



CITY OF NORTH RIDGEVILLE LEGISLATIVE BULLETIN

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The City of North Ridgeville Legislative Bulletin contains Ordinances and Resolutions acted upon by City Council. If noted within Ordinance or Resolution text, supplemental and supporting documents, such as exhibits, are available, upon request, by contacting Tara L. Peet, MMC at the Clerk of Council's office, 7307 Avon Belden Road, North Ridgeville, OH 44039, (440) 353.1508.

ORDINANCE(S)

5539-2018 AN ORDINANCE AMENDING ORDINANCE NO. 4177-2005 TO INCLUDE OTHER TYPES OF AUCTION FOR THE SALE OF PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 4177-2005 established the procedures for the sale of personal property owned by the City by and through Internet Auction only; and

WHEREAS, the City would like to include other types of auction for the sale of personal property, specifically auto auctions.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. Ordinance No. 4177-2005 shall be amended to include other types of auction, in addition to Internet auction, regarding the sale of City-owned personal property.

SECTION 2. Items up for auction, other than by Internet auction, shall be advertised as required by O.R.C. §721.15 and bid and term and conditions set forth as noticed for other auctions.

SECTION 3. All other portions of Ordinance No. 4177-2005 and subsequent amendments to include Ordinance No. 4711-2009 shall remain the same and in full force and effect as they relate to Internet auctions, specifically sections eight, nine and eleven.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

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SECTION 5. This Ordinance is hereby declared to be an emergency measure, the emergency being the need to get the vehicles sold as quickly as possible. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5540-2018 AN ORDINANCE ESTABLISHING THE NOPEC GRANT FUND AND DECLARING AN EMERGENCY.

WHEREAS, the City of North Ridgeville has been awarded a grant in the amount of \$117,100.00 by NOPEC, Inc. for energy efficiency and energy infrastructure projects; and

WHEREAS, in accordance with the Ohio Revised Code section 5705.09(F), the City must establish a fund to account for the grant proceeds and related expenditures.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. There is hereby established the NOPEC Grant Fund to be used to account for the grant proceeds and related program expenditures.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure, the emergency being the need to get the funds placed in the correct account as quickly as possible. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5541-2018 AN ORDINANCE AMENDING ORDINANCE NUMBER 5497-2017 OF THE CITY OF NORTH RIDGEVILLE, OHIO PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR THE PERIOD COMMENCING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2018 AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to amend the appropriations for certain funds and appropriate other amounts for the operations of the City of North Ridgeville, Ohio.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO:

SECTION 1. That to provide for current and other expenditures for the City of North Ridgeville, Ohio for the period commencing January 1, 2018 and ending December 31, 2018, Ordinance No. 5497-2017 are hereby supplemented in the following amounts so that from and after the effective date of the

5541-2018 Continued

Ordinance, the appropriation Ordinance shall include the following, being adjusted for the similar terms in the preceding appropriation Ordinance.

SECTION 2. That there be appropriated from the respective funds listed below, the amounts as follows:

Fund Number	Fund	Personal Services	Other	Total
101	General Fund			
	Mayor's Court	\$0	\$15,500	\$15,500
	Other Funds			
207	Payroll Reserve	75,000	0	75,000
225	Street Levy	0	60,000	60,000
291	NOPEC Grant	0	117,100	117,100
660	Sewer Improvement	0	140,000	140,000

SECTION 3. That the Auditor of the City of North Ridgeville is hereby authorized to draw warrants on the Treasury of the City of North Ridgeville for payments on any of the foregoing appropriations, upon receiving proper certification and vouchers therefore, approved by officers authorized by law to approve the same or by an Ordinance or Resolution of Council to make the expenditure and provide that no warrants may be drawn or paid for salaries or wages, except to persons employed by authority of or in accordance with law or Ordinance.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is hereby declared to be an emergency measure, the emergency being the need to get the funds transferred and used in a timely manner. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5542-2018 AN ORDINANCE AUTHORIZING THE SALE OF VEHICLES NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, the City of North Ridgeville has a number of vehicles which are obsolete, and/or not needed, and/or unfit for public use; and

WHEREAS, the sale of such property is one of the powers of local self-government, conferred by Section 3, Article XVIII of the Ohio Constitution when exercised in conjunction with the general law; and

5542-2018 Continued

WHEREAS, O.R.C. §721.15(A) provides that such sale be authorized by the passage of an authorizing ordinance when the estimated value of the property is more than \$1,000.00, that the vehicle goes to the highest and best bidder, and that the sale be advertised as required under the statute; and

WHEREAS, the North Ridgeville City Council finds that the value of each vehicle is more than \$1,000.00; and further finds that due to the large number of vehicles, the sale will better be accomplished through the services of the Greater Cleveland Auto Auction, and that such sale is also required to comply with O.R.C. §721.15(A).

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. City Council finds the following vehicles no longer serve a municipal purpose and hereby approves the sale of the obsolete/unneeded/unfit vehicles in the manner authorized by law and the proceeds be deposited into the appropriate account:

Description	Serial No.				
2011 Ford Crown Vic	2FABP7BV0BX181813	96,600			
2011 Ford Crown Vic	2FABP7BV8BX181817	98,370			
2011 Ford Crown Vic	2FABP7BV2BX181814	105,000			
2011 Ford Crown Vic	2FABP7BV9BX181812	113,217			
2010 Ford Crown Vic	2FABP7BVXAX110889	100,00+			
2010 Ford Crown Vic	2FABP7BVGAX110890	94,827			
1999 GMC 3500 4X4	1GTHK34RXXF015698	109,050			
2002 Ford F350 4X4	1FTSF31L82EA36851	144,812	w/plow		
2002 Ford F350 4X4	1FTSF31L62EA36850	132,975	w/plow		
1999 GMC 3500 4X4	1GTHK34R3XF016630	126,815			
1995 Ford LN8000	1FDYK82E0SVA39869	124,690	dump		

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure, the emergency being the need to sell the vehicles as quickly as possible for the betterment of the City. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5543-2018 AN ORDINANCE ACCEPTING THE OFFER OF A GRANT OF STATE FUNDS IN A MAXIMUM AMOUNT OF \$1,000,000.00 AND APPROVING THE GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE S.B. 310 CAPITAL IMPROVEMENT COMMUNITY RECREATION GRANT FOR THE MILL CREEK CONSERVATION AND FLOOD CONTROL PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the City of North Ridgeville has experienced storm water flooding over the regional area and particularly in the Pitts Boulevard and Gina Drive area and the Mills Creek watershed; and

WHEREAS, the City of North Ridgeville applied to the State of Ohio for fiscal year 2017-2018 S.B. 310 Capital Budget funding, and subsequently received an offer of a grant from the Ohio Department of Natural Resources for \$1,000,000.00 for the S.B. 310 Capital Improvement Community Recreation Flood Mitigation Project, entitled Mill Creek Conservation and Flood Control; and

WHEREAS, the project will include 40 million gallons of storm water detention, addresses storm water quality, creates aquatic wildlife habitat, creates a new riparian corridor, adds waterfalls and aquatic plants, and creates 5,000 linear feet of walking trails throughout a conservation area; and

WHEREAS, the City shall contribute \$209,178.00 as its share of this project, which has been budgeted in the 2017 and 2018 annual budgets.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The City of North Ridgeville hereby accepts the offer of a grant of State funds in a maximum amount of \$1,000,000.00, and approves the grant agreement with the Ohio Department of Natural Resources for the Mill Creek Conservation and Flood Control Project.

SECTION 2. The City's share of this project, in the amount of \$209,178.00, shall be paid from the appropriate fund.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure, the emergency being the need to address the City storm water management in a timely fashion. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5544-2018 AN ORDINANCE AMENDING ORDINANCE 5517-2018 WHICH AUTHORIZED THE LUANNE DRIVE PUMP STATION REPLACEMENT PROJECT AND OTHER APPURTENANCES BY INCREASING THE AMOUNT FROM \$285,000.00 TO \$425,000.00 AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 5517-2018 was adopted on February 20, 2018 for the replacement of the existing sanitary sewer pump station on Luanne Drive; and

WHEREAS, the City advertised this project for bid in April 2018, but the only bid received was in excess of \$400,000.00; and

WHEREAS, the City needs to amend Ordinance 5517-2018 in order to increase the amount for this project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. Ordinance No. 5517-2018 is hereby amended by increasing the amount appropriated from \$285,000.00 to \$425,000.00.

SECTION 2. All other sections, terms and provisions of Ordinance No. 5517-2018 not specifically modified or affected by this amending Ordinance shall remain in full force and effect.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure, the emergency being the need to timely rebid the project and get the project completed. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5545-2018 AN ORDINANCE ESTABLISHING THE ODNR FLOOD CONTROL GRANT FUND AND DECLARING AN EMERGENCY.

WHEREAS, the City of North Ridgeville has been awarded a State grant in the amount of \$980,000 by the Ohio Department of Natural Resources (ODNR) for costs associated with land acquisition and construction of public park facilities described as Lorain County Mill Creek Conservation and Flood Control; and

5545-2018 Continued

WHEREAS, in accordance with the Ohio Revised Code §5705.09(F), the City must establish a fund to account for the grant proceeds and related expenditures.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. There is hereby established the “*ODNR Flood Control Grant Fund*” to be used to account for the grant proceeds and related program expenditures.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure, the emergency being the need to place the funds that are available and to have accountability. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5546-2018 AN ORDINANCE AMENDING N.R.C.O. CHAPTER 282.03(b) TAX ABATEMENT REVIEW BOARD.

WHEREAS, the purpose of the Tax Abatement review Board is to review tax abatement requests and make recommendations to City Council; and

WHEREAS, currently the Board is mandated to set meetings within ten days of receiving any request for abatement as specified in N.R.C.O. Section 282.03(b) below:

282.03 Meetings; Procedure.

- (a) The Mayor or his or her designee shall call to order and act as Chairperson of the Tax Abatement Review Board.
- (b) The Board shall meet upon demand within ten working days of receipt of any written request for abatement.
- (c) The Board, upon conclusion of the necessary meeting or meetings, pursuant to the written request for abatement, shall forward its decision to Council.
- (d) The Clerk of Council or the Assistant Clerk of Council shall act as the recording secretary for the Board.

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WHEREAS, due to the composition of members being from various City entities, it is difficult to set a meeting within the ten working days' time limit.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. N.R.C.O. Section 282.03(b) is hereby amended as follows:

(b) The Board shall meet within thirty (30) days after receipt of any written request for abatement.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

RESOLUTIONS

1424-2018 A RESOLUTION IN SUPPORT OF JOINING, AS A PLAINTIFF, PENDING FEDERAL LITIGATION AGAINST VARIOUS PHARMACEUTICAL COMPANIES AND/OR DISTRIBUTORS OF CERTAIN PAIN MEDICATIONS THAT HAVE CONTRIBUTED TO THE OPIOID EPIDEMIC.

WHEREAS, the City has been contacted by the law firm of Plevin & Gallucci concerning pending federal litigation against various pharmaceutical companies and distributors of pain medication that has contributed to the opioid epidemic; and

WHEREAS, it is alleged many of the subject pain medications gained federal and state approval with false and/or fraudulent documentation and that defendants failed to recognize and/or prohibit distribution abuses/irregularities; and

WHEREAS, while many states and counties have joined in this litigation, the Plaintiffs are now seeking municipalities to join as Plaintiffs; and

WHEREAS, the opioid epidemic affects the general public and residents of the City of North Ridgeville and results in the expenditures of City funds and resources; and

1424-2018 Continued

WHEREAS, costs will only be incurred if there is an award in favor of Plaintiffs or a settlement is reached; and

WHEREAS, if Plaintiffs prevail and/or enter into a settlement, the City of North Ridgeville is eligible for an award and may be able to recoup expenses it has suffered as a result of the opioid epidemic.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. Council supports the City of North Ridgeville's decision to join as a Plaintiff with the pending federal litigation against various pharmaceutical companies and/or distributors of certain pain medications which have contributed to the current opioid epidemic.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect and be in full force from and after the earliest period allowed by law.

1425-2018 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO DON MOULD'S PLANTATION IN THE AMOUNT OF \$4,586.00 AND DECLARING AN EMERGENCY.

WHEREAS, O.R.C. §5705.41 provides that City Council may authorize the payment of amounts due, wherein legislation shall be passed within thirty (30) days from receipt of a certificate of the fiscal officer in accordance with O.R.C. §5705.41(D)(1); and

WHEREAS, the fiscal officer does certify that the expenditure was and is properly appropriated and otherwise lawful, sufficient funds were and are available or in the process of collection to the credit of the proper fund and the funds were and are free from any previous encumbrance; and

WHEREAS, Don Mould's Plantation installed a water tap on a water main and serves a necessary public purpose. This legislation is necessary under O.R.C. §5705.41 to authorize payment.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. Council hereby authorizes payment to Don Mould's Plantation for the following invoice:

1425-2018 Continued

Invoice #31696 \$4,586.00

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure, the emergency being the need to meet the timing deadline for payment. Wherefore, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

1426-2018 A RESOLUTION TO APPROVE, WITH MODIFICATION, THE APPLICATION MADE BY JOSEPH SIMMONS FAMILY TRUST REGARDING CERTAIN LAND OWNED BY THEM WHICH HAS BEEN DESIGNATED AS AN AGRICULTURAL DISTRICT BY THE OFFICE OF THE COUNTY AUDITOR.

WHEREAS, the applicants, Joseph Simmons Family Trust have applied to the County Auditor to place not less than ten acres in an agricultural district for at least five years or as otherwise qualified under O.R.C. §929.02 and said application either has been or must be approved by the County Auditor; and

WHEREAS, the General Assembly of the State of Ohio has enacted §929.01 to §929.05 of the Ohio Revised Code to permit the establishment of agricultural districts to preserve agricultural land, to exempt land in those districts from the collection of specified utility assessments and to provide other benefits for land in those districts; and

WHEREAS, §929.02(B) provides that the legislative authority of a municipal corporation may reject or modify an application for inclusion in an agricultural district filed pursuant to O.R.C. §929.02(A), if such rejection or modification is necessary to prevent a substantial, adverse effect on the provision of municipal services within the municipal corporation, efficient use of land within the municipal corporation, the orderly growth and development of the municipal corporation, or the public health, safety or welfare; and

WHEREAS, the legislative authority of a municipal corporation is required to review each application for inclusion in an agricultural district made by an owner of real property which is located within the municipal corporation by approving, rejecting or approving with modifications within the statutory time frame; and

WHEREAS, Joseph Simmons Family Trust filed such an application, available for inspection and located in the office of the Clerk of Council and which application is incorporated by reference as if fully rewritten herein.

1426-2018 Continued

NOW THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, OHIO:

SECTION 1. The application is hereby approved for all purposes encompassed by O.R.C. §929.01 to §929.05 and any other benefits made available by the Ohio Revised Code except for the exemption from collection of assessments provided by O.R.C. §929.03. This constitutes a modification and is necessary to prevent an adverse effect on the provision of municipal services, to ensure efficient land use and orderly growth and development and to provide for the public health, safety and welfare.

SECTION 2. Should the County Auditor reject or refuse this application; should the applicant(s) fail to renew the application when necessary, or for any other reason should the applicant(s) fail to comply with or become out of compliance with the requirements to be included in an agricultural district, this approval shall terminate.

SECTION 3. That is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

SECTION 4. This Resolution shall take effect and be in full force from and after the earliest period allowed by law.

CITY COUNCIL MEETING DATES FOR 2018

January 2, 2018	January 16, 2018	February 5, 2018
February 20, 2018	March 5, 2018	March 19, 2018
April 2, 2018	April 16, 2018	May 7, 2018
May 21, 2018	June 4, 2018	June 18, 2018
July 2, 2018	July 16, 2018	August 6, 2018
August 20, 2018	September 4, 2018	September 17, 2018
October 1, 2018	October 15, 2018	November 5, 2018
November 19, 2018	December 3, 2018	December 17, 2018

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