

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING FEBRUARY 4, 2013**

CALL TO ORDER: 7:30 P.M.

President Kevin Corcoran: I call to order the Monday, February 4, 2013 regular Council meeting. Please rise for the invocation and Pledge of Allegiance.

INVOCATION:

Led by President Corcoran.

PLEDGE OF ALLEGIANCE:

Led by all.

ROLL CALL:

Present were Council members Dennis Boose, Richard Jaenke, Roseanne Johnson, President Kevin Corcoran and President Pro-Tem Bernadine Butkowski.

Council members Nancy Buescher and Robert Olesen were excused.

Also present was Mayor G. David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andy Crites, City Engineer Scott Wangler, Auditor Chris Costin, and Assistant Clerk of Council Tara L. Peet.

MINUTES - Corrections (if any) and Approval:

President Corcoran: You have before you the minutes of the regular Council meeting held January 22, 2013. Are there any corrections or objections to approving those minutes? Seeing none those minutes are approved.

President Corcoran: Please note the Parks & Recreation Commission minutes of 12.05.12.

LOBBY:

President Corcoran: That brings us to the lobby session of our meeting. This is your opportunity to address Council, if you choose to. If you are going to, please bring step up to the podium and state your name and address for the record. You have three minutes to speak on the topic of your choice. Is there anybody that would like to address Council this evening? Seeing none, we will move on to the Administrators reports. Mr. Mayor, that would be you.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you Mr. President. First I want to thank our street crews and remind everyone to stay back and give them plenty of room to operate. The Safety-Service Director is going to speak a little bit about a new type of salt we are looking at. They have been working long hours trying to keep our City safe.

Another thing I wanted to mention is on Wednesday evening at the Library from 6:00 – 7:30 P.M., Congressman Bob Gibbs will be holding a Town Hall meeting and anyone is welcome to attend and meet our new Congressman. Ask questions. It is from 6:00 – 7:30, but I know Bob; Bob tends to stick around for as long as anyone is there asking questions. The Library closes at 8:30. Feel free to stop by. That concludes my report. Thank you.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: As the Mayor alluded to: we are going to be trying some new clearlane salt. This was most recently on the news in Middleburg Heights. There was a big series that they ran on Channel 3 or 5 two or three weeks ago. Also, North Olmstead is going to use it. What the product is actually salt, but it is coated with a material that will actually when it comes out of the truck on a spinner, it will stick instead of going to the side of the road and allow us to salt in a much lower temperature. Meaning, instead of twenty degrees, ten degrees or five degrees in its usefulness will be that and last a lot longer. It will also give us; probably we are going to reduce our spinner coverage. A spinner is where it comes out of the back of the truck and the salt is going out by at least thirty percent. Our plan is to use it on our two large routes – Route 10, 83 Center Ridge and have the larger trucks, the dual wheel trucks; and try it out this season. It does go against our salt consumption as Cargill has. It will be something that is going to be interesting and quit honestly, help us reduce the use of the salt and it is environmentally friendly. That concludes my report.

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

C. Engineer:

Engineer Wangler: Well we are getting the snow. We knew it would come sooner or later. We are several days away from a thaw, but I would like to remind people to keep their yard basins open and free. If you see build-up of ice or snow, clear it away so when it does thaw it all dissipates in an orderly fashion. That is the end of my report.

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

D. Auditor:

Auditor Costin: Thank you sir. Just two items: first of all Council has received the final 2012 year-end Financial report. Second, only comment is a reminder under first business items: T 14 – T 19: Council should take no action on those tonight until we have the appropriation Ordinance in place. That concludes my report and comments. Thank you very much.

President Corcoran: Thank you, Mr. Costin.

E. Other Reports:

President Corcoran: January 2013 Parks & Recreation Director's report and the 2012 Water Usage report.

COUNCIL COMMITTEE REPORT(S):

President Corcoran: There are no Council Committee reports. There is correspondence.

CORRESPONDENCE:

Assistant Clerk of Council Peet:

A letter dated January 28, 2013 from Bruce Tomcik expressing his opposition to the rezoning of properties on Center Ridge Road from B-5 to B-2.

President Corcoran: Thank you.

OLD BUSINESS:

President Corcoran: No old business and moving on to new business. First up we have T 20.

NEW BUSINESS:

Ordinance and Resolution Submittals

Assistant Clerk of Council Peet:

T 20-2013 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO FIRST ENERGY – OHIO EDISON IN THE AMOUNT OF \$3,662.58.

Moved by Mayor Gillock and seconded by Boose to suspend By-laws to give T 20 a first reading this evening.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, Ohio Edison repairs damaged street lights. They don't always tell us they are doing that, but we are responsible for paying those. When they get done they send us a bill. By contract, we do owe them this money. Obviously, because we did not know we didn't have a PO in place. We want to get this passed tonight, with the emergency if we can, so we can go ahead and pay it.

President Corcoran: Okay. Anybody else? All those in favor say yes. Those opposed say no.
Yes – 5 No – 0

President Corcoran: T 20 is now added to first readings.

President Corcoran: That was the end of new business.

RECESS:

Moved by Johnson and seconded by Boose to dispense with recess.

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

Yes-5

No -0

President Corcoran: Recess is now dispensed with. Moving on to first readings. T 14.

FIRST READINGS:

Assistant Clerk of Council Peet:

T 14-2013 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.

President Corcoran: T 15.

Assistant Clerk of Council Peet:

T 15-2013 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.

President Corcoran: T 16.

Assistant Clerk of Council Peet:

T 16-2013 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.

President Corcoran: T 17.

Assistant Clerk of Council Peet:

T 17-2013 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.

President Corcoran: T 18.

Assistant Clerk of Council Peet:

T 18-2013 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.

President Corcoran: T 19.

Assistant Clerk of Council Peet:

T 19-2013 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.

President Corcoran: T 20.

T 20-2013 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO FIRST ENERGY – OHIO EDISON IN THE AMOUNT OF \$3,662.58.

Moved by Boose and seconded by Butkowski to dispense with the second and third readings for T 20.

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

Yes-5 No-0

Moved by Boose and seconded by Butkowski to adopt T 20.

Moved by Boose and seconded by Johnson to add the emergency clause to T 20 for the purpose of paying this in a timely manner.

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

Yes-5 No-0

President Corcoran: Any comments or questions on the adoption of T 20 with the emergency clause. Clerk, please call the roll.

Yes-5 No-0

Assistant Clerk of Council Peet: Motion carries 5-0. This is now known as **Resolution number 1270-2013**.

President Corcoran: That is the end of the first readings. Second readings, first up we have T 2.

SECOND READINGS:

Assistant Clerk of Council Peet:

T 2-2013 A RESOLUTION AMENDING A TYPOGRAPHICAL ERROR IN RESOLUTION NO. 1265-2012, WHICH APPROVED AND RATIFIED AN APPLICATION FOR TAX INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14 BY MVM REAL PROPERTY HOLDINGS, LLC AND AFFILIATED BUSINESS ENTITY, NORLAKE MANUFACTURING COMPANY.

President Corcoran: T 4.

Assistant Clerk of Council Peet:

T 4-2013 AN ORDINANCE AMENDING THE ORIGINAL DEPARTMENT HEAD SALARY ORDINANCE NO. 2725-93 AND SUBSEQUENT AMENDMENTS THERETO UP TO AND INCLUDING THE MOST RECENT AMENDMENT REFLECTED IN ORDINANCE NO. 4879-2011 BY CHANGING THE PAY RATE SCALE OF THE FULL-TIME POSITION OF ASSISTANT SUPERINTENDENT AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT.

President Corcoran: T 5.

Assistant Clerk of Council Peet:

T 5-2013 AN ORDINANCE CREATING THE FULL-TIME JOB POSITION OF CLASS III FOREMAN AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT.

President Corcoran: T 6.

Assistant Clerk of Council Peet:

T 6-2013 AN ORDINANCE AMENDING THE ORIGINAL DEPARTMENT HEAD SALARY ORDINANCE NO. 2725-93 AND SUBSEQUENT AMENDMENTS THERETO UP TO AND INCLUDING THE MOST RECENT AMENDMENT REFLECTED IN ORDINANCE NO. 4879-2011 BY INCLUDING THE FULL-TIME POSITION OF CLASS III FOREMAN AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT AND ESTABLISHING THE PAY RATE SCALE FOR THIS POSITION.

President Corcoran: T 7.

Assistant Clerk of Council Peet:

T 7-2013 AN ORDINANCE CREATING THE FULL-TIME JOB POSITION OF CLASS IV FOREMAN AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT.

President Corcoran: T 8.

Assistant Clerk of Council Peet:

T 8-2013 AN ORDINANCE AMENDING THE ORIGINAL DEPARTMENT HEAD SALARY ORDINANCE NO. 2725-93 AND SUBSEQUENT AMENDMENTS THERETO UP TO AND INCLUDING THE MOST RECENT AMENDMENT REFLECTED IN ORDINANCE NO. 4879-2011 BY INCLUDING THE FULL-TIME POSITION OF CLASS IV FOREMAN AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT AND ESTABLISHING THE PAY RATE SCALE FOR THIS POSITION.

President Corcoran: T 10.

Assistant Clerk of Council Peet:

T 10-2013 AN ORDINANCE APPROVING THE FINAL PLAT OF STONEGATE SUBDIVISION, PHASE 3 IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.

President Corcoran: T 11.

Assistant Clerk of Council Peet:

T 11-2013 AN ORDINANCE APPROVING THE FINAL PLAT OF PIONEER RIDGE, PHASE 10 IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.

THIRD READINGS:

President Corcoran: That is the end of second readings. Moving on to third readings – we have T 107.

Assistant Clerk of Council Peet:

T 107-2012 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: LOCATED AT 36773 SUGAR RIDGE ROAD, PERMANENT PARCEL NUMBER 07-00-026-102-003 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO I-2 LIGHT INDUSTRIAL DISTRICT AND OWNED BY 5K'S MANAGEMENT COMPANY, LLC.

Moved by Boose and seconded by Johnson to adopt T 107.

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

Yes-5

No-0

Assistant Clerk of Council Peet: Motion carries 5-0. Now known as **Ordinance number 4986 2013.**

President Corcoran: T 108.

Assistant Clerk of Council Peet:

T 108-2012 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: LOCATED NORTH OF CENTER RIDGE ROAD, PERMANENT PARCEL NUMBERS 07-00-033-101 005, -006, -007, & -013 (AS SHOWN BY ATTACHED LEGAL DESCRIPTION); FROM B-5 ARCHITECTURAL BUSINESS DISTRICT AND R-1 RESIDENCE DISTRICT TO B-2 CENTRAL BUSINESS DISTRICT AND OWNED BY CRNR, LLC.

Moved by Boose and seconded by Jaenke to adopt T 108.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, Councilwoman Buescher is not here this evening, but she has spoken very strongly against the rezoning of this particular property for a number of reasons and I won't try to paraphrase or quote her. In my opinion, one of the reasons that we should move forward with this rezoning request is that it does take care of spot zoning, as the Mayor had suggested earlier during the public hearing. On the north side of Center Ridge Road, the properties that are being considered for rezoning this evening in T 108, T 109 and T110 are surrounded by B-2 zoning. It is not as if a B-5 zoning, which I know is her preference, is right next to it. It is not, either on the east or the west. It makes perfect sense to eliminate the spot zoning so that anybody could be able to develop that property properly. When you have three different types of zoning within that same area, within hundreds of feet, it just doesn't make sense. I'm not sure how it got that way in the first place, but I think this is a logical manner in which to resolve that issue. Thank you.

President Corcoran: Thank you Mr. Boose.

Councilwoman Butkowski: Mr. Chairman, there are restrictions on the type of building, but there are other things that have been built in B-5 and have been very successful. Added to the quality of the City and keeping that area in more rule business area. You go to B-2, it doesn't even allow a child care center. It is restrictive. It is more restrictive on what you can build there than what B-5 is. The only thing is that some of the architectural things. It is about time we start thinking about architectural building all over this City. I'm tired of looking at everybody looks the same or whatever they want to stick up; whatever kind of architecture. Why can't we look a little better? A little more like Shaker, a little more even like Avon? We have to stop just letting everybody do whatever they want and start restricting a little bit. They seem to be building in Avon with whatever restrictions they have. It is time that we don't do away with some restrictions that people in the past have put in so that they were hoping we could control that. We don't even know what is going to be built there. There is residential in there. Why didn't we go to B-3 with that? I don't know. I didn't make the decision to do that. No one has really said. I just don't think we should pass this tonight. I just don't see any reason for it. The area is commercial and could be retained commercial and it could still look nice to the community.

People keep saying why don't we something that looks nice in this City. Well, let's keep B-5 so we can have something that looks nice in the City. I am going to be voting against it. I truly would like to keep things, or hoping things are going to start looking nicer.

Councilwoman Johnson: Mr. President, first of all I want to commend the Planning Commission for all the work they put into this. I think, like Bernadine said, she wants things to start looking nice; I think that is the reason that they unanimously supported this rezone. I just wanted to make that comment and say that I also agree with Mr. Boose on the spot zoning. Thank you.

Mayor Gillock: Mr. President, just one clarification, earlier I listed many of the permitted uses in a B-2 – anything in B-1 is also allowed in a B-2. Day cares and anything like that would also be allowed. Thank you.

President Corcoran: I think at this point it is a little premature to say whether or not something is going to look nice when we haven't actually been presented with a plan. As Mr. Boose pointed out, several of these parcels are surrounded by B-2 that is already in existence. In one particular case, specifically with the one parcel, it is completely impractical to build any type of B-5 on that parcel. When we had the map up, you can see that several of these parcels are like specks of sand in the ocean. I really don't see any reason to keep them B-5 when they are completely surrounded by B-2. It just doesn't fit. Are there any other comments? Clerk, please call the roll.

Yes-4

No-1 (Butkowski)

Assistant Clerk of Council Peet: Motion carries 4-1 and passes and is known as **Ordinance number 4987-2013.**

Councilwoman Butkowski: Mr. Chairman, does this have to have, maybe Mr. Law Director, does this have to have a super majority for a rezoning like this?

Law Director Crites: No.

President Corcoran: T 109.

Assistant Clerk of Council Peet:

T 109-2012 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: LOCATED AT 37082 CENTER RIDGE ROAD, PERMANENT PARCEL NUMBER 07-00-033-101-009 (AS SHOWN BY ATTACHED LEGAL DESCRIPTION); FROM B-5 ARCHITECTURAL BUSINESS DISTRICT TO B-2 CENTRAL BUSINESS DISTRICT AND OWNED BY F. J. DETTORE, INC.

Moved by Boose and seconded by Jaenke to adopt T 109.

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

Yes-4

No-1 (Butkowski)

Assistant Clerk of Council Peet: Motion carries 4-1. Now known as **Ordinance number 4988 2013.**

President Corcoran: T 110.

Assistant Clerk of Council Peet:

T 110-2012 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: LOCATED NORTH OF CENTER RIDGE ROAD, PERMANENT PARCEL NUMBERS 07-00-040-000 005 & -015 (AS SHOWN BY ATTACHED LEGAL DESCRIPTION); FROM R-1 RESIDENCE DISTRICT TO B-2 CENTRAL BUSINESS DISTRICT AND OWNED BY FJD PROPERTIES, LLC & CRNR, LLC.

Moved by Boose and seconded by Jaenke to adopt T 110.

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

Yes-4

No-1 (Butkowski)

Assistant Clerk of Council Peet: Motion carries 4-1. Now known as **Ordinance number 4989 2013.**

President Corcoran: T 125.

Assistant Clerk of Council Peet:

T 125-2012 AN ORDINANCE AMENDING ORDINANCE NO. 4778-2010 ENTITLED LEGAL GAMING REGULATIONS.

Moved by Boose and seconded by Jaenke to adopt T 125.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, this Ordinance as we discussed in earlier Council meetings had some clarification to the existing Ordinances and also tightened some things up. This is a very nice addition to what we already have on the books. Thank you.

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

Yes-5

No-0

Assistant Clerk of Council Peet: Motion carries 5-0. Now known as **Ordinance number 4990 2013.**

President Corcoran: That is the end of our third readings.

MEETING ANNOUNCEMENTS:

President Corcoran: We have our next regular Council meeting on Tuesday because of the holiday, on February 19, 2013 at 7:30 P.M. here in Council Chambers. There will also be a public hearing regarding T 10 and T 11 on Tuesday, February 19, 2013 at 7:15 P.M. here in Council Chambers.

ADJOURNMENT:

The meeting was adjourned at 8:57 P.M.

Approval of minutes:

These minutes were approved at the regular meeting of the North Ridgeville Municipal Council on February 19, 2013.

PRESIDENT OF COUNCIL

CLERK OF COUNCIL