

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING AUGUST 19, 2013**

CALL TO ORDER: [7:30 P.M.] Welcome to the August 19th Council meeting.

INVOCATION:

Led by President Corcoran.

PLEDGE OF ALLEGIANCE:

Led by all.

President Corcoran: Mr. Clerk, before we do the roll, as everyone knows, last meeting we appointed Dr. Ron Arndt to the vacant Ward 3 Council seat. I want to welcome Dr. Ron and thank you for joining us. Would you like to say anything?

Councilman Arndt: Yes, thank you Mr. President. It is fun, I believe to be back here after, I don't know how many years – five or six years, but I really hope to extend the vision that Mr. Dick Jaenke had for bringing common sense and some strategic thinking to city government. Certainly in my tenure with him when I sat on Council; I came to know Dick Jaenke as a man of distinction and decency. I certainly hope that I can honor his legacy with that same humility. I want to thank my fellow Council members for their vote of confidence to have me complete this term.

President Corcoran: Thank you very much. Mr. Clerk, please call the roll.

ROLL CALL:

Present were Council members Nancy Buescher, Dennis Boose, Dr. Ronald Arndt, Robert Olesen, Bernadine Butkowski, Roseanne Johnson and President Kevin Corcoran.

Also present was Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, Engineer Scott Wangler, Deputy Auditor Teresa Machovina and Clerk of Council George Smith.

MINUTES - Corrections (if any) and Approval:

President Corcoran: You also have before you the regular Council meeting minutes held August 5, 2013. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note the Planning Commission meeting minutes of 08.13.2013, Utilities Committee meeting minutes of 08.05.2013 and Workers Comp Safety Committee meeting minutes of 07.25.2013.

LOBBY:

President Corcoran: That brings us to the lobby session of our meeting. This is your opportunity to address Council. If you have a concern that you would like to bring to us, please step up to the podium and state your name and address for the record. We do have forms in the back of the room if you are going to speak; we would like for you to fill that out. You will have three minutes to speak on the topic of your choice and you are limited to those three minutes. I will let you know when that time is up. This is not an interactive session. It is you bringing your concerns to us and we will note them and get back to you. With that being said, is there anybody that would like to address Council this evening?

President Corcoran: Alright then. Thank you for coming. We will move on to the Administrator's reports. Mr. Mayor, you are up first.

ADMINISTRATORS REPORTS:

A. Mayor: Thank you Mr. President. I have a few things this evening. First I want to welcome Dr. Ron back. We look forward to your astute input. You were valuable here before and you will be a tremendous contributor again.

If you were not at the Corn Festival, I wanted to bring your attention again; several years ago, two young ladies, Girl Scouts, in high school had a Girl Scout project. They began a long process; it took us at least three years because we went to the ODNR three times for grants before we were successful. Caitlyn Tipple and Morgan Rogers began the process that resulted in the project that we will finish this year. We will be putting in walking trails that go from the middle school parking lot down along behind the football stadium by the library across Bainbridge into South Central and then wrap around the park. I think it is a total of 1.2 miles at a total cost of approximately \$300,000. At the Corn Festival, those two young ladies raised money on their own with carwashes and bake sales and whatever you can think of. They presented a check to Parks and Rec for \$15,000.00. I think that is just tremendous and outstanding. We had them here before and we could have had them here again, but they are in college now. At least one of them was away and couldn't be here. We want to really thank them, not only for the \$15,000.00 but for the impetus for getting the whole project going and making this tremendous improvement to the City. So, thanks to Caitlyn and Morgan.

Moved by Mayor Gillock and seconded by Butkowski to replace recess with an executive session for the discussion of union negotiations and for the purchase or sale of property.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.
Yes – 7 No – 0

President Corcoran: We will have an executive session at the recess.

Mayor Gillock: Thank you. Two final items: first those that might be interested, I retained the horseshoe trophy because my opponent didn't show up. We win again.

Lastly, I'd like to wish my wife, my bride and the first lady of the City of North Ridgeville a happy 46th anniversary today. Thank you. That concludes my report.

President Corcoran: Congratulations. Mr. Armbruster.

B. Safety-Service Director:

Safety-Service Director Armbruster: Last week we received several emails and telephone calls from the Avalon area with regards to a detention basin. We went out Friday morning just to see what they were talking about. They said that the detention basin thirty-six inch pipe was actually covered. When we arrived and walked through with the Service Department employees and realized that there were three beaver dams, not just one. We took action that afternoon. We are looking today and this week to see just exactly how far we can go to lower the lake and try to get rid of the beavers. This means you would have to trap them because they are pretty resourceful individuals. You may call them individuals I guess. They all have their own personalities. They will just build it back up and we will have another problem

down there. It led itself that the detention basin was high enough I believe to being non-existent due to the water. That completes my report.

President Corcoran: Thank you. Mr. Engineer.

C. Engineer:

Engineer Wangler: It seems like we have been getting our share of issues coming to my office regarding flooding. More often than not we are finding ditch obstructions. I'd like to make everyone aware any kind of bridges that go through the ditches should go through our office for a permit. Yard debris and stuff should not be disposed of in ditches and wherever possible, kept free from debris. That is the end of my report.

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

D. Auditor:

Deputy Auditor Machovina: Good evening Council. I have nothing other than you should have received your July 2013 Financial report.

E. Other Reports:

President Corcoran: Please note the July 2013 Fire Department report, July 2013 Support Car report and July 2013 Water Distribution reports.

COUNCIL COMMITTEE REPORT(S):

Clerk of Council Smith: UTILITIES COMMITTEE report dated August 5, 2013 which recommends City Council adopt T 88 and T 89 as originally submitted.

Moved by Olesen and seconded by Boose to accept the Utilities Committee report regarding T 88 and T 89.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.
Yes – 7 No – 0

President Corcoran: The Committee report was accepted. Moving on to correspondence.

CORRESPONDENCE:

Clerk of Council Smith: A letter received on August 9, 2013 from M.A. Korman demanding discharge of Barry Accorti, Humane Officer, on behalf of Alley Cat Rescue.

OLD BUSINESS:

None.

President Corcoran: There is no old business. Moving on to new business.

NEW BUSINESS:

Planning Commission action taken at the August 13, 2013 meeting:

Clerk of Council Smith:

APPLICANT: Joe Molnar, Vice President, Bob Schmitt Homes, Inc., 9095 Gatestone Road

OWNER: Same

REQUEST: Final plat approval for Ridgefield Subdivision No. 11 to include 15 single family lots
LOCATION: Extension of Meadows Edge Lane in Ridgefield Subdivision in an R-1 District; Part of Permanent Parcel No. 07-00-001-000-306
PC ACTION: **Approved by a vote of four to zero.**

Moved by Olesen and seconded by Johnson to accept the Planning Commission's action.

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

Clerk of Council Smith: One abstention and six yea votes.

Yes – 6 No – 0 Abstain – 1 (Corcoran)

President Corcoran: Moving on to T 104.

Ordinance and Resolution Submittals

Clerk of Council Smith:

T 104-2013 AN ORDINANCE AMENDING N.R.C.O. SECTION 642.04 *UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS* BY ADDING AN ADDITIONAL SUBSECTION.

President Corcoran: Mr. Law Director.

Law Director Crites: Thank you Mr. President. My microphone doesn't work. Can you hear me? Shall I sit on a phonebook? As Council is well aware, your By-laws in Section 17 dictate that legislation submitted by a department head, such as this, submitted by me, the Law Director, shall be referred to a Committee. You can suspend that By-law. Obviously I am recommending that or at least consider it. This Ordinance is our unauthorized use of a vehicle/vehicle trespass Ordinance which had absolutely no language addressing vehicle trespass. Vehicle trespass is a lesser included offense. It is a minor misdemeanor. It typically appears in municipal codes as well as the Ohio Revised Code. Unauthorized use of vehicles is a first degree misdemeanor; a very serious offense. It is basically a step below car theft. I am very much paraphrasing: use of a vehicle, driving without the permission of another. On this other offense, the Police have come to us and said not only is it absent from our Code, but they would like to have the ability to have it as a tool. That is vehicle trespass – entry upon a vehicle without the permission of the owner. By no means do I wish to sweep this through. This is not a heavy offense. It is a much lesser included offense - a minor misdemeanor; you can't even get a criminal record for it. All I would recommend for the Council to consider is a motion to suspend the By-laws and not send it to a Committee for study and just simply let it go through the regular means. All you would be doing by taking that action is eliminate a very unnecessary Committee meeting.

Moved by Butkowski and seconded by Arndt to suspend By-laws to allow T 104 to proceed through the normal course of action rather than have a Committee meeting.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, just a typographical change/correction. I don't know if we need to amend it or just note the typographical error. Under the first "Whereas," 642.04(c)(2) the last sentence reads "would authorized". I believe that should say "would authorize." Eliminate the "d."

Law Director Crites: If I may, thank you Councilman Boose. I think it would be appropriate to note that. No amendment would be required as much as that section of the Ordinance is simply citing the existing section. I think it is good that we brought it up and that you noticed it but I believe we do not need to amend.

Councilman Boose: Thank you.

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

Yes – 7

No – 0

President Corcoran: Ok, we will just have T 104 proceed to first readings the next meeting. Thank you Mr. Law Director. T 105.

Clerk of Council Smith:

T 105-2013 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE SALE OF REAL PROPERTY.

Moved by Mayor Gillock to suspend By-laws to allow T 105 to have a first reading this evening.

President Corcoran: Shouldn't we discuss this in executive session first?

Mayor Gillock: We will discuss this in executive session but when we sell a piece of property, which is what we are talking about, selling something, it has to be published in the newspaper for five weeks. So if we go through the normal process to approve it and then advertise it for five weeks, this is going to be some time next year before we get around to dealing with this. That is the reason I would like to move it along on the agenda. If during executive session a different decision is recommended, then we can deal with it.

Moved by Mayor Gillock and seconded by Olesen to allow T 105 to have 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 105 is now moved to first readings. T 106.

Clerk of Council Smith:

T 106-2013 A RESOLUTION OF SUPPORT FOR OHIO PUBLIC WORKS COMMISSION PRIORITIES.

President Corcoran: T 107.

Clerk of Council Smith:

T 107-2013 AN ORDINANCE APPROVING THE REPORT AND RECOMMENDATIONS OF THE S.E.R.B. FACT FINDER AND AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS INCORPORATING THE RECOMMENDED TERMS.

Moved by Mayor Gillock and seconded by President Corcoran to suspend By-laws to allow T 107 to have 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 107 is now added to first readings.

RECESS:

President Corcoran: That brings us to recess which means we will be going into executive session. We will return after that is over.

(Adjourn into executive session at 7:49 P.M.)
(Reconvened at 8:10 P.M.)

President Corcoran: We are back and we have first readings. First up, T 96.

FIRST READINGS:

Clerk of Council Smith:

T 96-2013 AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT, ENACT AND PUBLISH NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

President Corcoran: T 98.

Clerk of Council Smith:

T 98-2013 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS LOCATED IN THE HAMPTON PLACE SUBDIVISION, PHASE 1, AND DEDICATING THEM FOR PUBLIC PURPOSES.

President Corcoran: T 105.

Clerk of Council Smith:

T 105-2013 AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE SALE OF REAL PROPERTY.

Moved by Boose and seconded by Butkowski to dispense with the second and third readings for T 105.

President Corcoran: Any comments or questions? All those in favor say yes. Those opposed say no.
Yes – 7 No - 0

Moved by Boose and seconded by Butkowski to adopt T 105.

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

Clerk of Council Smith: Measure passed unanimously and becomes **Ordinance number 5063-2013**.

Yes – 7

No – 0

President Corcoran: T 107.

Clerk of Council Smith:

T 107-2013 AN ORDINANCE APPROVING THE REPORT AND RECOMMENDATIONS OF THE S.E.R.B. FACT FINDER AND AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS INCORPORATING THE RECOMMENDED TERMS.

Moved by Olesen and seconded by Butkowski to dispense with the second and third readings for T 107.

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 Butkowski to adopt T 107.

Moved by Olesen and seconded by Butkowski to add the emergency clause to T 107 in order to proceed in a timely manner and move forward to meet the statutory deadline.

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

Yes – 7

No – 0

President Corcoran: Any comments or questions on the adoption of T 107 with the emergency clause? Clerk, please call the roll.

Clerk of Council Smith: Measure passed unanimously and becomes **Ordinance number 5064-2013**.

Yes – 7

No – 0

President Corcoran: Moving on to second readings. We have T 64.

SECOND READINGS:

Clerk of Council Smith:

T 64-2013 A RESOLUTION ACCEPTING THE 2013 NORTH RIDGEVILLE PARKS AND RECREATION MASTER PLAN.

President Corcoran: T 65.

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: T 94.

Clerk of Council Smith

T 94-2013 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).

THIRD READINGS:

None.

MEETING ANNOUNCEMENTS:

President Corcoran: We do have a public meeting regarding the Northview Circle area on Wednesday, August 21, 2013 at 7:00 P.M. in the multi-purpose room at the Senior Center. Our next regular Council meeting is on Tuesday, because Monday is Labor Day, September 3, 2013 at 7:30 P.M. in Council Chambers.

ADJOURNMENT:

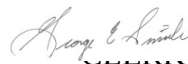
President Corcoran: Seeing no other business to bring before the City this evening, this meeting is adjourned. The meeting was adjourned at 8:18 P.M.

Approval of minutes:

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



PRESIDENT OF COUNCIL



CLERK OF COUNCIL