

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MARCH 18, 2013**

CALL TO ORDER: 7:30 P.M.

President Kevin Corcoran: I call to order the Monday, March 18, 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, Nancy Buescher, Robert Olesen, Roseanne Johnson, Richard Jaenke, President Kevin Corcoran and President Pro-Tem Bernadine Butkowski.

Also present was Mayor G. David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andy Crites, Auditor Chris Costin and Clerk of Council George E. Smith.

Engineer Wangler was excused.

MINUTES - Corrections (if any) and Approval:

President Corcoran: You have before you the regular Council meeting minutes held March 4, 2013. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note the Utilities Committee minutes of 02.28.13, Board of Zoning and Building Appeals minutes of 02.28.13 and the Planning Commission minutes of 03.12.13.

LOBBY:

President Corcoran: That brings us to the lobby session of our meeting. This is your opportunity to address Council, if you so choose. Seeing my regulars in the crowd, gentlemen, do you have anything to say to us this evening? Seeing none, we will move right into the Administrator's reports. Mr. Mayor, you are up first.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you Mr. President. I will be brief this evening. I just wanted to read a quick letter from the Murray Ridge Center-Lorain County Board of Developmental Disabilities. I've already sent this to all the Council people to see. I think it is important from time to time that we recognize our Police and Fire Department's for the fine job that they do. Every once in a while we get a letter like this and I think it is important to keep in the back of our minds.

“Dear Mayor Gillock: I wanted to take a moment of your time to let you know how extraordinary you’re Police Department and Fire Department has been to our students. I am a teacher at Murray Ridge School which is run by the Lorain County Board of Developmental Disabilities. We went to the Police Department on October 30th of last year and to the Fire Department on February 14 of this year. I wish every taxpayer in the County could have the opportunity to see these men educate to our population on the service they provide and how to handle emergency situations. I have enclosed a few pictures for you. Again, the City of North Ridgeville should be so proud of the service these people are providing. Sincerely, Heather L. Boduch

I certainly agree with the services that our first responders provide, the job they do, the excellent service they do provide. We hear from seniors all the time about how great the firemen are and how sensitive and helpful they are. Once again, every once in a while, we need to be reminded of the outstanding service. That concludes my report.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: Just a reminder that two weeks ago we had sixty degree weather and then this morning the wild winter returned. There were an awful lot of people that were probably sliding around on the ice. We had rain coming down and them almost instantaneously it went to ice and created a few problems. Just remember that when you are driving in this community, as well as when you are driving on 480 that you take your time when it is raining or when it is wet. The bridges do freeze up quit often before the pavement itself. We were on top of it; unfortunately it came so quickly and went to ice so quickly that there were accidents not only within North Ridgeville, but all over this part of the State and roads that were blocked off. Winter is still upon us. Let’s drive carefully. That completes my report.

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

D. Auditor:

Auditor Costin: Thank you. The items on my agenda today: the February 2013 Financial report has been disseminated to Council. I would remind Council that the February report does not reflect the 2013 appropriations since legislation wasn’t passed until March. The March report will reflect the annual appropriations. That completes my report.

President Corcoran: Thank you Mr. Costin.

E. Other Reports:

President Corcoran: February 2013 Fire Department report, 2012 Storm Water Annual report, February Support Car report and the February Water Distribution reports.

President Corcoran: There is a Council Committee report.

COUNCIL COMMITTEE REPORT(S):

Clerk of Council Smith: UTILITIES COMMITTEE REPORT dated February 28, 2013 which recommends the following: T 22-2013 be postponed and considered at a later date; and A fifteen percent (15%) increase for North Ridgeville local collection rates after the effective date of the Ordinance.

Moved by Boose and seconded by Butkowski to suspend By-laws to add T 49 to the agenda.

President Corcoran: Any comments or questions?

Councilman Boose: This is the result of the Utilities Committee report which was just read. T 49 authorizes an increase in the user charges for the sanitary sewer rates of the 15%. The Auditor brought something to my attention just before the meeting. We would like to make a change in section two. Is this where we do that? Or should we do that...

President Corcoran: Yes, you could make a superseding...

Auditor Costin: Mr. Boose, I would suggest that we make it under first readings because it will be applicable if it would be passed tonight with the emergency. Otherwise we will have to revise it for the meeting that it is passed in.

Councilman Boose: So I will wait until first readings then to make the amendment.

President Corcoran: Just to be clear, your motion was to suspend the By-laws to add it to the agenda under first readings?

Councilman Boose: Correct.

Mayor Gillock: The discussion was about changing section two; that would be extremely difficult to change it to make it any earlier because of our billing cycle. I had a discussion with the Utilities Supervisor today and this is already March 19th - there is no way we could get it done by the time bills go out. (Inaudible)

President Corcoran: Thank you Mayor. We will skip that discussion until we get to it. Any other questions or comments regarding suspending the By-laws to put this on the agenda and placing it under first readings? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: Now we are going to send T 49 to first readings. Moving on, there is a piece of correspondence.

CORRESPONDENCE:

Clerk of Council Smith:

- A letter from Paradigm Liaison Services inviting City Council to a pipeline safety seminar.

OLD BUSINESS:

President Corcoran: No old business and moving on to new business. First we have a liquor permit request.

NEW BUSINESS:

Liquor Permit requests/renewals/transfers

Clerk of Council Smith: A request for a new liquor permit for Chipotle Mexican Grill of Colorado, LLC, DBA Chipotle, 32223 Lorain Road, North Ridgeville, Ohio.

Moved by Buescher and seconded by Butkowski to not request a hearing as stated in the application so that this permit can be sent to the State for final disposition by April 1, 2013.

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

Yes – 7 No – 0

President Corcoran: Moving on. We have some Planning Commission recommendations.

Planning Commission recommendations from meeting held March 12, 2013:

Clerk of Council Smith:

APPLICANT: Bob Clark, BLMJ Enterprises, 21337 Oakhurst Lane, Strongsville, OH 44149

OWNER: Mulligan's Family Fun Center, 7760 Victory Lane

REQUEST: Approval to construct building for bumper car ride activity.

LOCATION: 7760 Victory Lane within a B-4 District; Permanent Parcel No. 07-00-003 102-090

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

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

President Corcoran: Any comments or questions on that?

Councilman Olesen: Yes, Mr. President, the only comments I have on this is this was looked at as a nice addition by the Planning Commission and these cars are electric and very quiet. They are not going to bother anybody or anyone in the area.

President Corcoran: Anybody else? Seeing none - all those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: Planning Commission's recommendation is accepted.

Clerk of Council Smith:

APPLICANT: Anthony Slyman, Timber Development Co., LLC, 1220 Huron Road, East,
10th Floor, Cleveland, OH 44115

OWNER: Same

REQUEST: Final plat approval for Timber Ridge Subdivision, Phase 2

LOCATION: Harvest Ridge Way in an R-1 District; Permanent Parcel No. 07-00-002
102-295

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

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

President Corcoran: Any comments or questions?

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

Yes – 7 No – 0

President Corcoran: Planning Commission's recommendation is accepted. Moving on to T44.

Ordinance and Resolution Submittals

Clerk of Council Smith:

T 44-2013 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE/LEASE FIVE NEW POLICE VEHICLES FROM THE STATE CO-OP, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$171,317.00.

President Corcoran: T 45.

Clerk of Council Smith:

T 45-2013 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ENTER INTO AN AGREEMENT WITH THE STATE CO-OP FOR THE REPLACEMENT AND MASONRY REPAIR OF THE UPPER ROOF SECTION AND REPLACE THE LOWER EDGE METAL ON THE LOWER ROOF SECTION OF FIRE STATION NO. 2, INCLUDING LABOR, MATERIALS AND APPURTENANCES, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$91,590.00.

Moved by Olesen and seconded by Butkowski to suspend By-laws to give T 45 a first reading

this evening.

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

Yes – 7 No – 0

President Corcoran: T 45 is now added to the first readings. T 46.

Clerk of Council Smith:

T 46-2013 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO AVERTISE FOR BIDS ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF TWO (2) STRYKER POWER-PRO XT AMBULANCE COTS AND POWER-LOAD COT FASTENER SYSTEMS FOR THE FIRE DEPARTMENT, NOT TO EXCEED \$70,000.00.

President Corcoran: T 47.

Clerk of Council Smith:

T 47-2013 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT TO O.R.C. SECTION 721.25.

President Corcoran: T 48.

Clerk of Council Smith:

T 48-2013 AN ORDINANCE COOPERATING WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM RECONSTRUCTION OF HIGHWAY LIGHTING AT TWO LOCATIONS INCLUDING THE INTERCHANGES OF IR-480/SR 10 AND IR-480/OHIO TURNPIKE.

Moved by Mayor Gillock and seconded by Olesen to suspend By-laws to give T 48 a first reading this evening.

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

Yes – 7 No – 0

President Corcoran: T 48 is now added to the first readings.

RECESS:

President Corcoran: Alright, this is our recess portion of the meeting.

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

Auditor Costin: Wasn't there a T 49 that was supposed to be read also?

Councilman Boose: It is in first readings.

Auditor Costin: Oh, I am sorry.

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

President Corcoran: Moving on to first readings. First up, we have T 27.

FIRST READINGS:

Clerk of Council Smith:

T 27-2013 A RESOLUTION TO APPROVE WITH MODIFICATION THE APPLICATION MADE BY THE SIMMONS FAMILY TRUST TO HAVE CERTAIN LAND OWNED BY THEM DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT.

Councilwoman Butkowski: Mr. Chairman, do you need a motion to substitute this with the new one?

President Corcoran: Yes I do.

Moved by Butkowski and seconded by Buescher to amend T 27 by substitution.

President Corcoran: Are there comments or questions?

Councilwoman Johnson: I have a question of the Law Director: can I ask why it is being amended? What is amended?

Law Director Crites: Absolutely. No substantive changes whatsoever. It is just upon the realization that the Ordinance we have been using as a matter of form over many proceeding years; some of the O.R.C. sections in it had been changed by number. So we simply updated our Ordinance that we use for the approval of agricultural districts to reflect the change in the O.R.C. Again, no substantive changes and if you need more contact me.

President Corcoran: Were there any other comments or questions on T 27 amended? All those in favor say yes. Those opposed say no.
Yes – 7 No – 0

President Corcoran: T 27 has now been amended by substitution. T 32.

Clerk of Council Smith:

T 32-2013 AN ORDINANCE APPROVING THE FINAL PLAT OF WATERBURY PHASE 7 IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.

President Corcoran: T 33.

Clerk of Council Smith:

T 33-2013 AN ORDINANCE APPROVING THE FINAL PLAT OF WATERSIDE PLACE, PHASE 3 CLUSTER DEVELOPMENT IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.

President Corcoran: T 34.

Clerk of Council Smith:

T 34-2013 AN ORDINANCE APPROVING THE FINAL PLAT OF PIONEER RIDGE, PHASE 11 CLUSTER DEVELOPMENT IN WATERBURY PCD FOR RECORDING PURPOSES ONLY.

President Corcoran: T 49 is next.

Clerk of Council Smith:

T 49-2013 (Amended) AN ORDINANCE AMENDING N.R.C.O. SECTION 1044.01 *USER CHARGES* BY INCREASING A COMPONENT OF SANITARY SEWER RATES.

Councilman Boose: Mr. President, if I can defer to the Auditor – we had a question as to whether or not this Ordinance needed to be amended in section two. So if we could have him comment on that.

President Corcoran: Sure. Mr. Auditor.

Auditor Costin: I would recommend that section two be amended to read: “this increase shall become effective with the next billing following the effective date of this Ordinance.”

Moved by Boose and seconded by Buescher to amend section two to read: “this increase shall become effective with the next billing following the effective date of this Ordinance.”

President Corcoran: On the amendment – are there any questions? Clerk, please call the roll.

Clerk of Council Smith: The amendment passed unanimously.

Yes – 7 No – 0

Moved by Boose and seconded by Butkowski to dispense with the second and third readings for T49 Amended.

President Corcoran: Any comments or questions on dispensing with the second and third readings? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

Moved by Boose and seconded by Buescher to adopt T 49 Amended.

President Corcoran: Any comments or questions?

Moved by Boose and seconded by Buescher to add the emergency clause to T 49 Amended for the reasoning being to have the increase go into effect as soon as possible.

Councilman Boose: Mr. President, I'd like to elaborate just a bit. We had, as you all know, a Utilities meeting on this very subject and it was quit lengthy for a couple of hours. We had a study completed and we had the analysis also completed by our Auditor's Department. We needed, by the analysis, in order to cover the entire deficit in the Sewer Fund; we would need to increase the usage fee by 29.7% for an entire year. We felt as a Committee, and as the Administration, that was too much for anyone to bear. We cut that in half realizing that one we weren't going to realize a full year's benefit of the increase because it likely won't happen until April, so we already missed the first three months, perhaps a fourth month; and second that half of it will not take care of the entire deficit. We agree to continue with a more in depth study on the expenses and the infrastructure improvements that are out at the plant. We have deferred projects out there which go into the added expense to the system. We will continue to look at that so as to make sure that we can fund things properly, but without taking away the necessary things that need to be done out at French Creek. There have been a number of issues as to why this has happened and the Auditor would be more in tune to answer those if anyone had any questions.

President Corcoran: Thank you Mr. Boose. Anybody else? Mrs. Johnson?

Councilwoman Johnson: I just had a question, from what I understand, this averages about \$4.00 per month for residential usage. Is that correct?

Councilman Boose: I believe that is about the average.

Councilwoman Johnson: Okay, thank you.

President Corcoran: On the emergency clause, are there any final questions? All those in favor of adding the emergency say yes. Those opposed say no.

Yes – 7 No -0

President Corcoran: On the adoption of T 49 Amended with the emergency clause, any comments or questions? Clerk, please call the roll.

Clerk of Council Smith: Measure passed unanimously and becomes **Ordinance number 5017-2013.**

Yes – 7 No - 0

President Corcoran: Thank you. T 45.

Clerk of Council Smith:

T 45-2013 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ENTER INTO AN AGREEMENT WITH THE STATE CO-OP FOR THE REPLACEMENT AND MASONRY REPAIR OF THE UPPER ROOF SECTION AND REPLACE THE LOWER EDGE METAL ON THE LOWER ROOF SECTION OF FIRE STATION NO. 2, INCLUDING LABOR, MATERIALS AND APPURTENANCES, OR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$91,590.00.

Moved by Olesen and seconded by Johnson to dispense with the second and third readings for T 45.

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

Yes – 7 No – 0

Moved by Olesen and seconded by Johnson to adopt T 45.

Moved by Olesen and seconded by Johnson to add the emergency clause to T 45 for purposes of fixing the repairs that are necessary as quickly as possible.

President Corcoran: On the emergency clause, anybody have any comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: On the adoption of T 45 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Clerk of Council Smith: Measure passed unanimously and becomes **Ordinance number 5018-2013.**

Yes – 7 No – 0

President Corcoran: Now T 48.

Clerk of Council Smith:

T 48-2013 AN ORDINANCE COOPERATING WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM RECONSTRUCTION OF HIGHWAY LIGHTING AT TWO LOCATIONS INCLUDING THE INTERCHANGES OF IR-480/SR 10 AND IR-480/OHIO TURNPIKE.

Moved by Mayor Gillock and seconded by Olesen to dispense with the second and third readings for T 48.

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

Yes – 7 No – 0

Moved by Olesen and seconded by Johnson to adopt T 48.

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

Clerk of Council Smith: Measure passed unanimously and becomes **Ordinance number 5019-2013**.

Yes – 7 No – 0

President Corcoran: That is the end of first readings, moving on to second readings. We have T 24.

SECOND READINGS:

Clerk of Council Smith:

T 24-2013 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR FUNDING UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM FOR A COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) GRANT.

Moved by Olesen and seconded by Boose to dispense with the third reading for T 24.

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

Yes – 7 No – 0

Moved by Olesen and seconded by Boose to adopt T 24.

Moved by Olesen and seconded by Boose to add the emergency to provide funds for needy residents as soon as possible.

President Corcoran: Are there any comments or questions?

Mayor Gillock: Yes, this is the funds that we apply for every other year that as Councilman Olesen mentioned is funds to help our low and moderate income persons with home repairs and so forth. It does have a deadline of April 5th. I had mentioned this last meeting that if we didn't adopt it last meeting that this meeting we would need the emergency. Thank you.

President Corcoran: On the emergency clause, any further comments or questions? All those in favor say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: On the adoption of T 24 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Clerk of Council Smith: Measure passed unanimously and becomes **Resolution number 12i74-2013.**

Yes – 7 No – 0

President Corcoran: T 25.

Clerk of Council Smith:

T 25-2013 AN ORDINANCE ASSIGNING SPECIFIC EMPLOYEE BENEFITS TO THE FRENCH CREEK SUPERINTENDANT.

President Corcoran: T 31.

Clerk of Council Smith:

T 31-2013 AN ORDINANCE AMENDING ORDINANCE NO. 3555-2000, BY INCREASING THE ANNUAL SALARY OF THE MAYOR'S COURT MAGISTRATE FROM \$25,000.00 TO \$30,000.00.

President Corcoran: That is the end of second readings. There are no third readings.

THIRD READINGS:

None.

MEETING ANNOUNCEMENTS:

President Corcoran: Our next regular Council meeting will be held on Monday, April 1, 2013 at 7:30 P.M. right here in Council Chambers. Seeing no other business to bring before the City this evening, this meeting is adjourned.

ADJOURNMENT:

The meeting was adjourned at 8:02 P.M.

Approval of minutes:

These minutes were approved at the regular meeting of the North Ridgeville Municipal Council on April 1, 2013.

{{_es_:signer1:signature}}
PRESIDENT OF COUNCIL

{{_es_:signer2:signature}}
CLERK OF COUNCIL