

**NORTH RIDGEVILLE CITY COUNCIL
MINUTES OF REGULAR MEETING JULY 5, 2016**

CALL TO ORDER: 7:30 P.M.

President Corcoran: Calling to order the Tuesday, July 5, 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, 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, Auditor Kevin Smith and Clerk of Council George Smith.

MINUTES - Corrections (if any) and approval:

President Corcoran: You have before you the City Council meeting minutes of June 20, 2016. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: We received the Board of Zoning and Building Appeals meeting minutes of June 23, 2016, the Building and Lands Committee meeting minutes of June 20, 2016 and the Civil Service Commission meeting minutes of June 21, 2016.

LOBBY (REGARDING AGENDA ITEMS ONLY):

Moved by President Corcoran and seconded by Boose to bifurcate the lobby session.

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

Yes -6

No – 0

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. I have two pieces of legislation to be introduced on the floor this evening. I am asking Council to pass both of these with the emergency clause this evening. I'll explain more on each of them as we go through this. The first one is T 86-2016

authorizing the Mayor to enter into contract with R.E. Warner & Associates for professional engineering services for public infrastructure improvements in conjunction with the Riddell project in an amount of \$114,000. This is for the new roadway. The reason we are asking for the emergency is Riddell has a very tight timeline to get their project completed. They want to move in early next year. It is our goal to go to bid on the new road in August and to do that we need to get this passed so we can retain R.E. Warner to design the road and write the specs so we can go to bid as soon as possible. I do want to point out a couple things – here is where we get the money for the \$114,000 - the passage of this legislation would also be basically Finance Committee or Council approval to use our contingency set up in the Street Levy which has \$100,000 and then approve the temporary re-appropriation of \$14,000 from the asphalt line to the specific project line in the Street Levy Fund. That would give us the \$114,000 to retain R.E. Warner. We have obtained two grants in relation to this project. We received a \$478,000 629 grant which will pay fifty percent of all eligible costs on road construction. We received a \$250,000 economic grant from ODOT to help on this project. We would use those grants to reimburse that \$114,000 to keep those accounts whole.

The second piece of legislation is Resolution T 87-2016 to approve the expenditure of funds to the Lorain County Engineer in the amount of \$534,031.64 for the Lear Nagle Road widening project. This will provide the county the ability to pay invoices from Terrace Construction and Greenman-Pedersen for work that's been completed to date as well as future invoices. If you recall, we have been working on Lear Nagle for a couple of years. We've had matrixes with our estimated cost. Originally, we signed an agreement and the Lorain County Engineer agreed to take over the detailed engineering and we had \$600,000 in bonds that we used to cover those costs. Now that the project went to bid and I might mention it came in about \$500,000 under the estimate, the county gave the go ahead for Terrace to begin construction. If you remember, at budget time, we had to issue bonds to get the money for the street. We had to get the money and we had to issue BAN's. As soon as we got the BAN's or money in hand, the purchase order was written. In the meantime, Terrace started real early last winter and they were way ahead of schedule. These are basically catch-up for what we owe on these to both Terrace and our construction manager, Greenman-Pedersen. We hate to slow the job down or anything. They have been waiting on this money for some time and they have been very cooperative as we work through our legislative process to get this put together.

Moving on, I would like to recommend that City Council reappoint Denny Johnson to the Fair Housing Board for another three-year term. Denny has served on the board since July 8, 2011 and continues to be an asset to the Fair Housing Board. We are glad he agreed to serve another term.

Moved by Mayor Gillock and seconded by Butkowski to reappoint Denny Johnson for another term to the Fair Housing Board.

President Corcoran: Are there any comments or questions? I will take a roll call.

Clerk of Council Smith: The motion carried.

Yes – 5

No – 0

Abstain – 1 (Johnson)

Moved by Mayor Gillock and seconded by Butkowski to suspend By-laws to add T 86 and T 87 to the agenda under first readings.

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

Yes – 6

No – 0

President Corcoran: Okay, those have been added to first readings.

Mayor Gillock: Thank you. Also, Russ Friedrich recently resigned from the Civil Service Commission because he sold his house and moved out of state. Mr. Friedrich served on the Civil Service Commission for several years and did an outstanding job and we really appreciate his serving and the time he gave on that Commission.

I would also like to take this opportunity to ask City Council to appoint Nicholas Ciofani who is with us today to the Civil Service Commission to fill the remainder of Mr. Friedrich's term which expires December 31, 2017. Nick currently works as District Director for Congressman Dave Joyce and has previous experience in the City of Streetsboro, serving on the Board of Zoning & Appeals, the Planning Commission and City Council and lives in Hampton subdivision.

Moved by Mayor Gillock and seconded by Johnson to appoint Nicholas Ciofani to the unexpired term of Russ Friedrich to the Civil Service Commission.

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

Yes – 6

No – 0

President Corcoran: Congratulations.

Mayor Gillock: Thank you Nick. We appreciate you being willing to donate your time and energy to the Civil Service Commission.

This week and into next week, the Service Department will begin milling and paving Meadow Moss Lane in the Mills Creek development. We had to delay that for a couple reasons – we had to rebuild some catch basins to get them in good condition and up to grade and they played an active role in our Independence Day celebration, which was terrific, in getting our grounds ready for the party in the park and fireworks display. We had a huge crowd that came out to the party. A special thank you to our Fire, Police, Parks & Recreation, Service and Grounds departments for an outstanding job in getting the grounds ready and keeping the spectators safe.

Finally, I received notice today from the Ohio Public Works Commission that our request for a grant for the second half of repaving of Jaycox in the amount of \$358,233 has been approved. That will enable us to move forward to that project this year. We will not get those funds until July 1st. We will start that project and go to bid as soon as we can. We cannot start the project until after July 1st. Thank you and that concludes my report.

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

B. Safety-Service Director: The Street Department will continue the asphalt paving the later part of this week. We took a slight break as we got ready for the July 4th celebration. They will be back to work on the streets this Thursday, Friday and all of next week. They look forward to getting back there and the residents certainly look forward to the fact that they are getting a new road in some of these residential areas.

We continue to evaluate this west wall starting tomorrow, we will actually be peeling off the particle ceiling so that we can have the engineers look at that interior of that and see just exactly what is happening. To date, we haven't been able to come up with a conclusion – no one has an idea as to why this wall is somewhat bowed out but we will continue to evaluate and try to figure out what is going on with the west wall. Thank concludes my report.

President Corcoran: Thank you sir. Mr. Engineer.

C. Engineer: Thank you Mr. President. You may have noticed already there has been some further changes to the traffic patterns at Lear and Lorain. The contractor is trying to get the Lorain portion buttoned up. In the process of doing so, they had to take away the turning lanes from both Lear and Lorain. The turning lanes will be missing on Lorain for a relatively short period of time. Unfortunately, the turning lanes on Lear will be gone for a matter of weeks. You should be prepared for further delays with the removal of those turning lanes. It is going to take longer to get through there. That concludes my report.

President Corcoran: Thank you sir. Mr. Auditor.

D. Auditor: Thank you Mr. President. The 2017 Mayor's budget is available for public viewing and is scheduled to be presented to the Finance Committee before the July 18th Council meeting. Also, the Auditor of State's office has begun their financial audit of 2015 and as the Mayor mentioned, the Resolution to approve the expenditure to the Lorain County Engineer is requested to be approved tonight in order to begin paying for our portion of the construction and we will have another similar Resolution for the next Council meeting. That should get us caught up. That concludes my report. Thank you.

E. Other Reports:

President Corcoran: We have the May 2016 Mayor's Court reports.

COUNCIL COMMITTEE REPORT(S): None.

NEW BUSINESS:

Clerk of Council Smith:

A request from the Ohio Division of Liquor Control for a stock transfer for RBL, Inc. DBA Aces Bar and Grille and Patio, 32650 Lorain Road.

Moved by Butkowski and seconded by Johnson to not request a hearing as stated in the application so that this permit can be sent to the state for final disposition by July 25, 2016.

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

Yes – 6

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 – 6

No – 0

President Corcoran: Moving on to first readings, we have T 85.

FIRST READINGS:

Ordinance and Resolution submittal(s)

Clerk of Council Smith:

T 85-2016 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.

(Introduced by President Corcoran)

President Corcoran: If you are following along on the iPad's, T 86 and T 87 are under new business. I couldn't put them under first readings. We are moving on to T 86.

Clerk of Council Smith:

T 86-2016 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH R.E. WARNER & ASSOCIATES, INC., ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, FOR PROFESSIONAL ENGINEERING SERVICES FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS IN CONJUNCTION WITH RIDDELL IN AN APPROXIMATE AMOUNT OF \$114,000.00.

(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Johnson to dispense with the second and third readings for T 86.

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

Yes – 6

No – 0

Councilman Boose: Mr. President, do we know how long it will be before the grants will reimburse the funds that are going to be used to pay for this?

Mayor Gillock: Per the Auditor, but generally, as soon as we get invoices and pay them, then we submit copies of those and get immediate reimbursement.

Councilman Boose: I don't want to add anything to the legislation that requires that the grants repay this; public record says that they will, so they will.

Mayor Gillock: Grants are on a reimbursement basis. We have to pay them first and then we will be reimbursed.

Councilman Boose: I understand. I want to make sure that the grants pay for it, not the City tax dollars that pay for it. Thank you.

President Corcoran: Thank you Mr. Boose. Any other comments? All those in favor say yes. Those opposed say no.

Yes – 6

No – 0

Moved by Mayor Gillock and seconded by Johnson to adopt T 86.

Moved by Mayor Gillock and seconded by Johnson to add the emergency clause to T 86 in order to get the project underway which will bring jobs to the City and help redevelop that end of the City.

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

Yes – 6

No – 0

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

Clerk of Council Smith: The motion passes and becomes **Ordinance number 5378-2016.**

Yes – 6

No – 0

President Corcoran: T 87.

Clerk of Council Smith:

T 87-2016 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO THE LORAIN COUNTY ENGINEER IN THE AMOUNT OF \$534,031.64.

(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Johnson to dispense with the second and third readings for T 87.

President Corcoran: Are there any comments or questions?

Mayor Gillock: Mr. President, I would just add that as this project has been going underway, Terrace has been submitting invoices to the County Engineer who has been resubmitting them to us for our local portion. There have been four prior invoices for Terrace Construction and Greenman-Pedersen has submitted two invoices which then have been submitted to us for our local portion. Those six outstanding invoices total the \$534,031.64.

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

Yes – 6

No – 0

Moved by Mayor Gillock and seconded by Johnson to adopt T 87.

Moved by Mayor Gillock and seconded by Johnson to add the emergency clause to T 87 in order to pay the invoices within the thirty day period in a timely manner.

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

Yes – 6

No – 0

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

Clerk of Council Smith: The motion passes and becomes **Resolution number 1386-2016.**

Yes – 6

No – 0

President Corcoran: That is the end of first readings. Moving on to second readings, we have T 65.

SECOND READINGS:

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; First reading 05/16/2016; Referred to Building and Lands on 05/16/2016; Building and Lands on 06/06/2016; Report accepted on 06/20/2016)

President Corcoran: You have before you, on your desk, an amended version of T 65.

Moved by President Corcoran and seconded by Boose to amend T 65-2016 by substitution.

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 65-2016 has been amended by substitution. 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; First reading 05/16/2016; Referred to Building and Lands on 05/16/2016; Building and Lands on 06/06/2016; Report accepted on 06/20/2016)

President Corcoran: 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; First reading 05/16/2016; Referred to Building and Lands on 05/16/2016; Building and Lands on 06/06/2016; Report accepted on 06/20/2016)

President Corcoran: 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; First reading 05/16/2016; Referred to Building and Lands on 05/16/2016; Building and Lands on 06/06/2016; Report accepted on 06/20/2016)

President Corcoran: 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; First reading 05/16/2016; Referred to Building and Lands on 05/16/2016; Building and Lands on 06/06/2016; Report accepted on 06/20/2016)

President Corcoran: T 82.

Clerk of Council Smith:

T 82-2016 A RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, OHIO APPROVING AND RATIFYING AN APPLICATION FOR TAX INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14 CREATED BY RESOLUTION NO. 768-94, BY ARC TERRA, LLC, AN OHIO LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO.

(Introduced by Mayor Gillock; First reading 06/20/2016)

Law Director Crites: Mr. President, can I provide a very brief comment as to the status of this? Some inconsistencies which sounds like too harsh of a word – on their application for this tax incentive agreement have come to light thanks to the diligence of Councilman Boose who discovered them. Minor matters such as the actual abbreviation that affixes to their filed entity whether it be LLC or LLP which is just a matter of amending the agreement – more importantly and I have since spoken with the principals of this good business who we are lucky to have coming to the City of North Ridgeville; more important is the fact that just because like every new business I'm sure experiences, they are in a rush to put everything together and bring this to our City. They have not yet transferred the land or at least a portion of the land they already own into the entity which the tax abatement will be granted - the entity which will also occupy the land. In summary, by no means is this proposed new office building in jeopardy whatsoever. There just needs to be some clean up done. If it is not complete by the time we get to our first meeting in August when it is up for third reading, I would ask the Council to move to postpone. I would imagine it will be cleaned up shortly before then and I am working with them. They have been extremely cooperative. By the way, I also want to mention, this defect could never serve a detriment to the City of North Ridgeville. What would happen if this did not get cleaned up, the business would not have the benefit of the tax incentive that we offered them. The City is well protected. Thanks again Councilman Boose.

President Corcoran: That is the end of second readings. Moving on to third readings, we have T 74.

THIRD READINGS:

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; First reading 05/16/2016; Referred to Finance on 05/16/2016; Finance on 05/31/2016; Report accepted on 06/06/2016; Second reading 06/20/2016)

Moved by Johnson and seconded by Butkowski to adopt T 74-2016.

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

Yes – 6 No – 0

Clerk of Council Smith: The motion passed unanimously and becomes **Ordinance number 5379-2016.**

Yes – 6 No – 0

President Corcoran: T 75-2016 Amended.

Clerk of Council Smith:

T 75-2016 AN ORDINANCE AMENDING THE ORIGINAL DEPARTMENT HEAD
Amended 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; First reading 05/16/2016; Referred to Finance on 05/16/2016; Finance on 05/31/2016; Report accepted on 06/06/2016; Second reading 06/20/2016; Amended by substitution on the floor 06/20/2016)

Moved by Johnson and seconded by Butkowski to adopt T 75 Amended.

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

Clerk of Council Smith: The motion passed unanimously and becomes **Ordinance number 5380-2016.**

Yes – 6 No – 0

MEETING ANNOUNCEMENTS:

President Corcoran: Our next regular Council meeting will be held Monday, July 18, 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?

Edwin Oliveras, 7336 Warbler's Ln: stated he wanted to introduce himself to Council as a possible candidate to Ward 1. Mr. Oliveras gave a brief overview of his experience and personal background.

President Corcoran: Is there anybody else that would like to speak to Council this evening? Please, step up.

Michael L. Tobin, 38272 Avalon Drive: stated he has put in for the vacant Ward 1 Council seat. He gave a brief overview of his experience and personal overview.

President Corcoran: Would anyone else like to address Council?

Councilman Boose: Understanding that the person to my right is no longer here and we have so many days to appoint that replacement, is there a timeframe that we should be getting copies of those resumes that have showed interest or are we going to do this differently than last time?

President Corcoran: What I thought we would do is leave the position open until the 15th. That gives us two weeks to pretty much go over everything and figure out what we want to do as far as the next step is concerned because today starts the clock for us to appoint somebody within the thirty days as mentioned by the Charter. I figured if we had everything finished up by the August 1st meeting that would give us an opportunity to vote on that person within that thirty day time period. That would be our first meeting in August.

Councilman Boose: For my own sake, the sooner I would have information for the respective candidates, the better. What I like to do, as I did last time, I like to contact each of them so that I get to know a little bit about who each of them are before I can make a decision.

President Corcoran: You are fortunate that two of them are here this evening. You don't have to search them out because they came here.

Councilman Boose: But I will.

President Corcoran: That is sort of the game plan. Mr. Johnson?

Councilwoman Johnson: Mr. President, I just wanted to clarify something from the Mayor's report. Mayor you said that Jaycox Road we wouldn't get until July 1st – would that be next year?

Mayor Gillock: No.

Councilwoman Johnson: It is past July 1st.

Mayor Gillock: That is true. That is this year's project. I didn't look at the date on the letter. If we haven't gotten the money, it will be coming shortly.

Councilwoman Johnson: Thank you.

Councilman Boose: Mr. President, in regards to that same thing, understanding that the construction this year will start in front of Liberty School all the way to Mills and understanding that when school is in session, many cars are parked there and stopped there during student pick-up and drop off; it would be certainly great if that construction could somehow happen sooner

than the start of school year. Again, I know that we are kind of tied to the time frame of getting the bid out and what have you, just wanted to bring that up. One resident did bring that to my attention this week. That is a bottleneck of cars during the school season.

Engineer Wangler: It has already been bid out and I bid it out early enough so I can get on the contractor's schedule and get it done. It is everybody's expectation that should be completed far before school starts.

Councilman Boose: Excellent, thank you.

President Corcoran: Anybody else?

ADJOURNMENT:

President Corcoran: This meeting is adjourned. The meeting was adjourned at 8:07 p.m.

Approval of minutes on July 18, 2016:

A stylized, handwritten signature in dark ink, likely belonging to the President of the Council.

PRESIDENT OF COUNCIL

A handwritten signature in dark ink, likely belonging to the Clerk of the Council.

CLERK OF COUNCIL