

NORTH RIDGEVILLE CITY COUNCIL  
MINUTES OF REGULAR MEETING AUGUST 18, 2014

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

President Corcoran: Calling to order the Monday, August 18, 2014 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, Bernadine Butkowski, Roseanne Johnson, and President Kevin Corcoran.

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

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

President Corcoran: You have before you the Council meeting minutes of August 4, 2014. Are there any corrections to those minutes or any objections to approving them? Seeing none, those minutes are approved.

President Corcoran: Please note the Building and Lands Committee Minutes of August 4, 2014 and the Planning Commission Minutes of August 12, 2014.

**LOBBY:**

President Corcoran: That brings us to the lobby session of our meeting. This is your opportunity to address Council. It is not an interactive session. It is your opportunity to bring your concerns to Council. You'll have three minutes to speak on the topic of your choice and I have several names already who have indicated that they would like to speak tonight. First up with have JoAnn Demchak.

JoAnn Demchak of 7495 Noll Drive spoke of the sewage damage that occurred in her basement and asked that the City reconsider their decision to allow any additional use to the Becker lift station including the Bogner property.

President Corcoran: Thank you. Pat Wysocki.

Pat Wysocki of 7480 Noll Drive spoke regarding the sewage line on Aurensen in that it was installed more than 50 years ago and expressed her opposition to allow the Bogner property to tie into the old sewer line and suggested that they tie into the westerly.

President Corcoran: Ana Wismer.

Ana Wismer of 34934 Northview Circle spoke her opposition of the Lorain Road sanitary sewer extension for the Harvest Ridge Church and pleaded Council to hold off on their approval until the sewers are fixed.

President Corcoran: Thank you. Robert Clancy.

Robert Clancy of 36323 Behm Drive spoke regarding the water problems and the lack of watching over land owners who may be in violations of city laws. He noted repairs the city has made to correct drainage issues in his area. He suggested the city clean the ditches on a regular basis. He also suggested that the newly proposed building on Center Ridge be made to tie into the westerly sewer instead of the failing one no matter what deal was made in the past.

President Corcoran: Thank you. Joanne Clancy.

Joanne Clancy of 36323 Behm Drive spoke regarding the decisions of the city's leadership pertaining to laws not being enforced and asked numerous questions regarding why variances are given throughout city.

Marilyn Padley of 36450 Aurensen Road questioned why the city is allowing the new building on Center Ridge to be tied into a 50 year old sewer line when there is a new sewer line across the street from this facility and asked her question to be answered.

President Corcoran: Not at this meeting but if you would like an answer to that question, then you'll have to talk to the Engineer. Is there was anyone else that would like to address Council this evening? Seeing none, we'll move onto the Administrator's reports. Mr. Mayor.

#### **ADMINISTRATORS REPORTS:**

**A. Mayor:** Thank you, Mr. President. I have two to three things to go over with you. First, you have before you an ordinance at your desk amending ordinance number 5130-2014. It authorizes the increase of the expenditure of funds for the relocation of the multiple cell tower communication apparatus by increasing the not to exceed amount from \$87,000 to \$105,000. As I explained to some of you earlier, the cell tower company is giving the city \$18,000 to be used for the cost of installing antennas and equipment on the tower which is not part of our original cost estimate. It is not an expenditure to us. It is an expenditure that they are paying for so we are just passing the money through. It comes to us and we have to spend it for this use, but to do that we need to increase the amount on this ordinance.

Moved by Mayor Gillock and seconded by Olesen to suspend the bylaws to ask the Clerk to give this ordinance a T number and to add that ordinance to the agenda under first readings.

Clerk of Council Smith: We will assign T 90 to that ordinance.

Mayor Gillock: 9-0?

President Corcoran: 9-0. Any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7            No – 0

Mayor Gillock: Thank you. The second issue I want to address has to do with the city's water supply and with all the publicity in Toledo with the bloom in Lake Erie, which often does reach this area, as it has in the past. I had questions myself about the safety and quality of our water. So, I contacted our two major suppliers. We get most of our water now from Elyria. We used to get it from Avon Lake. We still get water from Avon Lake and I contacted them both and I just briefly want to tell you their response. Elyria stated that the city of Elyria is very concerned as they supply over 125,000 residents. The threshold level in Ohio is 1 UG per liter or above and they do nearly continuous testing and their samples have basically non-detectable levels and they continue to test our waters as well as the Huron and Sandusky area and if they detected a problem moving east, they could take proactive measures. Elyria's lab is one of the few in Ohio that is licensed to perform raw and finished water analysis and all the tests are posted on the Ohio EPA's website. In addition, they are finalizing their annual emergency plan that is required by the EPA, which will incorporate this problem as well as frazil ice scenarios. I am satisfied and confident that Elyria is certainly watching for this and is capable of addressing this should it come this way. Avon responded that they regularly receive emails from the NOAA that tracks it. That update is one of the ways they watch the algae situation. They are in regular contact with the Ohio EPA and they form algae counts and analyze their own microsystems in their own laboratory. Occasionally they increase the carbon dosage to be prepared if the blooms should grow or migrate and they do have the ability to further increase the carbons should the need arise. They also monitor various chemical parameters in the water quality and adjust the water accordingly. They are committed to providing safe, healthful drinking water. They want to reassure us that they are very closely watching and responding to Lake Erie's water quality to make that assurance. I think that is good news and it is something we want to stay on top of, but I believe both of our water suppliers are competent, capable and are watching the situation.

The last thing I want to mention and it might be a little early, but I want to make residents aware of this and it will be on our website. I received a letter from the yellow pages, the people that distribute the phone books that you will find laying on your lawns and porches and they wanted to notify us that first; the yellow book is 100 percent recyclable. The book can be put in the recyclable and they will start delivering these during the month of October; specifically October 6 through November 6. If you get it and you don't want it, you can recycle it. In addition, there are two websites that we can give you that are on our website where residents can opt out of receiving the yellow pages. You can go to [www.yellowpages.optout.com](http://www.yellowpages.optout.com) and you can opt out from receiving those phone books in the future. There is also information under [www.recycleyellowbook.com](http://www.recycleyellowbook.com) about how those can be recycled. We will have this information on our website. So, if you get these phone books and you don't want them, there is a way of getting rid of them and they won't be an eyesore in the city. Thank you, Mr. President.

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

**B. Safety-Service Director:** Thank you, Mr. President. We continue to move forward on the evaluation and the improvements to the sanitary sewer system in North Ridgeville. Tonight, we had a Utilities Committee meeting which the Utilities Committee approved the moving forward of T 85, which is the study of sub basins 5,6,7, and 8, which those do include Aurensen. This was planned this way, several months ago and long before the storm as to what basins were going to be studied. In fact, last year, we attempted to put forward that study which was \$146,000 but actually found a short in the funds at that point. With the new rates coming through in August, and the introduction of T 85 two weeks ago, the Utilities Committee has now recommended that we move forward on that. The EQ basin, which has been talked about over the last several years, is also moving forward. The Utilities Committee tonight approved to move forward on the study of the EQ basin. North Olmsted has 1.2 million stored underground and I think another one is at 1.5. I may have missed that a little bit, but it has substantially helped that community. The City of Lorain is putting in one now that is 100 feet deep and the City of Cleveland has put several of these in to handle storm events. That project is also moving forward. As to the ditches, we have in the last several years cleaned over ten miles of ditches in the City of North Ridgeville. We have to track hoes that are out eight hours a day and they are dedicated to ditch cleaning. We are doing our job in that standpoint and unfortunately, and quite honestly, I've been at the end of Aurensen and it looks great back there. It has been that way a long time and I know it now flows and now we have to take it from there down to Maddock Road, which will take some tree cleaning to get down there, but we plan on doing that. That completes my report.

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

**C. Engineer:** Thank you, Mr. President. Work is underway in Manchester Circle on a water line replacement. This project will replace an aging eight inch water line that is prone to breakage, with a new eight inch line that will be on the same side of the street. Some sidewalk and drive aprons will be removed and replaced. Notices were sent out to home owners in advance notifying them of the planned water line and the project is expected to be completed by early October. That completes my report.

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

**D. Auditor:** Thank you Sir. Council should have received the July 2014 Written Financial Report and I have no comments to add tonight.

President Corcoran: Thank you Mr. Costin.

**E. Other Reports:**

President Corcoran: Other reports, we have the July 2014 Police Support Car Report. We have a Council Committee report.

**COUNCIL COMMITTEE REPORT(S):**

Clerk of Council Smith:

**BUILDING AND LANDS COMMITTEE REPORT** dated August 4, 2014 which recommends City Council adopt T 76-2014 as amended.

Moved by Olesen and seconded by Keenan to accept the Building and Lands report.

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

Yes – 7

No – 0

President Corcoran: That report has been accepted. There is no correspondence or old business

**CORRESPONDENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

President Corcoran: Moving on to new business. We have several items from the Planning Commission.

Clerk of Council Smith:

**Planning Commission recommendations from meeting held August 12, 2014:**

**APPLICANT:** Jim Kilby, 35296 Chestnut Ridge Road

**OWNER:** Harvest Ridge Church, 35600 Lorain Road

**REQUEST:** Approval to extend Lorain Road Sanitary Sewer

**LOCATION:** 35600 Lorain Road in an R-1 District

Permanent Parcel No. 07-00-024-101-109

APPLICATION WAS POSPONED AT THE JUNE 10, 2014, REGULAR MEETING

**PC ACTION:** Approved by a vote of four yes and one no.

Moved by Olesen and seconded by Johnson to accept the Planning Commission report.

President Corcoran: Are there any comments or questions?

Councilman Boose: Mr. President, I spoke with the Law Director before the meeting and in the several items that Planning Commission had presented us for review this evening, three of the items have the incorrect owner listed. This is one of them. The owner for the proposed change says Harvest Ridge Church. It is actually Harvest Ridge Assembly of God and I just wanted to

make a note of it for the record so that the record reflects the correct name. The parcel number indicated on the Planning Commission request is correct.

Councilwoman Butkowski: Mr. President, I cannot see how we can pass this here tonight because we already have problems with that sewer line and we certainly can't be adding, I believe, 20 homes and the church into that line. We are just creating more problems than what we already have to add this to such a shallow line. They are going to be right at the end and they are never going to get in it. I don't understand why we are creating another Pitts Boulevard.

Councilman Arndt: Mr. President, I do have a belief that we have an opportunity here to add more sewage at least the lines to our community. I think as we find ourselves in the 21st century, that does indeed make sense and yet I have to tag onto what I heard Councilwoman Butkowski speak to is there is a concern, at least in my mind, of the additional charge into the system and I also have a concern where we obligate 21 homes and two or three businesses to tap into this because quite frankly, we don't know whether their septic systems truly or functioning or not; having been on one of those myself. Once they are tested, you find off times that they aren't working properly and I for one would ask is there is a possibility that this could be postponed until either one or both conditions such that we see the enhancement and improvement in the sewer septic system and or we test also the existing systems right now.

Mayor Gillock: Mr. President, first I will say that it has always been our goal and objective to add sewers as Dr. Arndt mentioned. We want sewers in the city and think that they should be added. Often times when we ran into situations like this, we find out that they are not working. We ran into this on Dyke under a similar situation and if I remember right, out of 23 units down there, we found out 18 of them were not working. We were placed under orders and findings by the Director of the Ohio EPA to install sewers. We did not have a choice there and it was very expensive. Having said that, I don't think it would be difficult to get the Health Department because they are the ones that enforce this to survey those 20 homes and three businesses to see what the situation is down there. I think that is a good recommendation that if we find out that the majority of them are not functioning, we should go ahead with this and if they are all in great shape and properly maintained, then maybe we can look at other situations, but I think we could accomplish that very simply.

Moved by Arndt and seconded by Boose to postpone action on this recommendation until such time as the city has an opportunity to discuss with the Health Department whether these systems would be affected by this extension are working properly or not.

Councilman Keenan: Mr. Chairman.

President Corcoran: Yes, Mr. Keenan.

Councilman Keenan: Like everybody, I've come prepared for this issue and I realize it is a hot issue, but I think I should share my thoughts with the people who are listening. I believe it is in the city's best interest to extend sanitary sewer. In this case, the city is the people who front on

that line and that is about the extent of it because the line is not going beyond the frontage. So, the question I weigh is are the residents benefiting or being harmed by the installation of that line and then I weigh, well, if the septic system in fact works why take on the risk of tapping into a system that may not work fully and why take on the cost at this time. So, as I sit here without the information as to whether or not that septic system is actually working without harming the neighborhood, by putting in pollutants that shouldn't be there, I definitely in favor of not moving forward with this.

President Corcoran: Would anybody else like to chime in on this?

Councilman Olesen: Just one comment. I like Mr. Arndt's comments on this and would go along with this 100 percent. I want to make one point though however, I think one thing that we have to remember in this city, is that flooding is caused by storm water infiltration and not by sewer systems and this is something that we have to look into in the future also. Mr. Armbruster listed some of the opportunities that we are looking at right now to fix our system and if we fix the system, we may fix the sewer problem in this city. We have to think about that too. You're right, the master plan says that we should sewer Lorain Road as indicated on this ordinance, but the plan offered by Dr. Arndt, I'm in favor of it and I will go along with it too. So be it.

Councilman Boose: Mr. President, everyone else has spoken and I'd like to make my comments.

President Corcoran: Go ahead.

Councilman Boose: I too have thought about this long and hard and we have told you over the past several months that we have listened to your cries for help for the flooding situation and I find it hard for me to sit here and look you in the eye and say I'm listening to you and not move forward with this. I do not believe that I would be in favor of anything new to the system that has not already been approved. There is already plenty of developments that have already been approved that we have to allow because we have done that, but in this case, this is a new procedure and because I have not been given any evidence that any of those septic systems are not working and because of that I cannot sit here and look you in the eye and tell you that this is a good project as it stands. I understand and the Engineer will tell you that the amount of sewage on an average per day of what a household puts into the line on a dry day is insignificant to the overall issue, but I can tell you this, I do not one more gallon of sewage going down that line that ends up down Jaycox that ends up going out to French Creek until we fix our problem. Until we have come to at least having a good handle on it that we are in the process of fixing it. Until that time, every gallon counts. So, I will be voting in favor of the postponement.

President Corcoran: Anybody else? On the motion to postpone action, all those in favor say yes. Those opposed say no.

Yes – 7            No – 0

President Corcoran: Action is postponed.

APPLICANT: Chris Taylor, Pikeview Materials, LLC, 7719 Race Road  
OWNER: Race Road, LLC, 37000 Center Ridge Road  
REQUEST: Approval to operate existing temporary structure as a permanent facility and to install additional asphalt pavement in an I-2 District.  
LOCATION: 7719 Race Road in an I-2 District.  
Permanent Parcel No. 07-00-034-000-134  
APPLICATION WAS POSPONED AT THE JULY 8, 2014, REGULAR MEETING  
PC ACTION: Approved by a vote of three yes and two no.

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

President Corcoran: Are there any questions or comments?

Councilman Olesen: Yes, Mr. President. If I said this wasn't a hot potato, I would be lying to you. It is a hot potato where we have a situation where the owners of this property were almost unable to communicate with our Building Department and Engineering Department. Both had a difference of opinion as to how this property was being used. The owners thought it was a temporary facility and the city's Building Department thought it was a permanent facility. There was a meeting of the minds and it was found that this is not the first time this business has been operational long before the current owners. Concrete crushing has been there for a long time and what the owner of this property hopes to do in the long run is to turn this into an industrial park eventually. This is a side business until that can happen. Over the last several months or so, city officials have looked at this business from different perspectives and have placed a variety of different requirements on this business. The applicant has expressed a willingness to do a lot of these things that we have asked them to do; to deepen the ditch on the property to allow for additional capacity to prevent flooding and as of today, two trailers were removed from that property. Two eyesores that people complained about. One had advertising on it and they are gone. Agreements have been reached to ultimately be reached to make the temporary building and making a facility that will include a bathroom in it that will be acceptable to the city and the EPA has been there and they have no problem with the business that is being conducted. It is an Industrial site and so, we have a choice to put a couple of people out of a job or do we let this business to continue as it is and make the improvements that were specified by the Building Department and the Engineering Department. EPA has inspected the site and they have made requirements and they will be there again to make sure that they are followed and they will be monitoring everything that goes on there. With all this in mind, I think that we have a business here that is probably trying to succeed. I don't think that they are making a lot of money at this point, but they are trying to succeed and they are trying to comply with the ordinances and the businesses and have long range plans to improve that site. I think that maybe they deserve another chance.

President Corcoran: Thank you, Mr. Olesen. Is there anybody else that would like to speak on this issue?



Councilman Keenan: Mr. Chairman. I would. I attended the meeting of the Planning Commission and I listened to the presentations and I read all the minutes and I find myself in a position where I will be voting no on this and it is an interesting situation I think because I think Race Road is purely industrial. I favor the use of a concrete crushing plant at that location and so, I am generally in support of a concrete crushing plant. What I find myself with severe odds with is the fact that it is a concrete crushing and recycling plant, but it is much more than that. It is a landfill site and frankly, I am pleased that the idea of it is to take a poor piece of property and turn it into a good piece of property; something that can be developed. So, you find no enemy in me in that idea. The problem I have is that I find this business has chosen not to submit a site plan and a grading plan over many, many years and we don't know what the site was when they started. We don't know what the site is today typographically and we don't know what they intend it to be in the future. It is my opinion that we would make anybody doing business in this town, give us grading plan, give us a landscape plan, tell us how we buffer, tell us how we are protecting our neighbors, handling the storm water etc. It is just a basic plan these are professional people who run this business. They know development and I find it hard to believe they are naïve. So, I will be voting no until I see a grading plan and an explanation of how did we get where we are today and we are you taking us in the future.

President Corcoran: Anybody else? It was moved by Olesen and seconded by Johnson to accept the Planning Commission's recommendation. Clerk, please call the roll.

Clerk of Council Smith: We have two yes and five no. The motion has been disapproved.  
Yes - 2                      No - 5 (Keenan, Boose, Arndt, Butkowski, Corcoran)

Clerk of Council Smith:

APPLICANT: Paul Pustay, Consultex Project Managers, LLC, 51300 North Ridge Road

OWNER: M&B Real Properties Holding, LLC, 36625 Center Ridge Road

REQUEST: Approval to construct a 5,067 square foot office building to be known as Greenlawn Professional Building in a B-5 District.

LOCATION: 36591 Center Ridge Road in a B-5 District.  
Permanent Parcel No. 07-00-028-103-124

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

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

President Corcoran: Any comments or questions?

Councilman Olesen: I think we have to look at this from a long range perspective and I think people in the audience brought this up. Mr. Bogner really donated the land to put the sewer in years ago. He received approval in 2003 to extend that sewer the way it was supposed to go, which was to a new business that he had planned ten years ago. The business is now coming to fruition and his building is closing. The midtown building next to the Middle School is closing

and will be demolished. Some of those tenants want to stay in North Ridgeville. They want to go to that new building and now, what has happened in doing this, he is actually reducing the sewer capacity from about 6,000 to 5,000 because not all of the tenants will fit into this smaller building and not all of the tenants are coming over. I'm not sure if anybody has seen a picture of the building or if anyone was at that meeting to look at it, but it's a beautiful building and it is a sister building to the funeral home. It is a nice addition to our city and here is an individual who has planned for ten years or more as to what the future of his business would be and donated to the city the land that you all are using as sewers, which is now a station for pumping. That was the land that he gave to the city with the hopes that he could be connected to it someday. He was connected as the funeral home is connected and then another building was to be built and that is what we are looking at today; the office building to house businesses that are already existing in our city and they're not going to take as much capacity as the old building did. I think this is a win, win situation for the city and I will repeat again that sewers don't flood the city, water does that gets into the system and that is what we have to fix and that is what we are working on right now.

President Corcoran: Is there anybody else who would like to comment?

Councilman Boose: Mr. President, just a note that this is the second of the three requests before us from Planning Commission that has an incorrect owner listed. The owner listed on our reports is M&B Real Properties Holding, LLC and the correct legal entity and owner of the property is Greenlawn Professional Building LLC. Again, the permanent parcel number is correct. Just wanted to note for the record what the legal owner is. Thank you.

Councilperson Butkowski: Mr. Chairman, while this building, Mr. Bogner's building is going down and this will be a smaller amount of sewage going into the pumping plant, now this building goes directly into the pumping plant. If it is built over where Mr. Bogner's funeral home is it will go down to Aurensen and it will go back up Route 83. So, even though it is less, it is putting more water into a sewage line that is causing an immense amount of problems, backup's every time it rains and we can't have any more water in a line that isn't working properly. He has the westerly line running right in front of that facility. I don't care if a deal was made 15 years ago. Maybe it was made 15 years ago. There weren't problems down on Aurensen at that time and why I sold him that property to put his little sewer line in there I was never told that anything more than his funeral home was going in there, but who knows, I wasn't told the rest of the story apparently. I don't care about that now; it is just the fact that we can't put more water in a line that is not working. He can go into the westerly's and he can have his building. That is fine; I don't have a problem with his building. It is where he is putting the sewage.

Councilman Keenan: Mr. Chairman and to the people of Aurensen, Noll and Behm. They know I am not with them on this. I have had many conversations on this with them. As much as I want to be there for you, I feel you are wrong. So, I am going to be voting yes, but here is why. The five office suits will general some amount of sewage. I grant that, but the volume of that pipe in the ground is so much greater than any water that is going to go into it. You, in fact, have

been benefiting for years with extra storage capacity under the ground; inside that pipe. Every time you get backup, that backup is going to surge up that pipe. It is a relief valve for you. That is the fact in the way it works. It is an open pipe and so when the pipe on your street surcharges it is flowing back up to some extent and I can't tell you what that elevation is, but it is certainly a storage reservoir for you today. Do I think it is fair that Mr. Bogner gets to benefit from the pipe he paid to install and that he had the city's approval several different times; written approval that he had to tap into his own line that he paid 100 percent for. Do I think that is fair? The answer is yes. Do I think that it is great that you benefit from the extra storage capacity that he put in for you? Yes, I do. But, I will not be voting no for Mr. Bogner to put 5,000 square feet of office building into it. However, I do want to appeal to Mr. Bogner and this Council that in the event that the city does have the opportunity to study going to the north and making that connection at no penalty in time or money to Mr. Bogner's business that he allow us that time to study and see if we can figure out a way to keep it out of the Aurensen sewer. I think Mr. Bogner will accept that because it is of no default. This man has paid over \$90,000 to put that sewer in and he is now asking to be given the right to do what he has been promised would be given to him because he paid for it. It wasn't a good ole boy handshake. This was paid in cash and he gave land and he gave money and he did things. In fact, the second time and I think it needs to be said, the second time back in Savannah Estates, when the Savannah Condos were put in, which I live in, we have a four inch forced main coming out of our 130 units. That four inch force main rain into the Becker lift station. Mr. Bogner came back to the city through business ventures and said hey, I'm ready to put my units in there, can I have it and he was told no. You know what; the Savannah people took your capacity. He stated he already paid for that, but his situation worked out where Mr. Bogner again stepped up and he paid to have the Savannah four inch force main cut and capped and rerouted to the westerly. Now, those 130 units, which I live in, run to the westerly and don't go into the lift station any more. That is a lot of capacity returned to him so that now he could do the development he had been promised and bought and paid for twice before. That is why I will be voting for this, but at the same time, I want to look at Mr. Bogner and give him the opportunity to respond that if the city gives you the approval, will you give the city back time, if it doesn't cost you money and it doesn't cost you construction delays, would you give us that time to work out a solution. Mr. Chairman, I'm done.

David Bogner: May I address Council?

President Corcoran: Please.

David Bogner of 34944 Sean Drive: To speak directly to your question. I have had my engineer take a look at trying to get to the westerly and we've always had the sewer. We have been promised it. We paid for it twice, but in the essence of trying to be a good neighbor, we did try to look at going to the westerly and it was cost prohibitive, but if the city can find out a better way to do it, he would have no objections to that. We have always tried to be good neighbors and we would like to be able to continue to do that. To speak to another fact of how we are being good neighbors. We are providing storm water retention in a situation where we are less than an acre. It is not required for them to do that, but we are spending a lot of money to provide

water retention because we want to be good neighbors and we want to make sure that this has a positive impact on our community and not a negative one. Thank you.

Councilman Arndt: Mr. President, my final thoughts about this because they do echo Mr. Olesen's comments and Mr. Keenan's comments aside from the fact that it is a beautiful facility, there is a reality that we are preserving businesses that currently exist in the community and when we think about our tax base we are constantly looking for additional business revenues for which they are providing that opportunity and I heard a comment made tonight that deals made in the past should not be binding. I take umbrage with that because when those kinds of agreements are made between two entities I believe they need to be carried to fruition. So, I will be voting to support this tonight.

Mayor Gillock: Yes, I just want to recap some of the dates and echo some of what Council members have said because I certainly think this was important. Back in 1985, the Bogner family granted an easement to the city for the lift station that is at Route 83. At that time, part of that agreement and I agree with Dr. Ron, was that all the Bogner property would be sewerred into that lift station. In 1994 the purchased a strip of land at the west end of Aurensen granting them the rights to tie into the Aurensen system. In 1997, they obtained Engineering permits to put in an eight inch sewer from Aurensen to the funeral home. The sewer was inspected and accepted by the city and the sewer was to provide service to all the adjacent properties that Bogner owned. In 2003, they extended a six inch sewer to the east side of Greenlawn. In 2004, Savannah came online, which added to about 130 new homes to the Becker lift station and later, I don't have a date, but I believe it was 2006 that we proposed with the city and Bogner, which Mr. Bogner paid most of the cost to remove those 130 some units from the Becker lift station. The city paid a small part thereby freeing the lift station capacity once again for the Bogner properties to meet these agreements that have been made over the years. Right now only the funeral home is tied in. If we tie in the new office building and I think it is important to realize that this is replacing another building that exists that is there now that the capacity on the lift station will be less and I really don't believe those five toilets operating from Monday through Friday during the day is going to have any impact on the Aurensen system at all. I think what Terry had brought up is also very important and that is going to provide additional storage capacity when it backs up and it may ultimately help the Aurensen sewer system. I think it is important that lastly, when we looked at the westerly sewer on Center Ridge Road it is not immediately accessible and by our estimation it would cost at least \$50,000 to run a line to the closes manhole and when you compare that as part of the cost of this building, I can understand why it is cost prohibitive. So, I would recommend that this be approved. Thank you.

Councilman Boose: Mr. President, if no one else wants to speak, I would like to have my chance to speak.

Councilperson Butkowski: I wanted to speak again too.

President Corcoran: Roseanne, did you have something you wanted to say?

Councilperson Johnson: It is pretty self explanatory.

President Corcoran: Mr. Boose, go ahead.

Councilman Boose: Thank you as I spoke earlier on the other issue, I said I have a difficult time looking you all in the eye and telling you that I would move forward on things that are new. I have to tell you that I have to look you square in the eye and I have to look Mr. Bogner square in the eye too. Because, as we have talked about, he has paid for that sewer twice. He has made all his commitments. There is storage capacity in the pipe and he is building additional storage capacity on the property with this new building. We need to honor those commitments. He has done everything that the city has asked and more and again, to look you square in the eye and tell you that I am going to be voting in favor of this project; because I think it is going to be good for the city. Thank you.

Councilperson Butkowski: Mr. Chairman. That line is in there now. So, if it is there is storage capacity in there, apparently when we have been flooding down there, which storage capacity isn't big enough for the problem that is down there because they are getting sewage in their houses now and if their storing in that line, than it is not big enough. It is not working because they are getting sewage in there and it keeps increasing the amount of people that are getting sewage in their line and that line has been in there ever since that funeral home has been built and so if there was storage in there, either it is not working because it is going uphill or it is not enough. I will be voting no on this project.

President Corcoran: Anybody else that would like to speak a second time? The original motion was made by Mr. Olesen and seconded by Ms. Johnson and now we are the point of voting. Clerk, please call the roll.

Clerk of Council Smith: With one no vote the motion passed and is approved.

Yes, 6            No, 1 (Butkowski)

APPLICANT: Robert D. Yost, Sandy Ridge Development, 360 S. Logan, Elyria, OH 44035

OWNER: Same

REQUEST: Approval for conditional use in a B-3 District to construct single family homes.

LOCATION: Fowlers Run in a B-3 District  
Permanent Parcel No. 07-00-039-000-079

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

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

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

Yes – 7            No – 0

APPLICANT: Ridgeville Wash Wizzard, 35630 Center Ridge Road  
OWNER: Same  
REQUEST: Approval to construct a 760 square foot addition to existing structure in a B-3 District.  
LOCATION: 35630 Center Ridge Road in a B-3 District.  
Permanent Parcel No. 07-00-021-103-020  
PC ACTION: Approved by a vote of five to zero with condition that the music is turned off by 9:00 P.M. each night.

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

Councilman Boose: Mr. President, just a comment. Any one that has been around town for a while remembers the disrepair that this place was in just three or four years ago. This is a great example of reinvestment in our community. The current owners have done a lot of work on it and here is some more work that they are doing. It is just nice to see that business owners feel good; as good about our City as possible that they are putting back into their business for our use and enjoyment. I think this is a great example. Thank you.

President Corcoran: Anyone else? I will note that the music had been on 24/7 and so this condition will at least turn off the music at 9:00. So people will get some relief in that area.

Councilman Olesen: The owner of this is very receptive to any comments from the Planning Commission made and for what Mr. Boose said, I agree with him whole heartedly. They have made this business so much better and have improved it so much that I am really thrilled by it.

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

APPLICANT: Tim Hinkle, GreenQuest Development, LLC, 36097 Westminister Avenue  
OWNER: Same  
REQUEST: Final plan approval for Phase 3 of Northborough Senior Citizen Planned Residential Development  
LOCATION: Route 83 and Mills off Bridgeport Drive in an R-1 District with conditional use as Senior Citizen Planned Residential Development  
Permanent Parcel No. 07-00-030-000-127  
PC ACTION: Approved by a vote of five to zero.

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

President Corcoran: Any questions or comments? All those in favor say yes. Those opposed say no.  
Yes - 7            No - 0

APPLICANT: Bob Yost, Millridge Development, LLC, 38642 Center Ridge Road  
OWNER: Same  
REQUEST: Preliminary Plan approval for Millridge Subdivision  
LOCATION: South side of Mills Road; East of Stoney Ridge Road and West of Avon Belden Road in an R-1 District  
Permanent Parcel Nos. 07-00-031-000-040, 07-00-031-000-061, and 07-00-031-000-062  
PC ACTION: Approved by a vote of four yes and one no.

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

Councilman Boose: Mr. President, this is the third and final notation for the record that the owner listed is incorrect. The listed owner is Millridge Development, LLC and the actual owner is Mill Ridge Subdivision LLC. Mill Ridge being two words. Again, the parcel number is correct.

President Corcoran: Anybody else?

Councilman Keenan: Mr. President, I would like to say something about this. For people who are listening about this development, this is a large development that fronts onto Mills and was approved a preliminary plat approval was done back in November of 2013. There was a change in partnerships of the development company and they came back with a new plan and I just wanted to highlight some of those things. It is a much better plan for the city. It takes the sewer to the west. So this development will go into the westerly. It provides a curb cut out to Stoney Ridge, which didn't occur before. It all existed onto Mills. There used to be six or seven cul-de-sacs within the development site and now there is only one, but one comment I would like to point out as well is this curb cut out to Stoney Ridge which I think is terrific, however, when it was laid out, there is some land on the north and south side of that extension to Stoney Ridge which could prevent curb cuts being made by adjacent property owners onto what to what will eventually become a publically dedicated road. So, I would like to call it to our attention and to the Engineer's attention that I would be looking for that plan to be adjusted so that in the final plat approval, there is no "double strip" that exists that would prevent an adjacent property owner from connecting into that dedicated roadway.

Councilman Olesen: Mr. President, the revised plan also had four less lots in it. So, there aren't as many homes that will be built as the original preliminary showed.

City Engineer Wangler: Mr. President, I was in contact with Bob Yost regarding the devil strip that Mr. Keenan mentioned and he has already been in contact with the adjacent home owner. That concern has been brought up and the developer is receptive to making that revision.

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

Yes – 7            No – 0

President Corcoran: T 88.

Ordinance and Resolution Submittals

Clerk of Council Smith:

**T 88-2014** AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF A 2.5 MEGA WATT DIESEL GENERATOR, AND A CONTRACT FOR INSTALLATION AND ANY OTHER APPURTENANCES FOR UPGRADING THE BACKUP GENERATOR AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$1,925,000.00.  
(Introduced by Mayor Gillock)

President Corcoran: T 89.

Clerk of Council Smith:

**T 89-2014** AN ORDINANCE AMENDING N.R.C.O. CHAPTER 880 EARNED INCOME TAX BY ADDING A DEFINITION FOR "PENSION".  
(Introduced by Mayor Gillock)

Mayor Gillock: Mr. President, just by way of explanation and the Auditor could do a better job than I can, but this ordinance has been requested by R.I.T.A. as a clarification in our definitions to exclude pensions as earned income under our tax ordinances. This is requested by R.I.T.A. Was I close Chris?

Auditor Costin: Yes.

President Corcoran: Thanks Chris.

Councilman Arndt: I just wanted to make sure I heard that correctly and that was to exclude pensions from earned income. Is that correct?

Mayor Gillock: Correct.

Councilman Arndt: Exclude, e x c l u d e.

Mayor Gillock: Exclude.

Councilman Arndt: Okay, I just wanted to be clear.

President Corcoran: Thank you. That is the end of new business. We are at the recess portion of our meeting. Would anybody like a recess this evening?



**RECESS:**

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

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

Yes – 7            No – 0

President Corcoran: Moving on now to first readings. We have T 83 up first.

**FIRST READINGS:**

Clerk of Council Smith:

**T 83-2014**    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 Mayor Gillock)*

Moved by Mayor Gillock and seconded by Olesen to dispense with the second and third readings for T 83.

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

Yes – 7            No – 0

Moved by Mayor Gillock and seconded by Olesen to adopt T 83.

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

Clerk of Council Smith: Measure was approved unanimously and it becomes **ordinance number 5161-2014.**

Yes – 7            No – 0

President Corcoran: T 87.

Clerk of Council Smith:

**T 87-2014**    AN ORDINANCE APPROVING THE FINAL PLAT OF NORTH RIDGE POINTE, NO. 1 FOR RECORDING PURPOSES ONLY.

*(Introduced by Mayor Gillock)*

Councilman Keenan: Mr. President. I believe that should read phase number one and I think that is important since that is a large development and it is just the first phase that is being approved.

President Corcoran: Yes, that is correct.

Councilman Keenan: Should I make a motion to amend the ordinance?

President Corcoran: We're good.

President Corcoran: T 90.

Clerk of Council Smith:

**T 90-2014** AN ORDINANCE AMENDING ORDINANCE NO. 5130-2014, WHICH AUTHORIZED AN INCREASE OF THE EXPENDITURE OF FUNDS FOR THE RELOCATION OF THE MULTIPLE CELL TOWER COMMUNICATION APPARATUS, BY INCREASING THE "NOT TO EXCEED" AMOUNT FROM \$87,000.00 TO \$105,000.00.

*(Introduced by Mayor Gillock)*

Moved by Mayor Gillock and seconded by Boose to dispense with the second and third readings tonight for T 90-2014.

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

Yes – 7            No – 0

Moved by Mayor Gillock and seconded by Boose to adopt T 90.

Councilman Keenan: Mr. President, would this be appropriate for the emergency?

President Corcoran: Yes.

Moved by Mayor Gillock and seconded by Boose to add the emergency clause to T 90 for the health, safety and welfare of our residents.

Mayor Gillock: The reason for the emergency clause is that this is a new tower that our Police and Fire equipment are on. The old one is not in good condition and this will improve the quality of our cell tower communications for our Police and Fire and so, basically for the health, safety, and welfare of our residents, we need to get this done as quickly as we can.

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

Yes – 7            No – 0

President Corcoran: It was moved and seconded to adopt T 90 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Clerk of Council Smith: Measure passed unanimously and it becomes ordinance number **5162-2014**.

Yes – 7            No – 0

President Corcoran: Moving on to second readings. First we have T 77.

**SECOND READINGS:**

Clerk of Council Smith:

**T 77-2014**    AN ORDINANCE AMENDING ORDINANCE NO. 5146-2014  
MAINTENANCE TECHNICIAN PAY SCALE TO CORRECT AN  
ADMINISTRATIVE ERROR.

*(Introduced by Administrative Committee; First Reading 8/4/14)*

Councilman Arndt: Mr. President, any reason why we wouldn't want to adopt this tonight just to clear the docket because this keeps showing up.

President Corcoran: I don't believe that there is any problem with that.

Moved by Arndt and seconded by Boose to dispense with the third readings tonight for T 77-2014.

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

Yes – 7            No – 0

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

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

Yes – 7            No – 0

Clerk of Council Smith: Measure passed unanimously and it becomes **ordinance number 5163-2014**.

Yes – 7            No – 0

President Corcoran: T 79.

Clerk of Council Smith:

**T 79-2014**    AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS  
LOCATED IN THE PIONEER RIDGE PHASE 8 SUBDIVISION AT  
WATERBURY, AND DEDICATING THEM FOR PUBLIC PURPOSES.

*(Introduced by Mayor Gillock; First Reading 8/4/14)*

President Corcoran: T 80.

Clerk of Council Smith:

**T 80-2014** PID NO. 97103 PROJECT NAME: BRIDGE INSPECTION PROGRAM  
SERVICES AN ORDINANCE COOPERATING WITH THE DIRECTOR OF  
THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM BRIDGE  
INSPECTIONS.

*(Introduced by Mayor Gillock; First Reading 8/4/14)*

Moved by Arndt and seconded by Johnson to dispense with the third readings tonight for  
T 80-2014.

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

Yes – 7          No – 0

Moved by Arndt and seconded by Johnson to adopt T 80.

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

Yes – 7          No – 0

Clerk of Council Smith: Measure passed unanimously and becomes **ordinance number 5164-  
2014.**

Yes – 7          No – 0

**THIRD READINGS:** None

**MEETING ANNOUNCEMENTS:**

President Corcoran:

- Next regular Council meeting on **Tuesday, September 2, 2014 at 7:30 P.M.** in Council Chambers. It is on  
a Tuesday due to the Labor Day holiday.

**ADJOURNMENT:**

President Corcoran: Seeing no other business to bring before the city this evening, the meeting  
is adjourned. The meeting was adjourned at approximately 9:10 P.M.

Approval of minutes:



PRESIDENT OF COUNCIL

