

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING APRIL 18, 2011**

CALL TO ORDER: 7:30 P.M.

President Kevin Corcoran: I call to order the North Ridgeville City Council meeting of April 18, 2011. Please stand for the Invocation.

INVOCATION: lead by President Corcoran.

PLEDGE OF ALLEGIANCE: by all.

ROLL CALL:

Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Bob Olesen, Bernadine Butkowski, Roseanne Johnson and President Kevin Corcoran.

Also, present was Mayor David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, 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 Public Hearing minutes dated April 4, 2011 regarding the Fate Agricultural District. Are there any objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: You also have before you the Council minutes of their regular meeting held April 4, 2011. Are there any objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note:

- 1) Civil Service Commission minutes of March 15, 2011
- 2) Tax Abatement Review Board minutes (Reviews) of March 21, 2011
- 3) Tax Abatement Review Board minutes (Application) of March 21, 2011
- 4) Planning Commission minutes of regular meeting April 12, 2011

LOBBY:

President Corcoran: We have the lobby session. With all the members in the audience today, would any of you like to address Council this evening? Seeing none, we will move on to the Administrator's reports. First up, Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you, Mr. President. The first item this evening is I did receive from the Ohio Secretary of State, the 2010 Public Census results. It shows that our population in the 2010 census is 29,465. I will be forwarding this to Council. The memo has already been written. It just hasn't been delivered yet for you to take action on if you so choose. You will probably get that later this week. So, we do have the new census.

The recycling program is underway. Last week was the first week and tomorrow will be the second time through. It went pretty well. They still don't have the trucks to my knowledge, so they are still having issues there, but for the most part, it went well. We do have a trash can donation program. What are you going to do with your old trash can? Well, we did this once before. We had a pickup. I believe that the Kiwanis picked the cans up and took them up to American Sports. It worked very well. So, on April 30, we will be doing this again. I don't think that there is going to be a pick up where they will come to your house, but you will be able to take your old trash cans up to Pat Catan's, where there will be a Habitat for Humanity restore vehicle. They will take your old trash cans. The ones they are looking for are the ones that are in pretty good shape. They don't want holes or cracks in them. They need to be pretty clean and in pretty good shape as they are going to use those somewhere else. If your old cans are not in good condition, or not reusable, you can visit www.nrgreenteam.org or you can write trash on them and they will take them in the regular trash and of course the plastic ones will be recyclable as well as the metal ones. It really boils down to if you want to get rid of them and if they are in good shape, take it to Pat Catan's on April 30. Otherwise, label it trash and they will take it.

Last thing I wanted to mention is that I appeared on WVIZ Channel 10 Idea Stream Program for a program called Cut Tax or Change the Kasich Budget Challenge. The School Superintendent and I were on for the first 45 minutes and then they had House of Representative Ron Amstutz, Senator Grendell and Senator Turner discussing the impact of Senate Bill 5 and the Governor's new budget. If you would like to see that, I will make this available for you to watch. It will be on WVIZ this Friday at 4:30p.m.; Saturday, April 23, at 12:30a.m. and if you watch that one, don't call me; and Saturday morning at 8:30a.m. Those are the dates I have right now when they will be rebroadcast. It was very interesting. We did our part in explaining the impact on the City and the school districts. They allowed the audience to ask questions and then the Legislators discussed it again answering questions. It was really interesting. If you would like to view that, again these are the times it will be aired: This Friday at 4:30p.m. and then Saturday, 12:30a.m. and 8:30a.m. That concludes my report.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: Well, being there this afternoon; seeing David perform, he did an outstanding job; even to the point where their moderator called him the good Mayor. North Ridgeville was very well represented this afternoon for the Northeast Ohio Mayors and Managers Association. I think that he is the President. David did an outstanding job communicating with regard to the budget and answering the questions that the audience had as well as; not really a debate, but different questions that came out. It is interesting that by not having any idea of what the questions were going to be before hand, he, our Mayor, was very well prepared for the conversation and the answers that he gave. Kudos to our Mayor, he did a great job. That concludes my report.

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

C. Engineer:

Engineer Wangler: I would like to take the time to weigh in on our water quality that we can control as a city. As spring time comes, it will come sooner or later, I'm sure, but we should remember to use herbicides and fertilizers sparingly. And, I also would like to point to the Quarterly newsletter that the Mayor sent out a day or two ago. There was a big thing in there that I put together, summarizing the flooding situation and how we are addressing that. That is the end of my report.

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

D. Auditor:

Auditor Costin: Yes, on the schedule, Council has received their March report and I have no other comments.

President Corcoran: Thank you, Mr. Costin.

E. Other Reports:

President Corcoran: The other reports are the:

- 1) Fire Department Report for March 2011
- 2) Water Systems Operational Report for March 2011
- 3) Mayor's Court Report for March 2011

COUNCIL COMMITTEE REPORTS:

President Corcoran: There are no Council Committee reports.

CORRESPONDENCE:

President Corcoran: There is no correspondence.

OLD BUSINESS:

President Corcoran: There is no old business, either.

NEW BUSINESS:

Ordinance and Resolution Submittals:

Clerk of Council Smith:

Report of Tax Abatement Review Board meeting held March 21, 2011 suggesting the following:

- a. Amend Resolution No. 1192-2010 to move the abatement for KLC Properties, LLC to begin in TY 2011 to coincide with the increased value coming on to county records; and
- b. Approval of a CRA Class Two abatement on the real property improvements for fifteen (15) years for Rhenium Alloys, Inc. located at 38683 Taylor Woods Pkwy. It was moved by Olesen and seconded by Butkowski to accept the Tax Abatement Review Board Report.

President Corcoran: Any comments or questions? Mrs. Johnson?

Council Member Johnson: I just had a comment. I wanted to mention that my son is employed by Rhenium Alloys. I spoke with our Law Department and there is no conflict for me to vote on that and I just wanted to welcome them.

President Corcoran: Are there any other comments? All those in favor of approving the report, say aye. Those opposed say no.

Yes, 7 No, 0

President Corcoran: Report is accepted.

Clerk of Council Smith:

Planning Commission Report to Council from the meeting held on April 12, 2011:

APPLICANT: Robert Martens, Bold Alternatives, 26210 Emery Road, Suite 302, Cleveland, OH 44128

OWNER: Lake Ridge Academy, 37501 Center Ridge Rd.

REQUEST: Approval to install a solar array that will include two rows, 140 feet long, of

ground mounted solar panels approximately 10 feet in height
LOCATION: 37501 Center Ridge Rd. in an R1 District - Permanent Parcel No.
07-00-034-000-063

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

It was moved by Olesen, seconded by Buescher to accept the Planning Commission report.

President Corcoran: Are there any comments or questions?

Council Member Olesen: Yes, Mr. President, if I might. This is one of the most unique presentations that I have seen in a long time on Planning Commission. The solar panels will be facing the turnpike and it is not near a residential area, which leads me to and Mrs. Buescher and I talked a little bit about this, that we will probably have to look at this from the standpoint of residential use in the future. It is not urgent. There are some installations in residential homes now in the State, but not many. Down the road; when it becomes less expensive, I think that there might be a lot more and I think we would have to address this.

President Corcoran: Any other comments? It was moved and seconded to accept the Planning Commission report. All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

President Corcoran: The report is accepted. Moving on to T 50.

Ordinance and Resolution Submittals

Clerk of Council Smith:

T 50-2011 A RESOLUTION PURSUANT TO NRCO 214.01, PROCEDURES
FOR SALES BY INTERNET AUCTION, EXPRESSING LEGISLATIVE
INTENT TO SELL CERTAIN PROPERTY BY INTERNET AUCTION.

President Corcoran: T 51.

Clerk of Council Smith:

T 51-2011 AN ORDINANCE AMENDING ORDINANCE NO. 4778-201 ENTITLED
LEGAL GAMING REGULATIONS.

Law Director Crites: Mr. President, if I could briefly speak to the essence of that ordinance. What we are simply doing here and it was largely at the request of the Building Department, is amending the manner in which we are regulating or restricting the parking requirements for the owners and operators of these entities and businesses. It is simply being done; not because there has been any specific problem or that we have anticipated any, but to make it more user friendly for the Building Department and frankly, as well as the business owner, to both enforce and comply with it.

President Corcoran: T 52.

Clerk of Council Smith:

**T 52-2011 AN ORDINANCE REPEALING NRCO SECTION 3979-2004 AND
REPLACING IT WITH NEW REGULATIONS GOVERNING ADULT
CABARETS AND SEXUALLY ORIENTED BUSINESSES.**

President Corcoran: Mr. Law Director.

Law Director Crites: If I may. Because of the title of this piece of legislation, I imagine that it may raise some eyebrows and so I wanted to speak toward it. This ordinance proposed is being sponsored by Mayor Gillock, but not to speak for his honor, I will state that the Mayor had very little to do with this piece of legislation, other than allow me to convince him to let him sponsor it. If I had sponsored it being a Department Head and not a member of this distinguished legislator, it would automatically go to Committee. The reason I don't believe, and of course, I would leave it up to members of this panel to send it to Committee, but the reason I believe that it is not necessary or potentially not necessary is because all we are doing here, is a little technical tuning to an ordinance which was passed in 2004. This is not new legislation. This is an amendment of existing legislation that is being amended for two reasons. One, we had unfortunately a problem with the codification of the original ordinance. Although our former Assistant Clerk of Council properly sent it to the codification company, as things sometimes go, it did not get codified quite the manner in which it should have, which became a problem with its enforcement. Also in terms of enforcement, although, we do not have activity, which would fall under the parameters of this ordinance presently or we are aware of any presently going on in the City limits; nor do we anticipate any. We did have a prosecution of such prohibited activity by our Police Department, which resulted in a successful outcome for the City, thank goodness, but in doing so, our Police Department as well as my Assistant Law Director Prosecutor noticed some technical deficiencies in the language of the ordinance that made it a little bit bulky and cumbersome in order to prosecute the same. So at the request of our Police Department as well as my Assistant Prosecutor, we are simply suggesting and recommending some technical violations which appear almost exclusively in section five and section ten of the original ordinance.

President Corcoran: Thank you.

Law Director Crites: If you have any further questions, you know where you can reach me.

President Corcoran: Thank you for the explanation in giving us an idea of where it was coming from and why it was not going to Committee. That is the end of our new business.

RECESS:

It was moved by Butkowski and seconded by Johnson to dispense with recess.

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

Yes, 7 No, 0

President Corcoran: Recess is dispensed with and that moves us to first readings, T 49.

FIRST READING:

Clerk of Council Smith:

T 49-2011 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS
4839-2011 AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A
 MANNER PRESCRIBED BY LAW FOR THE DESIGN AND
 CONSTRUCTION OF THE RAILROAD QUIET ZONE VEHICLE
 DETECTION SYSTEM AND MEDIAN BARRIERS, INCLUDING OTHER
 APPURTENANCES, NOT TO EXCEED \$250,000.00.

First Reading

It was moved by Mayor Gillock and seconded by Butkowski to dispense with the second and third readings for T 49.

Mayor Gillock: Mr. President, we have been working on this for a long time. This year, we are in the position that it has been approved. These funds have been appropriated and the Ohio Rail Development is proceeding with their agreement with the railroad to proceed with construction later this year. This is simply our part of the agreement that we have to put in the vehicle detection system and the barriers. This will allow us to go out for bids and do our part and the sooner we can go out to bid, we can get that project completed. So, we would like to get this passed this evening. We don't need the emergency, but if we could pass it this evening, we can proceed. Thank you.

President Corcoran: Any other comments or questions on T 49. All those in favor say yes. Those opposed say no.

Yes, 7 No, 0

It was moved by Olesen and seconded by Butkowski to adopt.

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

Yes, 7 No, 0

Clerk of Council Smith: Measure passed unanimously and becomes ordinance number 4839-2010.

Permanent Ordinance No. 4839-2011

President Corcoran: That is the end of our first readings. Second readings, T 42.

SECOND READINGS:

Clerk of Council Smith:

T 42-2011 AN ORDINANCE AMENDING NRCO SECTION 1444.01 OUTDOOR
 ADVERTISING SIGNS BY INCREASING THE FEE(S) FOR CERTAIN
 TYPES OF SIGNS.

Second Reading

President Corcoran: And third readings, T 37.

THIRD READINGS:

Clerk of Council Smith:

T 37-2011 AN ORDINANCE APPROVING THE FINAL PLAT OF HAMPTON PLACE
4840-2011 SUBDIVISION PHASE 2 IN FOR RECORDING PURPOSES ONLY.

Third Reading

It was moved by Butkowski and seconded by Johnson to adopt T 37.

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

Yes, 7 No, 0

Clerk of Council Smith: Passed unanimously and it becomes ordinance 4840-2011.

Permanent Ordinance No. 4840-2011

COMMITTEE MEETING ANNOUNCEMENTS:

President Corcoran:

- 1) Utilities Committee meeting, April 19, 2011 at 6:30p.m. in Council Chambers
- 2) Next regular Council meeting Monday, May 2, 2011 at 7:30 P.M. in Council Chambers

ADJOURNMENT:

President Corcoran: Seeing no other business to bring before the City this evening, the meeting is adjourned.

Meeting adjourned at 7:51 P.M.

Approval of Minutes:

These Minutes were approved at a regular meeting of the North Ridgeville Municipal Council on May 2, 2011.

PRESIDENT OF COUNCIL KEVIN CORCORAN

CLERK OF COUNCIL GEORGE E. SMITH