

**NORTH RIDGEVILLE CITY COUNCIL
MINUTES OF REGULAR MEETING MARCH 21, 2016**

CALL TO ORDER: 7:30 P.M.

President Corcoran: Welcome to the Monday, March 21, 2016 regular Council meeting.

INVOCATION:

Led by President Corcoran.

PLEDGE OF ALLEGIANCE:

Led by President Corcoran.

ROLL CALL:

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

Also present was Mayor G. David Gillock, Safety-Service Director Jeff Armbruster, Law Director Andy Crites, City Engineer Scott Wangler, French Creek Superintendent Corey Timko, Deputy Auditor Teresa Machovina and Clerk of Council George E. Smith.

MINUTES - Corrections (if any) and approval:

President Corcoran: You have before you the public hearing meeting minutes of March 7, 2016 regarding the Fate agricultural district. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

You also have before you the public hearing meeting minutes of March 7, 2016 regarding the Wensink agricultural district. Are there any corrections or objections to approving those minutes? Those minutes are approved.

You also have before you the City Council meeting minutes of March 7, 2016. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: We received the Civil Service Commission meeting minutes of March 15, 2016.

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

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

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

Yes – 7

No – 0

LOBBY (REGARDING AGENDA ITEMS ONLY):

President Corcoran: This is the lobby session. This is your opportunity to address Council. If you would like to speak on an issue, please approach the podium for the record. State your name and address. You will be given three minutes to speak. Is there anybody who would like to speak this evening? Ok then, moving on to the Administrator's reports. First, we have Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor: Thank you Mr. President. I have several things to mention this evening. First I want to start with T 22-2016 – an Ordinance authorizing the Mayor to enter into an option and ground lease with TowerCo – I would like to request that City Council consider approving this with the emergency this evening. The Ordinance allows me to enter into an agreement with TowerCo so they can begin construction of a cell tower way back in the rear of the Shady Drive Sports Complex. They want to get started so they can get it done with good weather. As part of the lease, the City will receive \$900 per month for the first year and the amount will increase by two percent each year thereafter. We would like to get that project started.

Great news, North Ridgeville once again ranked one of the safest cities in Ohio in two recently released publications by CreditMonkey and Backgroundchecks.org. North Ridgeville is once again ranked one of the safest cities in Ohio. You can visit the City's website for more information on these websites and see what other cities made the list. I want to thank our safety forces for their continued commitment to keeping our community safe.

For our fishing friends: the Parks and Recs Commission applied for and received a \$500 Step Outside Grant through the Ohio Department of Natural Resources to help offset the cost of the annual fishing derby. The grant dollars will be used to help pay for stocking of the lake at South Central Park for the annual Fishing Derby event which will be held Saturday, May 7th from 8:00 a.m. to noon. That is a well-attended event, so if you have young fisher people, put that on your calendar.

Very important – effective tomorrow, March 22nd, Lear Nagle Road between Lorain Road and Center Ridge Road will be reduced to 25 mph zone. The speed limit change will remain in effect while the Lear Nagle widening project is completed. The reason for the change is pretty obvious, but for the sole purpose of keeping our drivers and construction workers, as well as our residents and pedestrians in the area safe during the construction phase. If you have been through there, you really cannot get through there safely at a speed of more than 25 anyways. There is a lot of moving people over there and flaggers and turns into Floraline to get mail – it is just not safe. We are going to make it 25 mph and we will be watching it so be advised, you just can't go through there faster than 25 mph safely anyway. Be advised we are changing that effective tomorrow.

April 2nd will be Lorain County Shred Day. That will be held at the Lorain County Solid Waste District Collection Center at 540 South Abbe Road. It is free to Lorain County residents. There is a limit of five boxes or five blue grocery bags per vehicle. They will also be collecting

nonperishable food items for the Second Harvest Food Bank. That is a great way to get rid of a lot of different items that you might want to put in the trash. They will take paints; e-waste and you can find more about them on the Internet.

Tomorrow morning, 8:00 a.m. – 9:00 a.m. – Coffee with the Mayor in our conference room. If you have some questions you would like to ask me, show up and we will have coffee and have a discussion.

Finally, City offices will be closed this Friday, March 25th in observance of Good Friday. I would like to take this opportunity to wish everyone a happy Easter. Thank you, that concludes my report.

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

B. Safety-Service Director: Recently, I asked Paul Blanchette to update us on the dwellings and structures that are in a position to be demolished or fixed up and put in compliance for this year. If you remember, this past year, we demolished some homes due to blighting. We are again in the county's radar zone and presently at 33591 Mills Road; the county is set to demolish that house. At 7693 Maddock Road, the owner has hired an excavator to demolish all the structures on the sight. At 5864 Main, 5550 Broad and 7245 Case – we are currently working with the banks and new owners to bring them in compliance. If they don't come into compliance, then they will also be demolished. As well as 39325 Sugar Ridge Road is currently active and waiting for return of all the green cards to be mailed back. Those are the seven structures at this point that are at the end of their rope with regards to the Building Department and zoning to either be fixed and be put in compliance with the Ordinances of the City of North Ridgeville or set for demolition from the county's blight program. That completes my report.

President Corcoran: Thank you. Mr. Engineer.

C. Engineer: Thank you Mr. President. As you've seen, Digioia is working on Center Ridge Road doing the sanitary, progressing along really pretty well. We are coming to a pretty difficult part of the job where they have to cross Root Road. We had a meeting last week and collaborated with Mike Freeman, the Police Chief, Safety-Service Director, Jeff Armbruster and myself as well as the contractor and kicked around a lot of different options. Amongst the group that was there, we came up with a plan that we felt was the best way to execute this tough section. It is going to involve the closing of Root Road southbound for one day which they are working on ten hour shifts. We pushed that schedule to March 28th when schools are on spring break so we won't have bus traffic to deal with. Southbound traffic will be detoured. Northbound traffic will still be open and the police will be there to help deal with the traffic for the ten hours it is closed. That concludes my report.

President Corcoran: Thank you. Ms. Deputy Auditor.

D. Deputy Auditor: Thank you. Good evening Council. First of all you should have received your February 2016 financial report. The second item I have is T 21 which is the 2016 appropriation Ordinance for January through December of 2016. I am requesting that we adopt that this evening and pass it with the emergency as that is due by O.R.C. to be in the county's hands and on file by March 31st. The last thing I have is just to plan for the next meeting – we will have a few pieces of legislation for a bond issue that we have coming up soon. That concludes my report.

President Corcoran: Thank you very much.

E. Other Reports:

President Corcoran: We have the February 2016 Building Department report, the February 2016 Fire Department report, the February 2016 Support Car report and the February 2016 Water Distribution reports.

President Corcoran: There are no committee reports.

COUNCIL COMMITTEE REPORT(S): None.

President Corcoran: There is no correspondence.

CORRESPONDENCE: None.

President Corcoran: We have no old business.

OLD BUSINESS: None.

President Corcoran: Moving on to new business. We have T 19.

NEW BUSINESS:

Ordinance and Resolution submittal(s)

Clerk of Council Smith:

T 19-2016 A RESOLUTION TO APPROVE, WITH MODIFICATION, THE APPLICATION MADE BY JAMES W. & LORETTA A. KING REGARDING CERTAIN LAND OWNED BY THEM WHICH HAS BEEN DESIGNATED AS AN AGRICULTURAL DISTRICT BY THE OFFICE OF THE COUNTY AUDITOR.

(Introduced by Mayor Gillock)

President Corcoran: T 20.

Clerk of Council Smith:

T 20-2016 A RESOLUTION TO APPROVE, WITH MODIFICATION, THE APPLICATION MADE BY ROBERT SLUSHER REGARDING CERTAIN LAND OWNED BY HIM WHICH HAS BEEN DESIGNATED AS AN AGRICULTURAL DISTRICT BY THE OFFICE OF THE COUNTY AUDITOR.
(Introduced by Mayor Gillock)

President Corcoran: T 21.

Clerk of Council Smith:

T 21-2016 AN ORDINANCE PROVIDING FOR THE APPROPRIATIONS OF MONEY FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016.
(Introduced by the Finance Committee)

Moved by Johnson and seconded by Butkowski to suspend the By-laws to give T 21 a first reading this evening.

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 21 will have a first reading this evening. T 22.

Clerk of Council Smith:

T 22-2016 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN OPTION AND GROUND LEASE AGREEMENT WITH TOWERCO 2013, LLC.
(Introduced by Mayor Gillock)

Moved by Butkowski and seconded by Johnson to give T 22 a first reading this evening.

President Corcoran: Are there any comments or questions?

Councilman Boose: I have a couple of questions if I could, I couldn't tell from the information I received where exactly on the parcel the tower was going to be located.

Safety-Service Director Armbruster: The exact location has to be staked out. Without a lease, they can't go in.

Councilman Boose: I am sure it is the south end of the property, but is it the southeast or southwest?

Safety-Service Director Armbruster: The southeast corner.

Councilman Boose: The reason I ask is that the City has spent tens of thousands of dollars on that all-purpose field in the back there to the south of the property. Yes they have.

Safety-Service Director Armbruster: Oh, I know. I realize that, but it isn't in that area.

Councilman Boose: So my concern is how they access that property to make all that construction because you have the diamonds 10 through 13 that are right north of that location. You then have a small strip of property, very small, between the diamonds and the all-purpose field which has drainage and it has, again, tens of thousands of dollars put into that; how is that going to be accessed to build that?

Safety-Service Director Armbruster: When I say southeast, if you take the driveway straight back, it would be to the right in the southeast corner; that naked field back there.

Councilman Boose: Southwest.

Safety-Service Director Armbruster: Well, if you...it would be the southeast corner of the vacant field – how is that? It doesn't impact our fields in any way whatsoever.

Mayor Gillock: Mr. President, to my understanding, the tower will be all the way to the end and all the way to the east back in the corner. Right?

Safety-Service Director Armbruster: Not next to the fields.

Mayor Gillock: I know. We won't touch the four tot's fields or the multi-purpose field; however, if they that come in to play, TowerCo will be required to restore them to at least the same condition they were in before they came there. Our goal is to just keep them totally away from the existing fields and I think we can easily do that.

Safety-Service Director Armbruster: In fact, the Parks Director, Kevin Fougrousse, went out there with TowerCo and unfortunately I was unable to go with him, and placed it in a position that will have no impact, foreseeable impact, on the park for years and years beyond. He was adamantly involved in the selection of where that tower should go and for the future expansion of the park in itself. It brings \$900 a month for the Park Department – it does a great job.

Councilman Boose: Again, I was involved when we put a lot of money...just like many of the people have, worked on that complex for many years. We have come a long way to where that property was when we first started. I just want to make sure that we don't have action that is going to be detrimental to that area. In the exhibit and it is under item four – it talks about under the option to lease – it talks about an extension option and it indicates that the option can be extended for up to two additional periods of twelve months each by then paying \$500. Is that

\$500 for each twelve month period or \$500 for the total two year period? It doesn't specifically specify that.

Law Director Crites: May I Mr. President?

Councilman Keenan: Please just explain the option versus the ground lease.

Law Director Crites: It may be more technical than I am prepared to go into at this stage this evening. That being said, I would be happy to review it and get back to you later, but \$500 is the purchase price for the option. That is not a monthly...in order to exercise the option; you have to exchange the \$500. Councilman Keenan, what is your question?

Councilman Boose: My question is they have up to two twelve month options available to them after the first twelve months. It only indicates that they pay \$500. It doesn't say \$500 for each option. It just says \$500. My question is – is it \$500 for each option and if so, does it need to be reworded or is it \$500 for the two year option.

Law Director Crites: You are all looking at the paragraph four under option to lease? Allow me to take a look at it.

Councilman Boose: I don't like to scribble over \$500, but I would like to know now.

Law Director Crites: The way I read it, so it is one option. It is one option that has two additional periods. It is basically the way the drafter decided to state twenty-four months. Or, that could be interpreted to say you can extend the option twice for twelve months each time you would have to pay \$500. It is ambiguous language. That probably could be clarified if you feel necessary, but certainly we cannot clarify it this evening.

Councilman Boose: Okay, thank you. The pages aren't numbered so it is number fourteen b, it talks about in the event that utilities necessary to serve the equipment cannot be located within the premises which is the area we are leasing them, that we agree to reasonably allow the location in some other part of the parcel or property owned by us without acquiring additional compensation. Why would we do that?

Councilman Keenan: While you are looking at that, Mr. President, may I ask a question. Will this be a guide tower or not? No?

Safety-Service Director Armbruster: It will be a monopole.

Councilman Keenan: There is language in here under fourteen, second paragraph...in the event that a guide tower is constructed on the premises; Lessor also grants Lessee an easement in, over, across and through Lessor's real property during the initial term and any renewal terms of the lease. It matters if it is guide or not guide and how much land they are taking. We should strike that language.

Law Director Crites: If I may Mr. President, Councilman Boose, having a chance to look at that briefly – that is essentially a necessity clause. That basically means if something were to come to pass, that they lost the ability to have utilities service, it would completely defeat the whole essence and purpose of the lease. Therefore the lease would become worthless. The doctrine of necessity means that they could sue for an anticipatory breach saying hey our lease is worthless to us, by necessity given right. That is what that means. It protects them from being stranded on an island without power and paying us rent.

Councilman Boose: Right, I understand that, but my question was why we would give it away for free if we gave them more property.

Law Director Crites: Everything is negotiable, but I think you are not giving it away to them for free because they are paying us monthly rent and why would they pay us monthly rent if they don't have power. But, everything is negotiable you could have possibly said to them, well if that happens, you can pay us for the cost of the easement. Again, I don't want to speak in a way that will compromise the City's position down the road if some unlikely controversy would come out of this, but there is the doctrine of easement by necessity and that is not for things such as compensation. Meaning if it was contemplated that you were selling me this piece of land to use or lease this piece of land to use over your land to have my barn to walk my cows across and then something happened that I can't get there and so I need a new way to get my cows across to pay the rent for the barn that you are putting me there – I could go to court and say I deserve an easement because it is necessary. If the court were to grant it, they wouldn't make the person who was receiving the easement pay the land owner.

Councilman Boose: Item twenty-seven is the assignment, it says that we would agree to notify, I'm sorry...that the tenant would agree to notify us of any default by us to give secure parties the same right to cure any default. How would we know of any default if we have to provide the secured party with it? In the banking industry, there are certain covenants and such, I know what my levels of default are, but here I may not know that they defaulted, so how would I be able to...

Law Director Crites: I have to be honest with you Councilman Boose, for me to review that here on the open floor is probably not an appropriate method of granting a legal opinion. That is something that you want to ask the Council to table this for an evening for me to review it that would be more appropriate. I don't feel comfortable shooting off the cuff. I will give you the most straight forward answer – that is boiler plate cell tower lease language. It is never a reason to acquiesce and approve something, understood. I should say, when I reviewed this contract, and I did, it didn't strike me as problematic.

Councilman Boose: Thank you.

Councilwoman Butkowski: Mr. Chairman, until we get all these things figured out and maybe when everyone is comfortable with this, I'll just withdraw my motion.

Councilwoman Johnson: I'll withdraw my second.

Councilman Keenan: Frankly Mr. President, I think that is a wise move. I am not comfortable having this brought forth and on the same day approved when there are questions and maybe there is room for tightening this up a little better or at least understanding it. It seems to me to be a boiler plate lease option deal drafted by them. That is what my impression is. For \$500 for an option, I'm not sure that we should be in that big of an emergency.

Mayor Gillock: Just a couple points I have – number one in looking at the drawing, you can kind of see on that drawing where it is going to be located. It is not really in the east corner. If you take the road into Shady Drive and just follow it south as far as you go, then you would run into the site according to this drawing - all the way at the south end of the drive. It would still not interfere with any of the fields or anything. The second thing I wanted to point out is there is a memorandum; the Law Director stated there is one option for the extension of whether they are going to exercise the option or not, there is a memorandum of agreement that states there are two option terms. I think they are both \$500. They are just holding an option until they decide whether they will move forward or not. Once they do, they notify us they are exercising their option and they begin paying the \$900 a month and leasing the property. We cannot adopt tonight, as Councilman Keenan says, it is pretty much a boiler plate agreement. I think article twenty-seven just says, if we find out, the Lessee, or any of the secured parties are in default, we will tell them all at the same time. You are in default and give them a chance to correct it. That is all it really says. If you want to ponder it some more, then don't adopt tonight. I don't know if we want to hold a committee meeting or not, or adopt at the next meeting. Two weeks is not going to make that big a difference.

President Corcoran: I suggest in the future, if there are questions that you are going to ask the Law Director to enter into any deep thoughts and offer some sort of legal opinion, it might be better to try and give him a heads up so we aren't trying to make these legal decisions at the last second on the floor.

Councilman Boose: It wasn't so much as I am asking his legal opinion, but I am asking clarification on a contract. That is all.

President Corcoran: Yeah, I know. It's just some of these paragraphs if you have noticed, trying to read them because you had questions, they are difficult to understand and so just a little bit more time would probably be appreciated by our Law Director. I'm putting words into his mouth. At this point we will just move on then to T 23.

Clerk of Council Smith:

T 23-2016 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH BOJHUN ENVIRONMENTAL SERVICES, A PROFESSIONAL LAB TESTING FIRM, NOT TO EXCEED \$90,000.00.
(Introduced by Mayor Gillock)

Moved by Mayor Gillock and seconded by Johnson to give T 23 a first reading this evening.

President Corcoran: Are there any comments or questions?

Mayor Gillock: Mr. President, as most of you know, our lab technician retired and we are in the process of replacing him. That process is not finished yet. In the meantime we have been using Bojhun Environmental to keep the lab running until the new person is in place. Keep in mind, they not only do testing for waste products coming in the plant, they do testing for both our Engineering Department and French Creek. We did appropriate \$90,000 for Bojhun, but we are pretty confident their services are going to go over \$50,000 so if it does, we need Council's authorization to retain that firm. We don't have to go out for bid, but if we are going to spend more than \$50,000, we need the Ordinance. I ask that this be adopted this evening with the emergency so we can continue testing waste products that come into our plant and do the testing that our Engineering Department needs.

Councilman Boose: Just a question, is the \$90,000 included in both French Creek and the Engineering Department or just French Creek?

Mayor Gillock: Between French Creek and the Engineering Department, I don't believe they charge for the testing that they do.

Deputy Auditor Machovina: The Engineering Department does do a little bit and that would be included in the \$90,000 and it is appropriated accordingly in each of those two separate departments.

Councilman Keenan: May I ask a question Mr. President? About how much have we expended to date or been committed for to date?

Deputy Auditor Machovina: We are encumbered right now up to \$49,000 and have spent approximately \$30,000 of that already.

Councilman Keenan: Are we going \$10,000 a month?

Deputy Auditor Machovina: At this time yes, because we don't have the lab assistant in place. They are working feverishly to get that person in place and have done interviews and everything already.

Councilman Keenan: Is this a good example of why we need a new lab person because the expense will be significantly less if we do it in house?

Deputy Auditor Machovina: I believe so, yes. Historically it has been.

Councilman Keenan: Okay. We touched on both of those things at the same time since it is pretty expensive.

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

President Corcoran: T 23 has been added to first readings. Mr. Clerk, could you please assign the Resolution that has been left at our desk a T number?

Clerk of Council Smith: T 24.

Moved by President Corcoran and seconded by Boose to add T 24-2016 to the agenda this evening under 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: T 24 will be placed on the agenda under first readings.

RECESS:

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

Moved by Johnson and seconded by Butkowski 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 21.

FIRST READINGS:

Clerk of Council Smith:

T 21-2016 AN ORDINANCE PROVIDING FOR THE APPROPRIATIONS OF
MONEY FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR
THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD
COMMENCING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016.
(Introduced by the Finance Committee)

Moved by Johnson and seconded by Butkowski to dispense with the second and third readings for T 21.

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 21.

Moved by Johnson and seconded by Butkowski to add the emergency clause to T 21 in order to meet the March 31, 2016 county deadline.

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: Now on the adoption, with the emergency clause, are there any final comments?

Councilman Boose: Mr. President? Yes, I have a couple comments. First I want to thank the Auditor's Office, the Administration, all the Department Heads and Council for taking the time to go through this appropriation request with a fine tooth comb. It is a very difficult process, I believe. I personally spent a lot of time on this going through each line item trying to find whatever I can to save the City money. It is not my money, it is yours. I try my best to make sure that is it spent wisely and appropriately understanding all of the different types of priorities that we have set over the last twelve to eighteen months. At the end of the process, we are going to be eating into our, at least the appropriated budget or the appropriated carry-over by \$1.5 million which will leave us just short of \$2.0 million as a carry-over through this appropriation which is again, \$1.5 million less than what we will start the year with. We have been able to, over the past several years, to not spend all that has been appropriated and we've also enjoyed some additional income that has come into the City that we were not anticipating or at least not anticipating at the levels that we appropriated. It has been a combination of both which has kept us afloat. I can assure you that only goes on for so long. You cannot continue to spend into your carry-over, spend into your savings so to speak to put it in a perspective of a resident, because at some point you're savings goes away and then you have the difficult choice to either increase your revenues or decrease your spending or some of both. That is the task before us. There have been a lot of good things that we were able to approve in this budget. I just want to highlight a few because I think it is important for the residents to know that rather than to decipher through this thick stack of papers as to what we all spent hours and hours talking about. First off there are lots of needed technology upgrades that the City has needed for some time. Not only to bring us up into the twenty-first century, but also to better utilize the software and hardware that we already have. I commend them and I think this is a great step forward. We are funding four fully equipped police cruisers. Needed repairs to our fire station number two down on Lorain Road. We have to remember that even though we just had a levy pass that is going to build us a

brand new fire station, we have another fire station that is in need of continued upgrading and repair and so we have appropriated those funds. As far as streets go, we once again budgeted a quarter of a million dollars in full-depth concrete replacements. Over \$600,000 in asphalt. Again, to help our street repairs for 2016. We've also appropriated the money necessary to complete the Jaycox Road resurfacing from the elementary school all the way north to Mills Road. We've also paid for the Jaycox Road extension to the new middle school. There is the Ohio Turnpike Mitigation Grant that we have included in the appropriations that will help our storm water issues. The engineering for the Westfield sanitary sewer connection to the Westerly sewers is finally in there. It is something that we wanted to do for many years. We have finally taken the ability to be able to make that first step happen. We've also included sub-basin repairs in sub-basis 5-8. That is part of our overall storm water management program. We've also included the engineering and field testing in other sub-basins. We are continuing that project. This is one of the things that residents told us were a priority and we agreed it is a priority. In the budget there are monies for the Aurensen Road sidewalks and the Safe Routes to School project is included in that finally so we can get that started and finished. We've also included the engineering for the intersection of Mills Road and State Route 83 – that intersection. We've included an eight-ton salt dump truck, a new sewer vac and a lot of these large equipment items don't come cheaply. The sewer vac alone is \$437,000. That is a lot of money, but again, I've seen it work. It goes right to the heart of making sure that obstructions in our sanitarities; they also use it for culverts and ditches so they are cleaned to help prevent flooding. Again, too numerous to mention – repairs and upgrades to our French Creek Wastewater Treatment Plant.

What it does not include and there are lots of things of wants and needs that I think that we all need to understand, because we don't have a bottomless pit of money. The City doesn't have an orchard of money trees that we can just pluck from. We are not going to be able to make the necessary renovations to Old Towne Hall. We are talking almost a quarter of a million dollars that need to be done on the façade and the brick work, but also making it handicap accessible. We are not able to make renovations or upgrades to the Shady Drive batting cage. We are not able to purchase and install an outbuilding for our second fire station. Nor are we going to be able to include monies for strategic plan for the Fire Department. There was a Building Department vehicle that we are not going to be able to obtain. There is over a half million dollars in engineering bridge replacement that we are not going to be able to take care of. The EQ basin of the sanitary sewers, again, a major component of our storm water management that we've all said is a priority – we are not able to fund it. That is \$1.7 million. We are hoping to find ways to do that later on in the year. The Chestnut Road repairs we are not able to fund. Victory Lane street lightening upgrades we are not able to fund. Lift station abandonments, right now, we are not able to fund. There is a tennis court repair and upgrade for South Central Park that we presently aren't able to fund. There was another salt dump truck that the Service Department wanted to have, that again, we aren't able to fund. Overall, right now, postponed expenditures that we don't have the money for a little over \$3.7 million. I bring that up because there are many of those things we need. A lot of those things aren't just wants, we need to have them and we don't. Again, the resolution is reduction of expenses, an increase of revenue or what I think we need is both. Again, I bring that to everyone's attention just so they know what is included in here. There is much more in here than that. With the resources that we have and

the time that we spent to go over all of this, it is as I say every year – it is not the perfect budget. It is not the budget I would like to put before the City, but it is the best one I've been able to work with over the past four to six weeks. Again, I want to thank everyone who worked on it. Thank you.

President Corcoran: Thank you Mr. Boose. Anybody else? Clerk, please call the roll.

Clerk of Council Smith: The motion passed unanimously and becomes **Ordinance number 5320-2016.**

Yes – 7

No – 0

President Corcoran: T 23.

Clerk of Council Smith:

T 23-2016 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH BOJHUN ENVIRONMENTAL SERVICES, A PROFESSIONAL LAB TESTING FIRM, NOT TO EXCEED \$90,000.00.

(Introduced by Mayor Gillock)

Moved by Keenan and seconded by Boose to dispense with the second and third readings for T 23.

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

Yes – 7

No – 0

Councilman Keenan: I would like to ask a question. I'm not sure there is a need for an emergency on this. It seems we are far enough ahead. I would ask the Administration if we need the emergency or not. It seems with \$30,000 expended, we have a couple of months.

Safety-Service Director Armbruster: Corey is here, he can address it.

Councilman Keenan: Do we need an emergency passage?

Superintendent Timko: Members of Council, yes the emergency is needed. The original term was for February and March only. As of March 31st there is some billing still to come. We anticipate that we are going to need them for all of April to do testing and to help train the new person. There is at least another month involved. We are definitely going to go over the \$50,000. If we don't get it passed, we cannot issue another P/O to carry us through the month of April. Their services would then cease. We only did February/March originally.

Councilman Keenan: Okay, so I was trying to figure out when we would exceed the \$50,000 in obligation.

Superintendent Timko: There are actually four contracts with Bojhun. They have storm water services, lab support, lab assessment and the lab testing. The lab testing and lab assessment will go away once the new person is hired. They still have contracts, two regular contracts, that we normally have them do plus a contract for engineering for testing services. In aggregate, it will go over. Not all that money will be expended by March 31st. Some of those contracts run the entire year.

Councilman Keenan: I'm fine.

Councilman Abens: Can I ask a question? The question I have is this something we could have anticipated back in February that you would have to go into April.

Superintendent Timko: Well we did. We were originally optimistic – that is where the \$90,000 was appropriated. We thought, ok, well, depending on how fast it will take to find the right person, which we did. We did excellent interviews. We have three good candidates one of which we are going to hire. We always knew we were going to be pushing it. We went with the conservative estimate, but we had that \$90,000 in there just in case we had spill over. We have to have it tested for our permanent compliance. Bojhun is doing a wonderful job. They are our normal backup. So we have person normally and then Bojhun is the backup. When the person left, Bojhun is filling in full-time until the new person comes in.

Moved by Keenan and seconded by Boose to adopt T 23.

Moved by Keenan and seconded by Boose to add the emergency clause to T 23 in order to fund the contract.

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: Now on the adoption, with the emergency clause, Clerk, please call the roll.

Clerk of Council Smith: The motion passed unanimously and becomes **Ordinance number 5321-2016.**

Yes – 7

No – 0

President Corcoran: T 24-2016.

Clerk of Council Smith:

T 24-2016 A RESOLUTION TO APPROVE, WITH MODIFICATION, THE APPLICATION MADE BY BERNARD W. & NANCY L. FATE REGARDING CERTAIN LAND OWNED BY THEM WHICH HAS BEEN DESIGNATED AS AN AGRICULTURAL DISTRICT BY THE OFFICE OF THE COUNTY AUDITOR.
(Introduced by Mayor Gillock; Public hearing 03/07/2016)

President Corcoran: That is the end of first readings. Moving on to second readings, we have T 9.

SECOND READINGS:

Clerk of Council Smith:

T 9-2016 A RESOLUTION TO APPROVE, WITH MODIFICATION, THE APPLICATION MADE BY ROBERT WENSINK, ET AL. REGARDING CERTAIN LAND OWNED BY THEM WHICH HAS BEEN DESIGNATED AS AN AGRICULTURAL DISTRICT BY THE OFFICE OF THE COUNTY AUDITOR.
(Introduced by Mayor Gillock; First reading 03/07/2016; Public hearing 03/07/2016)

President Corcoran: I will just preamble this by saying T 10 through T 16 are all items, components, pieces, parts are used throughout the City. We approve these items each and every year at this time. They've been on the agenda now several meetings and they could not be passed until the budget has been approved which we just did. There is no reason to add the emergency clause to any of these. At this point, I would suggest that when we read them, we make a motion to waive the third reading and approve them, but not add the emergency clause. T 10.

Clerk of Council Smith:

T 10-2016 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF CHEMICALS TO BE USED BY THE FRENCH CREEK WASTEWATER TREATMENT PLANT.
(Introduced by Mayor Gillock; First reading 03/07/2016)

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

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 10.

President Corcoran: Are there any comments or questions? Since these are all standard and we have been through these, I am just going to go voice vote on all these to go quicker. All those in favor of passing say yes. Those opposed say no.

Yes – 7

No - 0

Clerk of Council Smith: It becomes **Ordinance number 5322-2016.**

President Corcoran: T 11.

Clerk of Council Smith:

T 11-2016 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO TO ADVERTISE FOR BIDS AND NEGOTIATE A CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF ASPHALT AND RELATED MATERIALS TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.

(Introduced by Mayor Gillock; First reading 03/07/2016)

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

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 11.

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

Yes – 7

No - 0

Clerk of Council Smith: It becomes **Ordinance number 5323-2016.**

President Corcoran: T 12.

Clerk of Council Smith:

T 12-2016 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ADVERTISE FOR BIDS AND NEGOTIATE A CONTRACT, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, FOR THE RENTAL OF EQUIPMENT AND RELATED SERVICES FOR ROAD REPAIR AND MAINTENANCE TO BE USED BY THE SERVICE DEPARTMENT.

(Introduced by Mayor Gillock; First reading 03/07/2016)

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

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 12.

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

Yes – 7

No - 0

Clerk of Council Smith: It becomes **Ordinance number 5324-2016**.

President Corcoran: T 13.

Clerk of Council Smith:

T 13-2016 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO TO ADVERTISE FOR BIDS AND NEGOTIATE A CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, FOR THE PURCHASE OF LIMESTONE AND SAND TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.

(Introduced by Mayor Gillock; First reading 03/07/2016)

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

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 13.

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

Yes – 7

No - 0

Clerk of Council Smith: It becomes **Ordinance number 5325-2016**.

President Corcoran: T 14.

Clerk of Council Smith:

T 14-2016 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO TO ADVERTISE FOR BIDS AND NEGOTIATE A CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND/OR DELIVER CONCRETE TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.

(Introduced by Mayor Gillock; First reading 03/07/2016)

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

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 14.

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

Yes – 7

No - 0

Clerk of Council Smith: It becomes **Ordinance number 5326-2016**.

President Corcoran: T 15.

Clerk of Council Smith:

T 15-2016 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO TO ADVERTISE FOR BIDS AND NEGOTIATE A CONTRACT FOR A TWELVE-MONTH PERIOD, ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, TO FURNISH AND INSTALL FULL DEPTH CONCRETE PADS AND REPAIR SERVICES TO BE USED BY THE CITY OF NORTH RIDGEVILLE, OHIO.

(Introduced by Mayor Gillock; First reading 03/07/2016)

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

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 15.

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

Yes – 7

No - 0

Clerk of Council Smith: It becomes **Ordinance number 5327-2016**.

President Corcoran: T 16.

Clerk of Council Smith:

T 16-2016 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO TO ENTER INTO PARTICIPATION AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE FOR THE 2016 SUMMER AND 2016/2017 WINTER SEASONS, PURSUANT TO RESOLUTION NO. 693-90.
(Introduced by Mayor Gillock; First reading 03/07/2016)

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

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 16.

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

Yes – 7

No - 0

Clerk of Council Smith: It becomes **Ordinance number 5328-2016**.

President Corcoran: That is the end of second readings. Moving on to third readings, we have T 8-2016.

THIRD READINGS:

Clerk of Council Smith:

T 8-2016 AN ORDINANCE AMENDING ORDINANCE NO. 3727-2001 BY CORRECTING THE JOB TITLE OF PARKS AND RECREATION PROGRAM “DIRECTOR” TO PARKS AND RECREATION PROGRAM “SUPERVISOR”.
(Introduced by Mayor Gillock; First reading 02/16/2016; Second reading 03/07/2016)

Moved by Johnson and seconded by Butkowski to adopt T 8.

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

Clerk of Council Smith: The motion passed unanimously and becomes **Ordinance number 5329-2016**.

Yes – 7

No – 0

MEETING ANNOUNCEMENTS:

President Corcoran: There will be a public hearing regarding the King agricultural district on Monday, April 4, 2015 at 7:15 P.M. in Council Chambers. There will be a public hearing regarding the Slusher agricultural district on Monday, April 4, 2016 at 7:20 P.M. in Council Chambers. The next regular Council meeting will be on Monday, April 4, 2016 at 7:30 P.M. in Council Chambers.

LOBBY (Q&A - REGARDING ANY CITY BUSINESS): This is the second lobby session that is open to the public to bring up items of concern that are going on in the City. If you would like to ask a question, make a comment; please step up to the podium and state your name and address for the record. You will be given three minutes to speak. Is there anybody that would like to address Council?

Neal Casbean, 5620 Lear Nagle Road – stated he did not want neighborhoods to be unsafe by taking down stop signs in other neighborhoods that he mentioned as Councilman Boose accused him of. He just wants the stop sign put back up on Lear Nagle.

Councilman Boose: Mr. President, since I was mentioned, can I clarify the statement I was...first off, I'm glad that you indicated that you are not in favor of those. My point to the gentlemen last meeting was when he made statements to the effect that why don't we take the stop signs down at the other two locations, it was contradictory to his statement of trying to be safe. If you want to be safe for all, you'd want all stop signs to remain. Again, that is why I commented that you clarified that.

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

Michael Harrison, 5647 Lear Nagle Rd. – stated he did appreciate the attempt by the City to put the flashing lights up today. Mr. Harrison stated he read the Press where the City said there were only two accidents. He stated he has photos of three accidents in which some people don't call the police because they are cited. He noted that squad car #77 turned in front of him on the street at a speed of about 45 mph. He also noted that the Police Chief was trying to get people to slow down on March 18th. Mr. Harrison asked Mayor Gillock why he was being selective to enforcing the laws in North Ridgeville and getting Mr. Armbruster to do the work. He offered to pay to put the stop signs back up.

Mayor Gillock: Mr. President – in response to his request, not every intersection is the same. They are all different. The others don't necessarily have curves on them. In this case, when we repaved Lear Nagle, people seem to forget there were two crosswalks there before for the kids. Our goal is to keep the kids safe and keep the traffic moving. One crossing went into a driveway where the stop sign was. Everyone thinks that is great. If the stop sign is there the kids crossed there safely, but the kids crossed into a private drive and had to walk in between the buses to get to the school. At the other end was a crosswalk with no stop sign and no flashing lights and the kids just took their chances. No one mentions that at all. We eliminated both of those crosswalks and put a safe one in the middle working with the schools. It is often said the schools were against it or didn't have anything to do with it. The schools paid for the asphalt and were involved all the way along. We put in a safe crosswalk, with the lights, so the kids could get to school safely without walking in between the buses and endangering themselves. Our goal was to make the kids safe and we accomplished that. That remains our number one goal. Number two, once we took it out, that traffic moves smoothly through there. I understand what he says, that there may be some accidents and people drive away, but when we checked with our Police Department for reported accidents this year, there is none. There is none. There have not been

any accidents reported this year at that intersection. There have been five or seven accidents this year – none at that intersection.

Safety-Service Director Armbruster: This is January and February now.

(Audience disruption)

Mayor Gillock: Absolutely I believe my Police Department. I have the floor Mr. Chairman.

President Corcoran: Guys, cut it out, okay? This is not an open forum. If you want to speak, you come up to the podium and you will be given a chance to speak.

Mayor Gillock: I want to answer the question, according to our Police Department, we have not had incident at that intersection. The kids are safer. The traffic is moving. We have a cop trying to accommodate the residents by putting up more guardrails around the houses. We have now spent several thousands of dollars putting up additional signage similar to what we have at Sugar Ridge and at Bagley where we have much more dangerous intersections than this. But we put those up. I think we went way beyond the norm to try and make this area safe. We have no intention of putting that stop sign back up. If we have to take them down at Drake and Pitts – we will look at those. Not every situation is the same. Not every intersection is the same. Once that was taken out to do the paving, it presented us with the opportunity to make some improvements there and we thought it was time to do so. Thank you.

President Corcoran: Is there anybody else?

Angie Harrison, 5647 Lear Nagle Rd. stated she lives there and saw the accident that happened on February 11th and the cop was there. Additionally there were four accidents in the month of November.

Mayor Gillock: We are talking January and February.

President Corcoran: Mayor, if you could let her speak. You can respond after she is done.

Mrs. Harrison stated she read there were two accidents in November when really there were four. She added that she cannot get around the crosswalk because people will drive around her. She offered to pay for temporary signs stating twenty-four hour crosswalk ahead for a temporary period of time. Mrs. Harrison stated the crosswalk forces residents into school property. Mrs. Harrison stated she is going to petition the state for a speed survey on Lear Nagle. The proper procedure is for her to start with the request to the City first, then to county and then to the state.

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

John Vrtachnik, 5553 Main Ave. stated the stop sign removed and guardrails installed at Rose and Main has created a hazard. He stated the guardrails are too close to the road.

President Corcoran: Is there anybody else who would like to address Council this evening? Before you get a second chance, is there anybody who would like a first opportunity to address Council?

Mr. Casbean stated the stop sign will not come back, but the Press article stated Mr. Armbruster wouldn't rule it out.

Safety-Service Director Armbruster: Mr. President, in response to that, we've had more internal conversations with regard to the stop sign itself – it won't be put back up. In response to the accidents in the month of February there were two accidents at Lear Nagle and Lorain. These are reported accidents to the North Ridgeville Police Department. There was one at Floraline and one in front... Floraline is clear on the south side next to the mobile home park and one at 5613 at Lear Nagle Road. This was not at the corner we were talking about. It was a 74 year old woman that just drove off the road and almost into a house. The month of January had no reported accidents. There were reported accidents in November and December, but in January and February none of these accidents took place as was reported by the residents. There were seven, I believe, at the corner. None have been reported to the North Ridgeville Police Department or has been an investigation there. We started placing today, the lighted curve signs. I'm not sure if they are operational or not. That is what we said we were going to do. We found some signs that we could adapt and not get the \$6,000 sign or the \$8,000 signs. We were able to adapt and move forward on that. With safe walks to school, we made contact with the state and federal government. The safe walks to school have been modified to include not two crosswalks, but one. There will be additional signage with safe walks to school when it comes when we do finish that project with additional lighting at the crosswalk. All this has been in the plan all along. Based on the comment that is in the Press – after further conversations with all involved, the stop sign will not be placed back up at Rose and Lear Nagle.

Mayor Gillock: Mr. President, just to add to that – I don't want to sound ridged and inflexible, but we are not going to put that sign back up now for the time being with what we know, what we've learned and what we are doing. I would certainly support Mrs. Harrison's request to ODOT to do a study. I'm all for it. I support her request. If there is anything we can do to help them to do a study down there, I'm all for it. I'm confident, knowing how ODOT works and Uniform Traffic Control Devices and the traffic control on roads, they won't allow it, but if they do, more power to them – we will get it up. In the meantime, we are going with the guardrails and the flashing lights. Everything we can do to keep the kids safe and keep the traffic moving.

Mrs. Harrison stated the cars end up tail-spinning down the road to clarify for Mr. Armbruster.

Safety-Service Director Armbruster: For the record Mr. President, the documentation that I am quoting from is not Mr. Armbruster's, it is from the Police Department. When I am speaking, I am speaking from the crash reports that take place. It is not my imagination. It is actually from the crash reports. From the crash report, the 74 year old woman didn't even get to the intersection of Rose and Lear Nagel. This isn't something I am making up. You can go look at

the crash reports. Based on that, there were no accidents in January and February nor was the corner involved in those accidents. I would love to have you call these people in. Call the Police Department down there and have them arrested.

President Corcoran: Is there anybody else?

ADJOURNMENT:

President Corcoran: This meeting is adjourned. The meeting was adjourned at 8:53 p.m.

Approval of minutes on April 4, 2016:

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

PRESIDENT OF COUNCIL

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

CLERK OF COUNCIL