

**NORTH RIDGEVILLE CITY COUNCIL  
MINUTES OF REGULAR MEETING OCTOBER 19, 2015**

**CALL TO ORDER:** 7:32 P.M.

President Corcoran: Welcome to the Monday, October 19, 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, Dr. Ronald Arndt, Robert Olesen, President Pro-Tem Bernadine Butkowski, Roseanne Johnson and President Kevin Corcoran.

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

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

President Corcoran: You have before you the City Council meeting minutes of October 5, 2015. Are there any corrections or objections to approving those minutes?

Councilman Boose: Yes Mr. President: page four, the last paragraph, the third line: it currently reads two the league diamonds; it should say T as in Tom league diamonds.

President Corcoran: Thank you Mr. Boose. Is there anything else? Those minutes are approved.

President Corcoran: Please note the Planning Commission meeting minutes of October 13, 2015.

President Corcoran: That brings us to the lobby session of the meeting. This is our final time we are going to do this because we have the amendment on the agenda a little bit later.

Moved by President Corcoran and seconded by Arndt 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 or objections? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

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

President Corcoran: So this first lobby session is dedicated to the items on the agenda for this evening. If you would like to speak on the issues, please approach the podium for the record. State your name and address. You will be given three minutes to speak. If you wish to speak on any other topic, we will have a second lobby session just before the end of the meeting and you will have your chance to address any outside issues at that time. Is there anybody who would like to speak on the issues on the agenda for this evening? No discussion was offered.

President Corcoran: We will move on to the Administrator's reports. Mr. Mayor.

**ADMINISTRATORS REPORTS:**

**A. Mayor:** Thank you Mr. President. First I wanted to inform you that we have been working with a company called One Community which is a nonprofit company that is interested in broadband technology and expanding fiber optic networks. Their subsidiary, Everstream, to expand fiber optic accessibility in the Taylor Woods industrial park area – we have been working on this for several months trying to get that service down to those exceptional businesses. Jeff and I will also be participating in a special session with One Community hosted by Dr. Roy Church, president of Lorain County Community College to be held later this month. We hope to learn of other ways to expand fiber optic cable accessibility throughout the City providing our businesses with modern techniques to grow and expand their businesses.

Leaves – leaves may be placed at the curb in plastic bags beginning next week through November 24<sup>th</sup> on your regular trash pick-up day. You put leaves in clear or green or any kind of plastic bag and from now until Thanksgiving, they will be picked up. After November, leaves in plastic bags can only be picked up as extra trash the first full week of the month during the regular bulk pick-up. From April to October each year, yard waste has to be placed in brown waste bags for weekly collection, but during the fall, we have this special collection for leaves.

Friday, October 30<sup>th</sup> from 5:00-7:00 P.M., Rita Price at the Senior Center asked that I mention the spaghetti dinner. It is \$7.00 for adults; seniors \$6.00; and children under ten \$4.00.

I want to mention the Citywide Trick-or-Treat will be observed on Saturday, October 31<sup>st</sup> from 6:00-7:30 P.M. We ask that everyone be extra careful in their travels that evening as our little ones participate in that annual tradition.

The last thing that I want to mention was that last week, October 15<sup>th</sup>, we opened bids for the Lear Nagle Road widening project. Our estimated construction cost was \$10.1 million. We had, I believe, six bids and the lowest bid was \$9.6 million, almost \$500,000 below the estimate. Those bids will be reviewed. The apparent low bidder is Terrace Construction from Cleveland, a very highly known and reputable company. The County Engineer is still reviewing those bids to make sure they meet specs and assuming they do, Terrace will probably be awarded that contract some time towards the end of November. Construction could begin probably as early as December 1<sup>st</sup> in widening Lear Nagle. I would not expect major construction this winter, but I would anticipate some work maybe in establishing the temporary roadway or other things they

can do. That is quickly becoming to fruition. Thank you Mr. President and that concludes my report.

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

**B. Safety-Service Director:** This past week in fact, the end of the week, Thursday and Friday, you probably noticed that there were a substantial number of signs that were actually removed - Talmer Bank being one of those – the most notable, because they had a digital sign that was taken down. It is actually laying in their back-up and they asked for it to be put back up next to their building. That is the beginning of All Aspects Construction. I am not sure if it happened today, but I know they were over working on the homes, the house at Root and Ridgeview. They have taken the exterior aluminum siding off. They will finish taking that off tomorrow and that house and probably the two buildings next to it will be gone if not tomorrow, then the next day. The actual construction Center Ridge Road or the destruction of the businesses and homes that are out there that has already been vacated – those will be taken out over the next month. So that is good news. We have been talking about it and they had to do all the asbestos abatement – that is done. They are going to move next to the ripping out of the homes and to make room for Center Ridge Road construction.

Corey is here this evening because we do have T 144 that the Mayor is going to introduce. It is – we are not asking for money, we are asking to take and do the – take the grit sludge disposal from tank two within the confines of the Ordinance that is sitting there at the \$250,000. We would like to move that ahead. The contractors are out there and they have staged it. Rather than send them home and bringing them back and it will cost more money. They are there and ready to do it and they are well within the budget. I would assume they are going to be under the budget for doing all three tanks rather than just the two. It has gone very well and hopefully we can pass that by emergency this evening so we can keep that contractor out there working. That is T 144. That completes my report.

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

**C. Engineer:** Thank you Mr. President. You will see before you a little paragraph and a couple pictures (**attached**) summarizing the modifications we have made to the West Point Weir, we did that just recently. The top one is a before picture that was taken years ago under a heavier flow where you can see where the orifice in the middle is controlling the storm water and the modification is two-fold that before the orifice, we reduced it by half. You can see the white plate by the rusty plate. We reduced that structure way down and this thing is designed to back up to a certain point and then cascade over the top and all that plate steal across the top has given us another eighteen inches of storage before it cascades over the top. Those two combined are going to reduce the base flood elevation in the Pitts/Gina neighborhood by six inches, which I want to emphasize, six inches may not sound like a lot, but I would venture to guess it might be a quarter to a third of the flooding that we have there in depth. The difference of six inches is probably going to be a make or break difference for a whole lot of houses for whether they flood or don't. That concludes my report.

President Corcoran: Thanks Mr. Wangler. Mr. Auditor.

**D. Auditor:** Thank you Mr. President. I have several things tonight. I have several revenue items on the agenda. First is the September report that Council should have already received.

I would like to then draw your attention to a couple of matters that are in the packets tonight. The first of which is T 139 – the amended appropriation Ordinance. We generally do an amended appropriation update around this time of the year – September/October and you should have received a detailed spreadsheet that was put together by our office that gives you the explanation of what these are for. It is apparently a lot of money - \$2.8 million but some of those are transfers between funds that are duplications and triplications. The big observation has to be though our self-insurance cost. Over the years we have been very fortunate in that our rates; let me back up a step – we self-insure. We have an internal service fund called the Self-Insurance Fund and we charge a per capita rate to our other departments, our other funds, based on ...there are two rates – one for family and one for individual; based on the amounts that the City believes it needs to fund that self-insurance which includes claims that we pay as well as the premiums through the insurance company for the cut-off which I believe now is \$75,000, for the excess insurance. This year was a very unfortunate year for us and caught us by surprise. As a result, each year around June/July, the City takes a look and adjusts those per capita charges to the other departments up or down. This year, we had about a seventeen percent increase across the board going to all the other funds subsidize the internal service fund and that was insufficient. It also included in here, I believe it is \$200,000 from the General Fund to make that fund whole by the end of the year. As I said, that was a significant part of this. We are waiting to get this Ordinance done so we had a good handle on the numbers. In the long run, we have probably done fine with that fund, now we are probably just slightly above what the Cobra rate is which is the rate that we would be charged if we were fully insured. While we have a big increase this year, the problem is that for several of our funds, as you know, the special revenue funds; particularly the street funds – whatever money comes in those funds – fire fund where we get the tax monies, we appropriate those at the beginning of the year. The theory is, that is taxpayer money or revenues that you should appropriate and so we appropriate it. We did not anticipate this and so the General Fund actually picks up a good amount of that hospitalization subsidy. In fact, on the third page of...the first page is receipts and then you have three pages of appropriations and the bottom of the last page you will see there the health insurance funding coming from the other departments is \$351,000 and the transfer from the General Fund is \$200,000. However, the General Fund also has to transfer \$32,000 to the Street Fund so it can pay its insurance per capita fees and claims as well. Now, there is process we go through. We certify additional revenues that come in with the County Auditor and then we prepare the appropriation Ordinance. It is disappointing that right after we finished all that, we did find out there was another \$25,000 that we had the opportunity in terms of a part of our federal grant that is being used for Park and Rec purposes. As a result of that, the appropriation that originally went to Council has been revised. There is only one change – that change is on page two – Park and Rec Trust Fund under other expenses - \$25,000. The easiest way, I believe, is just to replace

it by substitution and Council should have already received the Ordinance that I request that you amend T 139 by substitution tonight.

I also would request that when we get to its readings, I will be glad to answer any detailed questions that you may have in regard to the handout or any other questions in the Ordinance. Observe there were some increases in overtime by various department heads, but in every case except for one, the department heads took it out of their own other monies throughout the fund. I believe the only office that could not do that was the Treasurer's office and he has asked for I believe an additional \$5,000. In justification and in defense of the Treasurer's office – he did a lot of work at the beginning of the year in reconciling the funds that weren't reconciled for several months. I don't believe that is necessarily unjustified.

In addition to T 139, I would like to bring your attention to T 143 and what that is, as I indicated earlier, the General Fund has to make some transfers, it is in the appropriation Ordinance, but it is required that we also have Council take action on the specifics of those funds. I would request that T 143, the transfers of \$200,000 from the General Fund to the Self-Insurance Fund as well as the \$32,000 from the General Fund to the Street Construction Fund both of which are T 143 – I recommend that those be passed tonight with the emergency as well. The reason for that is – without the movement of those monies, if you, and I don't know how deep you got into our financial report, but you will see that our Self-Insurance Fund will be insolvent by the end of this month because of the amount of claims payable out there now exceed the amount that are in here without these appropriations and transfers.

Third item of finance I would like to draw your attention to is somewhere floating around your desk should be a note Ordinance – do you have that? I believe it is T 145. If you recall, we have an Ordinance in third reading that was suspended – what that is it was an increase of the cost to the City of the Sanitary Sewer Fund on Center Ridge Road. You may remember the original bids came in \$600,000 higher and we decided to defer and rebid. Those came in I think \$472,000 or something like that give or take, so we are going to issue BAN's. Council had already passed an Ordinance to issue BAN's and generally, when we do that, bonds and BAN's, we go out for bid and we get the best buyer, however, in the case of \$400,000 the amount is so small that when we do these transactions, there are our soft costs, fees involved. Our Treasurer, Tim Pope, was actually able to negotiate a very good bank rate with one of our local banks which is going to cost us an interest rate of about .99%. So in lieu of going to the open market and bidding this which would have cost us 1.65%-1.66%, we are going to repeal that and issue this if Council passes this. We will save about \$1,000 in the process over the next five months. This will mature in June when the rest of our BAN's mature and then when we reissue them, they will all be reissued again in a combination. As a result, then it makes sense for us to go out and competitively bid once again. Thanks for our Treasurer. He was able to save a few bucks. I would recommend that you pass that tonight as well because we would need a commitment on this before we could pass T 125. I would request that in accordance with the Charter, T 125 be postponed until the next meeting. By that time, we will have had our commitment on these new BAN's that are directly negotiated with the bank. So far so good?

President Corcoran: Mr. Mayor, did you have a comment?

Mayor Gillock: Chris just covered it that T 125 increased the amount for the total sewer project from \$1 million to \$1.6 million but we went to bid which we waited intentionally hoping we would get a better bid – we did – it came in at \$1.4 something. T 145 needs to be added to the agenda by suspension of rules. It is not on the agenda. It is on your desk.

Moved by Mayor Gillock and seconded by Butkowski to suspend the By-laws to give T 145 a first reading.

Mayor Gillock: Then we need to get this passed so we can borrow that money and have it in place to pass T 125.

Councilwoman Johnson: I have a question.

President Corcoran: Are there any comments or questions? Mrs. Johnson you had a question?

Councilwoman Johnson: Mine seems to be incomplete, I don't have a second page...none of us do.

President Corcoran: It is in your electronic version. It is actually six pages all together.

Councilman Boose: What bank are we going to go through?

Auditor Costin: I believe we negotiated with First Merit. The reason we got the good rate was because of the volume of banking that we do with them. He did contact, Tim did contact, I believe, three other banks and he received rates from 1.34% to 2.0%.

Councilman Boose: That is a very good rate. Second, are there any or our anticipation is, in the spring when we go to bonds that we will pay this loan off then in five or six months and then we can roll that into the bonds. That is our anticipation?

Auditor Costin: Either bonds or rollover BAN's – one of the two. This will be combined with those. That is correct.

Councilman Boose: Thirdly, are there any prepayment fees on this loan?

Auditor Costin: There are no other costs. That was my understanding.

Councilman Boose: Great, thank you.

President Corcoran: Anybody else have any questions? On the suspension of the By-laws to give T 145 a first reading this evening. All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

Auditor Costin: Okay, next item. T 140 and T 141 – those are Ordinances. You are familiar with the House Bill 5 and we are required to, as we collect our own tax, municipal income tax, R.I.T.A. does do the collecting for us, but we are required to pass an Ordinance that is in compliance with House Bill 5. Now this has been a long and tedious process. Several of us went to conferences. R.I.T.A. actually provided us with some language. We tweaked it. We have been working on this for a while. Our Treasurer, Tim, has taken lead and as a result, we now have T 140, but we also have T 141. So you understand our old tax law doesn't go away yet. The new tax law under T 140 which is going to be Chapter 878 is for any tax period beginning after January 1, but, we can't cancel the old tax law – it has to remain on our books and records for those that have not filed for years prior to. We may have two tax laws for as long as seven years – the statute of limitation period. They review these and they would request that Council pass them by mid-November so they can formalize their returns, reports and so forth.

President Corcoran: If we don't pass it, do we give everybody a tax holiday?

Auditor Costin: I actually recommend you pass it the first meeting in November.

President Corcoran: We are going to put that into Committee anyway.

Auditor Costin: That concludes my report and comments.

President Corcoran: Thank you Mr. Costin.

**E. Other Reports:**

President Corcoran: We have the August & September 2015 Building Department reports, the September 2015 Fire Department report, the September 2015 Mayor's Court reports and the September 2015 Support Car report.

**COUNCIL COMMITTEE REPORT(S):** None.

**CORRESPONDENCE:** None.

**OLD BUSINESS:**

President Corcoran: We have T 125.

Clerk of Council Smith:

**T 125-2015** AN ORDINANCE AMENDING ORDINANCE NO. 5254-2015, WHICH AUTHORIZED THE CENTER RIDGE ROAD WIDENING SANITARY SEWER PROJECT AND OTHER APPURTENANCES, BY INCREASING THE AMOUNT FROM \$1,000,000.00 TO \$1,600,000.00.

(Introduced by Mayor Gillock; First reading 09/08/2015; Second reading 09/21/2015; Third reading 10/05/2015)

President Corcoran: We are going to postpone any action on that until our next meeting.

President Corcoran: Moving on now to new business. First we have the By-law amendment.

**NEW BUSINESS:**

Clerk of Council Smith:

**By-Law amendment**

An amendment to Section 9 and Section 25 regarding lobby sessions.

**(Council action required)**

Moved by Arndt and seconded by Olesen to adopt the amendments to Section 9 and Section 25 of the City Council By-laws.

President Corcoran: Are there any comments or questions?

Councilman Boose: Two recommendations of change on the second page in the red – under Section 25 under audience participation – it currently reads “the first lobby session is limited to items that are before the council for a vote that evening.” I would recommend it be changed to read “the first lobby session is limited to items that are before Council on the agenda that evening” because there may be things that we won’t vote on.

The second change I would recommend in the next sentence it says “the second lobby session is a general session that promotes questions and answers.” I would suggest that be changed to read “the second lobby session is a general session on any topic. Both sessions are provided to promote questions and answers.”

The reason for the change in the first one is because there may be items on the agenda that wouldn’t come up for a vote that I think still deserve commentary.

President Corcoran: Okay, let’s just talk about that for a second, if it is not up for a vote, couldn’t it wait until the second session?

Councilman Boose: The problem is sometimes we suspend the By-laws to vote on it anyways and so you may not have that opportunity to speak on it if ... many times we will have something in first readings or new business that gets voted on before the last session. So you wouldn’t have an opportunity to talk on it.

President Corcoran: I am thinking along the lines of...let’s talk about like the Fire Department report. That is on the agenda. So it could be anything that is on the agenda. If we are going to have someone talk about the Fire Department report, do we want to get bogged down in a meeting discussing that. Everything that is on the agenda could be voted on whether it is new business, whether it is old business, whether it is Planning Commission items or whatever the case. My original thought was whatever is on the agenda that could possibly be voted on is fair



game for that first session. I was just trying to not get us bogged down. If somebody wanted to talk about the water report...

Councilman Boose: I have been on Council eight years... I've never had anyone...but I would have no problem changing it to read before Council on the agenda that could come up for a vote or something to that effect because again, many times we don't wait for a third reading to have that. I don't have a problem with that to exclude things that we don't vote on.

President Corcoran: Anybody have any comments on that particular provision?

Councilman Keenan: I agree with that. That would be my comment.

Councilman Boose: The second item is, again, I understand we have been able to as a compromise answer questions in the second lobby session and I think we should also afford that opportunity in the first lobby session. For example, John last meeting, brought up a question on something we were going to vote on and was not able to get an answer because we don't answer questions in the first session. I think that certainly should have the ability to have an answer because we were voting on it. Since we made the change, I haven't noted any extraordinarily long, lengthy discussions that go beyond a reasonable amount of time. To be honest (inaudible) if I was sitting out there I would want an answer at either one.

President Corcoran: Well, they have plenty of opportunities to speak to us outside of this meeting and that is where sometimes some of the questions that get asked at the last minute are somewhat unfair to us because we don't have the information in front of us. If the questions get asked outside of this meeting, we can get the appropriate answers for them. If they are coming here for an answer, a lot of times, it may be too late. That is one fear that I have. If people are just popping in with questions... I encourage people to ask questions, but if they are asking a specific question about a specific situation and then we need to talk to the service garage for example to get them their answer, coming here for that answer is not the place. We just won't have the answer for them at that time. We will have to tell them – we are always looking for the worst possible scenarios, not most of the time, we don't have anybody come up and ask questions at all. I am thinking about the bigger events like when we had the kittens and when we had raccoons and other events like that where we don't want to get too bogged down with something in that first session that prevents us from getting through the business of the day; at least that was what was running through my head when we came up with this split.

Councilman Boose: Those sorts of things have not come up; they are not on the agenda. If you have an issue... again (inaudible). If we don't have the answers then perhaps we shouldn't be voting on it. Second, if we don't have the answers and it is immaterial, the question and the answer is immaterial to the overall global scope of the legislation or whatever topic we are going to be voting on, then we should acknowledge that and say you know Mr. or Mrs. Resident, I don't know what the service garage on that, that doesn't pertain directly to this. Safety-Service Director or we will have someone from the administration get back with you on that. Just an acknowledgement may be enough.

President Corcoran: Mayor, did you have a comment?

Mayor Gillock: I did but I changed my mind while I was thinking about it. What I was going to suggest was that in the second lobby session; this is what Councilman Boose said – on any topic, I thought it ought to relate to City business, but the reason I changed my mind – we’ve had people come to the podium to say we want to make you aware that this is national breast cancer week or we are having a fundraiser somewhere for some fireman’s kid. I kind of rethought what I was going to say and think probably just leaving it as you suggested.

Law Director Crites: If I may, I would agree and I think that Dennis would agree as well – we have to keep in mind that you already have an existing section 25 of your By-laws which limits audience participation to any subject related to the business of Council or the general affairs of the City of North Ridgeville. I would think it might be a good idea to include that language in your suggested amendment if the rest of Council agrees because a matter such as Flag Day – that falls under the heading of the general affairs of the City of North Ridgeville.

Councilman Boose: I am not suggesting that we eliminate the rest of that section.

Law Director Crites: I see your point, that would be there as a governing or limiting restriction.

Councilman Keenan: Mr. President, before Council’s consideration issue of first lobby, open communication back and forth; it seems to me that if somebody in the audience comes to lobby and they make a comment, we are all listening to it and at the time an item on the agenda was to come up, we discuss those things. We have the opportunity to speak up at that time and acknowledge that resident and say anything we want because we have the floor. At the same time, I do see benefit in not letting an issue that we are not anticipating right now start to dominate our meeting. I think by them raising the subject and not going into an open dialogue at that time, I find that to be acceptable because we can always dialogue if we choose. It is in our discretion right now. I think that we can ask anything we want and just follow-up on their lead and then we have the floor. We can ask the administration if we saw that to be most appropriate.

Councilman Boose: If I can follow-up, that is certainly acceptable, but that hasn’t been what we have been doing. What we have been doing is not allowing that to happen because the By-laws didn’t provide for that. In fact, I made a motion earlier this year that I asked for us to either answer the question ourselves if we were the appropriate person or direct it to the administration. No one seconded the motion to have that kind of discussion. That is why I bring it up – it is not in the By-laws, we tend to not do it.

President Corcoran: Right now the section 30 of the By-laws requires that we give fourteen days’ notice of any changes to the By-laws before there is a vote. Any suggested changes to what has already been provided to you needs to have that fourteen days’ notice. At this point, if we are not ready to vote on what is in front of you, then we should just postpone it and make suggested changes and then vote the next time.

No - 0

President Corcoran: No hearing is required. Moving on to the Planning Commission report.

**Planning Commission action(s) taken at the October 13, 2015 meeting:**

Clerk of Council Smith:

**APPLICANT:** Dennis Haynes, Denny's Mower Repair and More, 36466 Sugar Ridge Road

**OWNER:** Same

**REQUEST:** Approval to construct a 1,680 square foot building for an existing business

**LOCATION:** 36466 Sugar Ridge Road in an I-2 District; permanent parcel no. 07-00-026-101-004

**PC ACTION:** Approved by a vote of five to zero.

**(Council action required)**

Moved by Olesen and seconded by Butkowski to accept the Planning Commission recommendation.

President Corcoran: Are there any comments or questions?

Councilman Olesen: This man is doing very well on his mower repair business and what he wants to do with his new building; he has got so many machines. Some are being stored outside. He wants to move them under cover. This is the main reason for the additional building he would like to build.

Councilman Keenan: Mr. President, I would like to offer comment and I am afraid my comment will be not supporting approval of this – not because I don't support what the man wants to do and expand his business, but this particular applicant, we had some issues with this. We had some notice issues. Although we did what we were supposed to do, it is pretty clear that the property owners adjacent to the west didn't receive their notice. That is no fault of ours frankly. We delivered them to the post office to the Lorain County Auditor website but the post office didn't deliver them properly or to where they needed to get. Those adjacent property owners didn't receive notice and therefore didn't participate in the process. In addition to that, the Engineer's comments which he had seven, approximately five of those seven comments affect the adjacent property owner that didn't receive notice and didn't participate in the process. Although Planning Commission did approve the action because I think they feel; my take away was that they found this to be a suitable project. However, the public was cut out of this process by again, no intention and no fault of the City, but nonetheless, they were left out. Now we are left with the Planning Commission approved the project and said submit your revised Engineering drawings to the City Engineer. I just want to tell you what some of those were. There was no tree planting plan shown, therefore, the property owners won't get to have an opinion or voice on landscaping. The parking lots are to be constructed of a dust free surface, the plan shows gravel. Therefore, they won't really know what the surface will be. It is not recommended to install traffic bearing surfaces over sanitary leach field. I spoke to Mr. Wangler, he said that is not a requirement, that is a recommendation. It is bad practice I think,

but it is up to him. The proposed grading plan on the west side of the new building will direct storm water runoff onto the adjacent property and needs to be revised, therefore, they have a vested interest in this outcome. The downspout drainage should not be directed onto the adjacent property – a vested interest in the property adjacent. A complete, revised plan needs to be submitted to the Engineering Department for review and I believe that Mr. Wangler would do a fine job in upholding that, the problem I have is that it is absent the public. It is absent the adjacent property owners. Many of these items affect the adjacent property ownership. Therefore, I will be voting no thinking can't we just wait two more weeks. Let them revise, resubmit, provide a plan that would work. Maybe is four weeks – I don't care - whatever that proper time is. Simply revise and resubmit and let the public see what you are expected to build and construct. That is why I am going to be voting no. I just feel that those people have been not included in the process. I don't think it hurts much to wait. Thank you.

Councilman Boose: Mr. President, I also was at the Planning Commission meeting that had this up for discussion and again, through no fault of our own, we went through our practice of identifying the adjacent property owners through the county website and that is where we sent them and unfortunately they were not delivered property for whatever reason. We cannot say it was the post office, we can't say if we had the wrong information but they were not delivered. The gentleman who owns the actual or one of the properties adjacent to it on the west actually had all of the notices for the other property owners, because they were misdirected. The City did nothing at fault. We followed our procedures. There are several residents who are right next door who did not participate in the process. Therefore, again, I agree with Councilman Keenan. I think that waiting two to four weeks to make sure that the process is complete. To make sure that those property owners adjacent to this project have some say if they want that. I think it is agreeable to me. I think that if any of us were that adjacent property owner and we didn't get noticed, that we certainly would want to be afforded that opportunity to have that conversation. I will also be voting no.

Mayor Gillock: Mr. President, I understand the concern by the adjacent residents not being notified. I would certainly want them to be notified, but at that same time, I don't think that we should be voting no on the approval because if you all vote no, then you are turning this business down for an expansion and he would have to reapply and start over and pay all the fees through no fault of his own. I guess I am asking for the Law Director's input of a postponement or something might be more in order to send it back to Planning to review it again after proper notification. Even to take it a little bit further – I certainly want everyone involved and no disrespect to this particular project, being a small one, you can have a major project that the post office screwed it up that we shouldn't want to lose it. We have to take all these things into consideration. I don't think we should vote no on it and deny his right to expand but maybe we send it back to Planning. Can they resend it?

Law Director Crites: I have a lot of thoughts all of which get prefaced by the fact that is the first I heard of this before I give any firm opinions. I want to look into it and see what took place at the meeting; I want to see what Planning Commission's actions were. Were they aware of the fact that there was a defect in notice?

Councilman Boose: It was communicated that the City did what they were supposed to do.

Councilman Olesen: Notices were sent to the property owners there at that location. A lot of those property owners do not come in to the location for weeks or months at a time.

President Corcoran: Because it is a storage unit right. So those owners get notified at their storage unit.

Councilman Olesen: Right.

Councilman Boose: No. It is supposed to get mailed to their tax billing address.

Councilman Keenan: The minutes show the post office delivered the mail not into a mailbox for the owner, but into some type of marketing brochure box. It is not a mailbox or a post box.

Councilman Olesen: That is all they have. They don't even come for their mail on a regular basis. So what we did was perfectly legal and even the Assistant Law Director said it was at the Planning meeting. I think what you have here is a man that wants to expand his business. These things unfortunately came up that evening and I think we all want the business to succeed in our City. He is trying to do this. I don't think we should take this away from him with a no vote. Remember he has variances he has to go to the Zoning Board with too. He was kind of blindsided by the Engineer's report and what he had to do. He had not seen that until that meeting. He is just a small business owner. The big guys all know what they have to do. They are familiar with what they have to do. He was not and now he is and most of the things he will have to do before he will get Engineering approval.

Law Director Crites: I am trying to pull up the section of our codified Ordinances that I was thinking of but I wanted to confirm before I spoke on it. I have a couple thoughts to throw out there and that is: I don't know if you are looking at the possibility of denying this expansion, but I think you are looking at the possibility of delaying it. A no vote tonight would be a mandate to go and reapply. The Mayor, via our codified Ordinances has the right to waive any fees. I think the Mayor would have the authority to waive the reapplication fees because I am sure they can be significant because of the cost of issuing notice. Finally, this may mean that this issue gets tabled until we have a chance to look at it and review the minutes because again, I wasn't there. Maybe I am posing a question while making a statement at the same time, but section 1210.04 of our code under the Planning Commission provisions specifically "public hearings/notice" in subsection e states as follows: "the City strives for accuracy in the notification of adjacent property owners. However, if the City has made an error in notification process, this will not be cause for rejection of an application." That means the Planning Commission and then I think in logical progression, this Council, has authority as a good faith effort to notification should not be cause for rejection of an application. I think you have to look at the holistic circumstances. Who are the neighbor's that should or should not been notified. That is what is before you. I think Council has a right to follow this provision and say that the attempted notification was enough. I think you also have the right to decline approval specifically citing that you are requesting that it

be returned to the Planning Commission with proper notice of the adjacent property owners so they have an opportunity to be heard. To postpone it tonight is going to bring it back before this body which I don't believe is the proper forum for give and take on issue of a plan. That is what Planning Commission is for. Do you have power to send it back to Planning Commission? Yes, but I think the way that would actually work would be by a refusal to approve. Unilaterally, you as President can't just refer it back to Planning Commission because it is both Charter and code that says any action comes to Council for approval. It is not before this seven member Board for approval. It is either thumbs up or thumbs down. Thumbs down is not death of the project I don't believe. I don't see how that can be and I open comment to that. I think it is just sending them back to what has been deemed to be a defective approval even though I think you have discretion to accept that defect.

Councilwoman Butkowski: Mr. Chairman, I think we shouldn't approve this tonight. We had some people here with that other development. They didn't have to get a notification but were upset about not knowing about the project. These are specific people that should have been notified. This isn't our fault they weren't notified, but let's just make sure they are notified before. This is a good project. I know this business is a good business, but let's send it back to him but let's be sure that he is not charged again to go in front of the Planning Commission. It wasn't his fault. It wasn't really...the post office doesn't do a good job most of the time anyhow. I get mail that doesn't belong to me. Anyway, that doesn't make any difference. It didn't happen. Let this whole thing start over again, but let's not have him pay any more fees. He has some work he has to do with this project anyhow. I don't think it will hold him up that much because he has a lot of work to do before he can move on. We are not going to slow him down and it is winter so he won't be able to do too much.

Councilman Olesen: Mr. President, I think Donna was going to get those addresses and resubmit that to the property owners. They will be notified of it and unfortunately, it didn't come in lieu of the Planning Commission.

President Corcoran: Let's be clear that we are considering this because we have specific evidence that the mail was not delivered correctly. It is not a situation where someone walked in and said I didn't know about this because that is a totally different situation and I don't want to open that door. I wanted to make that clear. This is the reason why we are considering it.

Councilman Keenan: I agree with that. Again, my objection is as much to do with the fact that five of the items specifically affect that ownership and those items will be addressed through the Engineering Department, but the public will be left out of the resolution. It will simply be a straight line to the Engineer. The Engineer will do what the Engineer does and uphold our codes; however, there is no voice, no viewing, and no participation of the public. That is my main objection and it is compounded by the lack of notice as unfortunate as it is.

Councilman Boose: Mr. President, again, I am glad that the gentleman; his business is doing so well that he needs to expand. I am glad that he wants to move things that are currently outside, inside because duties and eyes of the beholder – some of his neighbors don't appreciate the stuff

being outside nor to see that is why he wants to build this building. I am all in favor of that, but again, I think that those that are going to be directly affected by the changes should have the opportunity to be listened to. Whether we can, as a Council, make a motion to put it back to Planning Commission; whatever we need to do so that again, I don't want the gentleman to be charged anymore. As Mr. Olesen said, the petitioner was surprised that he may have to have some different type of surface for his parking lot than what he had. I think that there are some things he has to work on. At the end of the day (inaudible).

Councilwoman Johnson: I was going to say that all plans and recommendations made by the Planning Commission according to our Charter shall go to Council for approval before the same shall be considered as official, but I don't see where we have a specific deadline. I don't see why we can't, as a Council, vote to put it back to Planning Commission for their consideration.

Law Director Crites: Essentially the way I think this should be done is I would ask that a motion; and this is simply to keep a record of what Council's wishes are here. Council wishes aren't to kill this project. Council's wishes are to send it back for proper notification and make sure all the proper players are notified and that you have a solid ratification by Planning Commission and Council. I think the best way to accomplish this is for the motion to approve be withdrawn by the movant and then a motion made to disapprove and return to Planning Commission for proper notice and voted on. Then the whole world will know what Council is doing and why.

Councilman Olesen: I will withdraw my motion to accept.

Councilwoman Butkowski: I will withdraw my second.

Law Director Crites: We now need a motion to disapprove and return to Planning Commission. Not to return, motion to disapprove and invite the applicant to reapply so that the proper notice maybe given.

President Corcoran: And suggest to the Mayor that we waive fees.

Law Director Crites: I like that. I was going to throw that in there but I was not sure it was proper. No he can't. It is by Ordinance that the Mayor's authority to waive the fees, but it is nice to have sua sponte, an impromptu off the bench resolution by Council showing your support of the Mayor waiving fees.

President Corcoran: A motion to disapprove along with a request that the applicant return to Planning Commission for their project.

Councilman Keenan: With revised plans.

President Corcoran...and a suggestion that the Mayor waive the fees when he reapplies.



Moved by Keenan and seconded by Boose that the Planning Commission action be disapproved and request the applicant to reapply to the Planning Commission so that proper notice is given to the adjacent property owners, a request that the Mayor waive fees and the applicant submit revised plans.

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

President Corcoran: That case was disapproved. Next.

Clerk of Council Smith:

**APPLICANT:** Gary Smitek, North Ridge Point, LTD, 36715 Avalon Court, Avon, Ohio 44011

**OWNER:** Same

**REQUEST:** An extension of time on a preapproved final plan for North Ridge Pointe Subdivision No. 1

**LOCATION:** Between Stoney Ridge Road and Avon Belden Road in an R-1 District; permanent parcel nos. 07-00-030-000-129 and 07-00-030-000-081

**PC ACTION:** Approved by a vote of five to zero.

**(Council action required)**

Moved by Olesen and seconded by Keenan to accept the Planning Commission recommendation.

President Corcoran: Are there any comments or questions?

Councilman Olesen: The only comment I have for this one is he did do what we hope people would do. He came into Planning and said he could not follow through because of developments in the project. He had a two year window on this and he didn't get this started. He just came in and said he would like an extension. I think that was the thing to do. I think Planning Commission was very receptive of that.

Councilman Keenan: Following up on Councilman Olesen's comments in fact, this work has now been completed. We are not approving an extension of time which now happened and the work has been done. If you drive by that development you will now see pavement, curbs and gutters. It is in. This is a little bit after the fact.

Engineer Wangler: Mr. President, the finish line on the extension of time is the recording of the plat and the plat has not yet been recorded. To do the work before the plat is recorded is typical.

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

Yes – 7                      No – 0

President Corcoran: That case was accepted. Next.

Clerk of Council Smith:

**APPLICANT:** Shawn Kimble/Community Care, 35233 Center Ridge Road

**OWNER:** Community Care, 34015 Center Ridge Road

**REQUEST:** Approval to construct an 18 x 20 foot storage unit in a B-3 District

**LOCATION:** 34015 Center Ridge Road in a B-3 District; permanent parcel no. 07-00-017-130-006

**PC ACTION:** Approved by a vote of five to zero.

**(Council action required)**

Moved by Olesen and seconded by Butkowski to accept the Planning Commission recommendation.

President Corcoran: Are there any comments or questions?

Councilman Keenan: Here I go again. I am going to take the opportunity to explain to you why I don't think this should be approved. It is always unpopular to say you want to do something against Community Care because I am a big supporter of them too. However, what the request is to build a 20x18 foot pre-standing garage structure, a storage building, within five feet of the property line, the rear property line, which is supposed to have a forty-foot setback. They are asking for thirty-five feet of variance on the rear property line. I find that too aggressive and I believe that they have the ability to solve their own problem in two ways: one, locate the building someplace else on their property because they can do it in their front parking lot to the north and then they may have to ask us for a variance on the parking count – I am not sure, I have not done the study but it would fit up there and not impose on the neighbor's setback; two – they have the ability to negotiate with the neighbor for the land and the history of this is very favorable. The landowner, as I understand it and it is in the minutes, donated the original land to Community Care – extremely generous. They gave them the land to build their facility. Now Community Care is going back and trying to put a building within five feet of their property line and there was no comment from the property owner to the record expressing an opinion if this was an acceptable thing, not acceptable thing. It may very well be able to get worked out privately and two good neighbors just get along, but I am bothered by approving a project that is so much an ask or a burden onto the adjacent property owner when they can solve their problem in one of two different ways: get more land or put the building someplace else. I love Community Care, but I also like that entities property right to not be infringed by a great community neighbor, but nonetheless it is a big infringement and a big ask and I don't support it.

Councilman Olesen: I think we should understand that the property around them is owned by the same person who donated the original land. This matter is referred to Zoning Board who is going to discuss the matter of the variance. I am sure at that time, he will be asked about the neighbors; if this is all right with the neighbors and if this is what they like to have done. I don't think we have to worry about that. That is an issue that will result in Zoning.

Councilman Keenan: I am simply going to say that I think it would be beneficial if we acted on this. The presenter for the project is the Chairman of the Zoning Board. The presenter of the project to Planning Commission is the same person that chairs the Zoning Board of Appeals. I think it is best not to put those people in that position. As a City representative, I am comfortable with saying no and avoiding that conflict with the person who presented to Planning being the Chairman of the Committee who is going to review it. There is a strong history of five year of Zoning variance approvals versus Zoning variance denials. I think that we would frankly do the Zoning Board a service by standing up and saying what they have presented is too big an ask and I am comfortable saying no. Let them solve the problem by putting their structure someplace else and not infringe upon the neighbor or wait two weeks, get a letter from the neighbor and say, it is fine with me. That is all. The neighbor would say yes, it is fine, then I am saying yes, it is fine. But in the absence of that input, I think it is too big of an ask.

Mayor Gillock: Mr. President, our Ordinances allow for a cure/solution for this that if a variance is needed we have a Board of Zoning and Building Appeals. The Chairman is, because of his involvement, required to excuse himself and not participate. That is what the law gives us. It says you don't participate. Zoning Board makes this decision. For us to preempt the Zoning Board, to take away one of their three options. They can locate somewhere else, they can expand to the north and they can also get a variance. I think that is pretty presumptuous on Council's part to preempt the Zoning Board of doing their duty and following the Ordinances as they are written.

President Corcoran: Anybody else? Clerk, please call the roll.

Clerk of Council Smith: One no and the rest yes votes.

Yes – 6

No – 1 (Keenan)

President Corcoran: That case was accepted. Moving on now to T 138.

### **Ordinance and Resolution submittal(s)**

Clerk of Council Smith:

**T 138-2015** AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO REZONE THE FOLLOWING LAND: LOCATED AT 32329 CHESTNUT RIDGE ROAD; NOW KNOWN AS PERMANENT PARCEL NUMBER 07-00-004-108-112 FROM R-1 RESIDENCE DISTRICT TO B-3 HIGHWAY COMMERCIAL DISTRICT AND OWNED BY CESAR GUZMAN.

(Introduced by petition of Cesar Guzman on 10/12/2015)

President Corcoran: I will refer that to the Planning Commission and the Building and Lands Committee. T 139.

Mayor Gillock: Point of order, our video guy needs time to change the battery.

President Corcoran: Okay, we will take a break. (8:45 P.M.)

President Corcoran: Okay, we are back on the record with a brand new battery. (8:50 P.M.) We are moving on to T 139.

Clerk of Council Smith:

**T 139-2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 5213-2015 AND ORDINANCE NO. 5247-2015 OF THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015.

(Introduced by Councilwoman Johnson)

Moved by Johnson and seconded by Boose to amend T 139-2015 by substitution.

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

Yes – 7

No – 0

Moved by Johnson and seconded by Boose to add T 139-2015 Amended to first readings.

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

Yes – 7

No – 0

President Corcoran: Moving on now to T 140.

Clerk of Council Smith:

**T 140-2015** AN ORDINANCE CREATING AND ENACTING A NEW CHAPTER 878 IN THE NORTH RIDGEVILLE CODIFIED ORDINANCES ENTITLED *INCOME TAX*.

(Introduced by Mayor Gillock)

President Corcoran: I'll refer that to the Finance Committee. T 141.

Clerk of Council Smith:

**T 141-2015** AN ORDINANCE AMENDING CERTAIN SECTIONS OF NORTH RIDGEVILLE CODIFIED ORDINANCES CHAPTER 880 *EARNED INCOME TAX*.

(Introduced by Mayor Gillock)

President Corcoran: I'll refer that to the Finance Committee as well. T 142.

Clerk of Council Smith:

**T 142-2015** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CENTER CLEANING SERVICES, INC. FOR CUSTODIAL SERVICES, NOT TO EXCEED \$70,000.00.  
(Introduced by Mayor Gillock)

President Corcoran: T 143.

Clerk of Council Smith:

**T 143-2015** A RESOLUTION APPROVING TRANSFERS FROM THE GENERAL FUND OF THE CITY OF NORTH RIDGEVILLE, OHIO.  
(Introduced by Councilwoman Johnson)

Moved by Johnson and seconded by Butkowski to give T 143 a first reading.

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

Yes – 7

No – 0

President Corcoran: T 143-2015 will have a first readings. T 144.

Clerk of Council Smith:

**T 144-2015** AN ORDINANCE AMENDING ORDINANCE NO. 5249-2015 BY INCLUDING COMPLETE MIX TANK 2 DURING THE PROCESS OF CLEANING AND GRIT SLUDGE DISPOSAL OF COMPLETE MIX TANKS 1 AND 3.  
(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Johnson to give T 144 a first reading.

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

Yes – 7

No – 0

Mayor Gillock: Mr. President, Ordinance 5249 specifically states that the cleaning and so forth of tanks one and three. If we would have written it to say clean the tanks, we would have been alright but because it specifically said clean one and three and didn't include two. This is why we are bringing it back because we can get two done under the same contract without any additional money. We just wanted to be safe because the Ordinance said one and three. Superintendent Timko is here if you have any questions, if not, I'll let him go home. If you have any questions, now is the time to ask him.

Councilman Keenan: Mr. President, can I ask the obvious question – if we didn't do two, what would the cost be? What are we saving by not doing two?

Superintendent Timko: We would save at this time about \$60,000 to \$80,000. The project was a little over \$200,000 as bid. We think we can get one and three done for a little over \$100,000. We think we can get number two done and still be under budget.

Councilman Keenan: Mr. President - so we actually have one and three coming in at about \$100,000. So we can get all three for about \$180,000 which is still \$70,000 under what we appropriated.

Superintendent Timko: Now they are not done with number three just yet so I don't want to give you a firm number. I talked the contractor the other day, he indicated that he was going to be around \$100,000 - \$120,000 which put us way under budget and that is when we immediately said, let's go ahead and do tank two.

Councilman Keenan: If I can follow up – if we were to do tank two next year, how much more or less expensive do you think tank two would be if we did it next year versus while he is on site.

Superintendent Timko: We did plan on doing tank two next year. Tank two is an influent well, but it is going so well, so what we would save is mobilization costs and I cannot put an exact number on that, but having a contractor already mobilized all the equipment, the suckers, the jet vacs – having that all there, would at least save us mobilization which could be numerous thousands of dollars.

Councilman Keenan: I would just say it is my experience that the savings in mobilization are more savings then the cost of the money spent today for a year. I think it is a smart move, but I just wanted to ask what I said were the obvious questions but bring it up anyways.

President Corcoran: Thank you Mr. Timko. That is the end of new business.

**RECESS:**

President Corcoran: Would anyone like a recess?

Moved by Arndt and seconded by Boose to dispense with the recess.

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

Yes – 7

No – 0

President Corcoran: Moving on to first readings. We have T 145.

**FIRST READINGS:**

Clerk of Council Smith:

**T 145-2015** AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$400,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PROVIDE FUNDS TO PAY COSTS OF IMPROVING THE CITY'S SANITARY

SEWERAGE SYSTEM BY CONSTRUCTING, RECONSTRUCTING AND REHABILITATING SANITARY SEWERS, SANITARY SEWER CONNECTIONS, MANHOLES AND CLEAN OUTS, TOGETHER WITH NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO; AND REPEALING ORDINANCE NO. 5274-2015.

(Introduced by Mayor Gillock)

Moved by Butkowski and seconded by Johnson to dispense with the second and third readings for T 145-2015.

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

Yes – 7

No - 0

Moved by Butkowski and seconded by Johnson to adopt T 145.

Moved by Butkowski and seconded by Johnson to add the emergency clause to 145 in order to get the finances in order to move forward with the project.

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

Yes – 7

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: The motion passed unanimously and becomes **Ordinance number 5290-2015.**

Yes – 7

No – 0

President Corcoran: T 139 Amended.

**T 139-2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 5213-  
**Amended** 2015 AND ORDINANCE NO. 5247-2015 OF THE CITY OF NORTH  
RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2015  
AND ENDING DECEMBER 31, 2015.

(Introduced by Councilwoman Johnson)

Moved by Johnson and seconded by Butkowski to dispense with the second and third readings for T 139-2015 Amended.

President Corcoran: Are there any comments or questions?

Councilman Keenan: Mr. President, I have a comment, I just want to ask the Auditor – I have a feeling that this has been somewhat of a difficult process to track all of these different transfers

etc. that really came about through the primary issue here which was the Self-Insurance Fund. When did you start to know that we had a substantial problem with our Self-Insurance Fund?

Auditor Costin: Probably midyear.

Councilman Keenan: So only a few months ago. So you have been sort of grinding through the coverage of that?

Auditor Costin: A few months.

Councilman Boose: According to the Auditor, taking the \$200,000 out of the General Fund to compensate for the lack of the monies in the Self-Insurance Fund; is that money that was... I know it wasn't appropriated for this purpose out of the General Fund, but are there to date a savings of \$200,000 in other areas of the General Fund that we didn't take out so that we are kind of awash or is this \$200,000 more than what we have already spent.

Auditor Costin: No, do you remember we had this discussion in appropriations meetings? In past years, we had this ability to have pleasant surprises and new monies. It is all gone. The estate taxes are gone. The gambling casinos are gone. Local government has been reduced. So our major sources of revenue as a City, not just us, most cities, are property taxes and income taxes. We have other smaller sources of revenue, but nothing we can count on that is going to give us additional revenue that we haven't anticipated. Our income taxes, I believe, are running around what they were last year, maybe just slightly ahead, which is a plus because we anticipated they may actually be down. It is still early in the year. We have the big months in front of us – November and December. It is a concern we are going to have to address at Finance Committee going into next year.

Councilman Boose: So is it fair to say that we will have \$200,000 less carryover in the General Fund because of this?

Auditor Costin: Yes.

Councilman Boose: Thank you.

Auditor Costin: Unfortunately, I don't know what our options are. I know the Mayor discussed bidding insurance when it comes next year.

Mayor Gillock: He started to address it as a problem in probably late May, early June. We met with Medical Mutual and they indicated our losses were significant and it increased significantly. We are also looking at an increase in our premium. We looked at some other carriers. At that point, it takes a long lead time because of a lot of factors. We looked at increasing our retention from \$75,000 to \$100,000 which would have actually cost us more money. We have a couple insured that have some special compound drugs that we would have to pay one hundred percent of those costs. So if we went to a higher deductible program basically it would cost us more



money. We have been meeting with Medical Mutual and our agent since. In fact, I met with our agent today looking towards next year. Our policy renews July 1<sup>st</sup>. We've had some more significant claims again this year. We have about 500 bodies on our policy with our employees, spouses and kids. We had some serious issues out there. Chris says there is not a whole lot we can do. We will market it, but we are in that situation where you have the losses already, then it does not make you a higher desirable account. We are doing what we can, but that is where we are at.

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

Clerk of Council Smith: The measure passed.

Yes – 7

No - 0

Moved by Johnson and seconded by Butkowski to adopt T 139 Amended.

Moved by Johnson and seconded by Butkowski to add the emergency clause to T 139 Amended for the health, safety and welfare 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 – 7

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: The motion passed unanimously and becomes **Ordinance number 5291-2015.**

Yes – 7

No – 0

President Corcoran: T 143.

Clerk of Council Smith:

**T 143-2015** A RESOLUTION APPROVING TRANSFERS FROM THE GENERAL FUND  
OF THE CITY OF NORTH RIDGEVILLE, OHIO.

(Introduced by Councilwoman Johnson)

Moved by Johnson and seconded by Butkowski to dispense with the second and third readings for T 143-2015.

President Corcoran: Are there 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 T 143.

Moved by Johnson and seconded by Johnson to add the emergency clause to T 143 for the health, safety and welfare of the citizens of North Ridgeville.

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

Yes – 7

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: The motion passed unanimously and becomes **Resolution number 1368-2015.**

Yes – 7

No – 0

President Corcoran: T 144.

Clerk of Council Smith:

**T 144-2015** AN ORDINANCE AMENDING ORDINANCE NO. 5249-2015 BY INCLUDING COMPLETE MIX TANK 2 DURING THE PROCESS OF CLEANING AND GRIT SLUDGE DISPOSAL OF COMPLETE MIX TANKS 1 AND 3.

(Introduced by Mayor Gillock)

Moved by Johnson and seconded by Butkowski to dispense with the second and third readings for T 144-2015.

President Corcoran: Are there 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 T 144.

Moved by Johnson and seconded by Butkowski to add the emergency clause to T 144 due to the fact the company is already onsite and will result in a savings.

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

Yes – 7

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: The motion passed unanimously and becomes **Ordinance number 5292-2015.**

Yes – 7

No – 0

President Corcoran: That is the end of first readings. Moving on to second readings, we have T 126.

**SECOND READINGS:**

Clerk of Council Smith:

**T 126-2015** AN ORDINANCE CREATING A PENALTY IN N.R.C.O CHAPTER 1294, SUPPLEMENTAL REGULATIONS, FOR FAILING TO CALL FOR BUILDING INSPECTIONS.

(Introduced by CBO Guy Fursdon; Referred to B&L on 08/17/2015; B&L on 09/08/2015; Report accepted on 09/21/2015; First reading 10/05/2015)

President Corcoran: T 129 Amended.

Clerk of Council Smith:

**T 129-2015** AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED  
**Amended** ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO REZONE THE FOLLOWING LAND: LOCATED AT THE INTERSECTION OF MEADOW LAKES BLVD. AND CENTER RIDGE ROAD; PERMANENT PARCEL NUMBERS 07-00-040-000-005, 07-00-040-000-015, 07-00-040-000-018, 07-00-033-102-024 AND 07-00-033-102-025 (AS SHOWN BY LEGAL DESCRIPTION ATTACHED); FROM B-2 CENTRAL BUSINESS DISTRICT AND R-1 RESIDENCE DISTRICT TO R-2 MULTIPLE RESIDENCE DISTRICT AND OWNED BY RIDGE MINERALS, LLC.

(Introduced by petition of Ridge Minerals, LLC on 08/11/2015; Referred to PC and B&L on 08/17/2015; B&L on 09/08/2015; PC on 09/10/2015; Both reports accepted on 09/21/2015; First reading 10/05/2015; Amended by substitution 10/05/2015)

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

**THIRD READINGS:** None.

**MEETING ANNOUNCEMENTS:**

President Corcoran: The next regular Council meeting will be on Monday, November 2, 2015 at 7:30 P.M. in Council Chambers.

**LOBBY (Q&A - REGARDING ANY CITY BUSINESS):**

President Corcoran: This is our second lobby session of the meeting. This is your opportunity to address Council and the administration on any items of concern within the City. If you would like to address Council, step up to the podium and state your name and address for the record. Is there anybody that would like to address Council this evening?

Jerry Armstrong, 34687 Plantation Place: asked for an Ordinance number regarding election signs. He stated he didn't need to know the answers tonight. He also asked for the Ordinance number for noise, specifically regarding dogs.

**ADJOURNMENT:**

President Corcoran: Thank you for coming. Seeing no other business, this meeting is adjourned.  
The meeting was adjourned at 9:15 P.M.

Approval of minutes:

A stylized handwritten signature, possibly reading 'K-E', enclosed within a circular loop.

PRESIDENT OF COUNCIL

A handwritten signature in cursive script, appearing to read 'George E. Linnick'.

CLERK OF COUNCIL

We have just completed the modification to the West Point Weir. The primary orifice was reduced by half and the height of the weir was increased by 18". Reducing the orifice size reduces the flows permitted to continue downstream and raising the height increases the amount of water that can be stored and released later. Completing this first step alone in our multi step plan will provide an additional 11 million gallons of storage at the West Point Basin and more importantly reduce the base flood elevation 6" in the Pitts Gina area. While we are happy to have completed this first step we look forward to executing our complete plan and further addressing drainage issues in North Ridgeville.

