

**NORTH RIDGEVILLE CITY COUNCIL
MINUTES OF REGULAR MEETING JANUARY 5, 2015**

CALL TO ORDER: 7:30 P.M.

President Corcoran: Calling to order the Monday, January 5, 2015 regular Council meeting.

INVOCATION:

Led by President Corcoran.

PLEDGE OF ALLEGIANCE:

Led by President Corcoran.

ROLL CALL:

Present were Council members Terrence Keenan, Dennis Boose, Robert Olesen, Dr. Ronald Arndt, Bernadine Butkowski and President Kevin Corcoran.

Councilwoman Roseanne Johnson was excused.

Also present was Mayor David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, City Engineer Scott Wangler, Deputy Auditor Teresa Machovina and Clerk of Council George E. Smith.

MINUTES - Corrections (if any) and approval:

President Corcoran: You have before you the Council meeting minutes of December 15, 2014. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note the Civil Service Commission meeting minutes of December 16, 2014, the Records Commission meeting minutes of December 18, 2014 and the Parks and Recreation Commission meeting minutes of October 22, 2014.

LOBBY:

President Corcoran: That brings us to the lobby session of the meeting. This is your opportunity to speak to Council. You will have three minutes to speak on the topic of your choice. Unfortunately, this is not an interactive session and we do not have questions and answers. It is just an opportunity for you to tell us what your problems are and we will have the appropriate people get back to you. If you are going to speak, please step up to the podium and state your name and address for the record. Is there anyone that would like to address Council this evening?

Nita Morrison, 34939 Northview Circle: stated she is excited about the widening of Center Ridge Road. She hopes commercial businesses will be attracted to the City.

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

ADMINISTRATORS REPORTS:

A. Mayor: Thank you Mr. President. I will be very brief this evening. First, I hope everybody had a great holiday season. Obviously, we did not get our millage certification back from the County Auditor for this meeting. So, the second meeting in January we will need to pass the legislation to put the renewals of the Police, Fire and Street Levies on the ballot. The deadline is February, so we will be under the gun; just forewarning you that those will come next meeting. Thank you and that concludes my report.

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

B. Safety-Service Director: Well if any of you out there were like me today and you locked your car and you tried to open it up with a key; your doors were locked. Then I had to go buy some deicer to get into it. My point of this is that it was fifty seven degrees the other day; at least according to the thermometer I was looking at. It was raining. Everyone was kind of wondering when the weather was going to turn and then it turned. The fact of the matter is we received a tremendous amount of rain – I don't know how much rain – but I know the fish pond that I have that I built for the kids is overflowing at the top. Hopefully the goldfish are not going to swim off. We survived, for the most part, no flooding in the community. Those of us that were out looking to see just exactly how our ditches were handling the water; it was a steady rain so we were able to forego most of that. What we did find if there was any damage at all or any kind of backup; it was based on the leaves that did not come down right. People actually raked them and they ended up in ditches. Then there were some storm sewer covers that were full. We did have a crew out; I think it was on Olive Street at Cornell. They were out and as soon as they got the leaves moved, the water started moving and went down right away. It was given by the fact that the leaves actually created the problem in there.

Staying with flooding – EQ basin Engineers are still working very hard. We plan on meeting with them here in the next few weeks. Sub-basins 5, 6, 7 and 8 which has to do with our sanitary sewers – that work continues. They are doing manhole inspections and dye testing. So if you do honestly see some colored water in ditches, those are actually our Engineers doing that. Don't worry. It is something that we are looking for.

Storm water utility project which again has to do with flooding – it is moving on. I think we have a meeting coming up in January with City Council with regards to that to try and move that project forward.

Nita, I certainly appreciate your positive comments tonight. Honestly. That concludes my report.

President Corcoran: Thank you Mr. Armbruster. Mr. Mayor, you had something else?

Mayor Gillock: Jeff reminded me of something. I just want to give a reminder to our residents because it has been in the papers in Lorain recently: we have no parking on City streets, and we have always had it that way, from 2:00 a.m. – 6:00 a.m. That has not been a big issue. I want to

remind you, if we get big snows and we issue a snow ban then there is no parking, period, on City streets. The reason for this is so we can get our snow plows through. If there are cars out there and we have to go around the cars, it just creates terrific problems. We are trying to plow the streets to get rid of the snow. Just a word to the wise, just because the weather man says there is a big snow coming, if there is; please try to keep your cars off the City streets. Thank you.

President Corcoran: Thank you. Mr. Engineer.

C. Engineer: Thank you Mr. President. Shortly after our last meeting, we did our road closure at 83 and the water tie in. For the most part it went pretty smoothly. We fell a little short of meeting my goal of having it open by 8:00 a.m. We ran into a circumstance there with water disruption and there was some questions fielded to my office and I wanted to make sure that everybody had understood what happened. Initially, we had thought the impact to the residents was going to be very small based on the valves that we were going to close to service and those residents were notified. When it came time to shut the water off, we closed those valves and the water line did not depressurize. With the help of the Service Department, we were able to fall back to plan b and get the water line shut off. That impacted a lot more people. That was about 1:30 in the morning. No notification is going to happen at that point. There were probably some people that woke up in the middle of the night to no water service and that is the reason why that happened. We do our best to minimize these disruptions. Sometimes these things can happen. I just wanted everybody to know how that came about. That concludes my report.

President Corcoran: Thank you Mr. Wangler. Ms. Deputy Auditor.

D. Auditor: No report this evening.

President Corcoran: Thank you.

E. Other Reports:

President Corcoran: We have the December 2014 Parks and Recreation Director's report and the November 2014 Water Distribution reports.

President Corcoran: There are no Council Committee reports.

COUNCIL COMMITTEE REPORT(S): None.

President Corcoran: There is no correspondence.

CORRESPONDENCE: None.

President Corcoran: There is no old business.

OLD BUSINESS: None.

NEW BUSINESS:

President Corcoran: Moving on to new business. First up we have T 1.

Ordinance and Resolution Submittals

Clerk of Council Smith:

T 1-2015 A RESOLUTION DECLARING THE NECESSITY/INTENT TO APPROPRIATE INTERESTS IN LAND FROM KATLIN A. BARRICK, RORY G. O'MALLEY AND DIANE L. FANNIN (PARCEL 25 WD,T) FOR THE PURPOSE OF WIDENING AND EXPANDING LEAR NAGLE ROAD IN THE CITY OF NORTH RIDGEVILLE, OHIO.

(Introduced by Mayor Gillock)

Moved by President Corcoran and seconded by Keenan to suspend the By-laws to allow T 1-2015 to have a first reading.

President Corcoran: Mr. Law Director, do you want to chime in on this please?

Law Director Crites: Hopefully, all the members of Council received the email which included an attachment of select notes from the property acquisition company. This is simply the second case that has been presented to us and that is how it happens for appropriation. The property acquisition company does everything. The City, I, the City's Law Director, have no involvement until they have exhausted all their efforts to come to a resolution and agreed transaction with the property owners. This is the second of two. The first, as I mentioned in the email to Council, which involved not so much a discrepancy or a disagreement in value, but a title issue - the marketability of the parcel that was needed or the interest that was needed; this was clearly, simply-there is a broad gulf between what our property acquisition company and their appraisers rightfully believe the small, narrow strip of land that is needed and the temporary easement that is needed and the demands of the property owner, therefore, it has been submitted to us to use the statutory process and take it to the courts for appropriation.

Councilman Boose: Mr. President, in reviewing the Resolution, there appears to be several typing errors and or inconsistencies. I wanted to bring them up and some I believe I know the answer to but one or two I may not. If you look in the second line of the title, it says '...in land from Katlin...'. It is spelled Katlin. On the Auditor's website for Lorain County it is spelled Kaitlyn and then the legal description that was provided with the Resolution, it is spelled Kaitlin. I am not sure which it is but it is not Katlin. That would need to be corrected throughout the document. Also, in the next line of the title, the last name Barrick appears with two "r's" and again on the Auditor's website and in the attachment provided to the Resolution, it only has one "r". In the next line in the Resolution, it says "parcel 25 WD,T". In reading the comments that were provided by the Auditor earlier today, it is shown as "25 WD" and "parcel 25 T" and I think we may want to restate that to be more clearly defined. Finally, in the third "Whereas," in the third line it reads "Rory G. O'Malley and Dine" and that should be Diane. Those were the only typographical errors that I noted.

Law Director Crites: If I may speak to those. First of all, the parcel description should stay as it appears. It is throughout been identified through both ODOT and the right-of-way acquisition company as 25 WT. This is the manner in which they use for identification. That is ok. As far as the spelling of the names, you are correct, but we, I, the Law Department, used the spelling which was provided to us from the right-of-way acquisition company. You are right, they don't match those which show up in the legal and that have been prepared by their surveyors. I am sorry Dennis; the Auditor's website is no absolute guarantee of accuracy. Which spellings did they have on the word Katlin and the last name Barrick? Is Katlin with an "i"?

Councilman Boose: Barrick; everything says one "r" other than our Resolution. I think if we changed it to one "r" it would be more correct.

Law Director Crites: I believe that Katlin does require an "i" in looking at the legal.

Councilman Boose: The legal with the attachments says Kaitlin. Again, you can't count on the County website to be totally accurate, but you have three different spellings.

Law Director Crites: I agree with you that both; that a motion be made that both in the body of the Resolution as well as in the title of the Resolution that the name Katlin and the last name Barrick be amended to reflect as written in the attachment.

Moved by Boose and seconded by Butkowski to amend T 1-2015 to correct the spelling of "Katlin A. Barrick" to "Kaitlin A. Barick" throughout the document and also to correct in the spelling of "Dine" in the third Whereas to "Diane".

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

Yes – 6 No – 0

President Corcoran: Were there anymore questions on T 1 itself? On the suspension of the By-laws to allow it to have a first reading – all those in favor say yes. Those opposed say no.

Yes – 6 No – 0

President Corcoran: T 1-2015 Amended is now added to first readings. T 2-2015.

Clerk of Council Smith:

T 2-2015 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: LOCATED AT GREENLAWN DRIVE; PERMANENT PARCEL NUMBER 07-00-028-103-125 (AS SHOWN BY LEGAL DESCRIPTION ATTACHED); FROM B-5 ARCHITECTURAL BUSINESS DISTRICT TO R-1 RESIDENCE DISTRICT AND OWNED BY KATHLEEN M. AND HAROLD J. BOGNER, TRUSTEES.

(Introduced by petition of Harold Bogner on 12/18/2014)

President Corcoran: Rezoning has to be referred to both the Planning Commission and the Building and Lands Committee. T 3-2015.

Clerk of Council Smith:

T 3-2015 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT TO O.R.C. SECTION 721.15(D).

(Introduced by Mayor Gillock)

President Corcoran: T 4-2015

Clerk of Council Smith:

T 4-2015 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO CT CONSULTANTS, INC. IN THE AMOUNT OF \$10,303.95.

(Introduced by Mayor Gillock)

Moved by Butkowski and seconded by Boose to suspend the By-laws to give T 4-2015 a first reading.

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

Yes – 6 No – 0

President Corcoran: T 4-2015 is now added to first readings. That is the end of new business. That brings us to the recess portion of the meeting. Would anyone like a recess?

RECESS:

Moved by Butkowski and seconded by Olesen to dispense with the recess portion of the meeting.

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

Yes – 6 No – 0

President Corcoran: Moving on then to first readings. First up, we have T 1 Amended.

FIRST READINGS:

Clerk of Council Smith:

T 1-2015 A RESOLUTION DECLARING THE NECESSITY/INTENT TO
Amended APPROPRIATE INTERESTS IN LAND FROM KAITLIN A. BARICK, RORY
G. O'MALLEY AND DIANE L. FANNIN (PARCEL 25 WD,T) FOR THE
PURPOSE OF WIDENING AND EXPANDING LEAR NAGLE ROAD IN THE
CITY OF NORTH RIDGEVILLE, OHIO.

(Introduced by Mayor Gillock)

Law Director Crites: If I may, again, I can just simply say that we have been given a directive from ODOT that the right-of-way which we need to acquire all land necessary for the Lear Road expansion project be acquired by March 1 of this year. You always wishful think, but as my last update from my liaison at the right-of-way acquisition company presented to me, we may have as many as fifteen of these which would be fifteen separate filings in Probate Court. The good news is the second I file the appropriation action; we have one ready to go and has yet to be filed, but I hope to do so this week; the moment it is filed, we acquire the interests and then the case just goes on as the issue of evaluation. However, to get to the moment, as Council may recall, we have to first pass this Resolution. I have to then, as soon as possible, serve the Resolution and prove service on the Resolution on the landowner and then come back to Council and ask for the Ordinance which then has to be passed before I can file the appropriation action. On one property, that does not sound like a lot, but on fifteen that can be a long jam. The March 1st date may be wishful thinking, but it is my goal to try to adhere to the marching orders they gave us. For that reason, I would ask Council to pass this with the emergency tonight.

Moved by Boose and seconded by Olesen to dispense with the second and third readings for T 1-2015 Amended.

President Corcoran: Are there any comments or questions?

Councilman Keenan: I do have a comment and it goes back to the comment that Councilman Boose rose earlier and that is just that for clarification we understand as a Council that these are two parcels even though it is designated 25 WD, T; it is two parcels. Everybody understands that. They are described in Exhibit B and Exhibit A as separate parcels, separate property descriptions. Even though it is designated 25 WD, T; it is two parcels and two transactions.

Law Director Crites: You are correct Councilman Keenan; it is two separate interests coming from one parcel. It is one piece of land, but it is two; I think that is what you are saying, but just a matter of...

Councilman Keenan: Well, it really isn't because in Exhibit A it is described as 25 WD and then in Exhibit B it is described as 25-T.

Law Director Crites: It is confusing.

Councilman Keenan: I wanted it in the record that we understand that we are approving the appropriation of both interests and even though it may be argued that someday that it is one interest; we understand as a Council, it is two interests.

Law Director Crites: It is definitely two interests. One piece of land owned by these people – the City and ODOT need two things: they need possession. When you see WD it stands for Warranty Deed. They need possession of the strip of land that goes around the corner. That means that land forever leaves their possession and goes into that of the City's or the State of Ohio's right-of-way. They also need a temporary easement like the previous case. It is two separate interests. There is plenty of confusion if you read each file we get on these that they are using the word parcel. You wish that they would choose something better like maybe take or...

Councilman Keenan: I simply did not want to leave it open for argument later that we didn't understand that we were authorizing appropriation of both interests just because it isn't real clear.

Law Director Crites: It is appreciated that you do as well as it is appreciated that Councilman Boose took the time to cross check our Law Department's work for the spelling. I am glad you did. These are the kind of things when you are in an appropriation case that can be raised. You really have to have your T's crossed and your I's dotted so I applaud both of you.

President Corcoran: On the dispensing of the second and third readings for T 1 Amended – all those in favor say yes. Those opposed say no.

Yes – 6 No – 0

Moved by Boose and seconded by Butkowski to adopt T 1-2015 Amended.

Moved by Boose and seconded by Olesen to add the emergency clause to T 1-2015 Amended in order to serve the health, safety and welfare of the residents of the City of North Ridgeville in order to acquire the property in a timely manner for the project.

President Corcoran: On the emergency clause, all those in favor say yes. Those opposed say no.

Yes – 6 No – 0

President Corcoran: On the adoption, with the emergency clause are there any comments or questions?

Councilman Boose: Mr. President, I have a comment before we vote. It should be noted that in the documentation that the Law Director provided us earlier today, that detailed very well all of the correspondence, conversations that were made between the authorities and the one property owner that at the end of the discussion, the property owner recommended that yes, this is what she wanted; she wanted to go to court and have her say in court in front of a jury trial. I am obliged to go along with that if that is what she wants.

President Corcoran: Any final comments? Clerk, please call the roll.

Clerk of Council Smith: The motion passed unanimously with one absentee and becomes
Resolution number 1328-2015.

Yes – 6 No – 0

President Corcoran: Next up, we have T 4.

Clerk of Council Smith:

T 4-2015 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO CT
CONSULTANTS, INC. IN THE AMOUNT OF \$10,303.95.

(Introduced by Mayor Gillock)

Moved by Butkowski and seconded by Olesen to dispense with the second and third
readings for T 4-2015.

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

Yes – 6 No – 0

Moved by Butkowski and seconded by Olesen to adopt T 4-2015.

President Corcoran: Are there any comments or questions?

Councilman Boose: Do we know, again, through you to the Auditor to the Administration: do
we know is this amount though it does say that the monies were appropriated – is this in the
budget of the consulting part of it or is this more than what we anticipated? Do we know?

Deputy Auditor Machovina: The contracted amount that was for the French Creek project that is
going on – they just began the work before the contract was signed. This is for the dollar amount
of the work prior to the purchase order and the contract being signed and encumbered.

Councilman Boose: Everything is in line with the ... (inaudible) thank you.

President Corcoran: Any other questions? Clerk, please call the roll.

Councilman Keenan: Do we need the emergency?

President Corcoran: We usually add the emergency in cases like this where there is an
outstanding invoice that has not been paid for a while. Is that an accurate statement this time
Deputy Auditor?

Deputy Auditor Machovina: (inaudible).

Moved by Butkowski and seconded by Olesen to add the emergency clause to T 4-2015
in order to pay the invoice in a timely manner.

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

Yes – 6 No – 0

President Corcoran: On the adoption with the emergency clause, are there any comments or questions? Clerk, please call the roll.

Clerk of Council Smith: It passed unanimously with one absentee and becomes **Resolution number 1329-2015.**

Yes – 6 No – 0

President Corcoran: That is the end of our first readings. Moving on to second readings.

Mayor Gillock: Mr. President, what was the Ordinance number?

Councilman Boose: It was a Resolution.

Mayor Gillock: What was the Resolution number?

Clerk of Council Smith: 1329.

Mayor Gillock: Thank you.

President Corcoran: Okay, second readings. First up, we have T 104.

SECOND READINGS:

Clerk of Council Smith:

T 104-2014 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MULTI-JURISDICTIONAL AGREEMENT BETWEEN THE CITY OF AVON AND VILLAGE OF SHEFFIELD AS REQUESTED BY THE OHIO ENVIRONMENTAL PROTECTION AGENCY TO ENSURE UNIFORM STANDARDS, COMPLIANCE AND ENFORCEMENT FOR THE OPERATION OF THE FRENCH CREEK WASTEWATER TREATMENT PLANT.

(Introduced by Mayor Gillock; Referred to Utilities on 10/20/2014; Utilities on 11/17/2014; Report accepted on 12/01/2014; First reading 12/15/2014)

President Corcoran: T 114.

Clerk of Council Smith:

T 114-2014 AN ORDINANCE AUTHORIZING THE DONATION OF MUNICIPAL REAL PROPERTY AND ACCESSORY STRUCTURES TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE WIDENING AND IMPROVEMENT OF U.S. ROUTE 20 (CENTER RIDGE ROAD).

(Introduced by Mayor Gillock; Referred to B&L on 11/03/2014; B&L on 11/24/2014; Report accepted on 12/01/2014; First reading 12/15/2014)

President Corcoran: T 115.

Clerk of Council Smith:

T 115-2014 AN ORDINANCE AUTHORIZING THE DONATION OF MUNICIPAL REAL PROPERTY AND ACCESSORY STRUCTURES TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE WIDENING AND IMPROVEMENT OF U.S. ROUTE 20 (CENTER RIDGE ROAD).

(Introduced by Mayor Gillock; Referred to B&L on 11/03/2014; B&L on 11/24/2014; Report accepted on 12/01/2014; First reading 12/15/2014)

President Corcoran: T 116.

Clerk of Council Smith:

T 116-2014 AN ORDINANCE AUTHORIZING THE DONATION OF MUNICIPAL REAL PROPERTY AND ACCESSORY STRUCTURES TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE WIDENING AND IMPROVEMENT OF U.S. ROUTE 20 (CENTER RIDGE ROAD).

(Introduced by Mayor Gillock; Referred to B&L on 11/03/2014; B&L on 11/24/2014; Report accepted on 12/01/2014; First reading 12/15/2014)

President Corcoran: T 125.

Clerk of Council Smith:

T 125-2014 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT TO O.R.C. SECTION 721.15(D).

(Introduced by Mayor Gillock; First reading 12/15/2014)

President Corcoran: That is the end of our second readings. There are no third readings.

THIRD READINGS: None.

MEETING ANNOUNCEMENTS:

President Corcoran: There will be a Committee of the Whole meeting on Tuesday, January 20, 2015 at 6:30 P.M. in Council Chambers to discuss the construction of the school and stadium. The next regular Council meeting will be on Tuesday, January 20, 2015 at 7:30 P.M. in Council Chambers. There will be a Committee of the Whole meeting on Monday, January 26, 2015 at 6:30 P.M. in Council Chambers to discuss Storm Water Management fees. Thanks for coming and happy New Year.

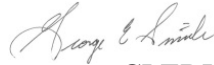
ADJOURNMENT:

President Corcoran: Seeing no other business to bring before the City this evening, the meeting is adjourned. The meeting was adjourned at 8:03 P.M.

Approval of minutes:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL