

**NORTH RIDGEVILLE CITY COUNCIL  
MINUTES OF REGULAR MEETING MAY 16, 2016**

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

President Corcoran: Calling to order the Monday, May 16, 2016 regular Council meeting.

**INVOCATION:**

Led by President Corcoran.

**PLEDGE OF ALLEGIANCE:**

Led by President Corcoran.

**ROLL CALL:**

Present were Council members Bruce Abens, Dennis Boose, Terrence Keenan, President Pro-Tem Bernadine Butkowski, Bob Chapek, Roseanne Johnson and President Kevin Corcoran.

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

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

President Corcoran: You have before you the City Council meeting minutes of May 2, 2016.

Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: We received the Planning Commission meeting minutes of May 10, 2016, the Safety Committee meeting minutes of May 2, 2016 and the Workers Compensation Safety Committee meeting minutes of April 28, 2016.

President Corcoran: That brings us to the lobby session of the meeting.

Moved by President Corcoran and seconded by Boose to split the lobby session into two sessions where the first one will be dedicated to the items that are on the agenda this evening and the second would be questions and answers from the audience.

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

Yes – 7

No – 0

**LOBBY (REGARDING AGENDA ITEMS ONLY):**

President Corcoran: The first lobby session is open. If you have a comment about an agenda item, please step up to the podium and state your name and address for the record. You will be given three minutes to speak. Is there anybody who would like to speak this evening? Ok then, moving on to the Administrator's reports. First, we have Mr. Mayor.

**ADMINISTRATORS REPORTS:**

**A. Mayor:** Thank you Mr. President. First, I would like to extend an invitation to the public to join me this Thursday for my monthly coffee and conversation. This month's coffee will be held in our conference room at City Hall from 4:00 p.m. to 5:00 p.m. this Thursday. It's a good way to ask questions and a great way to learn about projects happening in our great City. Time always goes faster when we have a group there. Please join me.

Secondly, Pride Day and Discover the Ridge. As a reminder, this Saturday, we have two events happening in the City. From 9:00 a.m. until noon is the Lorain County Pride Day and we encourage residents to take part in sprucing up their properties and our Park and Rec Department is looking for individuals or organizations to take part in cleaning up our community parks. If you are interested in helping out, contact Meredith Brescilli in our Parks and Rec Department. Also on Saturday, the North Ridgeville Visitors Bureau is sponsoring their annual Discover the Ridge from 9:00 a.m. to 3:00 p.m. starting out at the North Ridgeville Education Center for the Spring Market with entertainment. You can then travel throughout the City to fourteen participating businesses for their open houses, drawings and activities. You can get these maps and these are available at City Hall and the North Ridgeville Chamber of Commerce. It is also available on the City's and Chamber's website.

With Memorial Day just two weeks away, I would like to take the opportunity to remind everyone that the splash pad at South Central Park will open on Saturday, that holiday weekend. Hours are from 10:00 a.m. until 8:00 p.m. daily through Labor Day. Bring the family out to the park and enjoy a picnic while taking advantage of what all our parks have to offer. Besides the splash pad, there is a free fishing lake and you do not need a license. We recently stocked it with about one hundred and fifty rainbow trout. There is a playground, tennis, basketball, sand volleyball courts, horseshoes and of course the 1.2 mile walking trail and outdoor fitness equipment. The annual Memorial Day Parade sponsored by the Lions Club and VFW will take place on Monday, May 30<sup>th</sup>. The Parade will kick off at 9:45 a.m., leaving from the Marc's parking lot and going down Center Ridge Road to the middle school Ranger stadium. At the stadium, there will be a ceremony to honor and remember those who lost their lives while serving in our country's armed forces. Also, as a reminder and observation of the holiday, City Hall offices will be closed on Memorial Day. Allied Waste will also be observing the holiday on Monday, which means your trash pick-up on that day will be delayed by one day. Monday customers will be picked up on Tuesday and Tuesday customers will be picked up on Wednesday.

On Saturday, June 4, we have a touch-a-truck event. Parks and Recreation will be holding its Touch-A-Truck event on Saturday, June 4 from 10:00 a.m. until noon at the high school parking lot. Bring your entire family to enjoy this free event and it is appropriate for all ages. It is a unique opportunity for families to touch and even climb inside a variety of big trucks and equipment. I enjoy watching the excitement as the kids and some of the dads as they move from one vehicle to the next. It is really a fun filled morning.

I talked at our last meeting about our bonding and our City's bond rating being raised to AA1. A week ago today, Teresa Machovina, Tim Pope and I went down to Key Bank for the actual selling of the bonds and we were able to watch and see who bought them and because of our increased rating and the timing of the work that Key Bank did on refinancing our 2006 and 2008 bonds, we had told you we anticipated saving \$1.1 million. We actually saved over \$1.5 million; \$1,549,000 net present value; it is actually over the life of the loan, over \$1.7 million. That increased rating and those efforts actually saved us an additional \$400,000.

Finally, I just want to mention because I had a number of comments. I won't call them complaints on the widening of Lear Nagle Road. There is some new concrete on the east side. I had a lot of complaints about what a lousy job they did and how rough that is. I want everyone to know that is temporary. When they started designing the road and came in and said they were going to close Lear Nagle for nine months and I said that is a nonstarter. That is not going to happen and they responded with the fact that they would have to build a temporary road. That concrete on the east side is temporary and was put in very quickly and roughly smooth. They will now move all the traffic to that side as they have already done and they will start working on the left side doing the infrastructure that has to be done and build a new road. At that point, they will move everyone back over to the west side and that concrete will be torn out and the permanent road will be put in its place. Don't think that is the final product and that it is going to be rough like that. It is a long process, but it is going very well. Thank you and that concludes my report.

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

**B. Safety-Service Director:** To continue with construction up at Lear Nagle and Lorain, today, if you got off I-480 this evening, you would have seen that there was a change in the pattern of the turning lanes. What we actually did is repaint the pattern. If you are heading westbound, the right hand lane is now permanently right. There is a straight through lane in the middle and a turning lane is actually to the left of that. We've dedicated a right turn lane through lane and the reason being is that if you are on the other side of the intersection, we had to close one of those lanes down and we had to funnel the traffic to the right going right down Lear Nagle, straight down Lorain and left onto Cook, which meant on the eastbound side, the single lane is now toward the curb and we now have a turning lane that is in the second lane on the eastbound side to go left. It did move some traffic and there was some confusion, but we put signage above and we have two or three signs as we move toward I-480 showing the right side would be a right hand turn lane only, the straight lane in the middle and the left hand turn is the other way so as people get used to the changes. We will be able to move the traffic through that intersection a lot faster than what we have seen it. We had to flip to go to the Sheetz side to do the same thing that we did on the BP side with new curbs and the expansion of the road. So, that caused us to move the road further south than north. That concludes my report.

President Corcoran: Thank you Mr. Armbruster. Mr. Engineer.

**C. Engineer:** Thank you, Mr. President. In keeping with the road project traffic reports: the second half of the bridge that we poured last week on 83 and they poured the south approach on the 14<sup>th</sup>. At this point, the contractor is not required any time extensions and the scheduled completion date is June 1. So, next time we meet, that should be completed unless something changes in the near future. That concludes my report.

President Corcoran: Thank you. Ms. Deputy Auditor.

**D. Deputy Auditor:** Thank you Mr. President. You should have received your April 2016 report last Wednesday. Our office can entertain any questions you may have in regard to that.

Secondly, on our agenda tonight is T 70, an Ordinance providing for the issuance and sale of \$2.9 million in notes. Those funds are to repay Lorain County Auditor for Lear Nagle Road and the local share that we are responsible for. We adopted Ordinance 5356-2016 to enter inter an agreement with Lorain County. If we could get those notes adopted tonight and apply the emergency, then we can proceed with that. Once we get a commitment on those notes, we will be bringing back an amended appropriation to Council to appropriate for the funds to repay Lorain County and also an additional \$5,000.00 will go from the Street Levy to pay for that project, as well. Thank you.

**E. Other Reports:**

President Corcoran: We have the April 2016 Fire Department report and the April 2016 Support Car Report.

Moved by Butkowski and seconded by Johnson to suspend the By-laws to add the Safety Committee report dated May 12, 2016 to the agenda under Council Committee Reports.

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

Yes – 7                      No – 0

**COUNCIL COMMITTEE REPORT(S):**

Moved by Butkowski and seconded by Johnson to accept the Safety Committee report dated May 12, 2015.

President Corcoran: Are there any comments or questions?

Mayor Gillock: What was the report?

Councilwoman Butkowski: The report and minutes were in Onbase.

Mayor Gillock: Was this report regarding the vending truck Ordinance?

President Corcoran: Yes.

Mayor Gillock: I don't know what the vote was or what the Committee recommended. We usually read the report which states what the Safety Committee recommended. The report has to be read.

President Corcoran: The report itself, which I believe was left for you. Was there a copy at your desk?

Mayor Gillock: No.

President Corcoran: SAFETY COMMITTEE report dated May 12, 2016 which recommends T 46-2016 as amended be submitted to Council for consideration. It was signed by the three members of the Committee. There is not much of a report there. Does anyone have any questions about that? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: The report has been accepted and there will be legislation that will follow.

**NEW BUSINESS:**

Clerk of Council Smith:

**Planning Commission action(s) taken at the May 10, 2016 meeting:**

**APPLICANT:** Chris Livingston, Avison Young Ohio, LLC, 600 Superior Avenue, #910, Cleveland, Ohio 44114

**OWNER:** Hazem Nouraldin, North Ridgeville Shopping Center, LLC, 30875 Doral Lane, Westlake, Ohio 44145

**REQUEST:** Site plan approval for construction of a 347,205 square foot commercial building facility known as Project TDQ.

**LOCATION:** 38889 Center Ridge Road in a B-3 District; Parcel nos. 07-00-046-108-034, 07-00-046-108-047 and 07-00-046-108-048.

**PC ACTION:** **Approved by a vote of 5-0.**

**(Council action required)**

Councilman Keenan: Mr. President, I would just like to make a brief comment on this. It came before Planning Commission. There was a nice presentation. This is an incredible addition to the City in taking a blighted area of our town and converting it into a highly productive manufacturing space. I think Planning Commission was very excited about the project. It was well presented. The plans look excellent. There was no dissention in the hearing.

Moved by Keenan and seconded by Boose to accept the Planning Commission action.

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

Yes – 7

No – 0

Clerk of Council Smith:

- APPLICANT:** Chris Livingston, Avison Young Ohio, LLC, 600 Superior Avenue, #910, Cleveland, Ohio 44114
- OWNER:** Hazem Nouraldin, North Ridgeville Shopping Center, LLC, 30875 Doral Lane, Westlake, Ohio 44145
- REQUEST:** Approval of petition to rezone parcels from B-3 Highway Commercial zoning district to I-2 Light Industrial zoning district under temporary legislation T 61-2016.
- LOCATION:** 38889 Center Ridge Road in a B-3 District; Parcel nos. 07-00-046-108-034, 07-00-046-108-047 and 07-00-046-108-048.
- PC ACTION:** **Approved by a vote of 5-0.**  
**(Council action required)**

Councilman Keenan: A brief report to Council – this rezoning is necessary to allow the construction of the large manufacturing facility that was just discussed. We are taking a B-3 which is within or surrounded by I-2 on either side and so really we are eliminating a spot within I-2 zoning and making the entire area I-2 and consistent for the construction that has been approved.

Moved by Keenan and seconded by Boose to accept the Planning Commission action.

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

Yes – 7                      No – 0

**RECESS:**

President Corcoran: This is the recess portion of the meeting. Would anyone like a recess?

Moved by Butkowski and seconded by Johnson to dispense with the recess.

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

Yes – 7                      No – 0

President Corcoran: Moving on to first readings, we have T 65.

**FIRST READINGS:**

**Ordinance and Resolution submittal(s)**

Clerk of Council Smith:

- T 65-2016** 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.  
**(Introduced by Councilman Keenan)**

President Corcoran: I will refer this to Building and Lands Committee. T 66.

Clerk of Council Smith:

**T 66-2016** 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.

(Introduced by Councilman Keenan)

President Corcoran: I will refer this to Building and Lands Committee. T 67.

Clerk of Council Smith:

**T 67-2016** AN ORDINANCE AMENDING N.R.C.O. SECTION 1228.01, *DUTIES OF CITY ENGINEER*, BY UPDATING ANTIQUATED REQUIREMENTS WITH CONSTRUCTION DRAWING SUBMISSIONS.

(Introduced by Councilman Keenan)

President Corcoran: I will refer this to Building and Lands Committee. T 68.

Clerk of Council Smith:

**T 68-2016** 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.

(Introduced by Councilman Keenan)

President Corcoran: I will refer this to Building and Lands Committee. T 69.

Clerk of Council Smith:

**T 69-2016** 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.

(Introduced by Councilman Keenan)

President Corcoran: I will refer this to Building and Lands Committee. T 70.

Clerk of Council Smith:

**T 70-2016** AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,900,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING LEAR NAGLE ROAD, LORAIN ROAD, CHESTNUT RIDGE ROAD AND COOK ROAD BETWEEN CERTAIN TERMINI BY WIDENING, GRADING, DRAINING, CURBING, CONSTRUCTING AND RECONSTRUCTING THE PAVEMENT BASE, SIDEWALKS, DRIVEWAY APPROACHES, STORM SEWERS AND REQUIRED STORM WATER QUALITY STRUCTURES, WATER MAINS, RETAINING WALLS AND CULVERTS ACROSS MILLS CREEK AND ROBINSON DITCH, WHERE NECESSARY, SURFACING AND

RESURFACING AND ACQUIRING AND INSTALLING STREET LIGHTING AND TRAFFIC CONTROL SIGNALS AND SIGNAGE, IN EACH CASE TOGETHER WITH NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND ACQUIRING REAL ESTATE AND INTERESTS THEREIN IN CONNECTION THEREWITH.

(Introduced by Mayor Gillock)

Moved by Johnson and seconded by Butkowski to dispense with the second and third readings.

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

Yes – 7                      No – 0

Moved by Johnson and seconded by Butkowski to adopt.

Moved by Johnson and seconded by Butkowski to add the emergency clause to T 70 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 carry out its obligations under contracts for the improvements described in Section 1, which are urgently needed to enable the City to provide for the safe and efficient flow of traffic in the city and eliminate potential hazards to pedestrian, bicycle and vehicular traffic.

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

Yes – 7                      No – 0

President Corcoran: It was moved by Johnson and seconded by Butkowski to adopt T 70 now with the emergency clause. Any final comments or questions? Clerk, please call the roll.

Clerk of Council Smith: The measure passed unanimously and it becomes Ordinance **5361-2016**.

Yes – 7                      No – 0

President Corcoran: T 71.

Clerk of Council Smith:

**T 71-2016** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH FRANK WEBER FOR PROFESSIONAL ARCHITECTURAL SERVICES.

(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Butkowski to dispense with the second and third readings.



Mayor Gillock: Mr. President, we have a number of plan reviews that we need to have an architect take a look at and Teila used to do that for us. We had an architect and when we got Teila she took over a lot of that responsibility. She has left and we have not replaced her. So, we need to hire a professional architect service to assist in the Building Department.

Councilman Keenan: Mr. President, I would just like to follow up and understand a little bit more about how this is impacting the budget given the fact that we are no longer spending money on Teila's salary. How do we see this shaking out with going for outsourcing the service versus...

Mayor Gillock: I would have to get back to you on that because I haven't really looked at the numbers. I know right now, we are not paying a full-time employee and it will be less, but I can't tell you right now how much.

Safety-Service Director Armbruster: The hourly rate is \$60.00 an hour that has been negotiated and there are stipends in there based on where we are and what we have to do for the interim and I don't believe we are looking for another architect to come down in that position because of the cost. This will be a cost savings from the employee. Guy is looking for another back up for Frank Weber because he is close to retirement himself. It was a good interim for Guy to bring in to give him some relief. In the interim he is doing the reviews but that can't last for that long. It is just in the interim. It is \$60.00 an hour at this point and there are so many hours that he can put in based on square footage. That doesn't answer whether it will cost more or less, but it tells you where we are and what has to be done.

Councilman Keenan: I heard less.

Safety-Service Director Armbruster: Yes. If you look at the overall cost, it will be less.

Councilman Boose: On the same lines as Councilman Keenan - this particular individual is temporary, but the position the City is looking to take in hiring professional architectural services outside of the department is something that will be permanent?

Safety-Service Director Armbruster: I thought we were going to have a second architect so if one was too busy to handle it, the other one would fall in and that would be at a later date, but there will be a second person to add to this at the same rate.

Councilman Boose: But we are not looking to replace that position in the Building Department.

Mayor Gillock: Mr. President – we have always outsourced the commercial plan review until we had Teila, who did a lot of that herself. We hired her as a building inspector and she happened to have an architectural degree and could do that for us. Now that she is gone, it is highly unlikely that we would find another building inspector with an architectural degree. I would anticipate that we would continue to outsource the commercial plan review permanently.

Councilman Boose: Is there an expected number of total hours that we will be paying this rate for. There's nothing in the legislation up to X.

Safety-Service Director Armbruster: It would only be the commercial developments that we would have coming through. That would warrant his ability. Guy will do all the residential. This is only for the commercial side. So if we don't have any commercial buildings, there wouldn't be any need for his service.

Councilman Boose: Any idea of how much there has been?

Safety-Service Director Armbruster: No, I do not at this point. To answer your question with regard to another building inspector, we have advertised. We have not advertised for an architect. We have advertised for a building inspector and we are still working through that process. It has become a very difficult thing in the State of Ohio to find qualified building inspectors that actually have their licenses. We don't want to hire someone with an interim license. We want someone that actually has their license to go to work right away.

Mayor Gillock: Mr. President – if you look at the next Ordinance, T 72, you will see that is an Ordinance that amends our building permits and fees by increasing the fees that are charged for examination of plans for business, commercial or industrial buildings with the specific intent of offsetting the cost of having an outside professional architect review the plans. That is how we are dealing with it. We are going to raise the plan review fees, for example, right now the building fee is \$600 plus \$5.00 per one hundred square foot. It will go to \$600 plus \$7.00 per one hundred square foot. Those additional fees will pay for the cost of the outside review.

Councilman Boose: So we are sure that the extra \$2.00 per one hundred square foot will pay for that T 71?

Mayor Gillock: I have no idea how many new buildings we are going to get. I can't answer that question.

Deputy Auditor Machovina: Mr. President, historically before we had Teila employed by this City, we contracted with an outside architectural firm and it was a \$5,000 fee per month that we contracted with them and it was a contract. We would pay them \$5,000 regardless of those. That was during the City's major growth periods back eight/nine years ago when we had lots of housing permits, up to five hundred going on then. I assume this cost is going to be substantially less than that. We will be paying them per plan as opposed to a retainer fee.

Councilman Boose: My concern is our budget. Can you, Teresa, say that there is enough money – first off this is going to come from the Building Department, correct?

Deputy Auditor Machovina: At this point no, it will not come from the Building Department because as the beginning of the year we were not intending for Teila to leave. Currently, her salary, as you know with appropriations, we have the personnel cost and then we have the other

cost that we get approved through the county. The personnel cost that include her salary currently she had benefit coming, a cash-out benefit, coming when she left the City. When she left the City she was with the City for ten years and under contract she had that coming. Her salary at this point was used to pay for her cash-out. We did not have to appropriate additional money for that. We have been using her roll on salary at this point to account for that. We did not plan for this professional service to go into the Building Department fund at that time because of the unknown of this. Currently, this will be paid from the professional service line item from Miscellaneous General Government which currently has \$75,000 available to utilize. I think at this point we will go with that and if we need additional funds between now and the end of the year, we can certainly keep Council apprised of how that specific line item is going down and you can watch it in the financial report you get monthly.

Mayor Gillock: Mr. President, the fees charged should cover the cost of the architect. It is built in. I don't want to mislead anyone to say we are not going to replace Teila. We have not had that discussion yet. With the building that is going on, I think we are going to need a building inspector. We did compensate her in addition to her regular salary for architectural work, but by raising these fees, Mr. Fursdon has indicated we can cover those costs through the fees to pay for the architectural services. We will get you more specific numbers, if Guy has them, exactly where we are at. That is what T 72 is for is basically to raise the fees to pay for the outside architecture.

Councilman Boose: Thank you. Hopefully you can appreciate where I am coming from as far as trying to spend money that we don't have or trying to understand where the revenues are coming from to pay for it. So thank you both.

Councilman Abens: Mr. President, a question I would have is how long we have known that this person was going to be leaving the employment of North Ridgeville.

Safety-Service Director Armbruster: A very short period of time. Less than a week.

Councilman Abens: Because from the discussions I have been hearing right now, it sounds like we need more information. I am having problems with the emergency clause. I would like a little bit more time to discuss and consider this particular situation. Right now with the emergency clause, we are just not going to get that opportunity.

Mayor Gillock: Mr. President, if we don't approve hiring an architect to do the commercial plan review, you are going to bring building to a halt. That is what it is for. Teila left with very short notice. We do have the ability to, on a part-time basis, to bring in building inspectors to cover that aspect, the only aspect we can't cover is the commercial plan review and you are all aware with what is going on in the community. I would hate to see that come to a grinding halt when we know we are raising the fees to cover the cost of an outside architect.

President Corcoran: Any other comments or questions?

Councilman Boose: More of a clarifying thing – this is for commercial plan examination services, correct?

President Corcoran: Yes.

Mayor Gillock: It is business, commercial and industrial buildings.

Councilman Boose: The Ordinance does not designate that so I just wanted to make that clarification for the record.

Mayor Gillock: T 72.

President Corcoran: In the third whereas it mentions it in T 71.

Mayor Gillock: The third whereas mentions commercial plan examination. This is just the Ordinance to allow us to enter into an agreement. If you look at the next one – T 72 actually raises the fees. The first whereas explains that plan examination fees are for all business, commercial and industrial buildings need to be increased in order to offset the cost of having an outside professional architect to review the plans.

Councilman Boose: Thank you.

Moved by Keenan and seconded by Boose to amend T 71 to include the words business and industrial where we see the word commercial in the third whereas and in section one.

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

Yes – 7                      No – 0

President Corcoran: Now on T 71-2016 amended, on the dispensing of the second and third readings. All those in favor say yes. Those opposed say no.

Yes – 7                      No - 0

Moved by Butkowski and seconded by Johnson to adopt.

Moved by Butkowski and seconded by Johnson to add the emergency clause to T 71 in order to continue moving plan review along.

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

Yes – 7                      No – 0

President Corcoran: Now on the adoption with the emergency clause, any comments or questions? Clerk, please call the roll.

Clerk of Council Smith: The measure passed unanimously and becomes **Ordinance number 5362-2016**.

Yes – 7

No – 0

President Corcoran: T 72.

Clerk of Council Smith:

**T 72-2016** AN ORDINANCE AMENDING N.R.C.O. CHAPTER 1444, *BUILDING PERMITS AND FEES*, BY INCREASING THE FEES CHARGED FOR THE EXAMINATION OF PLANS FOR BUSINESS, COMMERCIAL OR INDUSTRIAL BUILDINGS.

*(Introduced by Mayor Gillock)*

Moved by Mayor Gillock and seconded by Butkowski to dispense with the second and third reading.

President Corcoran: Are there any comments or questions?

Councilman Keenan: I have a comment. As I sort of do the simple math here, so we are going to go for a commercial plan examining fee and let's just say we have a 100,000 square foot building – that is \$7,000 plus \$350 for plan examination. Do we think that is a typical... I assume the suggestion came out of the Building Department based on history. I just want a statement and some comment about how that number was settled on and why it wasn't \$13.50 or why it wasn't \$5.50. How did we get to \$7.00?

Safety-Service Director Armbruster: Guy did a survey of the other communities and went out and did an analysis of how he came up with the numbers and looked to see if those numbers could pay for the services we are getting. Beyond that, his recommendations were these numbers. Beyond that, I cannot give you detailed answers to your question. I wish I could, but I can't. Guy said these fees will cover Frank Weber's charges. We didn't want to make money on the industrial and commercial, but we wanted to pay for our self. If we have to make adjustments and we find that these are either high or too low, we will make those adjustments at that point. He felt at this point with his analysis and how many hours it would take and taking what he had done himself recently and since Teila has left; before Teila he did it. He did a lot of it. Since Teila has left, he has done it. Now this was his recommendation. I don't have the actual detail.

Councilman Keenan: Mr. President, what I like about this is that it is based on the size of the building and not the dollar value. I like the fact that we are charging in a plan examination fee for essentially the type of building and the work that is being done in the size which is more indicative of the work effort to do the plan review – the number of sheets and so forth versus the price of the work inside the building shell. I like that. I can tell you that from my experience if you were to take a 350,000 square foot building and build that building in Cleveland, they would charge you on the price of the building. You then have this interim process of saying what is the

price of your building and the contractors come in before the building is even built and tell you the price and then you have to do a check back if you would, at the end of the close out of the project and how much did it really cost. I like the fact that this is based on square footage and I know it can be difficult when we haven't done these buildings yet to figure out what the real price will be. I am supportive of this approach.

President Corcoran: Thank you Mr. Keenan. Anybody else have any comments? All those in favor say yes. Those opposed say no.

Yes – 7                      No – 0

Moved by Butkowski and seconded by Johnson to adopt T 72.

Moved by Butkowski and seconded by Keenan to add the emergency clause to T 72 in order to get continue projects within the City.

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

Yes – 7                      No – 0

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

Clerk of Council Smith: It passed unanimously and becomes **Ordinance number 5363-2016.**

Yes – 7                      No – 0

President Corcoran: T 73.

Clerk of Council Smith:

**T 73-2016** 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)*

Moved by Mayor Gillock and seconded by Butkowski to dispense with the second and third reading.

Mayor Gillock: Mr. President, this is an old 2007 Ford Taurus that we no longer use and is rusty. It may have value in excess of \$1,000, but just to be safe we brought this forward to put on Govdeals.com to get rid of it.

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

Yes – 7                      No – 0

Moved by Mayor Gillock and seconded by Johnson to adopt T 73.

President Corcoran: Are there any comments or questions? Clerk, please call the roll.

Clerk of Council Smith: The measure passed unanimously and becomes **Ordinance number 5364-2016.**

Yes – 7

No – 0

President Corcoran: T 74.

Clerk of Council Smith:

**T 74-2016** AN ORDINANCE CREATING THE FULL-TIME POSITION OF CLERK OF MAYOR'S COURT, CMC (CERTIFIED MAYOR'S COURT CLERK).

(Introduced by Mayor Gillock)

President Corcoran: I will refer that to the Finance Committee. T 75.

Clerk of Council Smith:

**T 75-2016** AN ORDINANCE AMENDING THE ORIGINAL DEPARTMENT HEAD SALARY ORDINANCE NO. 2725-93 AND SUBSEQUENT AMENDMENTS THERETO UP TO AND INCLUDING THE MOST RECENT AMENDMENT REFLECTED IN ORDINANCE NO. 5279-2015 BY INCLUDING THE FULL-TIME POSITION OF CLERK OF MAYOR'S COURT, CMC, AND ESTABLISHING THE PAY RATE SCALE FOR THIS POSITION.

(Introduced by Mayor Gillock)

President Corcoran: I will refer that to the Finance Committee. T 76.

Clerk of Council Smith:

**T 76-2016** AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$50,020.00 FOR THE ACQUISITION OF REAL PROPERTY INTERESTS NECESSARY FOR THE WIDENING AND IMPROVEMENT OF LEAR NAGLE ROAD.

(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Johnson to dispense with the second and third readings.

Mayor Gillock: Mr. President, I would ask that you allow the Law Director to explain this.

Law Director Crites: I would be happy to but I have to be somewhat conservative in my explanation because this Ordinance before you is a product of the settlement and the elimination of the 13<sup>th</sup> of the 14 appropriation cases that we filed on the Lear Nagle Road project. The subject of negotiations, if Council would like to go into further detail, I would suggest a motion to adjourn into executive session which I am happy to do so. Otherwise, I would simply report

to Council that I believe the basis of the amount offered to resolve the case is well founded in fact and in the best interests of the City to move forward with. If Council does in fact believe it is appropriate to approve this expenditure, and if you will note, something we didn't realize in negotiations, we would have settled this case for \$21.00, we wouldn't need an Ordinance. The final settlement value was \$75,000. The amount deposited originally based upon the ODOT appraisal was \$49,980-my math is off. Something wasn't realized until after we sat down to prepare the judgment entry. That being said, if Council does wish to move forward without executive session to discuss the details, which I would be happy to if you trust us on it, us being myself and the Mayor – if you want to call my office and give you the inside out on this case, it is interesting; it would beg that the emergency clause be added this evening because the terms of the settlement are time sensitive and I do believe it serves the health, safety and welfare and best interests of the municipality to go forward with the terms of the settlement and dispose of this case.

Councilman Keenan: Mr. President, I would like to just call our attention to the fifth whereas and just get a confirmation at the statutory mediation of the case conducted at the Lorain County Common Pleas Court Mediation Department – this was a formal mediation held at the county. It wasn't a private negotiated deal between the Law Director and the Mayor. This was a separate settlement process that comes out of the eminent domain process. Correct?

Law Director Crites: If I may respond briefly – yes, statutorily required. It was put in place and been here historically forever. The idea is to move quickly for the benefit of the residents and the landowners; don't let them get burdened in litigation for three years. Either party can request mediation and it happens quickly and it is done. It is overseen by court personnel in the Common Pleas Court.

Councilman Keenan: I understand. I wanted to get that point out there for the benefit of the public. It is something we have the benefit of reading but it wasn't read. I want everyone to understand that this was done publically through the court mediation system. Thank you.

Deputy Auditor Machovina: Mr. President, I would just like to further make a comment that these funds were not appropriated for and when we went through permanent appropriation because we were uncertain of the amount we would need, but there is a contingency fund that can be utilized to pay for this of \$100,000. This would just reduce our contingency fund which we could replace at a later date from our Street Levy Fund. I just wanted to make Council aware of that.

President Corcoran: Any other questions?

Councilman Boose: Mr. President, this extra 50 will reduce the contingency by half?

Deputy Auditor Machovina: Yes, that is correct.



Councilman Boose: The Law Director had indicated that this is the 13<sup>th</sup> of 14. Does this set any precedent for number 14 that we do this?

Law Director Cities: Fortunately, no. The final outstanding case, I don't want to curse this, it was the original appraisal of \$2,000 and the amount at the last demand was at a value that I can say with confidence that even if it went to jury trial, the residual of the \$100,000 would not be challenged. It is also of a very different character. This was a commercial property with a viable active business. It is the one main case hanging out there that should have settled but didn't. It is very different. It is a strip of scrub land and a temporary easement along a residential property – very different character. There should be no influence by this.

Councilman Boose: Thank you very much.

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

Yes – 7                      No – 0

Moved by Mayor Gillock and seconded by Johnson to adopt T 76.

Moved by Mayor Gillock and seconded by Johnson to add the emergency clause to T 76 for the health, safety and welfare of the residents and in order to meet the time sensitive deadlines.

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

Yes – 7                      No – 0

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

Clerk of Council Smith: It passed unanimously and becomes **Ordinance number 5365-2016.**

Yes – 7                      No – 0

President Corcoran: T 77.

Clerk of Council Smith:

**T 77-2016** AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE SUBBASINS 5, 6, 7 AND 8 SANITARY SEWER REHABILITATION PROJECT AND OTHER APPURTENANCES, NOT TO EXCEED \$150,000.00.

(Introduced by Mayor Gillock)

Moved by Boose and seconded by Butkowski to dispense with the second and third readings.

President Corcoran: Are there any comments or questions?

Mayor Gillock: Mr. President, I would just like to remind Council – this has been appropriated for. We began several years ago. We have divided the City into fourteen districts. We have over the years inspected them, established priorities to realign them, seal manholes; in other words, rehabilitate our sanitary sewers. We've done several other districts. This is the next one in line – 5, 6, 7 and 8 so we would like to get started on that as soon as we can to rehabilitate those sewers and keep them from letting water get in there and backed up into the resident's basements.

President Corcoran: Sounds good to me.

Councilman Keenan: It sounds good to me too. I would just like to elaborate just a little bit and say that before that we do this step; we've already spent money to study these subbasins. For the benefit of the public, the process really is one of hiring an engineering firm to go out and test these subbasins, determine the failure areas, develop some plans and specifications and then here we are now getting ready to go out and bid for the actual remediation work. This is a process and we are now near the final edge of that process. Could someone explain what 5, 6, 7 and 8 are for the benefit of the people?

Engineer Wangler: I don't have my map with me.

Mayor Gillock: I think it is Aurensen, Behm, the east side of Route 83; it is in the center part of town.

Councilman Keenan: It is a lot of Ward 1.

Mayor Gillock: Ward 1 has a brand new sewer.

Councilman Boose: Mr. President, since this goes directly to some sewer issues regarding flooding backups and such, I am not only all in favor of moving this forward this evening, but also with the emergency. The sooner we get this work done, the more opportunity we have to avoid flooding issues. Thank you.

President Corcoran: All those in favor say yes. Those opposed say no.  
Yes – 7                      No- 0

Moved by Boose and seconded by Keenan to adopt T 77.

Moved by Boose and seconded by Keenan to add the emergency clause to T 77 for the health, safety and welfare of the residents.

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

Yes – 7                      No – 0

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

Clerk of Council Smith: It passed unanimously and becomes **Ordinance number 5366-2016.**

Yes – 7                      No – 0

President Corcoran: Moving on to second readings, we have T 61.

**SECOND READINGS:**

Clerk of Council Smith:

**T 61-2016**      AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO REZONE THE FOLLOWING LAND: LOCATED AT 38889 CENTER RIDGE ROAD; PERMANENT PARCEL NUMBERS 07-00-046-108-034, 07-00-046-108-047 AND 07-00-046-108-048; FROM B-3 HIGHWAY COMMERCIAL DISTRICT TO I-2 LIGHT INDUSTRIAL DISTRICT AND OWNED BY NORTH RIDGEVILLE SHOPPING CENTER, LLC.

*(Introduced by petition of North Ridgeville Shopping Center, LLC; First reading 05/02/2016; Referred to PC on 05/02/2016; PC on 05/10/2016; Public hearing scheduled for 05/16/2016)*

President Corcoran: T 64.

Clerk of Council Smith:

**T 64-2016**      AN ORDINANCE APPROVING THE FINAL PLAT OF NORTH RIDGE POINTE SUBDIVISION, PHASE 2, FOR RECORDING PURPOSES ONLY.

*(Introduced by Mayor Gillock; First reading 05/02/2016)*

President Corcoran: That is the end of second readings. Moving on to third readings, we have T 17.

**THIRD READINGS:**

Clerk of Council Smith:

**T 17-2016**      AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO REZONE THE FOLLOWING LAND: LOCATED AT 36068 LORAIN ROAD; PERMANENT PARCEL NUMBER 07-00-025-106-060; FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY TIMOTHY TESMER.

(Introduced by petition of Michael Tully, guardian to Timothy Tesmer; First reading 03/07/2016; Referred to Planning Commission and Building and Lands on 03/07/2016; B&L on 03/21/2016; B&L report accepted on 04/04/2016; PC on 04/12/2016; PC report accepted on 04/18/2016; Second reading 05/02/2016; Public hearing scheduled for 05/16/2016)

Moved by Boose and seconded by Keenan to adopt T 17.

President Corcoran: Clerk, please call the roll.

Clerk of Council Smith: It passed unanimously and becomes **Ordinance number 5367-2016.**

Yes – 7                      No – 0

President Corcoran: T 52.

Clerk of Council Smith:

**T 52-2016**      AN ORDINANCE AMENDING N.R.C.O. CHAPTER 1056 *CONSTRUCTION SITE SOIL EROSION, SEDIMENT, STORM WATER RUNOFF AND STORM WATER QUALITY CONTROLS AND REGULATIONS* BY INCLUDING THE NEW REQUIREMENTS CONTAINED IN THE OHIO EPA PERMIT REVISED SEPTEMBER 11, 2014.

(Introduced by Mayor Gillock; First reading 04/18/2016; Second reading 05/02/2016)

Moved by Boose and seconded by Keenan to adopt T 52.

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

Clerk of Council Smith: It passed unanimously and becomes **Ordinance number 5368-2016.**

Yes – 7                      No – 0

President Corcoran: T 53.

Clerk of Council Smith:

**T 53-2016**      AN ORDINANCE AMENDING N.R.C.O. CHAPTER 660 *SAFETY, SANITATION AND HEALTH* BY ALLOWING CERTAIN TYPES OF NON-STORM WATER DISCHARGES TO THE SURFACE WATERS OF THE STATE.

(Introduced by Mayor Gillock; First reading 04/18/2016; Second reading 05/02/2016)

Moved by Butkowski and seconded by Boose to adopt T 53.

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

Clerk of Council Smith: It passed unanimously and becomes **Ordinance number 5369-2016.**

Yes – 7                      No – 0

**MEETING ANNOUNCEMENTS:**

President Corcoran: Our next regular Council meeting will be held June 6, 2016 at 7:30 p.m. in Council Chambers.

**LOBBY (Q&A - REGARDING ANY CITY BUSINESS):** This is the second lobby session that is open to the public to bring up items of concern that are going on in the City. If you would like to ask a question, make a comment; please step up to the podium and state your name and address for the record. You will be given three minutes to speak. Is there anybody that would like to address Council? Seeing none, we will move.

President Corcoran: Mr. Keenan, did you want to throw out one last comment?

Councilman Keenan: Yes I did. As some of those may remember, I gave preliminary indication of my resignation as I will be moving to Ward 3 and I would just like to encourage people who are out there in Ward 1 to give more consideration about sending in your resume in applying for the soon to be vacated position. We need good people and we know you are out there. Please send resume to either myself or Kevin Corcoran, the President. We are looking for you and if you want to talk about it before you send something in, give me a call or call Kevin. Anybody up here would be happy to speak with you as we are looking for somebody to fill this seat. Thank you.

**ADJOURNMENT:**

President Corcoran: This meeting is adjourned. The meeting was adjourned at 8:43 p.m.

Approval of minutes on June 6, 2016:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL