NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING JANUARY 7, 2013

CALL TO ORDER: 7:30 P.M.
President Kevin Corcoran: I call to order the Monday, January 7, 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 Nancy Buescher, Dennis Boose, Richard Jaenke, Roseanne Johnson, President Kevin Corcoran and President Pro-Tem Bernadine Butkowski.

Councilman Olesen was excused.

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

MINUTES - Corrections (if any) and Approval:
President Corcoran: You have before you the minutes of the regular Council meeting held December 17, 2012. Are there any corrections or objections to approving those minutes? See none those minutes are approved.

President Corcoran: Please note the Workers Comp Safety minutes of 12.13.12, Civil Service minutes of 12.18.12 and BZBA minutes of 12.27.12.

LOBBY:
President Corcoran: That brings us to the lobby session of our meeting. This is your opportunity to address Council. If you choose to do that, please bring the signup sheet from the back and give it to Mrs. Buescher. When you approach the podium, please state your name and address for the record. You will have three minutes to speak on a topic of your choice. With that being said, the lobby session is open and anybody who wishes to address Council, please approach the podium.

President Corcoran: Anybody? Seeing none, we will move on to the Administrators reports. Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you Mr. President and happy New Year to everyone and good to see you again this year. First I want to offer condolences on behalf of the City to the family of Lois Sullivan and Bob Gaydash. Lois and Bob were both frequent visitors to Council and expressed their opinions as part of the process. They are to be remembered and respected for that. I really admired them for their willingness to be involved. They both passed away last week and they will be missed. Our lobby will be a little bit smaller every time due to their absence. Let's remember them and their families.

Next, it is January 1 and we have some expiring terms on some of our Boards in the City and some reappointments; all three of them in this case of individuals who have served and are willing to be reappointed. The first one is Shawn Kimble for the Board of Zoning and Building Appeals.

Moved by Mayor Gillock and seconded by Boose to reappoint Shawn Kimble to the Board of Zoning and Building Appeals.

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

Yes – 6 No – 0

Mayor Gillock: The second one I would like to reappoint is Jim Rothgery to the Planning Commission. Jim has been on the Planning Commission for a long time and has done a great job. His term is up.

Moved by Mayor Gillock and seconded by Johnson to reappoint Jim Rothgery to the Planning Commission.

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

Yes – 6 No – 0

Mayor Gillock: Finally, the third one. I would like to reappoint Cathy Ebenschweller to the Parks and Recreation Commission. Cathy just completed her first term and has done a great job.

Moved by Mayor Gillock and seconded by Boose to reappoint Cathy Ebenschweller to the Parks and Recreation Commission.

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

Yes – 6 No – 0

Moved by Mayor Gillock and seconded by Buescher to adjourn into executive session to discuss personnel issues in place of old business on the agenda.

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

Yes – 6 No – 0

Mayor Gillock: Thank you and that concludes my Report.

President Corcoran: Alright, Mr. Safety-Service Director.

B. Safety-Service Director:

Safety-Service Director Armbruster: As always, I am happy to report that the Street Department did an outstanding job during the last several weeks of snow. We are looking forward to forty degree weather. I know that the new Superintendent, Al, has brought in some new salt that they are looking at that they might try and will actually last longer and actually work at a much lower temperature than what we have now. We are taking a look at it. I know the Mayor has looked at it. We are hopeful that the cost of that salt is not so absorbent that we can pick it up from our existing salt supplier, as they have now decided to get into the coating salt. They are the manufacturer and they should be the one that actually is coating that salt to help us out. Congratulations to the Street Department, as always; they have done a great job and we always look the best of all the communities around. That concludes my report.

President Corcoran: Thank you Mr. Armbruster. Up next, Mr. Wangler.

C. Engineer:

Engineer Wangler: I've been waiting for a while to add this to my report with my regular messages to the public regarding water quality. It is now time for me to implore people to use their de-icing material judiciously and not get crazy with it because it degrades our waterways and it is bad for everything. We held off for a while, but now I have to deliver that message. That is the end of my report.

President Corcoran: Thank you. Auditor.

D. Auditor:

Deputy Auditor Machovina: We have no report this evening, but happy New Year to everybody.

E. Other Reports:

President Corcoran: You also have the October 2012 Mayor's Court reports, November 2012 Building Department report, November 2012 Mayor's Court reports and December 2012 Mayor's Court reports

COUNCIL COMMITTEE REPORT(S):

President Corcoran: There are no Council Committee reports. We do have three pieces of correspondence.

CORRESPONDENCE:
Clerk of Council Smith:

- A letter dated November 24, 2012 and received on December 18, 2012 regarding Mr. Bruce Tomcik's opposition to rezoning parcels of land from B-5 to B-2.
- A letter dated December 28, 2012 from the Lorain Public Library System providing an annual financial update to expenditures from the 1.91 mill operating levy renewal approved in May 2009.
- A memo from Scott Wangler, City Engineer, regarding the hourly rate charge list for 2013.

President Corcoran: Thank you and that brings us to old business which means we are going to drop into executive session. We will be back soon.

OLD BUSINESS:
(Adjourned into executive session in place of old business at 7:39 P.M.)

President Corcoran: Okay, we are back on the record (reconvened at 8:03 P.M). We are up to new business. First thing up is the appointment of an Auditor.

NEW BUSINESS:
Moved by Buescher and seconded by Boose to appoint Chris Costin as Auditor for the term commencing January 1, 2013 and ending December 31, 2014.

President Corcoran: Any comments or questions on that appointment? All those in favor say yes. Those opposed say no. Congratulations Mr. Costin.
Yes – 6 No – 0

President Corcoran: Moving on; T 1.

Ordinance and Resolution Submittals
Clerk of Council Smith:
T 1-2013 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO TOWN & COUNTRY CO-OP, INC. IN THE AMOUNT OF $7,277.40.
Moved by Mayor Gillock and seconded by Johnson to suspend By-laws to give T 1-2013 a first reading this evening.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, by way of explanation: the Service Garage has blanket purchase orders for fuel. Apparently towards the end of last year they did not realize they had maxed out on their existing blanket P/O and in order to purchase fuel, they then did the P/O for the fuel but since they already ordered and received it, we need to approve this Resolution to be able to pay Town and Country.

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

Yes – 6 No – 0

President Corcoran: T 1 is now added to first readings. T 2.

Clerk of Council Smith:
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 3.

Clerk of Council Smith:
T 3-2013 A RESOLUTION FOR THE PURPOSE OF ADOPTING THE HOUSING REVOLVING LOAN FUND ADMINISTRATION AGREEMENT BETWEEN THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT AND THE CITY OF NORTH RIDGEVILLE.

Moved by Mayor Gillock and seconded by Boose to give T 3-2013 a first reading this evening.

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

Yes – 6 No – 0

President Corcoran: T 3 is now added to first readings. T 4.

Clerk of Council Smith:
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.

Clerk of Council Smith:
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.

Clerk of Council Smith:
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.

Clerk of Council Smith:
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.

Clerk of Council Smith:
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 9.

Clerk of Council Smith:
T 9-2013 AN ORDINANCE DELETING AND REPLACING N.R.C.O. SECTION 618.01, *DOGS AND OTHER ANIMALS RUNNING AT LARGE; DANGEROUS OR VICIOUS DOG DESIGNATION.*

President Corcoran: I will refer that to the Safety Committee. T 10.

Clerk of Council Smith:
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.

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

President Corcoran: That is the end of our new business.

RECESS:
President Corcoran: That brings us to the recess portion of our meeting.
Moved by Butkowski and seconded by Johnson to dispense with the recess.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.
Yes – 6 No – 0

President Corcoran: Moving on to first readings. We have T 107.

FIRST READINGS:
Clerk of Council Smith:
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.

President Corcoran: T 108.

Clerk of Council Smith:
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.

President Corcoran: T 109.

Clerk of Council Smith:

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.
President Corcoran: T 110.

Clerk of Council Smith:
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.

President Corcoran: T 125.

Clerk of Council Smith:
T 125-2012 AN ORDINANCE AMENDING ORDINANCE NO. 4778-2010 ENTITLED LEGAL GAMING REGULATIONS.

Councilman Boose: Mr. President, since this didn't go to Committee, before it goes to a third reading next month, could someone explain what the purpose of this Ordinance is and what we are trying to do?

Law Director Crites: If I may, the best way to describe it is this is part of the evolution of us dealing with the new regulatory scheme of a new operation or activity in our community. Largely the work of my Assistant Law Director, we have taken a minute to push away from the table and reevaluate; it has been going well, but we wanted to kind of clean up some odds and ends as to how we were regulating the Internet gaming facilities. There was also some addition to the legislation in the form of an amendment in response to some litigation activity around the state done by opponents, a very small minority, to the impact fee that was charged by communities. There has been no substantive change to the basic rules of the operation of the City. It is just housekeeping to the original legislation.

Councilman Boose: It appears for the individual gaming machine licenses are now payable in six month increments versus annual increments. Any reason for that?

Law Director Crites: I would apologize, but I don't have any specific recollection of that. I don't know if you got what I maybe didn't say clear enough, I didn't write this, my Assistant

Law Director did. I did review it with her and we went over it, that would be an aspect if you want to go into deeper than we may want. I apologize for my lack of specific knowledge of it.

Councilman Boose: Okay, I will talk to her. Thanks.

Mayor Gillock: Mr. President, I would just add: I think the first subsection has to do with being able to pay it twice a year instead of once all up front. The second part helps to justify the fees that we are charging.

Councilman Boose: Thank you.

Law Director Crites: I would say, if I might add, justify, and more importantly, classify, as to what the fees are. That was the response to state litigation.

Councilman Boose: I can see that. On the first part, my question was why change how they pay now? Weren't they paying well? Why change now?

Law Director Crites: It was in response to how it was happening and we were trying to make it work better.

Councilman Boose: I can see if legislation in the Statehouse changes where they are eliminated or more tightly regulated they may close and therefore why pay a year's worth of fees when they only have to pay six months – I can see that.

Law Director Crites: I can say that we are very happy to say that I believe, but for one or maybe two of the operating facilities, we've had no problem with collection. It hasn't been an issue.

Councilman Boose: Thank you.

President Corcoran: Moving on to T 1.

Clerk of Council Smith:
T 1-2013 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO TOWN & COUNTRY CO-OP, INC. IN THE AMOUNT OF $7,277.40.

Moved by Boose and seconded by Buescher to dispense with the second and third readings this evening.

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

Yes – 6 No – 0

Moved by Boose and seconded by Buescher to adopt T 1-2013.

Moved by Boose and seconded by Buescher to add the emergency to meet the payment deadline.

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

Yes – 6 No – 0

President Corcoran: Any comments or questions on the adoption of T 1 with the emergency clause? Clerk, please call the roll.

Yes – 6 No – 0

Clerk of Council Smith: Passed unanimously; one absent and it becomes **Resolution number 1267-2013.**

President Corcoran: T 3.

Clerk of Council Smith:
T 3-2013 A RESOLUTION FOR THE PURPOSE OF ADOPTING THE HOUSING REVOLVING LOAN FUND ADMINISTRATION AGREEMENT BETWEEN THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT AND THE CITY OF NORTH RIDGEVILLE.

Moved by Boose and seconded by Butkowski to dispense with the second and third readings this evening.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, this legislation just renews our Housing Revolving Loan from the administrative agreement which expired on December 31, 2012 and we need to move on this and pass it because without it, the City is in jeopardy of not receiving these funds. Thank you.

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

Yes – 6 No – 0

Moved by Boose and seconded by Butkowski to adopt T 3-2013.

Moved by Boose and seconded by Butkowski to add the emergency in order to have the program in operation.

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

Yes – 6 No – 0

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

Yes – 6 No – 0

Clerk of Council Smith: Measure passed unanimously and it becomes **Resolution 1268-2013**.

SECOND READINGS: None.

President Corcoran: Now our third readings. We have T 114.

THIRD READINGS:
Clerk of Council Smith:
T 114-2012 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS LOCATED IN THE WINDSOR POINT SUBDIVISION 3 AND DEDICATING THEM FOR PUBLIC PURPOSES.

Moved by Boose and seconded by Butkowski to adopt T 114-2012.

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

Yes – 6 No – 0

Clerk of Council Smith: That was approved unanimously and it becomes **Ordinance number 4983-2013.**

President Corcoran: T 115.

Clerk of Council Smith:
T 115-2012 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS LOCATED IN THE STONE CREEK ESTATES SUBDIVISION 3 AND DEDICATING THEM FOR PUBLIC PURPOSES.

Moved by Butkowski and seconded by Boose to adopt T 115-2012.

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

Yes – 6 No – 0

Clerk of Council Smith: Passed unanimously and becomes **4984-2013**.

MEETING ANNOUNCEMENTS:
President Corcoran: The next regular Council meeting will be held on Tuesday, January 22, 2013 at 7:30 P.M. here in Council Chambers. There will be public hearings regarding T 107, 108, 109 and 110 on Monday, February 4, 2013 at 7:00 P.M. here in Council Chambers.

ADJOURNMENT:
The meeting was adjourned at 8:22 P.M.

Approval of minutes:

These minutes were approved at the regular meeting of the North Ridgeville Municipal Council on January 22, 2013.

PRESIDENT OF COUNCIL CLERK OF COUNCIL