

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JUNE 21, 2010**

CALL TO ORDER: 7:30 P.M.

President Corcoran: I call to order tonight's meeting of the North Ridgeville City Council, June 21, 2010. Please rise for the invocation and pledge of allegiance.

INVOCATION: lead by President Corcoran.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

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

Also, present were Mayor David Gillock, Safety-Service Director Jeffry Armbruster, Assistant Law Director Toni Morgan, Auditor Chris Costin and Clerk of Council George Smith.

Absent was Engineer Larry Griffith.

MINUTES - Corrections (if any) and Approval:

Public Hearing Minutes of June 7, 2010 re: street vacation

President Corcoran: Are there any comments or objections? Hearing none, those minutes are approved.

Council Minutes of regular meeting held June 7, 2010

President Corcoran: Any comments or questions? Hearing none, those minutes are approved.

President Corcoran: Please note:

Board of Zoning and Building Appeals Minutes of regular meeting May 27, 2010 and Planning Commission Minutes of regular meeting June 8, 2010.

LOBBY:

President Corcoran: We have come to the lobby session of the meeting and that is your opportunity to talk to us. If you are going to speak, please fill out a form you can find in the back of the room. When you come up to the microphone, please state your name and address for the record, so that we can get back to you if there is any need to. The lobby is now open.

1) Mr. Bob Slovak of 7145 Case Road spoke regarding the flower gardens and the signs around City Hall. He expressed his appreciation to Sharon Galippo and her volunteers, who, with hard work, have made them so beautiful. He asked everyone to stop and take a look at them.

President Corcoran: Is there anyone else that would like to speak? Seeing none, will move on to the Administrator's Reports.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Mr. President. As Council President Corcoran had mentioned, former Mayor Dick Noll passed away last Thursday and the final services were held today. Dick served as Mayor for two, two year terms from 1966 to 1970 and then again from 1980 to 1984. Mayor Noll lived here all his life; graduated from North Ridgeville High School in 1945 and was a member of the North Ridgeville High School Hall of Fame. Dick, as everyone calls him, knew everyone and his institutional knowledge of North Ridgeville will be sorely missed. He was one of our great resources when we had to look back to see how and why some things were done the way they were and on behalf of the citizens of North Ridgeville, I want to express our condolences to his wife Janyce and their children, James, Jack, Clifford, David and daughter Janet and thank Mayor Noll for all his services to the City. Thank you, Mr. President, that concludes my report.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: It's hard to believe that the fourth of July is coming up upon us in the next week or so and since we are the only City that it appears, in the surrounding areas, that are actually going to have a fourth of July celebration with fireworks; to kind of bring you up to date, there is actually going to be functions going on all day at the park. We will have a three-on-three basketball tournament that is being arranged during the afternoon, as well as, a tennis tournament being put together for the tennis courts. All during this time, the splash pad and that area in the park will be open. We have a minimum of six food vendors that are coming in that evening starting at 3:00 in the afternoon, which will bring some revenue back into the park for us, as well as, two bands that will play in the gazebo. One will begin at 6:30 P.M. and one at 7:30 P.M. As you can see, there will be a substantial amount of activity in the park itself; leading up to the crescendo of the fireworks; that I'm sure most in the area will come over here to see. We know the park will look good. I'm not sure if it is going to be big enough for the amount of people that will be here. North Ridgeville will feel absolutely proud of itself to be

able to bring their fireworks for all those; not only in the community, but outside of the community. That concludes my report.

Council Member Butkowski: Mr. Chairman. Mr. Armbruster, is that on the fourth of July or the third of July?

Safety-Service Director Armbruster: The Mayor just wrote me a note. It is the third of July, Saturday.

Council Member Butkowski: I thought that was important.

Safety-Service Director Armbruster: That is important as they will come on the fourth and there is not going to be any fireworks and nor will our food vendors be there and this report would not be very good, would it?

President Corcoran: Mr. Auditor, Costin.

D. Auditor:

Auditor Costin: Thank you, Mr. Chairman. Two items of business; the first of which is the May Written Report which has been disseminated to Council and you should have all received in your boxes. The second is the heads up that the 2011 Annual Budget; the Mayor's Budget, is in the process of preparation. We will likely have that for you for passage at the next regular Council meeting which, I believe, is July 6, the first meeting in July.

President Corcoran: It is and we will be having a public hearing about that and I will remind everyone about that at the end of the meeting. Thank you, Mr. Costin.

E. Other Reports:

President Corcoran: Please note:

Fire Department Report for May 2010;
Water System Operation Report for May 2010; and
Police Department Support Car Report for May.

President Corcoran: We come to the Council Committee Reports.

COUNCIL COMMITTEE REPORTS:

Clerk of Council Smith:

1) BUILDINGS & LANDS COMMITTEE REPORT #6290 dated June 15, 2010. Members of Council: We have considered the matter of T 65-2010, an ordinance amending NRCO Section 1030.12, Duties of Private Owners and recommend that this request be approved and Council adopt T 65-2010 as presented.

Signed: Members Nancy J. Buescher and Richard W. Jaenke and Chairperson Robert W. Olesen.

moved by Olesen, seconded by Buescher to accept the Building and Lands Committee Report 6290

President Corcoran: Are there any comments? All those in favor say yes. Those opposed say no.
Yes, 7 No, 0

President Corcoran: Report is approved.

2) BUILDINGS & LANDS COMMITTEE REPORT #6291 dated June 15, 2010. Members of Council: We have considered the matter of T 66-2010, an ordinance amending NRCO Section 1290.05, Permit Approval; Construction Requirements, Section 1268.04 Lot and Yard Requirements, Section 1270.04 Lot and Yard Requirements, and Section 1274.06 Yards to reflect new standards for driveway widths in Commercial and Industrial Zoning Districts and recommend that this request be approved and T 66-2010 be adopted as presented.

Signed: Members Nancy J. Buescher and Richard W. Jaenke and Chairperson Robert W. Olesen.
moved by Olesen, seconded by Buescher to accept the Building and Lands Committee Report 6291

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

Yes, 7 No, 0

President Corcoran: The report is accepted and the Chair will refer T 66 to Planning Commission.

Clerk of Council Smith:

3) BUILDINGS & LANDS COMMITTEE REPORT #6292 dated June 15, 2010. Members of Council: We have considered the matter of T 63-2010, an ordinance to re-zone the following land: property consisting of the northwest corner of Center Ridge Road and Fowlers Run and fronting on Songbird Lane; from R-1 Residence District to B-3 Highway Commercial District and owned by Lake Ridge Holdings LTD and Sandy Ridge Development and recommend that this request be approved and Council adopt T 63-2010 as presented.

Signed: Members Nancy J. Buescher and Richard W. Jaenke and Chairperson Robert W. Olesen.
moved by Olesen, seconded by Buescher to approve Building and Lands Committee Report 6292

President Corcoran: Any comments? Seeing none, all those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: That report is accepted. Correspondence.

CORRESPONDENCE:

Clerk of Council Smith:

1) Received a letter from Paul Adams, Director of the Lorain County Board of Elections, giving notice of the change in state law regarding the filing deadline for local questions and issues for the 2010 General Election from August 19, 2010 to August 4, 2010 at 4:00 P.M.

Mayor Gillock: Mr. President, just a comment on this. I had a discussion with Lorain County Board of Elections. The requirement was always that the filing deadline was 75 days before the election. State law has changed and the Board of Elections is now looking at a 90-day deadline, but our Charter says 75 days. We have a huge potential conflict if someone, for example, who is running for office and goes to the Board of Elections 76 days before election and they tell them that they are 14 days late. It is a matter of Charter. We are going to be looking into this. I am guessing that we will probably be submitting a Charter amendment, because that is the only way we can fix this to meet their objective of the 90-day lead time. Just so that you know, we are going to be looking into this and you will probably see more on it. Thank you.

President Corcoran: Thank you, Mayor.

Clerk of Council Smith:

2) Received the Certificate of Result of Election On Tax Levy in Excess of the Ten Mill Limitation for the purpose of general construction, reconstruction and repair of streets, roads, and bridges.

3) Received the Certificate of Result of Election On Tax Levy in Excess of the Ten Mill Limitation for the purpose of providing and maintaining motor vehicles, communications, and other equipment used directly in the operation of the Police Department and payment of salaries of permanent police personnel.

4) Received the Certificate of Result of Election On Tax Levy in Excess of the Ten Mill Limitation for the purpose of providing and maintaining fire apparatus, appliances and buildings and sites therefor and for the payment of permanent, part-time and volunteer firefighters.

Clerk of Council Smith: That concludes the correspondence.

President Corcoran: Thank you.

OLD BUSINESS:

President Corcoran: There is no old business. Moving on to new business.

NEW BUSINESS:

Mayor Gillock: Mr. President, the first item under new business is the request from Park and Rec. Commission. What normally happens is the Park and Rec. Commission will vote to spend the sum of monies and Council will then approve that. In this case, because of the need, they did take a phone survey and sent a letter which all of Council received stating that they have approved the following expenditure, not to exceed 30,000, for Frontier Park restrooms and then, if you recall, during the last meeting we approved that in the ordinance when we passed it for 80,000 and 50,000 was out of the CDBG grant and the other 30,000, as explained by Chris Costin, was the approval of this. So, I believe that this is redundant and we can remove it from the agenda.

President Corcoran: It is and was approved in ordinance number 4755 which was adopted at the last Council meeting. So, item number one is removed from the agenda. Item number two.

Clerk of Council Smith:

Planning Commission recommendation to Council of their regular meeting June 8, 2010

APPLICANT: Patricia Rakoci, Pride One, 387 Medina Road, Suite 600, Medina, Ohio 44256

OWNER: The Villages of Verona, LTD, P.O. Box 488, Avon, Ohio 44011

REQUEST: Preliminary plan approval for single family attached ranch style apartments to be known as Ridgecrest Luxury Apartments

LOCATION: 31836 Bagley Road in a B-2 District

Permanent Parcel Nos. 07-00-002-101-051, 07-00-002-101-055, 07-00-002-101-024, 07-00-002-101-049, 07-00-002-101-023, and part of 07-00-002-101-054

PC ACTION: Approved by a vote of five to zero.

moved by Olesen, seconded by Jaenke to approve Planning Commission action

President Corcoran: Are there any comments or questions?

Council Member Olesen: Mr. President, if I might. This is at an end of town that really needs help and improvements. There is no water. There is no sewer and the roads are horrible. This company is coming in to build really nice looking apartments which is something we really don't have in our City. They are going to tunnel under the turnpike to bring utilities into this area; plus, they also have an agreement with the Mayor to help fund improvements for the road. I think they are to pay for the asphalt. Am I correct, Mayor?

Mayor Gillock: Correct.

Council Member Olesen: I think this is a win, win project for our City.

President Corcoran: Thank you. Anybody else?

Council Member Butkowski: Mr. Chairman, this is a B-2 district. They are already going to BZA for a variance. These are apartments and we have a Charter amendment that in order to put apartments in the City, they will have to go to ballot to do these.

President Corcoran: No, not in this particular case. Mayor, did you want to explain?

Mayor Gillock: You can, if you want.

President Corcoran: Because this has already been approved for B-2 and apartments are allowed in B-2 zoning, that Charter provision doesn't apply to this particular piece of property.

Council Member Butkowski: Well, then there is going to be a lot of people in this City really upset. I'm already getting complaints on it. These people are coming to build in this City. They are asking for conditional use to allow a residential use in a B-2 district. They are also looking for a ten-foot side yard variance between phase one and phase two. You have someone come into town and they haven't even gotten approval of this thing and they are already going to ask for variances on this. I just don't think we need any more apartments in this City. We have apartments that are open now. I have had an apartment open for three months. Apartments are very hard to rent right now and I would hate to see another project that falls down and we have something that is half done under the turnpike or something else and we don't have any money to bail anybody out.

Council Member Buescher: Mr. President, Mrs. Butkowski brings up a very important point, because; even though residential is allowed in B-2, I think that because our Charter amendment doesn't allow apartments, this needs to be looked into further by the Law Department.

Mayor Gillock: Mr. President, under our zoning code, apartments are allowed in a B-2 and that was originally zoned as B-2. It is a conditional use and they do have to go to BZA for approval. If you wanted to rezone property and we are not rezoning here, that is where the Charter amendment comes into play. If you wanted to rezone to B-2 it would be a ballot issue but, this is already B-2, so it doesn't apply. The variance that is coming into play, if I remember correctly, is on one side of the property. They have two parcels and this is in the middle of their two parcels. I forget the distance between them, but if they were not on the property's edge, they wouldn't need the variance anyway and it is butting up against their own property. So, I don't see that as a huge issue. I do think it is significant that we are in a situation where we can finally get rid of some eyesores over there and as Mr. Olesen said, we will be able to; at the Developer's cost, bring sanitary sewer and water to that portion of the City and as Mr. Olesen said, we reached an agreement that we'll be able to rebuild that section of road from the turnpike bridge to the County line and they will, as Schmitt has done on the other side of Bagley, pay for the asphalt. So, I think it is a good project for the City. I think that when you see the apartments, they are ranch style, they are 1,300 square feet and their clientele is young professionals. I think it will be a good addition to the City and will resolve some problems that we've had existing for a long time. Thank you.

Council Member Jaenke: Mr. President, I would also like to make a comment. This Developer currently finished a similar project in Olmsted Township on the corner of Bronson and Cook and I would encourage Council to drive over there to look at this location. These are ranch style homes; granted, they are called apartments, but they are two and three bedrooms, two and a half baths, two car attached garages and they are ranch homes. They are very well done in terms of construction and they are eye appealing. It is not an apartment that, maybe we would be thinking about that might be two or three stories and as Mr. Olesen indicated, this is a tough piece of property to develop because there are some houses there that quite frankly should be torn down

and this is all part of the project to get rid of these houses that are in terrible shape and also, as the Mayor indicated, to get the road paved. So, this is an asset and the word apartments, I think, is a little bit misleading. Again, drive over to Cook and Bronson and you'll see a very attractive, single family development that are called apartments. Thank you.

Council Member Boose: Mr. President, at the end of the day, the applicant meets the requirements for this project because of the B-2 already being in place as the Mayor had suggested. The zoning variances are another issue. Those will be dealt with Thursday evening at the Board of Zoning and Building Appeals meeting. I did speak up at the Planning Commission meeting in regards to a couple of issues and they were addressed. The biggest one in my point, is that they are in a very difficult situation. They are between the turnpike and the railroad. Also, they are right up against and are very close to the Ohio Sports Park. What I heard at the meeting was that they would be taking down some trees and so my recommendation was that because of the trees between Ohio Sports Park and the property in question, that the City does their due diligence; you know, shame on us once, not shame on us twice, to make sure that if certain trees are taken down, that there isn't a light glare, not only on these new apartments, but also on the properties that are adjacent and across the street from them; because we want to make sure that we don't get into a situation that we did last time. We want to all be good neighbors and this is a good project for the area, but again, we want to make sure that it doesn't impose some difficulty on people that are already there, as well as, the new residents that are going to be living there. Thank you.

President Corcoran: Anybody else? There is a motion on the floor by Mr. Olesen, seconded by Mr. Jaenke to approve the Planning Commission action. I will ask the Clerk to please call the roll.

Yes, 6 No, 1 (Butkowski)

Clerk of Council Smith: Measure passes with one no vote.

T 63-2010 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: PROPERTY CONSISTING OF THE NORTHWEST CORNER OF CENTER RIDGE ROAD AND FOWLERS RUN AND FRONTING ON SONGBIRD LANE; PERMANENT PARCEL NUMBERS 07-00-045-110-096 AND 07-00-045-110-105, 07-00-046-107-019 AND 07-00-046-107-020 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY LAKE RIDGE HOLDINGS LTD AND SANDY RIDGE DEVELOPMENT.

PC ACTION: Recommended by a vote of five to zero that Council approve the request to rezone.

moved by Olesen, seconded by Jaenke to approve the Planning Commission action

President Corcoran: Are there any comments?

Council Member Olesen: Yes, Mr. President, if I might. Of course, this is Mr. O'Neill's project which includes his nursing home that has been a valued business in our City for many years. It is a twelve-station dialysis unit which will bring new jobs to our City and I think that he owns a tremendously large piece of property there. This project will be about 500 feet from Songbird Lane. There were some residents at the Planning Commission meeting who said that they don't want this. It is 500 feet from them. It is 200 feet from the nearest building lot which has not been built on yet. So, those people coming in will have an option of whether they want to live there or not. We aren't talking about that, because we are talking about only rezoning now. There will be a buffer zone included in this and whatever amenities he would like to bring to Planning Commission the next time around. All we are talking about right now is the rezoning. We still have to look at the project from the standpoint of esthetics, etc.

President Corcoran: Thank you. Anybody else?

Council Member Boose: Just a comment, Mr. President. Excellent project and I commend the gentlemen for agreeing to expand in our community. If this part of the project, and again we are talking about zoning, but if what he wants to do in this particular area is half of what he did on the front part of the property, we will all be very, very proud. Thank you very much for investing in our community.

President Corcoran: Anybody else? It was moved by Olesen and seconded by Jaenke to accept the Planning Commission action. Are there any further comments? All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

moved by Olesen, seconded by Johnson to suspend the By-Laws to give T 63 a first reading this evening

President Corcoran: Mr. Olesen, do you have a comment?

Council Member Olesen: My comment is that I know that they would like to go ahead with this project and I think we have to remember that we are going to have a recess in August. So, we can possibly get this approved before we recess so they can get construction started and get everything else in order that they may need to, to make this a viable project; instead of losing a whole month, as they would, with our recess.

President Corcoran: It was moved by Olesen, seconded by Johnson to suspend the By-Laws to give T 63 a first reading this evening. All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: T 63 is added to first readings this evening. Moving on to T 76.

Ordinance and Resolution Submittals:

Clerk of Council Smith:

T 76-2010 AN ORDINANCE REPEALING ALL PROVISIONS AND SECTIONS OF ALL ORDINANCES CONTAINING INCORRECT JOB TITLE(S) REFERRING TO THE DEPARTMENT HEAD OF COMPUTER SERVICES AS ANYTHING

OTHER THAN “INFORMATION SERVICES DIRECTOR/NETWORK COORDINATOR” AND REPLACING THOSE PROVISIONS/SECTIONS WITH THE CORRECTED JOB TITLE.

T 77-2010 AN ORDINANCE CREATING A NEW CLASSIFICATION AND ESTABLISHING THE QUALIFICATIONS FOR THE FULL-TIME POSITION OF ASSISTANT CHIEF BUILDING OFFICIAL.

T 78-2010 AN ORDINANCE AMENDING THE ORIGINAL DEPARTMENT HEAD SALARY ORDINANCE NO. 2725-93 AND SUBSEQUENT AMENDMENTS THERETO UP TO AND INCLUDING THE MOST RECENT AMENDMENT REFLECTED IN ORDINANCE NO. 4580-2008 BY INCLUDING THE FULL-TIME POSITION OF ASSISTANT CHIEF BUILDING OFFICIAL, AND ESTABLISHING THE PAY RATE SCALE FOR THIS POSITION.

RECESS:

 moved by Buescher, seconded by Butkowski to dispense with the recess
President Corcoran: All those in favor say yes. Those opposed say no.

 Yes, 7 No, 0

President Corcoran: First readings. T 61.

FIRST READINGS:

Clerk of Council Smith:

T 61-2010 AN ORDINANCE AMENDING NRCO CHAPTER 1210 PLANNING
REVISED COMMISSION TO REQUIRE CITY PLANNER REVIEW AND A TRAFFIC
 IMPACT STUDY WHEN CERTAIN CRITERIA ARE MET.
 First Reading

T 72-2010 AN ORDINANCE CREATING THE FULL-TIME POSITION OF FINANCE
 TECHNICIAN.
 First Reading

T 73-2010 AN ORDINANCE AMENDING ORDINANCE NO. 4486-2007 BY
 INCLUDING THE FULL-TIME POSITION OF FINANCE TECHNICIAN,
 AND TO CREATE AND ESTABLISH A WAGE RATE FOR THIS POSITION.
 First Reading

T 63-2010 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: PROPERTY CONSISTING OF THE NORTHWEST CORNER OF CENTER RIDGE ROAD AND FOWLERS RUN AND FRONTING ON SONGBIRD LANE; PERMANENT PARCEL NUMBERS 07-00-045-110-096 AND 07-00-045-110-105, 07-00-046-107-019 AND 07-00-046-107-020 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY LAKE RIDGE HOLDINGS LTD AND SANDY RIDGE DEVELOPMENT.

First Reading

President Corcoran: As a reminder and I will do this again later, but there will be a Public Hearing on T 63 on July 19 at 7:20 P.M. We are at second readings. T 67.

SECOND READINGS:

Clerk of Council Smith:

T 67-2010 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE YEARLY EXPENDITURE OF FUNDS FOR THE PROFESSIONAL SERVICES OF MARSH-MCBIRNEY, INC., A HACH COMPANY, FOR METERING SERVICES FOR THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$80,000.00.

Second Reading

THIRD READINGS:

President Corcoran: There are no third readings.

COMMITTEE MEETING ANNOUNCEMENTS:

President Corcoran:

Next Regular Council Meeting Tuesday, July 6, 2010 at 7:30 P.M. in Council Chambers and prior to that meeting; as it isn't on your agenda, there will be a Public Hearing on July 6, 2010 at 7:20 P.M. regarding the 2010 Budget for 2011, that Mr. Costin alluded to earlier.

Public Hearing July 19, 2010 at 7:20 P.M. re: T 63-2010 rezoning the northwest corner of Center Ridge Road and Fowlers Run and fronting on Songbird Lane

ADJOURNMENT:

President Corcoran: Is there any other business to bring before the City this evening?
Seeing none, the meeting is adjourned.

Meeting adjourned at 8:04 P.M.

Approval of Minutes:

These Minutes were approved at a regular meeting of the North Ridgeville Municipal Council on July 6, 2010: