

**NORTH RIDGEVILLE CITY COUNCIL
MEETING MINUTES
AUGUST 3, 2020**

CALL TO ORDER: 7:30 p.m.

President DeVries called the Monday, August 3, 2020 Council meeting to order.

INVOCATION:

Led by President DeVries.

PLEDGE OF ALLEGIANCE:

Led by President DeVries.

ROLL CALL:

Present were Council members Holly A. Swenk, Dennis Boose, President Pro-Tem Bruce Abens, Clifford Winkel (via Zoom), President Martin DeVries, James R. Maleski and Michelle Hung.

Also present was Mayor Kevin Corcoran, Safety-Service Director Jeff Armbruster, Law Director Brian Moriarty, Engineer Dan Rodriguez, Auditor April Wilkerson, Assistant Clerk of Council Tara Peet and Clerk of Council Nancy Linden.

MINUTES - Corrections (if any) and approval:

President DeVries asked for any corrections to the Committee of the Whole meeting minutes of July 20, 2020. No discussion was offered. The minutes stand approved as submitted.

President DeVries asked for any corrections to the City Council meeting minutes of July 20, 2020. No discussion was offered. The minutes stand approved as submitted.

President DeVries noted that Council received the Board of Drainage and Flood Control meeting minutes of January 28, 2020, the Board of Zoning and Building Appeals meeting minutes of July 23, 2020, the Civil Service Commission meeting minutes of July 21, 2020 and the Utilities Committee meeting minutes of July 20, 2020.

LOBBY:

President DeVries opened the lobby session. He stated they are utilizing YouTube for people to type their questions. There are instructions on the City's website through the City Council tab on how to get questions answered at www.nridgeville.org. He paused for comments due to the delay in the broadcast.

He asked Assistant Clerk of Council Peet to read any questions or comments from the YouTube Channel feed.

Assistant Clerk of Council Peet stated she received an email in regard to T 79-2020 on the agenda this evening and proceeded to read the email.

Jim Smolik, 38610 Avalon Dr.: As a resident of Avalon Estates, I am in favor of the proposed roundabout at the intersection of Mills and Stoney Ridge. As you are aware, the Route 83 roundabout has had a positive effect on traffic and severity level of accidents in that area and it will do the same for this intersection, plus it is cheaper than a signalized intersection with dedicated left turns. I have studied roundabouts and toured many roundabouts in central Ohio (Dublin and Hilliard) and realize the benefits that they provide to the motoring public and Structurepoint is the engineering leader in this area of design.

The type of intersection, i.e. signalized, roundabout or stop sign will have no impact on the amount of traffic and speed along Avalon Drive. The only deterrent to this is police patrol and the movable radar signs. As a member of the Avalon Estates H.O.A., I have dealt with the many complaints of this issue and there is no simple answer. However, rejection of this proposed roundabout is not the solution.

Assistant Clerk of Council Peet stated there were no additional comments or questions at this time.

ADMINISTRATORS REPORTS:

A. Mayor: Mayor Corcoran stated T 90-2020 which is under second readings, will need adopted with the emergency clause this evening in order to meet the August 16th deadline in which the moratorium on billboards will expire.

Mayor Corcoran stated the Service Department is finishing up paving on Dorchester and is also prepping Westminster to pave later this week. For the most up to date information, including the paving schedule, please see the City's website at www.nridgeville.org.

SafeWise recently released its annual 100 Safest Cities in the U.S. report. Mayor Corcoran announced that North Ridgeville ranked #17. To compile this report, SafeWise used the most recent FBI crime data along with population data to analyze and rank the cities. To see the complete report and full list of cities, visit our City's website at www.nridgeville.org. Mayor Corcoran commended the police force on ensuring the safety of the community and to the residents for being vigilant.

Mayor Corcoran stated beginning this week; North Ridgeville Heart & Sole is supporting local farmers by offering fresh produce by the bag for \$10. For more information on how to place your order, visit the City's website at www.nridgeville.org. Pick up locations are North Ridgeville Branch Library on Thursdays from 3-4 PM and Sandy Ridge Metro Park on Saturdays from 9-10 AM.

B. Safety-Service Director: Safety-Service Director Armbruster stated as reminder when political signs can only be placed thirty days ahead of time. He reminded residents to pay attention to the size. If they are picked up by the City, they are put at the service garage and a few days after election they are thrown away.

C. Engineer: Engineer Rodriguez stated Ranger Way should be finishing in the next two weeks. The work is done on Bainbridge except for striping. There are few asphalt items that need to be completed.

Rock Point Circle and Gatestone Circle bid opening is tomorrow at 11:00 a.m.

Center Ridge Road project continues with drives and sidewalks being formed. The conduits are being installed for signalization. The surface course will need to be done over the entire area.

D. Auditor: Auditor Wilkerson stated she wanted to take a moment tonight to talk about the certifications of the fiscal officer for purchases and what these certifications are used for. Section 117-2-02(c)(2) of the Ohio Administrative Code states “Purchase orders should be used to approve purchase commitments and to encumber funds against the applicable appropriation account(s), as required by section 5705.41(D) of the Revised Code. Purchase orders are not effective unless the fiscal officer's certificate is attached. The certificate should be attached at the time a commitment to purchase goods or service(s) is made.”

There are three types of certifications of the fiscal officer for purchasing:

- (1) Standard certification certifies that the amount required to meet the obligation or contract has been lawfully appropriated for such purpose and is in treasury or in process of collection to credit the fund being utilized and free of encumbrance.
- (2) Blanket and super blanket certification certifies that the amount required to meet the obligation or contract has been lawfully appropriated, authorized or directed for such purpose and is in the treasury or in the process of collection to the credit of a specific line item appropriation in the fund and free of encumbrance.
- (3) Lastly, the then and now certification certifies that both at the time of making the contract or order and at the date of execution of this certification, the amount was appropriated for such contract or order and is in treasury or in the process of collection to the credit of the fund and free of any previous encumbrances.

Auditor Wilkerson stated in speaking with the auditor of state, the then and now certification was designed for situations where the purchase of goods or services occur prior to the certification of the fiscal officer. This occurs more often than you may think, such as emergency situations when a department has to mitigate an emergency and will later supply the purchase order for the necessary good or service. This occurred recently in the service garage when a lift holding a vehicle broke causing the vehicle to fall from the lift. In this situation it was necessary to attend to the employees and emergency, contact the insurer and follow up with the necessary documentation later. Another example would be multiyear agreements, for items such as our generators or elevators, because the City only encumbers the current year appropriation for the services. At times, a purchase order comes through with an invoice attached. Lastly there are vendors who invoice the City in advance, such as in the case of Comp Management, a then and

now resolution Council recently approved. The invoice was received prior to the renewal meeting taking place. These are acceptable uses of the then and now certification - as the certifications of the fiscal officer does not intend to disrupt our normal course of business.

During her three years with the City, she stated she can genuinely say she has not run across any department heads who looked to circumvent the purchasing process nor any who spend beyond their appropriations. These folks understand the process and are diligent. However, as provided in the stated examples, the then and now situations occur. Many department heads have expressed concern when then and now legislation is before Council, they feel as if they are being called to the carpet for a wrong doing and it makes them uncomfortable.

The legislation before Council last week (T 91) was not intended to circumvent the legislative process as outlined in the Ohio Revised Code or to take control away from Council. Its intent was to simplify a process, a process covered by O.R.C and audited annually. These purchases must be appropriated in order for the fiscal officer to certify the expenditure. If the expenditure exceeded appropriations, the fiscal officer cannot lawfully sign the certification - Council would first see an appropriation amendment; followed by legislation for the then and now certification, and certainly in both instances an explanation would be provided.

Before Council tonight is T 93, a resolution authorizing the then and now certificate by the fiscal officer. This resolution is a little different than Council has seen in the past in that, through her research of other entities, she realized that other entities used additional verbiage from the Ohio Revised Code.

She further stated she also added an exhibit to the legislation, as other entities do also. Auditor Wilkerson felt this would give Council more information than has been given previous for Council's review. The expenditures on the exhibit have been paid, some are from earlier this year and all have the then and now certification of the fiscal officer. Many are agreements - some spanning across multiple budget years. She stated due to different interpretations of the Ohio Revised Code sections, she felt it necessary to bring these before Council for review and approval to ensure the City is following the code. As the Law Director continues his research, she stated she is hopeful that any questions are cleared up.

E. Other Reports: President DeVries noted Council received the June 2020 Police Department Report.

COUNCIL COMMITTEE REPORT(S):

Clerk of Council Linden:

COMMITTEE OF THE WHOLE REPORT dated July 20, 2020 which recommends City Council consider T 77-2020 as amended and T 84-2020, T 86-2020, T 87-2020 and T 88-2020 as submitted.

Moved by Boose and seconded by Abens to accept the Committee of the Whole Report dated July 20, 2020.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

CORRESPONDENCE: None.

OLD BUSINESS: None.

NEW BUSINESS:

Clerk of Council Linden:

A request from the Ohio Division of Liquor Control for a new permit request for Century Tavern, LLC, DBA Century Tavern, 33312 Center Ridge Road.

Moved by Boose and seconded by Maleski to not request a hearing so that this permit can be sent to the state for final disposition by August 17, 2020.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

RECESS:

Moved by Boose and seconded by Abens to dispense with the recess portion of the meeting.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

FIRST READINGS:

Ordinance and Resolution submittal(s)

Clerk of Council Linden:

T 93-2020 A RESOLUTION TO AUTHORIZE THE EXECUTION OF THEN AND NOW CERTIFICATES BY THE FISCAL OFFICER AND THE PAYMENT OF AMOUNTS DUE FOR VARIOUS PURCHASE ORDERS.

(Introduced by Mayor Corcoran)

Moved by President DeVries and seconded by Boose to dispense with the second and third readings for T 93-2020

A roll call vote was taken and the motion carried.

Yes – 5 No – 2 (Swenk, Hung)

Moved by Boose and seconded by Abens to adopt T 93-2020.

Moved by Boose and seconded by Abens to add the emergency clause to T 93-2020 in order to satisfy the requirements of the Ohio Revised Code and Administrative Code.

On the emergency clause, a roll call vote was taken and the motion carried.

Yes – 5 No – 2 (Swenk, Hung)

Councilman Winkel stated T 93-2020 is an ordinance for the specific invoices and purchases orders on a particular day. He just wanted to make certain that was clear.

A roll call vote was taken on the adoption, with the emergency clause, and the motion carried. T 93-2020 now becomes **Resolution No. 1496-2020.**

Yes – 5 No – 2 (Swenk, Hung)

Clerk of Council Linden:

T 94-2020 A RESOLUTION AUTHORIZING FUND TRANSFERS.

(Introduced by Mayor Corcoran)

Moved by Boose and seconded by Maleski to dispense with the second and third readings for T 94-2020

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Moved by Boose and seconded by Maleski to adopt T 94-2020.

Moved by Boose and seconded by Maleski to add the emergency clause to T 94-2020 in order to make the transfers to make payments expeditiously.

On the emergency clause, a voice vote was taken and the motion carried.

Yes – 7 No – 0

On the adoption, with the emergency clause, the motion carried. T 94-2020 now becomes **Resolution No. 1497-2020.**

Yes – 7 No – 0

SECOND READINGS:

Clerk of Council Linden:

T 90-2020 AN ORDINANCE AMENDING N.R.C.O CHAPTER 1286 SIGNS.

(Introduced by Mayor Corcoran; First reading 07/20/2020)

Moved by Mayor Corcoran and seconded by Hung to dispense with the third reading for T 90-2020.

A voice vote was taken and the motion carried.

Yes – 7 No – 0

Moved by Boose and seconded by Hung to adopt T 90-2020.

Moved by Boose and seconded by Hung to add the emergency clause to T 90-2020 in order to meet the expiration deadline of August 16, 2020 regarding the billboard moratorium.

On the emergency clause, a voice vote was taken and the motion carried.

Yes – 7 No – 0

On the adoption, with the emergency clause, a voice vote was taken and the motion carried. T 90-2020 now becomes **Ordinance No. 5759-2020**.

Yes – 7 No – 0

THIRD READINGS:

Clerk of Council Linden:

T 79-2020 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, WITH A CONSULTING ENGINEERING FIRM FOR ENGINEERING PLANS AND SPECIFICATIONS FOR A ROUNDABOUT AT THE INTERSECTION OF MILLS ROAD, STONEY RIDGE ROAD AND AVALON DRIVE IN AN AMOUNT NOT TO EXCEED \$164,000.00.

(Introduced by Mayor Corcoran; First reading 07/06/2020; Second reading 07/20/2020)

Moved by Boose and seconded by Abens to adopt T 79-2020.

A roll call vote was taken on the adoption and the motion carried. T 79-2020 now becomes **Ordinance No. 5760-2020**.

Yes – 6 No – 1 (Hung)

Clerk of Council Linden:

T 82-2020 AN ORDINANCE AMENDING N.R.C.O. SECTION 1294.01(H) FENCES.

(Introduced by Mayor Corcoran; First reading 07/06/2020; Second reading 07/20/2020)

Moved by Abens and seconded by Maleski to adopt T 82-2020.

A roll call vote was taken on the adoption and the motion carried. T 82-2020 now becomes **Ordinance No. 5761-2020**.

Yes – 7 No – 0

MEETING ANNOUNCEMENTS:

The next regular Council meeting will be on Monday, August 17, 2020 at 7:30 p.m. in City Council Chambers.

ADJOURNMENT:

President DeVries adjourned the meeting at 7:59 p.m.

Approval of minutes on August 17, 2020:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL