

**NORTH RIDGEVILLE CITY COUNCIL  
STREETS, SIDEWALKS AND BRIDGES COMMITTEE MEETING MINUTES  
COUNCIL CHAMBERS – 6:30 p.m.  
THURSDAY, FEBRUARY 21, 2019**

**To Order:**

Chairman Bob Chapek called the Streets, Sidewalks and Bridges Committee meeting to order at 6:30 p.m.

**Attendance:**

Members present: Councilman Dennis Boose, Councilwoman Michelle Hung and Chairman Bob Chapek.

Also present: Assistant Law Director Toni Morgan, President Kevin Corcoran, Chief Building Inspector Guy Fursdon, Safety-Service Director Jeff Armbruster and Assistant Clerk of Council Tara Peet.

**Minutes:**

Chairman Chapek asked for any additions or corrections to the minutes of December 3, 2018. No discussion was offered. The minutes stand approved as submitted.

Chairman Chapek began the discussion with the drafted ordinance amending N.R.C.O. Section 1024 – Sidewalks. He asked the Committee for any comments on the amending ordinance.

Councilman Boose stated he was in favor of sidewalks on both sides of street. He asked if the Planning Commission said no to a sidewalk, how Council could vote against it.

Assistant Law Director Morgan stated many times the question does not come up at all. She suggested dialogue from the Planning Commission to see what they had in mind. Assistant Law Director Morgan stated the Committee can make an affirmative call giving them authority to make the decision.

Councilman Boose asked if the code were silent is it the assumption that a sidewalk is needed unless Planning Commission specifically stated no. He further asked how it would be monitored.

Assistant Law Director Morgan stated a lot of times it is a legal record.

Councilman Boose asked if Council can disagree with Planning and require a sidewalk.

Assistant Law Director Morgan stated there is a mechanism to deny the Planning Commission report.

Councilman Boose stated he understood extreme financial hardship but further added there is no definition to define what financial hardship is and it allows the Safety-Service Director to make that decision. He felt that needed to be eliminated. Councilman Boose

also stated that in Section 1024.06(c)(2) it discusses how a lien will be put in place if they don't pay for the sidewalk. Councilman Boose recommended changing the section because some people do have financial hardship. He cited a few years ago in his ward where some people had to repair their sidewalks and it was thousands of dollars he also cited the westerly sewer install project. Councilman Boose recommended giving residents a timeframe to pay it off and change the wording in the last paragraph of 1024.06(c)(2). He also stated he felt the resident should not be charged for a sidewalk until the sidewalk is ready to be installed.

Safety-Service Director Armbruster stated liens are paid in installments.

Chief Building Inspector Fursdon stated the westerly sewer project was bonded out and then the residents were assessed.

Councilman Boose stated he felt it should be done the same way.

Safety-Service Director Armbruster suggested that the City put in the sidewalk and then give them a timeframe to pay it off and if they don't, then put a lien on the tax duplicate.

Chief Building Inspector Fursdon stated this piece of legislation is only for future development/builds. This was not for already existing homes. He felt that if a person could afford to build a home, they could afford to install a sidewalk.

Councilman Boose stated the ordinance does not say it is only for new construction. He further asked that if a new construction meets one of the exceptions to not install a sidewalk, if they eventually don't meet the exception anymore, will they then be required to then install the sidewalk.

Chief Building Inspector Fursdon stated no.

Councilman Boose stated that was wrong.

Chief Building Inspector Fursdon stated he felt exceptions two and four needed to remain and not be removed.

Councilman Boose asked Assistant Law Director Morgan about section (c)(1) regarding deposits.

Assistant Law Director Morgan stated the City no longer takes deposits when sidewalks weren't required. She stated it can be changed but the Committee needs to keep in mind things like the owner at the time, a new owner and if there was a bankruptcy. She noted the Committee needs to be careful with the language they use.

Chairman Chapek asked about how they go about requiring sidewalks for neighborhoods that do not currently have them.

Assistant Law Director Morgan stated plans and specifications through engineering would need to be done. She added the residents would need to be given the opportunity to install the sidewalk themselves and a timeframe would need to be established. If they fail to do it themselves, then the City would install the sidewalk and assess the homeowner.

Chief Building Inspector Fursdon stated the code section isn't met for old construction, the change is just for new construction.

Councilman Boose stated section (c)(1) does not state it is only for new construction.

Assistant Law Director Morgan asked if Councilman Boose was suggesting the language be removed or modified.

Councilman Boose stated what he is hearing is if there is no sidewalk required initially, there is no plan to require sidewalks down the road.

Chairman Chapek stated he wanted to know how the City will put sidewalks in for neighborhoods that do not have them.

Councilman Boose stated that is a different discussion than what is before the Committee right now.

Councilwoman Hung stated they have heard in zoning where people don't have money to install sidewalks and the BZBA grants the request.

Assistant Law Director Morgan stated she is looking for guidance. She asked if exception two should be removed.

Councilwoman Hung stated her issue is when the Planning Commission report comes to City Council; they only get to approve or deny the action as a whole. She referenced the K Hovnanian phase that came in without sidewalks required.

Assistant Law Director Morgan stated in that case, the sidewalk was not required because there were no homes on one of the sides.

Chief Building Inspector Fursdon stated when the ordinance was first written there weren't subdivisions with open space. The code is clear that a sidewalk is required in subdivisions. He felt exception two and four needed to remain in the code.

Councilman Hung again referenced K Hovnanian not being required to install a sidewalk by Planning Commission.

Chief Building Inspector Fursdon stated he just thought Planning Commission overlooked it.

Councilman Boose asked what if the Commission overlooked the code.

Assistant Law Director Morgan stated this was her point. She asked if the Committee wanted a definitive statement.

Councilman Boose stated he did not want Planning Commission making that decision, but he wants Council making the decision through legislation.

Councilwoman Hung stated she agreed.

Assistant Law Director Morgan stated exception four will be removed. She asked for clarification on removing exception two.

Councilman Boose thought it should be removed.

Chief Building Inspector Fursdon disagreed and thought the exception should remain.

Councilman Boose stated in section (5)(b) the reference to a deposit should be removed and replaced with “no sidewalk”. There are probably other places in the code that need changed.

Assistant Law Director Morgan stated she would make those changes.

Chairman Chapek asked if anyone in the audience cared to speak.

Martin Austin, 34897 Shawn Drive stated he has been to many zoning and planning meetings. He reminded the Committee that North Ridgeville was built on a ridge and many people are on ridges. He added that the cost of a sidewalk sometimes isn't just the cost of installing the sidewalk but the cost to level the area.

Councilman Boose stated that is considered and stated in section 3.

Assistant Law Director Morgan stated she will create a new draft of the ordinance based on the discussion. She noted she will send the new draft to make certain the Committee is on board with the changes.

Councilman Boose thanked everyone for their hard work.

Chairman Chapek moved on to the next ordinance which made some changes to Section 440 of the code. He asked for any comments or questions on the changes.

Councilwoman Hung asked Councilman Boose to go over all the changes.

Councilman Boose stated he asked for the Law Department to make certain the code section was in line with Ohio Revised Code.

He went line by line through the changes. Councilman Boose stated the language in 440.09(D) is additional language added. He noted that section 440.14(a) is also additional language. Councilman Boose recommended the language read “or both such parties may be issued an additional citation”.

Assistant Law Director Morgan suggested the words “or either”.

Councilman Boose stated the change to Section 440.20 is going from one to six tons.

Councilman Boose stated the change to Section 440.28 is additional language. He asked if in Section 440.04(d) the date should change.

Assistant Law Director Morgan stated no.

Councilman Boose asked if the \$20.00 could be changed to \$30.00 as that was the average rate of a current patrolman in Section 440.165.

Safety-Service Director Armbruster stated the Committee could reference the contract.

Councilman Boose asked which letter.

Safety-Service Director Armbruster suggested using letter B and adding the fringe.

Assistant Law Director Morgan stated she would make the change.

Safety-Service Director Armbruster stated a conversation would need to be had in instances where trucks leak hydraulic fluid onto the roadway and it is cleaned up. He stated some definition needs to be spelled out determining what is clean and reasonable.

Assistant Law Director Morgan stated the word reasonable can be added. She stated she will make the changes and bring a new draft back to the Committee.

**Adjournment:**

Chairman Chapek adjourned the meeting at 7:23 p.m.

Date Approved: \_\_\_\_\_

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Tara L. Peet, MMC  
Assistant Clerk of Council