

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING MAY 20, 2013**

CALL TO ORDER: 7:30 P.M.

President Kevin Corcoran: I call to order the Monday, May 20, 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 and President Kevin Corcoran.

Councilman Jaenke and Councilwoman Butkowski were excused.

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

MINUTES - Corrections (if any) and Approval:

President Corcoran: You have before you the regular Council meeting minutes held May 6, 2013. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note the Workers Comp Safety Committee minutes of 04.25.2013, Safety Committee minutes of 05.06.2013 and the Planning Commission minutes of 05.14.2013.

LOBBY:

President Corcoran: That brings us to the lobby session of our meeting. This is your opportunity to address Council, should you choose to. If you would like to do that, please approach the podium, state your name and address for the record and you will have three minutes to speak on the topic of your choice. Lobby session is now open.

Mike Gillespie, 37380 Sugar Creek Lane: wanted to thank Council and the Engineer for working with him based on his complaints last Council meeting.

Doug Fairbairn, 37356 Sugar Creek Lane: wanted to thank Mr. Wangler for coming out based on his complaints from last Council meeting. There are still issues to be addressed. Did the neighbors that created the hill for their racetrack have to get a permit? Also, Mr. Fairbairn asked if they did get a permit, is it open to the public to look at?

President Corcoran: Thank you. Is there anybody else that would like to address Council this evening? Seeing none, we will move on to the Administrator's reports. Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you Mr. President. First, our Parks and Recs Director, Kevin Fougousse, his father suddenly passed away last week, so we would like to keep Kevin and family in your thoughts and prayers.

Secondly, on occasion, I bring you our interest rates so you know what is happening with the City money that we invest. Years ago, we use to; our investment income was a significant impact on our bottom line; nowadays, much less so. We have certain cash that is on hand, but it is committed, so while it is here we invest it. We roll some over every month so we try to give ourselves the ability if interest rates did change we would be able to react in a more timely manner. This month we have \$1,500,000.00 that we will be rolling over. Our best quotes are from First Federal of Lakewood at .11%. First Place Bank is not accepting this type of investment. First Merit Bank is .20 and Lorain National is .25%. This was a special program called the CDARS. Our other option is Star Ohio which is a state backed investment vehicle. We have certain codified requirements about the security of the money. We have to invest in a very secured manner. Star Ohio is paying .04% which means that if we had invested \$1,000,000.00 for one year it would yield \$400.00. We will be able to go to Lorain National and we will get \$2,500.00 which is much better than Star Ohio, but you can see that for today's interest rates, the loss of that investment income is huge. That is what is happening with the money that we roll over.

On this evening's Ordinances, we have several for disposal of assets that we don't need the emergency clause on that, but we would like to get them passed this evening and then that gives time to get the documents ready and get them on Govdeals.com. That concludes my report. Thank you.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: Just a short one, as we try to clean up the old assets and continue to do that, there will be some other items that I will be asking the Mayor to get rid of. French Creek is almost completely clean out there and will be as we move forward. I want to commend all of the Department Heads on their efforts to not only take pictures so we can get things written off under \$1,000.00 so that we are actually down to the point where we have useful items that the City owns and not just some junk items that are out there. Thank completes my report.

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

C. Engineer:

Engineer Wangler: Thank you Mr. President. We had a preconstruction meeting for our full depth concrete repair last week and the contractor started, I believe last Friday, with saw cutting. There will be various places in the City where we are patching with concrete and his schedule for completion is in and out in thirty (30) days. That concludes my report.

President Corcoran: Thank you. Mr. Auditor.

D. Auditor:

Auditor Costin: Yes, Mr. Chairman, first of all the April financial report has been disseminated. Council members should have received that on a timely basis. I would like to draw Council's attention to T 69, 70, 71, 72. What these represent are Resolutions required by the pension boards due to the changes in the employee withholdings over the next several years. It deals with a pick-up that we passed several years

ago on a separate Ordinance whereby the employees withholding is treated as though the employer made the contribution even though we in fact do withhold it from the employees pay. The reason for that is for deferral of the federal state income tax. On that employee's portion of the PERS and/or the Police and Fire Pension, it is withheld from his paycheck but it is showed similar to how you would report to Deferred Compensation – he pays no federal and state income tax on that applicable amount of money. However, when you retire, you pay the income tax on the distributions that you receive at that time. As a result of the change in the withholding over the next several years, the employees portions of withholdings are increasing. We need to reflect this in a Resolution for the pension boards to report it properly. What I would request is although it is here at the last minute; we did have it awhile back; we did have some clarification that we wanted to confirm with the pension board. One of them didn't get back to us all that promptly and so we have it here before you tonight. I would request that it be passed. It does not need the emergency, but we do need to get these Ordinances to the pension boards so they have them in their hands well before July 1st which would be the effective date. That completes my report and request. Thank you.

President Corcoran: Thank you.

E. Other Reports:

President Corcoran: April 2013 Building Department report, April 2013 Fire Department report, April 2013 Support Car report and the April 2013 Water Distribution reports.

COUNCIL COMMITTEE REPORT(S):

Clerk of Council Smith:

SAFETY COMMITTEE REPORT dated May 6, 2013 which recommends City Council approve T 52-2013 as originally submitted.

CORRESPONDENCE:

Clerk of Council Smith:

- A. A letter dated May 5, 2013 from President of Council, Kevin Corcoran, regarding a By-law amendment.
- B. A letter dated May 7, 2013 from Auditor of State, Dave Yost, regarding a violation of the Securities and Exchange Act in Pennsylvania.

OLD BUSINESS: None

Mayor Gillock: Mr. President, I'd just like to make a comment, on the correspondence, regarding security violation from Dave Yost; I just want to point out that was for general information and that is nothing specific to the City or anything like that.

President Corcoran: Excellent point Mr. Mayor. Alright, new business.

NEW BUSINESS:

Clerk of Council Smith:

By-law amendment: Section 2(A) to read as follows: "Council shall hold regular meetings on the

first and third Monday's of each month."

Moved by President Corcoran to amend Section 2(A) to read as stated and seconded by Buescher.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, you and I have learned of this at the Charter Review Committee meeting a little over a month ago. We investigated it and though it has been in our Charter for a long time, I cannot tell you how long off the top of my head, that Council actually has a recess for the entire month of August and I'm not quite sure why. Congress has a recess in August, we are certainly not Congress. We do have the corn festival. It always appears when we come back in September, our plate is quite full and so I am in full agreement with the recommendation to forego the recess that we have now in the month of August. It would be different if all of us took vacations in August, but we don't. I am in full support of it and this will hopefully do a lot of things; one, take a lot off our plate the first of September and keep the City moving.

Councilwoman Buescher: Mr. President, I agree with that also. I think that the break has been more trouble that it is worth and this is the way it should be.

President Corcoran: Anybody else? Alright, all those in favor say yes. Those opposed say no.

Yes – 5

No – 0

Clerk of Council Smith:

Planning Commission report from meeting held May 14, 2013:

APPLICANT: Jim W. Kilby, 35296 Chestnut Ridge Road
OWNER: Harvest Ridge Church, 35600 Lorain Road
REQUEST: Approval to construct a storage building
LOCATION: 35600 Lorain Road, the portion of parcel north of Route 10 with access from Avon Belden Road in an R-1 District; Parcel No. 07-00-024-101-109
PC ACTION: **Approved by a vote of five to zero.**

Moved by Olesen and seconded by Boose to accept the Planning Commission case.

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

Yes – 5

No – 0

President Corcoran: That case has been accepted.

Clerk of Council Smith:

APPLICANT: Brian Cave, Pulte Homes of Ohio, LLC, 387 Medina Road, Ste. 1700, Medina, OH 44256
OWNER: Pulte Homes of Ohio, LLC, 387 Medina Road, Suite 1700, Medina, OH 44256
REQUEST: Final plat approval of Pioneer Ridge of Waterbury PCD, Phase 12
LOCATION: East of Bender Road, north of corporation line, south and east of Pioneer Ridge, Phase 10 in Waterbury PCD; Parcel No. 07-00-036-000-002 and 07-

00-037-000-652

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

Moved by Olesen and seconded by Boose to accept the Planning Commission case.

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

Yes – 5

No – 0

President Corcoran: That case has been accepted.

Ordinance and Resolution Submittals

Clerk of Council Smith:

T 65-2013 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ENTER INTO AN AGREEMENT FOR FIRE/ARSON INVESTIGATION MUTUAL AID ASSISTANCE WITH VARIOUS POLITICAL SUBDIVISIONS AND AGENCIES IN LORAIN COUNTY.

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

President Corcoran: T 66.

Clerk of Council Smith:

T 66-2013 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT TO O.R.C. SECTION 721.15(D).

Moved by Boose and seconded by Olesen to suspend the By-laws to allow T 66 a first reading this evening.

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

Yes – 5

No – 0

President Corcoran: T 66 is now added to first readings. T 67.

Clerk of Council Smith:

T 67-2013 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT TO O.R.C. SECTION 721.15(D).

Moved by Boose and seconded by Olesen to suspend the By-laws to allow T 67 a first reading this evening.

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

Yes – 5

No – 0

President Corcoran: T 67 is now added to first readings. T 68.

Clerk of Council Smith:

T 68-2013 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO GARY C. JOHNSON & ASSOCIATES, LLC IN THE AMOUNT OF \$5,044.90.

President Corcoran: Mr. Auditor, would you like to comment?

Auditor Costin: Mr. President, we have appropriated monies for this purpose. They were properly appropriated and we had insufficient monies on a purchase order that was written to Mr. Johnson. He is representing the City in its current negotiations with the Fire Department. So it was insufficient and accordingly we need a Resolution.

Moved by Boose and seconded by Johnson to suspend By-laws to give T 68 a first reading this evening.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, can you ask the Auditor whether or not he believes this should just be passed this evening or with an emergency because since the work was done, the money is there, it should be paid. My question is do we need the emergency?

Auditor Costin: I don't believe that there is a necessity. If you passed it for tonight, I don't believe there is a necessity to add the emergency. I think Mr. Johnson will get by just fine for another thirty (30) days.

Councilman Boose: Thank you.

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

President Corcoran: T 68 is now added to first readings. T 69.

Clerk of Council Smith:

T 69-2013 A RESOLUTION AMENDING RESOLUTION NO. 1126-2008 REGARDING PICK-UP CONTRIBUTIONS REQUIRED TO BE PAID UNDER SECTION 742.31 OF THE OHIO REVISED CODE FOR PARTICIPATING EMPLOYEES OF THE POLICE DEPARTMENT WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND, EXCLUDING THE POLICE DEPARTMENT CHIEF AND NON-BARGAINING UNIT CAPTAIN.

Moved by Olesen and seconded by Johnson to suspend By-laws to give T 69 a first reading this evening.

Law Director Crites: Mr. President, if someone would like to stand in opposition to me, I believe, after the Auditor's explanation of these pieces of legislation, it would be appropriate to make one joint motion for all four Resolutions - that being 69, 70, 71, and 72.

(Amended motion) moved by Olesen and seconded by Johnson to suspend By-laws to give T 69, T 70, T 71 and T 72 first readings this evening.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, would it be appropriate to have the Clerk read all four just so that it is publically noted so that the people know what we are voting on?

Law Director Crites: If I may, we will read them and vote on them independently when they come into first readings.

Councilman Boose: Oh, okay. Thank you.

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

President Corcoran: T 69, T 70, T 71 and T 72 are now added to first readings.

President Corcoran: Alright, that brings us to the end of new business.

RECESS:

President Corcoran: Would anyone like a 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: Moving on to first readings. First up, T 59.

FIRST READINGS:

Clerk of Council Smith:

T 59-2013 AN ORDINANCE APPROVING THE FINAL PLAT OF HAMPTON PLACE, PHASE 3, FOR RECORDING PURPOSES ONLY.

President Corcoran: T 63.

Clerk of Council Smith:

T 63-2013 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT TO O.R.C. SECTION 721.25.

Law Director Crites: If I could persuade members of Council to make a motion. We simply have a typographical error in the Ordinance as to the specific code section. It reads 721.25 both in the title of the Ordinance as well as the first whereas. The motion would be to amend 721.25 to read 721.15(D).

Moved by Johnson and seconded by Boose to amend 721.25 to read 721.15(D) in the title section and the first whereas in T 63-2013.

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

Yes – 5

No – 0

President Corcoran: T 63 is now amended.

Moved by Olesen and seconded by Boose to dispense with the second and third readings for T 63-2013 Amended.

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

Yes – 5

No – 0

Moved by Olesen and seconded by Boose to adopt T 63-2013 Amended.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, this is the same as several other Ordinances that the Mayor spoke of earlier that we are trying to sell property that is no longer of use to the City. We don't need the emergency. It certainly would behoove us to begin that process.

President Corcoran: Thank you Mr. Boose. Anybody else? All those in favor say yes. Those opposed say no.

Yes – 5

No – 0

Clerk of Council Smith: It becomes **Ordinance number 5036-2013.**

President Corcoran: T 66.

Clerk of Council Smith:

T 66-2013 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT TO O.R.C. SECTION 721.15(D).

Moved by Olesen and seconded by Boose to dispense with the second and third readings.

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

Yes – 5

No – 0

Moved by Olesen and seconded by Boose to adopt T 66.

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

Yes – 5

No – 0

President Corcoran: T 66 is now adopted.

Clerk of Council Smith: It becomes **Ordinance number 5037-2013.**

President Corcoran: T 67.

Clerk of Council Smith:

T 67-2013 AN ORDINANCE APPROVING THE SALE OF CERTAIN PERSONAL PROPERTY OWNED BY THE CITY OF NORTH RIDGEVILLE PURSUANT TO O.R.C. SECTION 721.15(D).

Moved by Olesen and seconded by Boose to dispense with the second and third readings for T 67.

Councilwoman Johnson: In the first whereas, there is a section 721.25. Should that be the same as the others?

Law Director Crites: Yes, it should.

Moved by Johnson and seconded by Buescher to amend the first whereas to read 721.15(D) rather than 721.25.

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

Yes – 5

No – 0

President Corcoran: Any comments or questions on the motion to adopt with the amendment? All those in favor say yes. Those opposed say no.

Yes – 5

No – 0

President Corcoran: That is passed.

Clerk of Council Smith: That becomes **Ordinance number 5038-2013**.

President Corcoran: T 68.

Clerk of Council Smith:

T 68-2013 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO GARY C. JOHNSON & ASSOCIATES, LLC IN THE AMOUNT OF \$5,044.90.

Moved by Boose and seconded by Johnson to dispense with the second and third readings this evening for T 68.

President Corcoran: Any comments or questions?

Auditor Costin: I would like to just also check with the Law Director to see if it is appropriate to add the emergency or if you think that passage tonight would be just fine? It is his department we are talking about.

Law Director Crites: The funds are appropriated. I do believe, I don't know who suggested it, but probably Mr. Johnson would probably survive the thirty (30) day period, but at the same time, happy lawyers are good lawyers. It is probably a good idea Mr. Auditor to go ahead and add the emergency and get the gentleman paid.

Moved by Johnson and seconded by Boose to add the emergency clause to T 68.

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

Yes – 5 No – 0

President Corcoran: On the motion to dispense with the second and third readings for T 68 now with the emergency clause. Any comments or questions that? All those in favor say yes. Those opposed say no.

Yes – 5 No – 0

Moved by Boose and seconded by Buescher to adopt T 68 with the emergency clause.

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

Yes – 5 No – 0

Clerk of Council Smith: It becomes **Resolution number 1278-2013.**

President Corcoran: T 69.

Clerk of Council Smith:

T 69-2013 A RESOLUTION AMENDING RESOLUTION NO. 1126-2008 REGARDING PICK-UP CONTRIBUTIONS REQUIRED TO BE PAID UNDER SECTION 742.31 OF THE OHIO REVISED CODE FOR PARTICIPATING EMPLOYEES OF THE POLICE DEPARTMENT WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND, EXCLUDING THE POLICE DEPARTMENT CHIEF AND NON-BARGAINING UNIT CAPTAIN.

Moved by Johnson and seconded by Olesen to dispense with the second and third readings for T 69.

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

Yes – 5 No – 0

Moved by Johnson and seconded by Olesen to adopt T 69.

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

Yes – 5 No – 0

Moved by Johnson to add the emergency due to time constraints.

Councilman Boose: There are no time constraints.

Councilwoman Johnson: I will withdraw my motion.

President Corcoran: Clerk, please call the roll.

Clerk of Council Smith: Measure passed with two absentees and becomes **Resolution number 1279-2013.**

Yes – 5 No – 0

President Corcoran: T 70.

Clerk of Council Smith:

T 70-2013 A RESOLUTION AMENDING RESOLUTION NO. 1124-2008 REGARDING PICK-UP CONTRIBUTIONS REQUIRED TO BE PAID UNDER SECTION 742.31 OF THE OHIO REVISED CODE FOR PARTICIPATING EMPLOYEES OF THE FIRE DEPARTMENT WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND, EXCLUDING THE FIRE DEPARTMENT CHIEF AND ASSISTANT CHIEFS.

Moved by Johnson and seconded by Olesen to dispense with the second and third readings for T 70.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.
Yes – 5 No – 0

Moved by Johnson and seconded by Olesen to adopt T 70.

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

Clerk of Council Smith: Measure passed unanimously with two absentees. Becomes **Resolution number 1280-2013.**

Yes – 5 No – 0

President Corcoran: T 71.

Clerk of Council Smith:

T 71-2013 A RESOLUTION AMENDING RESOLUTION NO. 1127-2008 REGARDING PICK-UP CONTRIBUTIONS REQUIRED TO BE PAID UNDER SECTION 742.31 OF THE OHIO REVISED CODE FOR THE POLICE DEPARTMENT CHIEF AND NON-BARGAINING UNIT CAPTAIN WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND.

Moved by Johnson and seconded by Olesen to dispense with the second and third readings for T 71.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.
Yes – 5 No – 0

Moved by Johnson and seconded by Olesen to adopt T 71.

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

Clerk of Council Smith: Passed unanimously with two absentees. Becomes **Resolution number 1281-2013.**

Yes – 5 No – 0

President Corcoran: T 72.

Clerk of Council Smith:

T 72-2013 A RESOLUTION AMENDING RESOLUTION NO. 1125-2008 REGARDING PICK-UP CONTRIBUTIONS REQUIRED TO BE PAID UNDER SECTION 742.31 OF THE OHIO REVISED CODE FOR THE FIRE DEPARTMENT CHIEF AND ASSISTANT CHIEFS WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND.

Moved by Johnson and seconded by Olesen to dispense with the second and third readings for T 72.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.
Yes – 5 No – 0

Moved by Johnson and seconded by Olesen to adopt T 72.

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

Clerk of Council Smith: Passed unanimously with two absentees. Becomes **Resolution number 1282-2013.**

Yes – 5 No – 0

President Corcoran: Thank you.

SECOND READINGS: None

THIRD READINGS:

President Corcoran: We have T 51.

Clerk of Council Smith:

T 51-2013 AN ORDINANCE APPROVING THE FINAL PLAT OF TIMBER RIDGE SUBDIVISION, PHASE 2, FOR RECORDING PURPOSES ONLY.

Moved by Olesen and seconded by Boose to adopt T 51.

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

Clerk of Council Smith: Passed unanimously with two absentees. Becomes **Ordinance number 5039-2013.**

Yes – 5 No – 0

MEETING ANNOUNCEMENTS:

President Corcoran: The next regular Council meeting is Monday, June 3, 2013 at 7:30 P.M. right here in Council Chambers.

ADJOURNMENT:

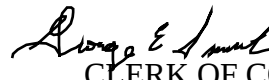
The meeting was adjourned at 8:08 P.M.

Approval of minutes:

These minutes were approved at the regular meeting of the North Ridgeville Municipal Council on June 3, 2013.

A stylized signature consisting of a large capital 'K' with a horizontal line extending to the right.

PRESIDENT OF COUNCIL

A cursive signature that appears to read 'Dorothy E. Smith'.

CLERK OF COUNCIL