



## 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.

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### ORDINANCE(S)

**5381-2016 AN ORDINANCE ADOPTING AND APPROVING THE BUDGET OF THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 IN THE FORMAT PRESCRIBED BY THE LORAIN COUNTY AUDITOR AND SUBMITTING SAME TO THE LORAIN COUNTY AUDITOR AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Auditor has compiled a tax budget for the City of North Ridgeville, Ohio for the fiscal year beginning January 1, 2017 in a format prescribed by the Lorain County Auditor for said budget year and attached hereto as **Exhibit "A"**; and

**WHEREAS**, said budget has been made conveniently available for public inspection for at least ten (10) days and being on file in the office of the Auditor; and

**WHEREAS**, City Council held a public hearing on said budget of which public notice was given by publication;

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

**SECTION 1.** The budget of the City of North Ridgeville, Ohio for the fiscal year beginning January 1, 2017 compiled by the Auditor in a format prescribed by the Lorain County Auditor and submitted to Council; copies of which have been and are on file in the office of the Auditor, be and the same is hereby accepted and approved as the official budget of the City of North Ridgeville, Ohio for the fiscal year beginning January 1, 2017.

**SECTION 2.** The Clerk of Council is hereby authorized and directed to certify a copy of said budget and Ordinance to the Auditor of Lorain County, Ohio.

**SECTION 3.** This Ordinance is hereby declared to be an emergency measure, the emergency being the need to meet the County deadline of July 20, 2016. Wherefore, this Ordinance shall take effect and be in

**5381-2016 Continued**

full force and effect immediately upon its passage and approval by the Mayor.

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**5382-2016 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND THE OHIO DEVELOPMENT SERVICES AGENCY TO OBTAIN GRANTS FOR PARTIAL FUNDING OF THE CONSTRUCTION OF PERFORMANCE LANE AND DECLARING AN EMERGENCY.**

**WHEREAS**, O.R.C. §5501.03(A) provides that the Ohio Department of Transportation (ODOT) may coordinate its activities with those of other appropriate state departments, public agencies and authorities, and enter into any contract with such departments, agencies, and authorities as may be necessary to carry out its duties, powers and functions; and

**WHEREAS**, O.R.C. §5501.11(A)(4) states that ODOT, with respect to highways, shall cooperate with counties, municipal corporations, townships, and other subdivisions of the state in the establishment, construction, reconstruction, maintenance, repair, and improvement of public roads and bridges; and

**WHEREAS**, the Ohio Development Services Agency provides grant funds via Roadwork Development 629 grants to eligible applicants for public roadway improvements for projects primarily involving manufacturing and other larger scale commercial activity which promote job creation and retention; and

**WHEREAS**, the City is the recipient of a grant offer in the amount of \$250,000.00 from the ODOT Jobs and Commerce ED Program Funds (agreement attached as **Exhibit “A”**), and a grant offer in the amount of \$478,000.00 from the Jobs Ohio (629) (agreement attached as **Exhibit “B”**) for the construction of Performance Lane, a public infrastructure improvement, which will begin at Center Ridge Road and continue south for approximately 700 feet, ending at a proposed cul-de-sac in conjunction with the Riddell Sports Group project; and

**WHEREAS**, the total cost of this road project is estimated to be approximately \$1.7 million dollars. The balance of the road construction costs, after application of these state grants shall be paid by the owner and tenant of the adjacent industrial facility, for which a Tax Increment Financing agreement and legislation for the related public improvements are also pending presentation to City Council.

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

**SECTION 1.** The Mayor of the City of North Ridgeville is hereby authorized to enter into a grant agreement with ODOT for \$250,000.00 through its Jobs and Commerce ED Program Funds, and a grant agreement with the Ohio Development Services Agency for \$478,000.00 through its Jobs Ohio (629) program for the construction of Performance Lane. Copies of both grant agreements are attached hereto and marked as Exhibits “A” and “B” and incorporated as if rewritten herein.

**SECTION 2.** Funds obtained from the grants shall be applied to the appropriate fund(s).

**5382-2016 Continued**

**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 immediate necessity to meet the grant deadline to receive the grants. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

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**5383-2016      AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$614,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING PERFORMANCE LANE BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING SIDEWALKS, SANITARY SEWERS, STORM SEWERS AND OTHER STORM WATER DRAINAGE IMPROVEMENTS AND WATER MAINS AND ACQUIRING AND INSTALLING STREET LIGHTING, TRAFFIC CONTROL SIGNS AND A TRAFFIC CONTROL SIGNAL AT ITS INTERSECTION WITH CENTER RIDGE ROAD AND IMPROVING CENTER RIDGE ROAD AT ITS INTERSECTIONS WITH PERFORMANCE LANE AND CASE ROAD BY GRADING, DRAINING, WIDENING TO PROVIDE ACCELERATION AND DECELERATION LANES, PAVING, REPLACING CURBS, SIDEWALKS AND STORM WATER DRAINAGE FACILITIES AND UPGRADING THE TRAFFIC CONTROL SIGNAL AT CASE ROAD, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO AND DECLARING AN EMERGENCY.**

**WHEREAS,** the Auditor, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of each class of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty months;

**NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Ridgeville, Lorain County, Ohio, that:**

**SECTION 1.** It is necessary to issue bonds of this City in the aggregate principal amount of \$614,000 (the Bonds) to provide funds to pay costs of improving Performance Lane from Center Ridge Road southerly approximately 1,160 feet to its southerly terminus by grading, draining, curbing, paving, constructing sidewalks, sanitary sewers, storm sewers and other storm water drainage improvements and water mains and acquiring and installing street lighting, traffic control signs and a traffic control signal at its intersection with Center Ridge Road and improving Center Ridge Road at its intersections with Performance Lane and Case Road by grading, draining, widening to provide acceleration and deceleration lanes, paving, replacing curbs, sidewalks and storm water drainage facilities and upgrading the traffic control signal at Case Road, in each case together with the necessary appurtenances and work incidental thereto.

## **5383-2016 Continued**

**SECTION 2.** The Bonds shall be dated approximately July 1, 2017, shall bear interest at the now estimated rate of 4% per year, payable semi-annually until the principal amount is paid, and are estimated to mature in twenty annual principal installments that are substantially equal. The first installment of principal of the Bonds is estimated to be payable on December 1, 2018, and the first installment of interest on the Bonds is estimated to be payable on December 1, 2017.

**SECTION 3.** It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$614,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated as of the date of their issuance, and shall mature one year from the date of their issuance; provided that the Auditor may, if it is determined to be necessary or advisable to the sale of the Notes, establish a different maturity date for the Notes that is on or after June 20, 2017 and not later than one year from the date of their issuance, by setting forth that maturity date in a certificate awarding the sale of the Notes in accordance with Section 6 of this ordinance (the Certificate of Award). The Notes shall bear interest at a rate or rates not to exceed 2% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. Subject to the limitation set forth in this Section, the rate of interest on the Notes shall be determined by the Auditor in the Certificate of Award.

**SECTION 4.** . The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, without deduction for services of the City's paying agent, at the principal office of a bank or trust company requested by the original purchaser of the Notes, provided that such request shall be approved by the Auditor after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Mayor is authorized to enter into any agreements determined necessary in connection with obtaining the services of a paying agent for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

**SECTION 5.** The Notes shall be signed by the Mayor and the Auditor, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Auditor, provided that the entire principal amount may be represented by a single note. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance.

**SECTION 6.** The Notes shall be sold by the Auditor at private sale at a purchase price not less than par and any accrued interest in accordance with law and the provisions of this ordinance and the Certificate of Award referred to in Section 3. The Auditor shall sign the Certificate of Award referred to in Section 3 specifying the interest rate the Notes shall bear, the final purchase price of the Notes and certain other final terms of the Notes and evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price.

The Mayor, the Auditor, the Treasurer, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and

## **5383-2016 Continued**

other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance.

**SECTION 7.** The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The expenditure of those proceeds for the purpose set forth in Section 1, including, without limitation, for the payment of financing costs as defined in Section 133.01 of the Revised Code, is hereby authorized and approved. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

**SECTION 8.** The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**SECTION 9.** During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

**SECTION 10.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Auditor, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to

## **5383-2016 Continued**

make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

**SECTION 11.** The legal services of the law firm of Squire Patton Boggs (US) LLP be and are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and rendering at delivery related legal opinions, all as set forth in the form of the engagement letter dated as of July 19, 2016, now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Law is authorized and directed to sign and deliver the engagement letter, and the Auditor is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

**SECTION 12.** The Clerk of Council is directed to deliver a certified copy of this ordinance to the Lorain County Auditor.

**SECTION 13.** This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City of North Ridgeville have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

**SECTION 14.** This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this ordinance were taken, and that all deliberations of

**5383-2016 Continued**

this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

**SECTION 15.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely enter into and carry out its obligations under contracts for the improvements described in Section 1, and thereby to permit the timely completion of those improvements during the current construction season; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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**5384-2016 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Walter H. Drane Company has completed the 2016 updating and revision of the Codified Ordinances of the City; and

**WHEREAS**, various ordinances and resolutions of a general and permanent nature that have been passed by Council since the date of publication of the Codified Ordinances (December 31, 2005) have been included in the Codified Ordinances of the City; and

**WHEREAS**, certain changes were made in the Codified Ordinances to bring City law into conformity with State law.

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

**SECTION 1.** The editing, arrangement and numbering or renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances.

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
5267-2015	7-6-15	236.04
5270-2015	8-17-15	1210.04(c)(d)
5271-2015	8-17-15	2015 Replacement Pages
5276-2015	9-21-15	1426.01
5277-2015	9-21-15	242.05(b)(1)
5281-2015	9-21-15	1062.15
5297-2015	11-2-15	1294.99
5300-2015	11-16-15	878.01 to 878.26, 878.99
5301-2015	11-16-15	880.04, 880.13
5315-2016	2-1-16	618.01

**5384-2016 Continued**

5317-2016	2-16-16	232.01
5318-2016	2-16-16	286.04
5363-2016	5-16-16	1444.04, 1444.05
5368-2016	5-16-16	1056.01, 1056.05
5369-2016	5-16-16	660.18

**SECTION 2.** The following sections and subsections are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

Traffic Code

- 402.21 Motorcycle. (Amended)
- 436.035 Driving With Probationary License; Curfew. (Amended)
- 436.09 Display of License Plates. (Amended)
- 436.10 Expired or Unlawful License Plates. (Amended)
- 442.01 Definitions. (Amended)
- 442.03 Prerequisites to Operation of a Commercial Vehicle. (Amended)
- 442.05 Criminal Offenses. (Amended)
- 442.06 Employment of Drivers of Commercial Vehicles. (Amended)
- 452.04 Parking Near Curb; Handicapped Parking. (Amended)
- 474.02 Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

General Offenses Code

- 612.07 Open Container Prohibited. (Amended)

**SECTION 3.** All ordinances and resolutions and parts thereof that are in conflict with any of the provisions of the new matter approved, adopted and enacted by Section 2 hereof are hereby repealed, except as follows:

(a) The enactment of such new matter shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision or to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.

(b) The repeal provided above shall not affect any legislation enacted subsequent to October 6, 2008.

**SECTION 4.** Pursuant to Section 3.14 and 3.16 of the City Charter, Ohio R.C. 731.23 and Section 222.01 of the Codified Ordinances of the City of North Ridgeville, the Clerk of Council shall cause to be posted on a bulletin board in the lobby of City Hall and through electronic media as set forth in Section 222.01 of the Codified Ordinances, a notice of the adoption of this ordinance, including the title of this ordinance and a summary of the new matter covered by it.

**SECTION 5.** 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.



**5384-2016 Continued**

**SECTION 6.** This Ordinance is hereby declared to be an emergency measure, the emergency being the need to meet the timeliness of the work that needs to be paid. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

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**5385-2016 AN ORDINANCE AMENDING N.R.C.O. SECTION 1224.02, PLATS AND DATA FOR FINAL APPROVAL OF SUBDIVISION PLATS, BY UPDATING ANTIQUATED REQUIREMENTS WITH PLAT DRAWING SUBMISSIONS.**

**WHEREAS,** N.R.C.O. Section 1224.02(a) is deemed antiquated in plat submission requirements where modern technology is now used to create drawings submitted; and

**WHEREAS,** submittal plats are required to be legible no longer requiring a specified scale of feet to the inch; and

**WHEREAS,** drawings are no longer submitted on tracing cloth using India (permanent) ink; and

**WHEREAS,** N.R.C.O. Section 1224.02(a) currently reads:

**1224.02 PLATS AND DATA FOR FINAL APPROVAL OF SUBDIVISION PLATS:**

(a) Residential Developments. The subdivision plat for a residential development must be drawn to a scale of not less than 100 feet to the inch and preferably fifty feet to the inch, where possible. For plats of unusual size, the Planning Commission may permit a variation in scale. If more than two sheets are required, an index sheet of the same dimensions must be filed, showing the entire subdivision on one sheet, with all areas shown on other sheets indicated thereon.

Drawings shall be held to a minimum of eighteen inches by twenty-four inches and a maximum of twenty-four inches by thirty-six inches, outside dimensions, and must be drawn using India (permanent) ink on tracing cloth.

**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 1224.02 *Plats and Data For Final Approval of Subdivision Plats* is hereby amended to read as follows:

(a) Residential Developments. The subdivision plat for a residential development must be drawn on a scale to fit on 24x36 paper. If more than two sheets are required, an index sheet of the same dimensions must be filed, showing the entire subdivision on one sheet, with all areas shown on other sheets indicated thereon.

All copies of the plat drawings required by Planning Commission shall include one full size 24x36 original set and nine additional copied sets to be of lesser size as long as legible and no smaller than 11x17.

**5385-2016 Continued**

**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 shall take effect and be in full force from and after the earliest period allowed by law.

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**5386-2016      AN ORDINANCE AMENDING N.R.C.O. SECTION 1224.05, APPROVAL PROCEDURE FOR SUBDIVISIONS INVOLVING MORE THAN FIVE LOTS, BY UPDATING THIS SECTION TO BE CONSISTENT WITH OTHER SECTIONS REQUIRING COPIES FOR FILING WITH PLANNING COMMISSION.**

**WHEREAS,** N.R.C.O. Section 1224.05 requires ten copies of the preliminary plan development and ten copies of the final plat to be submitted to Planning Commission, which are no longer required; and

**WHEREAS,** Planning Commission has requested that amendments be made to sections referring to ten copies of development plans required; and

**WHEREAS,** N.R.C.O. Section 1224.05 currently reads:

**1224.05 APPROVAL PROCEDURE FOR SUBDIVISIONS INVOLVING MORE THAN FIVE LOTS:**

(a) Preliminary Plan. No person, firm or corporation proposing to lay out or have laid out, within the territorial jurisdiction of these Subdivision Regulations, a subdivision which includes more than five lots, shall proceed with any construction work on the proposed subdivision, including grading, before obtaining from the Planning Commission the approval of the preliminary plan of the proposed subdivision as follows:

(2) Filing. Ten copies of the preliminary plan and of the supplementary material specified shall be submitted to the Commission with written application for conditional approval.

(b) Final Plat.

(2) Submission of plans. After receiving notice of conditional approval of the preliminary plan, the subdivider shall proceed to file:

A. Ten copies of the subdivision plat required under Section 1224.02, together with;

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

**5386-2016 Continued**

**SECTION 1.** N.R.C.O. Section 1224.05 *Approval Procedure For Subdivisions Involving More Than Five Lots* is hereby amended to read as follows:

**1224.05 APPROVAL PROCEDURE FOR SUBDIVISIONS INVOLVING MORE THAN FIVE LOTS:**

(a) Preliminary Plan. No person, firm or corporation proposing to lay out or have laid out, within the territorial jurisdiction of these Subdivision Regulations, a subdivision which includes more than five lots, shall proceed with any construction work on the proposed subdivision, including grading, before obtaining from the Planning Commission the approval of the preliminary plan of the proposed subdivision as follows:

(2) Filing. Copies of the preliminary plan and of the supplementary material specified shall be submitted to the Planning Commission in the form as specified in Section 1224.02(a) with written application for conditional approval.

(b) Final Plat.

(2) Submission of plans. After receiving notice of conditional approval of the preliminary plan, the subdivider shall proceed to file:

A. Copies of the subdivision plat required under Section 1224.02(a), together with:

**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 shall take effect and be in full force from and after the earliest period allowed by law.

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**5387-2016 AN ORDINANCE AMENDING N.R.C.O. SECTION 1228.01, DUTIES OF CITY ENGINEER, BY UPDATING ANTIQUATED REQUIREMENTS WITH CONSTRUCTION DRAWING SUBMISSIONS.**

**WHEREAS**, N.R.C.O. Section 1228.01(c) is deemed antiquated in construction drawing requirements where modern technology is now used to create drawings submitted for review; and

**WHEREAS**, drawings are no longer submitted on tracing cloth or any other specific cloth or paper using India (permanent) ink and or other specific type of ink; and

**WHEREAS**, N.R.C.O. Section 1228.01(c) currently reads:

**5387-2016 Continued**

**1228.01 DUTIES OF CITY ENGINEER:**

(c) Construction Drawings. Construction drawings shall be made with India ink or other equally substantial and distinct material, from which clear, legible prints may be made. Freehand linear drawings must not be attempted, nor shall other principals of goods surveying, engineering or draftsmanship be offended. The material upon which drawings are made shall be linen and be of the Federal-aid type highway plan sheets, measuring twenty-two inches by thirty-six inches. Cross-sections may be prepared on vellum Federal-aid sheets at a vertical and horizontal scale of one inch equals five feet. Cross-sections shall extend back to the proposed building line. Poorly drawn or illegible plans are sufficient cause for rejection.

**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 1228.01 *Duties Of City* is hereby amended to read as follows:

**1228.01 DUTIES OF CITY ENGINEER:**

(c) Construction Drawings. Construction drawings shall be prepared in ink or some other equally substantial and distinct material, from which clear, legible prints may be made. Freehand linear drawings must not be attempted, nor shall other principals of goods surveying, engineering or draftsmanship be offended. The material upon which drawings are made shall measure twenty-four inches by thirty-six inches. Poorly drawn or illegible plans are sufficient cause for rejection.

**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 shall take effect and be in full force from and after the earliest period allowed by law.

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**5388-2016      AN ORDINANCE AMENDING N.R.C.O. SECTION 1246.03, *PROCEDURE*, BY UPDATING THE SECTION TO BE CONSISTENT WITH REQUIRED COPIES FOR SUBMISSION TO PLANNING COMMISSION.**

**WHEREAS**, N.R.C.O. Section 1246.03 requires two copies of the development to be submitted to Planning Commission which is not consistent with other sections referring to copies required; and

**WHEREAS**, Planning Commission has requested that amendments be made to sections referring to a specified number of copies of development plans required for submission; and

**WHEREAS**, N.R.C.O. Section 1246.03 currently reads:

**1246.03 PROCEDURE:**

**5388-2016 Continued**

(a) Initiation by Petition. Any person desiring a change in the zoning of property shall file with the Clerk of Council.

(2) Two copies of a plat drawn to the scale of one inch equals 100 feet.

**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 1246.03 *Procedure* is hereby amended to read as follows:

**1246.03 PROCEDURE:**

(a) Initiation by Petition. Any person desiring a change in the zoning of property shall file with the Clerk of Council.

(2) The plat must be drawn on a scale to fit on 24x36 paper. If more than two sheets are required, an index sheet of the same dimensions must be filed, showing the entire plat on one sheet, with all areas shown on other sheets indicated thereon.

All copies of the plat drawings required by Planning Commission shall include one full size 24x36 original set and nine additional copied sets to be of lesser size as long as legible and no smaller than 11x17.

**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 shall take effect and be in full force from and after the earliest period allowed by law.

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**5389-2016      AN ORDINANCE AMENDING N.R.C.O. SECTION 1282.04, *PRELIMINARY DEVELOPMENT PLAN REQUIRED; CONTENTS*, BY UPDATING THE SECTION TO BE CONSISTENT WITH REQUIRED COPIES FOR SUBMISSION TO PLANNING COMMISSION.**

**WHEREAS**, N.R.C.O. Section 1282.04 requires ten copies of the development to be submitted to Planning Commission which are no longer required; and

**WHEREAS**, Planning Commission has requested that amendments be made to sections referring to ten copies of development plans required; and

**WHEREAS**, N.R.C.O. Section 1282.04 currently reads:

**5389-2016 Continued**

**1282.04 PRELIMINARY DEVELOPMENT PLAN REQUIRED; CONTENTS:**

An owner or developer shall submit to the Planning Commission a preliminary plan of a single-family detached and cluster development by filing ten copies thereof with written application to the Commission.

**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 1282.04 *Preliminary Development Plan Required; Contents* is hereby amended to read as follows:

**1282.04 PRELIMINARY DEVELOPMENT PLAN REQUIRED; CONTENTS:**

An owner or developer shall submit to the Planning Commission a preliminary plan of a single-family detached and cluster development thereof as specified in Section 1224.02(a) with written application to the Commission.

**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 shall take effect and be in full force from and after the earliest period allowed by law.

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**RESOLUTION(S)**

**1387-2016      A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE LORAIN COUNTY ENGINEER IN THE AMOUNT OF \$246,920.48 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 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**, in accordance with a cooperation agreement for the Lear Nagle Road widening project, the City of North Ridgeville needs to reimburse the Lorain County Engineer for the City's local share of services provided by Terrace Construction, and serves a necessary public purpose; and

**1387-2016 Continued**

**WHEREAS**, in accordance with a cooperation agreement for the Lear Nagle Road widening project, the City of North Ridgeville needs to reimburse the Lorain County Engineer for the City’s local share of services provided by Greenman-Pedersen, and serves a necessary public purpose.

**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 the Lorain County Engineer for the City’s local share of services provided by the following companies in accordance with a cooperation agreement for the Lear Nagle Road widening project:

Terrace Construction Invoice No. 5 .....	\$233,546.64
Greenman-Pedersen Invoice No. 3 .....	\$ 8,048.25
Greenman-Pedersen Invoice No. 4 .....	<u>\$ 5,325.59</u>
Total .....	\$246,920.48

**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 immediate necessity to pay the invoices within thirty days. Wherefore, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

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**1388-2016      A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE WALTER H. DRANE COMPANY IN THE AMOUNT OF \$4,902.29 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 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**, the Walter H. Drane Company provides codification services to the City of North Ridgeville and serves a necessary public purpose.

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

**1388-2016 Continued**

**SECTION 1.** Council hereby authorizes payment to the Walter H. Drane Company for the codification of City Ordinances:

Invoice No. 18353 .....\$ 4,902.29

**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 immediate necessity to pay the invoice within thirty days. Wherefore, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

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**CITY COUNCIL MEETING DATES FOR 2016**

January 4, 2016	January 19, 2016	February 1, 2016
February 16, 2016	March 7, 2016	March 21, 2016
April 4, 2016	April 18, 2016	May 2, 2016
May 16, 2016	June 6, 2016	June 20, 2016
July 5, 2016	July 18, 2016	August 1, 2016
August 15, 2016	September 6, 2016	September 19, 2016
October 3, 2016	October 17, 2016	November 7, 2016
November 21, 2016	December 5, 2016	December 19, 2016

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