden:

**T 73-2018** AN ORDINANCE ADOPTING AND APPROVING THE TAX BUDGET OF THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE YEAR BEGINNING JANUARY 1, 2019 AND SUBMITTING SAME TO THE LORAIN COUNTY AUDITOR.

Moved by DeVries and seconded by Abens to adopt T 73-2018.

Moved by President Corcoran and seconded by Boose to add the emergency clause in order to meet the filing deadline.

President Corcoran took a voice vote on the emergency clause and the motion carried.

Yes – 7                      No – 0

President Corcoran asked the Clerk to call the roll vote on the adoption of T 73-2018 with the emergency clause.

Clerk of Council Linden took a roll call vote and the motion carried and becomes **Ordinance number 5566-2018.**

Yes – 7

No – 0

**MEETING ANNOUNCEMENTS:**

President Corcoran stated there will be a Utilities Committee meeting on Monday, August 6, 2018 at 6:15 p.m. in Council Chambers to discuss the French Creek wholesale rates. There will be a public hearing at 7:00 p.m. for the final plat of Meadow Lakes Subdivision 15 in a PCD; shortly followed by a public hearing at 7:15 p.m. in Council Chambers for the final plat of Lifestyles of Meadow Lakes Phase 2 in a PCD. President Corcoran stated the regular Council meeting will be at 7:30 p.m. on August 6, 2018 in Council Chambers.

**ADJOURNMENT:**

President Corcoran adjourned the meeting at 9:00 p.m.

Approval of minutes on August 6, 2018:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL