

**NORTH RIDGEVILLE MUNICIPAL COUNCIL  
MINUTES OF  
REGULAR MEETING                      MAY 16, 2011**

**CALL TO ORDER:** 7:30 P.M.

President Kevin Corcoran: I call to order the Monday, May 16, 2011 Council meeting. Please rise for the invocation and Pledge of Allegiance.

**INVOCATION:** led by President Corcoran.

**PLEDGE OF ALLEGIANCE:** by all.

**ROLL CALL:**

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Bernadine Butkowski, Roseanne Johnson and President Kevin Corcoran.

Also, present was Mayor David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, Engineer Scott Wangler, Auditor Chris Costin and Clerk of Council George Smith.

**MINUTES - Corrections (if any) and Approval:**

President Corcoran: You have before you the Council minutes of the regular meeting held May 2, 2011. Are there any corrections or comments to those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note:

- 1) Board of Zoning & Building Appeals minutes of 04-28-2011
- 2) Planning Commission minutes of 05-10-2011

**LOBBY:**

President Corcoran: We now have arrived at the lobby session of the meeting. This is your opportunity to bring your concerns regarding the City to Council. If you are going to speak, please approach the podium and state your name and address for the record and also fill out the form you can find in the back of the room. You have three minutes to speak and the lobby session is open.

- 1) Paul Papes of 5240 Lear Nagle spoke regarding the process of the lobby session. He spoke regarding a ditch being plugged at this one house down the street. He stated that the ditch fills every time it rains. The other side is flowing. He explained that the culvert is blocked. He proceeded to state that during the April 4 meeting, he asked if the area at Lorain and Bagley flooded. He asked again.

Council Member Boose: I don't know.

President Corcoran: No.

Paul Papes proceeded to speak regarding another issue regarding the Police Department.

President Corcoran: Mr. Papes, I'm sorry, your three minutes is up.

It was moved by Boose and seconded by Buescher to allow Mr. Papes up to an additional three minutes.

President Corcoran: All those in favor say yes. Those opposed say no. We are going to have to take a roll call vote as there were some nos. Mr. Clerk, could you please call the roll.

Yes, 2                      No, 5 (Jaenke, Olesen, Butkowski, Johnson, Corcoran)

Clerk of Council Smith: Mr. President, two yes and five no.

President Corcoran: Is there anybody else that would like to address Council this evening? Seeing none, we will move on to the Administrator's reports. Mr. Mayor.

**ADMINISTRATORS REPORTS:**

**A. Mayor:**

Mayor Gillock: Thank you, Mr. President. First you will see on the smart board and it may be difficult to see, but we have passed this out to all the Council people and it will be available for the reporters. Starting next week, which is rather quick, Allied Waste is implementing a new trash pickup schedule. On Monday, the southern half of the City as well as the Dyke Avenue area, Case Road, Otten Road, Stoney Ridge Road, Avalon, as well as, Avon Belden, Route 83 and the western half of Mills will have their containers picked up on Monday. That is in the blue as you see up there. The area in gold, which is mostly the northeast quadrant of the City and Meadow Lakes, will remain on Tuesday. Because this is coming so quickly and it is my understanding that cards did go out last week to all the residents advising them of this and we are announcing it tonight, but I know that there will be people that don't get the message. At least for next week, they will attempt on Tuesday to get those that didn't get it out there on Monday. This will be the new schedule. We have this available. It is on our website and it is on cable. We will have about half the City done on Monday now and the other half on Tuesday.

Along with the new container recycling program, you should have received a card that looks like this. It unfolds and it says "get rewarded for recycling" and it gives you the website to sign up for the recycling reward program. There was an article, or press release, out of New York that came out today, that states the Recyclebank has announced its partnership with Allied Waste Services in the Elyria area and other Ohio municipalities including North Ridgeville, North Olmsted and Bay Village and by signing up for the rewards program, you can earn points that can be used toward products at the store such as Coca Cola, coupons for clothing, restaurants. You log onto Recyclebank.com and start a procedure that is a little bit complicated, because I am about half way through it, you fill out the information and you submit it and they will send you a pin number to your email address. You have to go back in then, and put the pin number in. It isn't that difficult, but the way it works is that all your green containers have a little chip on it, that when the truck comes down your road, all it does is register that you are recycling. It doesn't say how much or what you are recycling, it just says that this address recycled this week. All houses on that route that participated get points for the tonnage on that route and that is how you earn your points. You

can track them and when you get them, you can go in and print them off. Coupons such as 70 cents or a dollar 40 off on zip lock bags and things like that. Be sure to do that. It doesn't cost you anything and it is very simple to do. This is part of our recycling program and it seems to be going very well. We still have the occasional issue where someone may still have a big blue can and wanted the medium sized can. If they haven't had it switched yet, please let us know and we will get on that.

President Corcoran: Mr. Mayor, that recycling program to sign up through Recyclebank; if you sign up before the end of the month, you get free 300 points. So, do it now.

Mayor Gillock: There you go. Do it now and get your free 300 points.

President Corcoran: Yes and Kim's Restaurant is one of the places you can save money and it is one of our local businesses.

Mayor Gillock: As is the Grateful Dog Bakery and other local businesses. Be sure to take advantage of it.

Member Olesen: Mr. President, I went to the website and filled out the information, submitted everything and they responded that my address didn't exist. I don't know if anybody else is going to run into this problem. I did explain that I have lived here a long time.

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

**B. Safety-Service Director:**

Safety-Service Director Armbruster: Last week, Bill Gluvna, Al Swindig and myself went down to Ashland at the request of Ashland to discuss a letter that was sent to them better than six or seven months ago with regards to payment of monies for taking care of I-480 beyond the Ohio Turnpike to Stearns Road. It was a very fruitful meeting. We are not supposed to take care of I-480 beyond the Turnpike as that is supposed to be taken care of by ODOT. Over the years, we maintain it with salt. We go up there and salt it, plow it and in some cases we even mow and do a lot of maintenance up there. ODOT is very much aware now of the cost that we put together since 2005, because the amount of salt we put down is computerized and we know exactly what is going down there. I know that they are discussing the situation with Cuyahoga County and I am hopeful that the City of North Ridgeville maybe some place along the line will reap some benefit other than a wet road and reap some benefit somehow with the State of Ohio in maintaining that road as we have in the past. Other than the fact to give it up because if we give it back to Cuyahoga County or to ODOT, I'm not sure they will maintain it in the winter months as we would, so we are looking at some sort of compromise to give North Ridgeville residents something back, other than the expense of maintaining something that someone else should take care of. That completes my report

President Corcoran: Thank you. Mr. Engineer.

**C. Engineer:**

Engineer Wangler: We are continuing our regular walk of the different ditch lines. In the past, I've encouraged people to refrain from stacking things next to the ditches as those things are being carried away and becoming obstructions. I would like to add that people should not be shy about

contacting my office with natural obstructions that inherently occur. As we walk these and we find them, we are removing them as we go, but we sure would like it if there were a few thousand more pair of eyes helping me out with that. That is my report.

President Corcoran: Thank you, Mr. Wangler. Mr. Auditor.

**D. Auditor:**

Auditor Costin: Yes, thank you. Council should have indeed received their April report. We are listed under other reports, if you will see there on Agenda item E and that concludes my report.

President Corcoran: Thank you, Mr. Costin.

**E. Other Reports:**

President Corcoran: The other reports are:

- 1) Building Department Report March 2011
- 2) Mayor's Court Report April 2011
- 3) Fire Department Report April 2011
- 4) Water Plant/Distribution System Operating Report April 2011
- 5) Police Support Car Report April 2011
- 6) Building Department Report April 2011
- 7) Auditor's Report April 2011

**COUNCIL COMMITTEE REPORTS:**

President Corcoran: There are no Council Committee reports.

**CORRESPONDENCE:**

President Corcoran: There is some correspondence to note.

Clerk of Council Smith:

1. A letter from George E. Smith, Clerk of Council, inviting Council members to the North Ridgeville Lions & VFW Post No. 9871 Memorial Day Service on May 30, 2011.

**OLD BUSINESS:**     None

**NEW BUSINESS:**

Clerk of Council Smith:

Planning Commission recommendations to Council from their May 10, 2011 meeting:

**APPLICANT:** Robert Martens, Bold Alternatives, 26210 Emery Rd., Suite 302, Cleveland, OH 43128.  
**OWNER:** Lake Ridge Academy, 37501 Center Ridge Road.  
**REQUEST:** Approval to install a solar array that will include, one row 467 feet long, of ground mounted solar panels approximately 10 feet in height addition to the two 140 foot rows previously approved.  
**LOCATION:** 37501 Center Ridge Road in an R1 District  
Permanent Parcel No. 07-00-034-000-063  
**PC ACTION:** Approved by a vote of five to zero.

It was moved by Olesen and seconded by Boose to accept the Planning Commission's action.

President Corcoran: Any comments or questions?

Member Olesen: We went through this twice. The first time there was no mention of a third row of panels, so everyone assumed there were two rows. They had to come back to get that third row approved. It still faces the turnpike. It is still unobtrusive and Planning Commission did accept it.

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

Yes, 7                      No, 0

President Corcoran: Planning Commission action is approved. Next.

Clerk of Council Smith:

**APPLICANT:** Andrew Dugas, Pacific Bells, Inc., 1700 Washington Street, Vancouver, WA 98660.  
**OWNER:** Rini Realty Co., 924 Westlake Parkway, Westlake, OH 44145.  
**REQUEST:** Approval to construct a Taco Bell restaurant facility in a B3 District.  
**LOCATION:** Lorain Road, east of Lear Nagle Road and adjacent to the Sheetz service station.  
Permanent Parcel No. 07-00-004-108-094  
**PC ACTION:** Approved by a vote of five to zero.

It was moved by Olesen and seconded by Butkowski to accept the Planning Commission's action.

President Corcoran: Any comments or questions?

Member Olesen: The thing that came up the most in this meeting is conversation on traffic congestion. This happens every time somebody comes to our community. We have traffic congestion. This underlines the fact of how important it is that we continue to push for the widening of Lear Nagle and Center Ridge Road. We had to cry for more business for many years. Now it is coming to North Ridgeville and now we have traffic problems. The two aren't coinciding very well. We have to really move ahead with those projects.

President Corcoran: Thank you. Is there anybody else that would like to make a comment? All those in favor say yes. Those opposed say no.

Yes, 7                      No, 0

President Corcoran: Planning Commission action is accepted. Next, T 62.

**Ordinance and Resolution Submittals**

Clerk of Council Smith:

T 62-2011      AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A CONSULTING ENGINEERING FIRM FOR PLANS, SPECIFICATIONS, BIDDING DOCUMENTS AND CONSTRUCTION PHASE SERVICES FOR THE CHESTNUT RIDGE ROAD CULVERT EXTENSION AND LEAR NAGLE ROAD NORTHBOUND LANE REPLACEMENT, INCLUDING APPURTENANCES, NOT TO EXCEED \$39,000.00.

It was moved by Mayor Gillock and seconded by Johnson to suspend the By-Laws to give T 62 a first reading this evening.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, this is our; what we call Issue One project for this year. We received a grant from the State from this and we will get that money about July 1. It is the middle of May already and we need to get the engineering done so that it will be ready to go and this will help straighten that northbound lane. It will smooth it out and it will also help rebuild that culvert just east of Lear Nagle on Chestnut. So, it is important that we go ahead and get this engineering done as soon as we can, so we will be ready when July 1 comes and get this done during this construction year. Thank you.

Member Dennis Boose: Is this included in the total \$788,710 that was appropriated for this project or is this an addition to?

Mayor Gillock: Will we get this part back out of the grant of Issue one?

Engineer Wangler: I believe so, but I would have to check though.

Mayor Gillock: We basically advance this money and we get that back when we get that money on July 1.

Council Member Boose: Part of this was the grant and part of this we had BANs for, correct?

Auditor Costin: No, I believe we charged it to Street Levy. I don't believe we issued BANs for this, but let me check.

Council Member Boose: In my notes from appropriations, I had that \$466,000 was going to come from BANs and \$322,500 was going to come from the grant for a total of \$788, 700.

Auditor Costin: I will have that information for you during its first reading.

Mayor Gillock: I don't think this is coming out of the BANs. We would just take this out of the Street Levy and advance those funds, so we can finish the engineering. Then when we get the grant, we would replace it and supplement that with our BANs to do the actual construction, but part of this is preparing bid specs and doing the bidding process. We don't want to wait until July 1 to begin that process.

Council Member Boose: I agree. I just want to make sure that it was all part of the aggregate total and that this wasn't something extra. Thank you.

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

Yes, 7                      No, 0

President Corcoran: T 62 is added to the first readings. T 63.

Clerk of Council Smith:

T 63-2011     A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO ELYRIA FORD FOR REPAIRS TO A POLICE CRUISER IN THE AMOUNT OF \$4,446.91.

It was moved by Mayor Gillock and seconded by Boose to suspend the By-Laws to give T 63 a first reading this evening.

President Corcoran: Do you have any comments, Mr. Mayor?

Mayor Gillock: Mr. President, we see these often when we need an expenditure of funds and these generally have to be paid within 30 days. Typically, it is because of some situation where we didn't get a purchase order written in time and in this case, this happened February 28; the same time we got new leadership and new direction with the Police Department. This police cruiser was damaged during the floods on February 28. They took the car to Elyria Ford to have the engine replaced, which was damaged by water and we didn't get the purchase order in place in time. We need to pass this in order to pay Elyria Ford.

President Corcoran: Thank you. Any other comments or questions? All those in favor say yes. Those opposed say no.

Yes, 7                      No, 0

President Corcoran: T 63 is added to first readings. That brings us to the recess portion of the meeting.

**RECESS:**

It was moved by Butkowski and seconded by Boose to dispense with recess.

President Corcoran: Clerk, could you please call the roll?

Yes, 7                      No, 0

Clerk of Council Smith: Measure is approved unanimously.

President Corcoran: Moving on then to first readings. First up, we have T 53.

**FIRST READING:**

Clerk of Council Smith:

T 53-2011     A RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, OHIO, APPROVING AND RATIFYING THE MODIFICATION OF A COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENT WITH KLC PROPERTIES, LLC, A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO.  
First Reading

T 56-2011     AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS  
4844-2011     AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW FOR THE REPLACEMENT OF THE ROOF ON THE OLD AT&T BUILDING LOCATED AT 36885 CENTER RIDGE

ROAD, INCLUDING OTHER APPURTENANCES, NOT TO EXCEED  
\$40,000.00.

First Reading

It was moved by Mayor Gillock and seconded by Johnson to dispense with the second and third readings for T 56.

President Corcoran: Do you have any comments or questions?

Mayor Gillock: We have a leaking roof, so the sooner we get this passed, the sooner we get this fixed. In this weather, do you have to ask that question?

President Corcoran: It is kind of common sense at this point. Any other comments or questions?  
All those in favor say yes. Those opposed say no.

Yes, 7                      No, 0

It was moved by Boose and seconded by Buescher to adopt T 56.

It was moved by Boose and seconded by Johnson to add the emergency in order to have this work done as quickly as possible to avoid any further damage to the building.

President Corcoran: All those in favor of adding the emergency say yes. Those opposed say no.

Yes, 7                      No, 0

President Corcoran: It was moved by Boose and seconded by Buescher to adopt T 56 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes, 7                      No, 0

Clerk of Council Smith: Measure is adopted unanimously and becomes ordinance number 4844-2011.

Permanent Ordinance No. 4844-2011

President Corcoran: T 57.

Clerk of Council Smith:

T 57-2011      AN ORDINANCE AMENDING THE FINAL PLAT OF STONEGATE AT  
WATERBURY PCD, PHASE 1 OF SUBDIVISION 1.

First Reading

President Corcoran: T 59.

Clerk of Council Smith:

T 59-2011      A RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE,  
OHIO, APPROVING AND RATIFYING AN APPLICATION FOR A TAX  
INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14 CREATED BY  
THE CITY OF NORTH RIDGEVILLE RESOLUTION NO. 768-94, BY  
RHENIUM ALLOYS, INC., AN OHIO CORPORATION ORGANIZED AND  
EXISTING UNDER THE LAWS OF THE STATE OF OHIO.

First Reading

President Corcoran: T 60.

Clerk of Council Smith:

T 60-2011      A RESOLUTION AMENDING THE CITY OF NORTH RIDGEVILLE PUBLIC RECORDS POLICY BY ADDING A DEFINITION OF “TRANSIENT RECORD”.  
First Reading

President Corcoran: T 62.

Clerk of Council Smith:

T 62-2011      AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
4845-2011      CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY  
LAW WITH A CONSULTING ENGINEERING FIRM FOR PLANS,  
SPECIFICATIONS, BIDDING DOCUMENTS AND CONSTRUCTION PHASE  
SERVICES FOR THE CHESTNUT RIDGE ROAD CULVERT EXTENSION  
AND LEAR NAGLE ROAD NORTHBOUND LANE REPLACEMENT,  
INCLUDING APPURTENANCES, NOT TO EXCEED \$39,000.00.  
First Reading

It was moved by Boose and seconded by Buescher to dispense with the second and third readings for T 62.

President Corcoran: Mr. Costin, I believe you might have a comment for us.

Auditor Costin: The answer to the question, as I did double check, is that our portion of the Public Works match is included in the Street Levy Fund.

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

Yes, 7                      No, 0

It was moved by Boose and seconded by Buescher to adopt T 62.

It was moved by Boose and seconded by Buescher to add the emergency in order to meet the timely deadlines in completing this project in the good weather.

President Corcoran: Any comments or questions on the emergency clause? All those in favor say yes. Those opposed say no.

Yes, 7                      No, 0

President Corcoran: It was moved by Boose and seconded by Buescher to adopt T 62 with the emergency clause. Any comments or questions on the adoption? Clerk, please call the roll.

Yes, 7                      No, 0

Clerk of Council Smith: Measure passed unanimously and becomes ordinance number 4845-2011.  
Permanent Ordinance No. 4845-2011

President Corcoran: T 63.

Clerk of Council Smith:

T 63-2011      A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO  
1231-2011      ELYRIA FORD FOR REPAIRS TO A POLICE CRUISER IN THE AMOUNT OF  
\$4,446.91.

It was moved by Olesen and seconded by Johnson to dispense with the second and third readings for T 63.

President Corcoran: Any comments or questions?

Law Director Crites: Mr. President, can I ask a question of the Administration? Mr. Mayor, this cruiser loss, it was submitted to the insurance company as going to be covered; so this purchase order and this ordinance is simply for the advancement of funds that we will recoup from our insurance coverage?

Mayor Gillock: Subject to our deductible.

Law Director Crites: Thanks.

President Corcoran: All those in favor of dispensing with the second and third readings say yes.

Those opposed say no.

Yes, 7                      No, 0

It was moved by Olesen and seconded by Butkowski to adopt T 63.

It was moved by Olesen and seconded by Butkowski to add the emergency in order to get this bill paid in a timely fashion.

President Corcoran: Any comments or questions on the emergency clause? All those in favor say yes. Those opposed say no.

Yes, 7                      No, 0

President Corcoran: It was moved by Olesen and seconded by Butkowski to adopt T 63 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes, 7                      No, 0

Clerk of Council Smith: It passed unanimously and becomes resolution number 1231-2011.

Permanent Resolution No. 1231-2011

President Corcoran: That is the end of the first readings and moving on to second readings. First up, we have T 50.

**SECOND READINGS:**

Clerk of Council Smith:

T 50-2011      A RESOLUTION PURSUANT TO NRCO 214.01, PROCEDURES FOR SALES  
1232-2011      BY INTERNET AUCTION, EXPRESSING LEGISLATIVE INTENT TO SELL  
CERTAIN PROPERTY BY INTERNET AUCTION.

Second Reading

It was moved by Mayor Gillock and seconded by Butkowski to dispense with the third readings for T 50.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, we need to get this passed as soon as we can. They have already started advertising this and we have bids. We have people who want to come pick up their cars.

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

Yes, 7                      No, 0

It was moved by Olesen and seconded by Boose to adopt T 50.

It was moved by Olesen and seconded by Boose to add the emergency in order to disburse the auction items.

President Corcoran: All those in favor of adding the emergency clause say yes. Those opposed say no.

Yes, 7                      No, 0

President Corcoran: It was moved by Olesen and seconded by Boose to adopt T 50 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes, 7                      No, 0

Clerk of Council Smith: Passed unanimously and becomes resolution number 1232-2011.  
Permanent Resolution No. 1232-2011

President Corcoran: Moving on to T 51.

Clerk of Council Smith:

T 51-2011      AN ORDINANCE AMENDING ORDINANCE NO. 4778-2011 ENTITLED  
LEGAL GAMING REGULATIONS.

Second Reading

President Corcoran: T 52.

Clerk of Council Smith

T 52-2011      AN ORDINANCE REPEALING NRCO SECTION 3979-2004 AND REPLACING  
IT WITH NEW REGULATIONS GOVERNING ADULT CABARETS AND  
SEXUALLY ORIENTED BUSINESSES.

Second Reading

Mayor Gillock: Mr. President, I have a couple of questions on this if I could. I would like to ask the Law Director just for a brief explanation on what this is about.

Law Director Crites: Brevity is not my specialty. That being said, what we have done here primarily is clean up a few sections of what was a relatively new piece of legislation and I don't want to say more than to say, to facilitate the ability of our police department to enforce them. There was language in the ordinance as it existed that created a possibility of otherwise unnecessary challenges when you enforce the ordinance. That is largely what we have done across the board. I do have a summary of the challenges that I shared recently with Councilman Boose at his request and I would be happy to share with anyone of you, including yourself of course, your honor; if you would like.

President Corcoran: That was faster than I thought. Any other comments or questions on T 52.

**THIRD READINGS:**

President Corcoran: There are no third readings.

**COMMITTEE MEETING ANNOUNCEMENTS:**

President Corcoran: There are no committee meeting announcements; other than we do have a Public Hearing on Monday, June 6, 2011 at 7:20 P.M. regarding T 57-2011, an ordinance amending the final plat of Stonegate at Waterbury PCD, Phase 1 of Subdivision 1 and our next regular Council Meeting is Monday, June 6, 2011 at 7:30 P.M. right here in Council Chambers.

**ADJOURNMENT:**

President Corcoran: Seeing no other business to bring before the City this evening, this meeting is adjourned.

Meeting adjourned at 8:06 P.M.

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Approval of Minutes:

These Minutes were approved at a regular meeting of the North Ridgeville Municipal Council on May 16, 2011.