

**NORTH RIDGEVILLE CITY COUNCIL
MEETING MINUTES
JUNE 19, 2017**

CALL TO ORDER: 7:30 P.M.

President Corcoran: Calling to order the Monday, June 19, 2017 regular 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, Roseanne Johnson, Robert Chapek and President Kevin Corcoran.

Gregg Westover was excused.

Also present was Mayor G. David Gillock, Safety-Service Director Jeff Armbruster, Law Director Andrew Crites, Auditor Jeffrey Wilcheck, Assistant City Engineer Cathy Becker and Clerk of Council Tara L. Peet.

MINUTES - Corrections (if any) and approval:

President Corcoran: You have before you the City Council minutes of June 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 Employee Safety Committee minutes of May 27, 2017 and the Planning Commission minutes of June 13, 2017.

LOBBY:

President Corcoran: We are only going to have one lobby session this evening. We are opening up lobby session right now. If you would like to speak, please step up to the podium. You will be given three minutes to speak. Would anybody like to speak?

President Corcoran: Moving on to the Administrator's reports. Mayor, you are up first.

ADMINISTRATORS REPORTS:

A. Mayor: Thank you Mr. President.

Mayor Gillock swore in Assistant Fire Chief Mike Uhnak, Captain Daniel Rogers and Lieutenant Korey Stearns.

Enjoy a fun-filled family event as we celebrate our Independence on Monday, July 3, 2017 from 7:00-9:30 p.m. at South Central Park. Join us for bounce houses, face painting, food vendors and live music. A spectacular fireworks show will follow at dark. Rain date is July 5, 2017 for the fireworks only. Bainbridge Road will be closed between Root Road and Route 83 starting at 1:00 p.m. on July 3 and will reopen the morning of Tuesday, July 4, 2017.

While we are on the subject of the fireworks display, I would like to thank the following businesses and individuals for donating to this year's event: All Points Trucking, Inc. of NE Ohio, the Baker family, R.W. Beckett Corp., Beckett Gas, Bogner Family Funeral Home, Branam Fastening Systems, Bulk-N-Bushel, Bernadine Butkowski, Cryogenic Pump Repair & Service, Division of Veite, J P Diederich Sons Inc., General Services, Devona & Kevin Grundy, Hall's Towing, Kalt Manufacturing Co., Kendall CPA's, LLC, Kitchen Works, Frank & Mary Kuffa, Thomas & Helen Lavelle, North American Cronite Inc., North Ridgeville Auxiliary Police, North Ridgeville Carstar, North Ridgeville Corn Festival, North Ridgeville Lions Club, Casey L. O'Connor, DDS, Poppees Popcorn, VFW 9871 of Ohio Charities and Wilson's Tree Service.

I am happy to share that we are the recipient of the Lorain County Solid Waste Management District Recycling Grant in the amount of \$38,548. This is the 25th grant that we've received over a twenty-six year period, totaling nearly \$2 million. The funding is based on the total tonnage of recycling collected in the community. North Ridgeville continues to be one of the communities leading the way in Lorain County when it comes to recycling. The grant dollars are used to purchase items such as picnic tables, benches, and trash receptacles for our parks, traffic cones and barrels, food containers and supplies for our Senior Center Meals on Wheels, to name just a few.

On Sunday, June 25, the 9th Annual Cops Ride Ceremony will be held at 10:30 a.m. at the Greater Cleveland Peace Officers Memorial. It is anticipated that five hundred motorcyclists will attend the ceremony and join in a police escort processional ride after the ceremony. The route is from Cleveland to Medina and will pass through North Ridgeville between 11:30 a.m. and noon traveling from I-480 west, west onto Lorain Road to Route 83 south. If you are along the route, you may want to consider showing your support as they pass by; and for those of you traveling near this route during this time please expect delays.

The Parks & Recreation Department will be hosting free movies in the park this summer. Pack up the entire family, chairs and a picnic dinner to enjoy the free movie series. The next movie will be shown on Friday, June 30 at South Central Park at dusk and will feature "Queen of Katwe." For movie updates or for cancellations due to weather, please visit the Parks & Recreation Department's website.

Join me on Monday, June 26 from 8:00 to 9:00 a.m. at City Diner for a cup of coffee and casual conversation. This is a great way for you to ask questions or just get an update on what's going on in our great City. That concludes my report.

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

B. Safety-Service Director: This morning K. Hovnanian in Meadow Lakes, 12 started pouring concrete for the street at 7:00 a.m. was the start time. Unfortunately, with the rain and different things that happened today, they will be working later than 9:00 p.m. tonight to saw cut the road. They are a fair distance from the homes of Meadow Lakes, 12. You will possibly, if you have your windows open, you will hear some saw cutting. They are going to get it done as quickly as possible. We need the saw cut for the joints in order for the road not to buckle on us to give us that flexibility. We are allowing them to work this evening because it cannot wait until tomorrow. There is a certain time you need to saw cut the concrete and that will finish this evening. That concludes my report.

President Corcoran: Ms. Assistant Engineer.

C. Assistant Engineer: Thank you. The contractor for the Jaycox extension to the new fire station, Digioia Suburban Excavating has completed construction of the water main and the storm sewers will be completed this week. The box culvert bridge over Robinson Ditch is also complete except the waterproofing and the railing. The contractor is currently working for preparation of the base for the roadway pavement. Paving is expected to begin at the end of July. Construction is on schedule and is expected to be complete in August. That concludes my report.

President Corcoran: Thank you. Mr. Auditor.

D. Auditor: Thank you. I have a few items for tonight. Earlier this afternoon, I emailed the May Financial report to everyone. If you have any questions, feel free to email me and I will get your answers.

Tonight there is a piece of legislation – it is T 61. It is a supplemental appropriations. There are two items in it. There is a request for a \$25,000 increase in the Engineering Department for other expenditures. It relates to contractual services to get some additional help there to aid in the workload in the interim until we have a new City Engineer hired.

The second item in there is a reduction of appropriations in the Capital Improvement Fund of \$246,000. That is needed in order to bring the budget back in line for that fund with Ohio budgetary law. There were some changes that occurred with the estimated resources bringing about the necessity to reduce the appropriations in that fund.

Today we had our closing on our note sale. If you recall, we authorized \$7.4 million in notes and the interest rate on the notes is 2% with a premium that is generated, the yield is 1.2% which is less than the interest rate on the notes last year.

The next Council meeting we will need to have the public hearing on the tax budget and have the tax budget approved so it can be submitted to the County Auditor timely. That concludes my report.

Councilman Boose: Mr. President, two questions – one on the \$25,000 for the Engineer's office – what kind of help are we getting and how did we arrive at the \$25,000?

Auditor Wilcheck: That is for an engineering firm to aid with some of the review work that has to get completed.

Mayor Gillock: Mr. President, with the absence of a City Engineer, Cathy is doing a very good job of covering the office, but she cannot handle all of the work. We retained LJB Engineering on an as needed basis. They will be doing things such as plan reviews. Cathy can tell you more than I can what they will be doing. We need some additional help to cover the gap until we have an engineer on board.

Councilman Boose: Do you know how long the \$25,000 should last?

Mayor Gillock: At this point we don't really know. If we don't spend it, then we still have it. We just arbitrarily picked that number as a starting point to see where it takes us. We certainly hope it doesn't go any higher, but we didn't want to go with a lower number and then have to come back at \$10,000 and come back right away. I think this will cover us in the short term.

Councilman Boose: Thank you.

Mayor Gillock: Can you give them a little bit more on where you need help.

Assistant Engineer Becker: LJB is already working on a couple projects for us. We've had some meetings come up that they can attend because they are all day and out of the office which I cannot waste a whole day out of the office. They will help us with those projects and anything else that comes up that could need review or complaints.

Councilman Boose: Okay, great, again, I just want everyone to understand what money is being spent for – it is not clerical. One final thing, I'm not sure if it is to the Safety-Service Director or Engineer, maybe both; can you tell me where we are at on the utility fee process? Again, that is delaying getting money back to the residents from the overcharge on the solid waste portion and I kind of want to know where we are on that.

Safety-Service Director Armbruster: Andy and I were on a conference call today with GPD as well as Mike Bramhall was in last week. We are in a process of interviewing someone else; some legal help that based on where we are within the utility in itself...we had one firm that was on board and he is not of the... he is good at what he does but we found during the analysis, that we need additional help. Andy, the Mayor and I are going to be interviewing and talking with him next week. It is moving along. I'm sorry it did not meet that sixty to ninety day process. I

guess I cannot even get you a schedule but we are getting closer to the end, but we need another expert to give us some help. That is where we are now on the process.

Councilman Boose: Thank you for the update but having heard that I would ask Council to ask the Auditor or whomever to...in conjunction with the Utilities Department to get us some numbers of what excess funds we might be talking about in reference to a potential rebate to our residents for the balances that we don't need in that Solid Waste Fund and in talking with the Auditor earlier during appropriations, there may be more than one way that might happen. Because as this goes longer, again, this is not our money, it is the resident's money and I believe it needs to get back to them somehow.

Mayor Gillock: The Auditor and I have been looking at this separately and we are doing that analysis now. We are kind of...I don't want to commit to anything, that is probably why we haven't discussed it too much. We are looking at the possibility of a rate holiday later in the year for a couple of months that would allow... they just wouldn't have to pay the fee for whatever period of time. It gets us where we want to be. That is the direction we are looking to be possibly a rate holiday.

E. Other Reports: President Corcoran: We have the May 2017 Fire Department report, the May 2017 Support Car report and the May 2017 Water Distribution reports.

COUNCIL COMMITTEE REPORT(S): None.

CORRESPONDENCE: None.

OLD BUSINESS: None.

NEW BUSINESS:

Moved by President Corcoran and seconded by Boose to suspend the By-laws to reschedule the July 3rd City Council meeting to July 5th.

President Corcoran: Are there any comments or questions?

Councilman Chapek: If there is rain on the 3rd the fireworks will be on the 5th?

President Corcoran: Yes, we are not rescheduling the meeting because of fireworks, we are rescheduling the meeting due to the conflicts of holidays and that weird day where there is no holiday between a Sunday and a holiday. That is the reason why. Not specifically the fireworks. If it is cancelled and moved to the 5th, we will just have to watch them from here. Same time and same place, just on a different day.

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

Yes – 6

No – 0

Clerk of Council Peet:

Planning Commission action(s) taken at the June 13, 2017 meeting:

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

OWNER: Same

REQUEST: Final plan approval for Meadow Lakes, Subdivision 13 in Meadow Lakes PCD.

LOCATION: Extension of Sandy Ridge Road, West of Stoney Ridge and South of Tail Feather Drive in a PCD District.
Parcel nos. 07-00-028-101-164 and 07-00-033-112-044

PC ACTION: Approved by a vote 5-0.

(Council action required)

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

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

Councilwoman Butkowski: Mr. Chairman, each of these parts of this ...there plans; I think they had around forty homes. Part of one of these has some senior housing in it or they will try to make towards senior housing. That is what is coming. They are already getting started.

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

Yes – 6

No – 0

Clerk of Council Peet:

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

OWNER: Same

REQUEST: Final plan approval for Lifestyles of Meadow Lakes, Phase 1 in Meadow Lakes PCD.

LOCATION: Extension of Hunter Lake Drive west, south of Barres Drive and East of Sandy Ridge Reservation in a PCD District.
Parcel no. 07-00-040-000-019

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

(Council action required)

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

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

Councilwoman Butkowski: Mr. Chairman, that senior housing is the Lifestyles of Meadow Lakes.

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

Yes – 6 No – 0

President Corcoran: Those actions have been accepted.

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 on the motion? All those in favor say yes. Those opposed say no.

Yes – 6 No – 0

President Corcoran: Moving on to first readings, we have T 61.

FIRST READINGS:

Ordinance and Resolution submittal(s)

Clerk of Council Peet:

T 61-2017 AN ORDINANCE AMENDING ORDINANCE NUMBER 5462-2017 OF THE CITY OF NORTH RIDGEVILLE, OHIO, PROVIDING APPROPRIATIONS FOR THE PERIOD COMMENCING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017.

(Introduced by Councilwoman Johnson)

Moved by Johnson and seconded by Butkowski to dispense with the second and third readings for T 61.

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

Yes – 6 No – 0

Moved by Johnson and seconded by Butkowski to adopt T 61.

Moved by Johnson and seconded by Butkowski to add the emergency to T 61 to maintain compliance with Ohio budgetary law.

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

Yes – 6 No – 0

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

Clerk of Council Peet: The motion carries and becomes **Ordinance number 5468-2017.**

Yes – 6

No – 0

President Corcoran: Moving on to second readings, we have T 53.

SECOND READINGS:

Clerk of Council Peet:

T 53-2017 AN ORDINANCE CREATING CHAPTER 875 “MEDICAL MARIJUANA” FOR THE REGULATION OF BUSINESS ACTIVITY INVOLVING THE CULTIVATION, PROCESSING AND DISPENSING OF MEDICAL MARIJUANA.

(Introduced by President Corcoran; Committee of the Whole on 05/01/2017; Report accepted on 05/15/2017; First reading 06/05/2017)

Moved by Boose and seconded by Butkowski to amend T 53-2017 to remove the word “prescribing” from the first “Whereas” paragraph and letter “A” in Section 1.

President Corcoran: Mr. Law Director, would you like to explain why that decision was suggested?

Law Director Crites: I was asked to review it and upon reviewing it, I believe although I think we could have if Council really wished, tried to flex our muscle granted to us by the recently passed statute by eliminating that activity as well; it is my opinion that we are in a better position legally to in fact remove it because the three main activities that are most clearly identified as that which a municipality can regulate are cultivation, dispensing and processing and so we are going to go with that. Aside from that, it appears it must always be considered that it is Council’s intention or Council prefers to not prohibit the act of prescriptions so a resident could find the relief from a physician in the City. It is more than the direct legal language, but it is also a function of what Council does or does not wish to prohibit. I agree with it.

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

Yes – 6

No – 0

President Corcoran: T 53 has now been amended.

Moved by President Corcoran and seconded by Boose to dispense with the third readings for T 53 Amended.

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

Clerk of Council Peet: The motion carries.

Yes – 4

No – 2 (Johnson, Abens)

Councilwoman Johnson: Don’t we need a super majority?

President Corcoran: No, not to dispense with the third reading.

Moved by President Corcoran and seconded by Boose to adopt T 53-3017 Amended.

President Corcoran: Any comments or questions?

Councilman Abens: The reason I voted no is because of the recent amendment, I just felt that we needed a little bit more time to consider in spite of the fact the moratorium runs out in a few days. That was the reason for my no vote.

President Corcoran: Thank you. Any other comments or questions?

Law Director Crites: Roseanne is right. If I may, you are correct, we do need a super majority to dispense with a reading, so we need five votes. I would ask that we revisit it – I don't know if you want to recall the vote – you could. You can ask it be reconsidered because we are at the same meeting. I don't want to try to persuade a Council member from their vote. It isn't for me to do. You could do that. Or the motion to dispense with the third reading fails. We would have to come back at the next Council meeting or special meeting in order to adopt the legislation. Likewise, it can't be adopted tonight without that third reading being dispensed. If it were to be adopted tonight and you wanted to add the emergency for the purpose of beating the moratorium date I guess conceptually the fear the medical marijuana business would rush to the City before we got this piece of legislation adopted which would be foolish for someone to do because it would be illegal two weeks later. I don't know if that is a real grave concern but something to consider. In short, that motion to waive the third reading in fact failed for want of a super majority.

President Corcoran: We have two options – one being to reconsider the vote from the dispensing of the third reading or we bring to the floor 5408-2016 which was the moratorium Ordinance and we vote to extend the time so we don't have a gap in between the ending of the moratorium and the beginning of T 53 going into effect.

Councilman Boose: Mr. President, I'll reiterate what I talked about at our last meeting two weeks ago and I can appreciate the Councilman's position. That is why we decided two weeks ago at our last meeting to take two weeks to think about to amend the legislation as we did to eliminate the word prescription. I have an issue with the state of Ohio not doing, in my opinion, a great job of putting this legislation out there because when they put it out there in the beginning, they didn't have any rules with it and they are still coming up with rules for this whole thing. The greater part of it is it is federal law and the main reason, in my opinion, that I have an issue with the federal law is that you cannot do anything with the funds. You cannot just deposit the money that you earn from cultivating, selling or manufacturing it with any federally insured bank because banks go by federal law and it is against federal law. Myself, working for a federally insured bank, if we accepted those funds knowingly we could lose our charter and banks don't want to do that. That is the problem that I have. The reason why I suggested that we eliminate prescription or prescribing medicinal marijuana in our City because when a

physician prescribes it they are not getting money from the sale cultivation or manufacturing of medicinal marijuana. They are getting money from their patient. They are prescribing it. How the patient goes and pays for the prescription is a whole different story. That is the reason, again, clarification, for the Councilman or anyone else who wondered why we did that. I just believe that it is one thing to force our resident's to have to acquire the medicinal marijuana outside our City limits – so be it, but to actually ask them to have to find another physician other than their own outside of the City limits, you would have to perhaps go out of policy to do that and it could cost our resident's a lot of money to be prescribed something that could help them legally. That is the reason why I did that. I would be in favor of having another vote on it if that would change it, but at minimum, I think we should at least extend the moratorium if that is the favor of Council.

Councilman Abens: Mr. President, it is not necessarily that I am against the prescribing; I just believe this is just such a hot button issue. I have discussed this with a few doctors I am familiar with. I am not getting unanimous from them either. I just think that rushing into it at this point is ill advised and I think it would be advisable for us to take an additional two weeks to think about it, discuss it with people that we know and take it from there.

Councilwoman Butkowski: Mr. Chairman, let's just go with the one we have and just extend it for another four weeks and we could just...

Mayor Gillock: Mr. President, I think the whole issue is moot and you should just wait until the next meeting. The rules for processing and dispensing won't even be passed until September. That is not an issue. Most of your cultivators are already working, but if one wanted to come here, these have to be grown in a secure building. They would have to come to Planning and there will be all kinds of things they do long after this Ordinance would be considered in two weeks. It really is a moot issue. Nobody is going to rush in here in next two weeks, get approved and put up a cultivating operation.

Law Director Crites: Mr. President, that is a good point and I believe it is September which is the deadline for the state to even lay down the rules for a physician to be licensed to prescribe. Once they lay down the rules, the physicians will need to run through hoops for registration. That is actually a very good point, even if someone wanted to hurry in, it would be basically impossible.

Councilman Boose: Again, Mr. President, point well taken by the Mayor is that we discussed earlier, sometimes, continuing to extend a time frame on a moratorium can sometimes legally not be the best position that we want to place ourselves in. That is the other reason we considered the other piece of legislation.

President Corcoran: That has come up several times in our discussions.

Councilwoman Johnson: I just wanted to say that the reason I voted against suspending the third reading is because this is a controversial issue and I do think it should have the full three readings. It is not like buying road salt. I felt strongly that it should have a third reading.

President Corcoran: Thank you. I will rescind my motion to adopt which was the last one I made.

Councilman Boose: I withdraw my second.

President Corcoran: And also, I withdraw my motion to dispense with the third reading.

Councilman Boose: I withdraw my second.

Law Director Crites: I can't imagine the likelihood...it does expose you to some legal challenges, but I would probably leave the moratorium alone. If you set it for sixty days, it is reasonable enough that I don't think you will have a problem, but it really seems to be unnecessary.

President Corcoran: Here is the reason why I rather extend the moratorium for that short period of time only because my guess is that we aren't going to get a majority or super majority that we need to add the emergency clause to it. It will have its third reading July 5 and then we will have to wait thirty days for it to go into effect and we are waiting even longer. I get the idea that no one is going to rush in here. Someone could ask for a special Planning meeting or whatever else. Since it won't go into effect more than thirty days...it could. Actually, if twenty days' notice they would be able to get it in and have their meeting ten days before their ban went into place.

Mayor Gillock: You still have to approve Planning Commission's actions. It can't be done.

Councilwoman Butkowski: It has to be a pretty big plot of land to make it valuable.

Mayor Gillock: Mr. President, the indication that it might take a pretty big lot of land is not accurate under the law. It would be in a building less than 25,000 square feet. That is all they are allowed.

Law Director Crites: If we did nothing, nothing would happen is my legal opinion. You really don't have to do anything. It is impossible for anybody to get in here. They cannot even get a permit or license. They are still in Columbus scratching their heads trying to figure out how to deal with this. It is a lot of money involved and investment and the cultivators have already gone to where they can invest where they are welcome. Those few tickets to ride are already gone. These are practical realities and concerns that you may not want to rest upon.

President Corcoran: Moving on to third readings, we have T 52.

THIRD READINGS:

Clerk of Council Peet:

T 52-2017 A RESOLUTION AMENDING RESOLUTION NUMBER 1367-2015,
DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.
(Introduced by Mayor Gillock; First reading 05/15/2017; Second reading 06/05/2017)

Moved by Johnson and seconded by Butkowski to adopt T 52.

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

Moved by Mayor Gillock and seconded by Butkowski to add the emergency clause to T 52 in order to get the best rates on fees and deposits.

President Corcoran: On the emergency clause, are there any comments or questions? Clerk, please call the roll.

Clerk of Council Peet: The motion carries.

Yes – 5 No – 0 Abstain – 1 (Boose)

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

Clerk of Council Peet: The motion carries and becomes **Resolution number 1407-2017.**

Yes – 5 No – 0 Abstain – 1 (Boose)

MEETING ANNOUNCEMENTS:

President Corcoran: Our next regular Council meeting will be held Wednesday, July 5, 2017 at 7:30 p.m. here in Council Chambers.

Councilman Boose: Mr. President, just one item, I just want to remind residents that on Thursday, June 22, 2017 at 6:00 p.m. at South Central Park – Healthy Strides will be taking place again. It is a casual thirty minute walk and proceeded by a brief informative talk by local health professionals and city officials. This week I will be the city official speaking. All members of the community are welcome. The program is free to attend with no preregistration needed. In the case of inclement weather, the walk will be cancelled. That will be posted on the website and department Facebook page.

Councilwoman Johnson: Mr. President, I'm sorry, just something very brief I wanted to say. I had some problems with my email and I haven't had any City email since May 25th. It is fixed now, but if anyone had tried to email me, I didn't get it. I apologize. I am not ignoring people. Thank you.

ADJOURNMENT:

President Corcoran: This meeting is adjourned. The meeting was adjourned at 8:25 p.m.

Approval of minutes on July 5, 2017:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL