

**NORTH RIDGEVILLE CITY COUNCIL
MEETING MINUTES
SEPTEMBER 18, 2017**

CALL TO ORDER: 7:30 P.M.

President Corcoran: Calling to order the Monday, September 18, 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, Assistant City Engineer Cathy Becker and Deputy Clerk of Council Donna Tjotjos.

MINUTES - Corrections (if any) and approval:

President Corcoran: You have before you the Committee of the Whole minutes of September 5, 2017 regarding the aquatic study. 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 5, 2017. Are there any objections or corrections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note we received the Tax Abatement Review Board minutes of August 31, 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?

President Corcoran: Just so you are all aware, we are not voting on the rezoning this evening, we

are just voting on the report that Planning Commission supplied to us.

Mike Babet, 38601 Sugar Ridge Road: Mr. Babet stated he wanted to make corrections to the newspaper quotes and/or the minutes. He stated the two hundred and sixty foot buffer is not standard and it should be at least a four hundred and sixty foot buffer.

President Corcoran: If we grant everyone an additional three minutes, we are going to be here for a very long time which is great. I just want to make everyone aware that is a possibility.

Councilman Boose: Mr. President, understanding that in City Council meetings, you get up to three minutes to speak – it is not like Planning Commission to go on forever.

Moved by Boose and seconded by Westover to grant Mr. Babet up to an additional three minutes to speak.

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

Yes – 7 No – 0

President Corcoran: Mr. Babet, you may continue.

Mr. Babet quoted some words by Councilwoman Butkowski from the Planning Commission meeting and addressed them regarding Mr. Graham caring about the residents. He also attempted to quote Assistant Law Director Morgan from the Planning Commission meeting. He felt that her comments were not correct in how she advised the Planning Commission. He asked the Council to not adopt the report and further felt the Assistant Law Director tainted the Planning Commission's decision.

President Corcoran: Mr. McCool.

Brendan McCool, 38733 Sugar Ridge Road: stated the Assistant Law Director told the Planning Commission to only focus on the rezone petition before them. He felt that was not appropriate.

Cindy Morris-Firak, 38625 Sugar Ridge Road: stated residents are here to help Council make good decisions. Approving the application to rezone would not be thinking of the residents opinions and feelings.

Councilman Boose: Mr. President, even though many of us do understand and don't need to be told how we are representing our community...

Moved by Boose and seconded by Westover to allow Mrs. Firak up to an additional minute to speak.

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

Yes – 7 No – 0

President Corcoran: Mrs. Firak, you may continue.

Mrs. Firak continued to tell Council all the things they should be aware of in regard to the resident's concerns.

James Firak, 38625 Sugar Ridge Road: expressed his opposition to the rezone of the Sugar Ridge property and added it does not follow the Master Plan. He is concerned about the pollution, the roads and the industry that would come in.

Albert Krage, Sugar Ridge Road: stated he was fully against the rezoning of the parcel on Sugar Ridge Road.

President Corcoran: Is there anybody else? Moving on to Administrator's reports. Mr. Mayor, you are up first.

ADMINISTRATORS REPORTS:

A. Mayor: Thank you Mr. President. On tonight's agenda is T 80-2017 - a final resolution regarding PID No. 82632, Center Ridge Road widening project from Stoney Ridge Road to Lear Nagle Road. The project is scheduled to go to bid November 30th of this year and the completion date of October 2019. Mr. President, I am requesting we suspend the By-laws, dispense with the second and third readings and adopt T 80. I would also like to make a motion, when we get there, to add the emergency clause in order for us to meet the deadline set forth by the Ohio Department of Transportation.

Our Service Department is doing a wonderful job with paving our residential streets. They just finished up last week, Denny, Grant, Timothy and Wainwright and will now move on to Blanchard, Chennault, David and Davis. The tentative schedule for these four streets is milling and prepping beginning September 29 and paving the week of October 9. Once these four streets are completed, there are only four remaining streets on the list to be completed this paving season. Thank you to our streets department for staying on task, despite setbacks with weather, to complete the twenty-two streets.

Join me this Friday, September 22 from 8:00-9:00 a.m. at City Hall in the conference room for coffee and casual conversation. This is a great way to get your questions answered or just to get updates on city projects.

Also happening on Friday, September 22 is the Senior Center spaghetti dinner from 5:00-7:00 p.m. at the Senior Center. Cost is \$7 for adults, \$6 for seniors, and \$4 for children 10 and under. Carry out is also available. All proceeds from the dinner will benefit the Office for Older Adults.

Now I would like to make a special presentation. I would like to ask June Yost and those board members from Community Care to come to the front please.

Mayor Gillock presented a Proclamation to June Yost for her work with Community Care and declared Saturday, September 23, 2017 as Community Care Day in North Ridgeville and encouraged all residents and community members to participate in a “Drive-Thru Food Drive” sponsored by the North Ridgeville Lions Club to be held at Community Care’s location on Center Ridge Road from 9:00 a.m. to 2:00 p.m. and asked that everyone donate, great or small, to support the much needed resources that Community Care provides to many.

Mayor Gillock: That concludes my report.

Councilman Boose: Mr. President, not only is the Lion’s Club sponsoring the Saturday event at Community Care, but they are also sponsors of the spaghetti dinner that the Mayor mentioned during his report that will be Friday evening at the Senior Center.

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

B. Safety-Service Director: For those of you that have driven near the roundabout – it continues to progress. The utility poles were moved out of the way last Saturday by 5-6:00 at night to get them out of the way. They are paving. I look forward to that opening, hopefully the first week in October if everything goes appropriately. It is looking pretty good. They have the first coat of blacktop on it. They were down there working on it today.

Also, if you have noticed that Lear Nagle and Lorain Road, at the Sheetz, there was a railing that was up. For those of you that wondered why it was put up and taken down, well the kick plate at the bottom of the railing on one side it was in front and the other side it was in back. Rather than accepting it that way, the company that built the railing actually took it back and is redoing. It didn’t make sense to have a kick plate at the bottom and then on the backside. That is what is going on up there. We are hopeful that the railing will be back in the next few weeks.

Willoway Nursery has graciously donated a large portion of the landscaping and all the labor to go into the center of the roundabout with both Mayor’s in Avon and Mayor Gillock here have been working with the Demaline family. They were out there Saturday working. You will have the opportunity in October to go through. It is beautiful right now, they are going to make sure that both communities are taken care of and help us maintain at least through the next five years and get all those plants established in that area. My hat is off to Willoway. We will have hopefully a ribbon cutting ceremony before it is open. I am not sure when that will be but we will try to put something together for all of this. It is going to be pretty difficult with it being open to have the ribbon cutting because there are a lot of people that go through that intersection. It is going to be fun and enjoyable for all of us. We look forward to it. That completes my report. Thank you.

President Corcoran: Ms. Assistant Engineer.

C. Assistant Engineer: Thank you. Phosphorus is a major source of pollution that ends up in your local stream and can cause algae blooms on Lake Erie. Sources of phosphorus include leaves, lawn fertilizer, grass clippings and animal waste. Storm water washes leaves and grass clippings that have been placed in the street into our waterways and they break down and increase the phosphorous level and algae growth in our ponds and Lake Erie. You can help limit the amount of phosphorus that enters our waterways by keeping your leaves and grass clippings out of the street. Try adding your leaves to your compost pile or try mulching them with your lawnmower. That concludes my report.

President Corcoran: Thank you. Mr. Auditor.

D. Auditor: Thank you. The financial report for August will be out next week. The delay is due to the operations that are taken place in the two offices for the Auditor. That concludes my report.

E. Other Reports: President Corcoran: We have the August 2017 Water Distribution report and the August 31, 2017 Tax Abatement Review Board report.

COUNCIL COMMITTEE REPORT(S): None.

CORRESPONDENCE: None.

OLD BUSINESS: None.

NEW BUSINESS:

Deputy Clerk of Council Tjotjos:

Planning Commission action(s) taken at the September 12, 2017 meeting:

APPLICANT: Robert P. Graham, Triple Seven, LLC, 445 Griswold Road, Suite A, Elyria, OH 44035

OWNER: Same

REQUEST: Petition to rezone 26 acres of a 32 acre parcel from R-1 Residential District to I-2 Light Industrial District; temporary legislation T 74-2017.

LOCATION: On the northwest corner of Sugar Ridge Road and Bender Road; Parcel no. 07-00-047-000-111

PC ACTION: **Recommend City Council adopts T 74-2017 by a vote of 3-1.**

Councilman Boose: Mr. President, due to the nature of the Planning Commission action, would it be possible that the Law Director could advise us and the audience as to what the vote will need to be on the recommendation to City Council to adopt this. It is not, for example, voting for the measure, but for acceptance of the report and what that means. Thank you.

Law Director Crites: Sure, I'd be glad to if I may Mr. President. What is before us is, let me back up, the City's Charter mandates and states that no piece of land may be rezoned or no rezoning Ordinance can be passed until it is sent to Planning Commission for review and report.

There is no condition precedent that Planning Commission approves it. Nowhere in our Charter or our Ordinances or in the general laws of the state that Planning Commission approval is required for rezoning. Our Charter just states that this body can't rezone until Planning Commission reviews. That has happened. What is now before Council is Planning Commissions report. All Council is doing tonight is voting on either to accept or reject that report. If Council accepts that report by a vote, it requires a simple majority then of course you move forward in the rezoning legislation will come back to Council. I should note that the Charter requires rezones go through all three readings. When it is adopted the emergency clause cannot be added. If Council were to accept the Planning Commission recommendation, the Ordinance will come back for a full vote. If Council votes to reject the Planning Commission report, that does not kill the Ordinance. By Charter, the Ordinance still lives and comes back before the body for three full readings and eventually a vote. Tonight's vote, at best, will be a real good prediction of what might happen on the piece of legislation down the road. Of course, as legislatures, you can change your mind. No one is compelled to vote the same way on the piece of legislation. Thank you.

Councilwoman Butkowski: Mr. Chairman, may I speak? There were a lot of things put before the Planning Commission about this rezoning for and against, The basic things that it is an I-2 and there is I-2 and I-3 around it. It is not spot zoning. Other than that, everyone took into consideration what this would be doing to the City and to the neighborhood and the vote was taken. There was one person that was absent. It was 3-1. Mr. Graham spoke and told us about what his plans are as much as he could about it. It is property that can't be for sale yet because it is not zoned yet. It is just there. It is what it is. I think that is about all that we need to know now for this vote.

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

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

Deputy Clerk of Council Tjotjos: The motion carries.

Yes – 4 No – 3 (Chapek, Boose, Westover)

RECESS:

President Corcoran: Would anyone like a recess?

Moved by Johnson and seconded by Butkowski 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 79.

FIRST READINGS:

Ordinance and Resolution submittal(s)

Deputy Clerk of Council Tjotjos:

T 79-2017 A RESOLUTION REVISING COMMUNITY REINVESTMENT AREA REQUIREMENTS BY AMENDING RESOLUTION NO. 768-94, SECTION 4.
(Introduced by Mayor Gillock)

President Corcoran: I will refer that to the Finance Committee. T 80.

Deputy Clerk of Council Tjotjos:

T 80-2017 A FINAL RESOLUTION REGARDING PID NO. 82632, CENTER RIDGE ROAD WIDENENING PROJECT FROM STONEY RIDGE ROAD TO LEAR NAGLE ROAD.
(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Johnson to suspend the By-laws to dispense with the second and third readings for T 80.

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 Johnson to adopt T 80.

Moved by Mayor Gillock and seconded by Johnson to add the emergency clause to T 80 to meet the deadline set by ODOT.

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, with the emergency, are there any comments or questions? Clerk, please call the roll.

Councilman Boose: Mr. President, on the amount of \$1,654,766.00, how does that compare with what we said it was going to be in June of 2015? Was that how much we appropriated earlier this spring?

Auditor Wilcheck: We issued notes to cover our share of it for up to \$3,000,000.00. The \$1.6 million is well under that amount right now.

Councilman Boose: Thank you.

Deputy Clerk of Council Tjotjos: The motion carries and becomes **Resolution number 1409-2017.**

Yes – 7

No – 0

President Corcoran: T 81.

Deputy Clerk of Council Tjotjos:

T 81-2017 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, WITH THE LOWEST AND BEST BIDDER FOR THE SUBBASINS 9, 10, 15 and 16 SANITARY SEWER REHABILITATION PROJECT AND OTHER APPURTENANCES, NOT TO EXCEED \$110,000.00.

(Introduced by Mayor Gillock)

Councilman Boose: If I can ask the Administration, if we could move this along quicker, will there be an opportunity to begin work this fall or are we at the point where most of it won't happen until next year.

Mayor Gillock: Mr. President, being a sanitary sewer rehab project, I am confident that they can begin immediately because they have been working on the sewers all through the winter.

Moved by Mayor Gillock and seconded by Boose to dispense with the second and third readings for T 81.

Councilman Boose: Mr. President, I just want to make a note that we have been working on this project for many years. It is a great project. What it does for those in the audience and those on television – it helps seal in and repair our deteriorating sanitary sewer lines. There is infiltration into the lines not only from the inside out, but from the outside in. When there is flooding, water gets into the sanitary sewer and that is what can cause some backups into your homes. We have been working on this for many years. It has proved successful and as soon as we can get this project moving, there are several more basins here that will be repaired and will be closer on the way to preventing all over our community.

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

Yes – 7

No – 0

Moved by Boose and seconded by Johnson to adopt T 81.

Moved by Boose and seconded by Johnson to add the emergency clause to T 81 for the health, safety and welfare of the citizens of North Ridgeville.

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, with the emergency, are there any comments or questions?
Clerk, please call the roll.

Deputy Clerk of Council Tjotjos: The motion carries and becomes **Ordinance number 5482-2017.**

Yes – 7 No – 0

President Corcoran: That is the end of first readings. Moving on to second readings, we have T 51-2017.

SECOND READINGS:

Deputy Clerk of Council Tjotjos:

T 51-2017 AN ORDINANCE ESTABLISHING AN ANNUAL SALARY AND BENEFITS 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)

Moved by Mayor Gillock and seconded by Abens to amend T 51-2017 by substitution.

President Corcoran: This is to make the adjustment retroactive to the appropriations period. Are there any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: T 51-2017 has been amended. T 75.

Deputy Clerk of Council Tjotjos:

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)

THIRD READINGS: None.

MEETING ANNOUNCEMENTS:

President Corcoran: Our next City Council meeting will be Monday, October 2, 2017 at 7:30 p.m. We have a public hearing on Monday, October 16, 2017 at 7:00 p.m. regarding T 74-2017.

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?

John Pozzi, 5751 W. Breezeway Drive: stated he owns On the Go Convenience gas station. He has been robbed four times in three years. He is asking Council to consider a committee be made to include Council, residents and business owners to review law enforcement as response times were almost twenty minutes. Steadily the response time has gotten worse. His liability insurance tripled due to the response time. He noted Sunrise Marathon was robbed a week ago with a response time of almost twenty minutes. There have been other robberies around the community.

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

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

Yes – 7 No – 0

Mr. Pozzi stated regarding the widening of Center Ridge, the corner of Nagle near Century, the lights have been taken down and not put back up and it is extremely dark. He noted his insurance company is requiring he light up that area. The lights used to be there.

Mayor Gillock: We will get with the Police Chief and take a look at these and see why there is a degraded response time. If so, it could be a manpower issue, then it is a budget issue which is tough for us to deal with. If there is something else going on...let's see what it is. In regards to the street lights, the lights that are there now are temporary for the widening project. First Energy had to remove the old poles and put temporary ones up so there is not as many as there were as the gentleman points out. As I said earlier, we are going to bid November 30th. The project will begin on that next year and permanent fixtures will be put in and it goes all the way to Lear Nagle. He mentioned Lear Nagle to Century Tavern being dark. We are going to have to look and see if it covers that area or not. I'm sure when it is done the entire stretch will be well lit.

President Corcoran: Mr. Pozzi, if you would like to speak to the Mayor after this meeting, you are more than welcome to. Unfortunately, this is not a back and forth session – it is just a one way.

Councilman Boose: Can we ask the Administration to look into, if in fact a permanent light is not going to be done until the project begins next spring, that something temporary be considered because that is a long stretch from Lear Nagle to Century. That is a long stretch to be without a street light. Certainly there is something to try to accommodate I would think.

Safety-Service Director Armbruster: I spoke to John earlier this evening, street lighting is something I said we would take a look at and see what happened over there as to where the lights were and if there is a pole for us to go on. We will do that. That is in the works.

Councilman Boose: Great. That is on the edge of my Ward. If you could let me know I would appreciate it.

Mayor Gillock: There should be a light at the top of Broad – it might be out. We will take a look. I know there was a street light there before.

Councilman Chapek: Mr. President that is my Ward. The lighting along Lear Nagle – the widening goes to Lear Nagle so why is anything being disturbed east of Lear Nagle and not being replaced ASAP?

Mayor Gillock: I am not sure. I am not sure it has anything to do with Center Ridge Road widening project. We will take a look at it.

ADJOURNMENT:

President Corcoran: The meeting was adjourned at 8:24 p.m.

Approval of minutes on October 2, 2017:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL