

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING OCTOBER 21, 2013**

CALL TO ORDER: 7:30 P.M.

President Corcoran: I call to order the Monday, October 21, 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, Dr. Ronald Arndt, Robert Olesen, Bernadine Butkowski and President Kevin Corcoran.

Councilwoman Roseanne Johnson and Nancy Buescher were excused.

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

MINUTES - Corrections (if any) and Approval:

President Corcoran: You have before you the minutes from the meeting held October 7, 2013. Are there any corrections or objections to approving those minutes? Seeing none, those minutes are approved.

President Corcoran: Please note the Board of Drainage and Flood Control meeting minutes of 07.23.2013 and the Planning Commission meeting minutes of 10.08.2013.

LOBBY:

President Corcoran: This brings us to the lobby session of our meeting. If there is anybody that would like to address Council this evening, please rise and approach the podium. State your name and address for the record and you will be heard. Anybody? Once, twice...alright, thank you audience members for coming tonight. Administrator's reports, first up we have Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor: Thank you, Mr. President. First, I want to mention this evening; if you did not see the newspaper article – WOW cable will be coming to North Ridgeville. Our President of Council, Kevin Corcoran, was instrumental in helping to get them to come here. You won't see anything for a few months as they do their canvassing and surveying and maybe sometime late spring, early summer, you will probably start seeing opportunities to sign up is the way they explained it. They are coming from their main connection in Berea. They use fiber optic, so the first area will probably be in the Bagley Road area, Timber Ridge, Ridgefield and continue to go throughout the City next year. A year from now, if you are so inclined, you will have an opportunity to choose between two carriers; something a lot of people mention several times.

Second item: today I met with the Auditor of State. I am a member of the Auditor of State's Regional Advisory Committee. We had a round table meeting. A couple items that came up that would be of interest to Council is that the Auditor, Dave Yost; somebody asked about the reinstatement of the local government funds – according to him there is no appetite in the General Assembly to tackle that subject,

so nothing is going to happen there in the near future. We also talked about HB5 which is an effort to change the municipal income tax Ordinances; this is something I have been working on for two years now. Just really briefly – it is starting to maybe come to a vote and there has been some regression in what we have accomplished up until this point. The main two things that they are still concerned about are the net operation loss carry forward which they want to change to five years. North Ridgeville already has five years so that will not affect us much. The other big item is right now, if you come into North Ridgeville, after twelve days, you have to start paying income tax and that goes back to the first day. They want to change that to twenty days and start paying tax on the twenty-first day. That could have another hit on our municipal revenues. After the loss of local government funds and the estate tax and the utility taxes and the internet café fees; this is just another hit to our budget that we are going to have to be aware of.

Third thing I have this evening – you have on your desk an Ordinance levying special assessments for the improvements on Victory Lane.

Moved by Mayor Gillock and seconded by Boose to add the Ordinance to the agenda under new business.

President Corcoran: Mr. Clerk, can you give us a T number for that.

Clerk of Council Smith: Yes, I assigned it temporary number 121-2013.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, I will mention as most of you know, Victory Lane five years ago was assessed a project for the 50% owners on the west side of the road. We put it in BANs for five years. The way these are normally done are after five years we know all the costs associated with the project; the construction, the engineering, the legal and everything else. We did assess and calculate what all those costs are and enact the assessment. That is what this is.

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

Yes - 5 No – 0

President Corcoran: T 121-2013 is now added to new business.

Mayor Gillock: The next item I will just mention is Auditor Costin had mentioned and I think that most of you are aware, probably next meeting, we will have bond legislation coming so be prepared for that. Lastly, I am requesting an executive session in place of the recess in regards to two items: one is union negotiations and the other one is buying and selling of City property.

Moved by Mayor Gillock and seconded by Arndt to have replace the recess with an executive session to discuss union negotiations and the buying and selling of City property.

President Corcoran: Are there any comments or questions? Please call the roll.

Clerk of Council Smith: Measure passed unanimously with the people present.

Yes – 5 No – 0

Mayor Gillock: That completes my report. Thank you.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: No report this evening.

President Corcoran: All right, Mr. Engineer.

C. Engineer:

Engineer Wangler: Absent.

President Corcoran: Ms. Deputy Auditor.

D. Auditor:

Deputy Auditor Machovina: You should have received an email, I believe, on Friday afternoon, for the September 30th Financial report for the City. Thank you.

E. Other Reports:

President Corcoran: We have the September 2013 Support Car report.

President Corcoran: We have no Committee reports.

COUNCIL COMMITTEE REPORT(S): None.

President Corcoran: We do have a piece of correspondence.

CORRESPONDENCE:

Clerk of Council Smith: A public notice from Site Quest, Ltd. notifying the City of weather balloon testing for the installation of a communications tower by TowerCo.

Mayor Gillock: Mr. President, one other item – this is what I was interrupting the Safety-Service Director for. I just want to remind everyone that trick-or-treating will be on Halloween, October 31 from 6:00 – 7:30 P.M. If you want to participate, leave your porch light on and that is when the entire county will be doing it. Thank you.

President Corcoran: Thank you.

OLD BUSINESS: None.

President Corcoran: Moving on to new business; we have a liquor permit.

NEW BUSINESS:

Liquor Permit requests/renewals/transfers

Clerk of Council Smith: A request for a liquor permit transfer from Klad Investments, Inc., 33137 Center Ridge Rd. to Nuthatch Ventures, Inc., DBA Bullfrogs Sports Café & Patio, 33137 Center Ridge Rd.

Moved by Butkowski and seconded by Olesen to not request a hearing as stated in the application so that this permit can be sent to the State for final disposition by November 12, 2013.

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

President Corcoran: That has passed. Moving on to Planning Commission.

Planning Commission recommendations from their October 8, 2013 meeting:

Clerk of Council Smith:

APPLICANT: Clayton M. (Mike) Pitchure, PE, Site Quest, Ltd, 3867 West Market Street; #309, Akron, OH 44333
OWNER: North Ridgeville Board of Education, 5490 Mills Creek Lane
REQUEST: Approval to construct a 300 foot Cellular Communications Tower, which will replace an existing tower within the local area.
LOCATION: 35895 Center Ridge Road in an R-1 District; Permanent Parcel No. 07-00-021-117-015
PC ACTION: **Approved by a vote of five to zero**

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

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

Clerk of Council Smith:

APPLICANT: Daniel L. Allen, DLA Construction Services, 1307 Columbia Street, Vancouver, WA 98660
OWNER: Rini Realty Co., 924 Westpoint Parkway, Westlake, OH 44145
REQUEST: Approval to construct a Taco Bell Restaurant facility in a B3 District.
LOCATION: 32350 Lorain Road, east of Lear Nagel and adjacent to Sheetz Service Station; Permanent Parcel No. 07-00-004-108-094
PC ACTION: **Approved by a vote of five to zero**

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

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

Clerk of Council Smith:

APPLICANT: Village at Ashton Place, LLC, 36097 Westminister Road
OWNER: The New Market Corp., 10 East, Three Gateway Center, Pittsburgh, PA 15222
REQUEST: Approval for lot splits creating landlocked parcels to include two lots without frontage on right of way.
LOCATION: Village of Ashton Place, Ashton Place Condominiums in Waterbury PCD; Permanent Parcel No. 07-00-038-700-004
PC ACTION: **Approved by a vote of five to zero**

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

President Corcoran: Any comments or questions?

Councilwoman Butkowski: Mr. Chairman, I read the minutes but they didn't say what they were going to do with these two landlocked parcels. I just wondered if they were going to include the parcels with frontage or what they were going to do with them because we do not want to get stuck with two landlocked parcels.

Councilman Olesen: If I might; those open up our frontage to private streets and we just discussed legislation in our code to finalize this particular situation that we get into constantly.

Councilwoman Butkowski: So they will have access on a private street? It won't be landlocked when we pass that? That was not in the minutes so I just wanted to be sure we didn't have little spots.

President Corcoran: Right, we are good. Thank you.

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

Yes - 5 No – 0

President Corcoran: Okay, that has been accepted. Moving on to T 116.

Ordinances and Resolution Submittals

Clerk of Council Smith:

Introduced by Law Director Crites

T 116-2013 AN ORDINANCE AMENDING SECTION (12) OF NRCO SECTION 1220.11
DEFINITIONS.

President Corcoran: T 117.

Clerk of Council Smith:

Introduced by Law Director Crites

T 117-2013 AN ORDINANCE AMENDING SECTION (C) OF NRCO SECTION 1226.11 *LOTS.*

President Corcoran: T 118.

Clerk of Council Smith:

Introduced by Law Director Crites

T 118-2013 AN ORDINANCE AMENDING NRCO SECTION 1220.07 *LANDLOCKED PARCELS
PROHIBITED; FRONTAGE REQUIREMENTS; NONCONFORMING PARCELS.*

President Corcoran: T 119.

Clerk of Council Smith:

Introduced by Mayor Gillock
T 119-2013 AN ORDINANCE COOPERATING WITH THE DIRECTOR OF THE OHIO
DEPARTMENT OF TRANSPORTATION TO BUILD NOISE BARRIERS ON THE
NORTH SIDES OF THE EASTBOUND AND WESTBOUND RAMPS OF
INTERSTATE 480 TO THE TOLL PLAZA FOR THE OHIO TURNPIKE WITHIN
THE CITY OF NORTH RIDGEVILLE.

President Corcoran: T 120.

Clerk of Council Smith:

Introduced by Mayor Gillock
T 120-2013 A RESOLUTION SUPPORTING THE PRESERVATION OF CUSTOMER CHOICE
THROUGH GOVERNMENTAL OPT-OUT ELECTRIC AGGREGATION.

President Corcoran: T 121.

Clerk of Council Smith:

Introduced by Mayor Gillock
T 121-2013 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT
OF VICTORY LANE AND ADJACENT AND RELATED CITY EASEMENTS BY
GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING SANITARY
SEWERS, STORM SEWERS AND OTHER STORM WATER DRAINAGE
IMPROVEMENTS, SIDEWALKS AND WATERLINES, TOGETHER WITH THE
NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

Moved by Boose and seconded by Butkowski to suspend the By-laws to place T 121 under first readings.

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

President Corcoran: T 121 is now added to first readings. That brings us to the end of new business.

RECESS:

President Corcoran: That brings us to the recess portion of our meeting. That means we are going into executive session. We shall return.

(Adjourned into executive session at 7:47 P.M.)
(Reconvened at 8:10 P.M.)

President Corcoran: First readings. T 97 Amended.

FIRST READINGS:

Clerk of Council Smith:

Introduced by Councilwoman Johnson; Building & Lands Committee on 08/19/2013 &
09/20/2013; Committee report accepted on 10/07/2013

T 97-2013 AN ORDINANCE AMENDING THE NORTH RIDGEVILLE CODIFIED
Amended ORDINANCES BY ADDING A CHAPTER ESTABLISHING REGULATIONS FOR
UNATTENDED COLLECTION BINS.

President Corcoran: T 121.

Clerk of Council Smith:

Introduced by Mayor Gillock
T 121-2013 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT
OF VICTORY LANE AND ADJACENT AND RELATED CITY EASEMENTS BY
GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING SANITARY
SEWERS, STORM SEWERS AND OTHER STORM WATER DRAINAGE
IMPROVEMENTS, SIDEWALKS AND WATERLINES, TOGETHER WITH THE
NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO.

Moved by Boose and seconded by Butkowski to dispense with the second and third readings for
T 121.

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 121.

Moved by Boose and seconded by Butkowski to add the emergency for the immediate
preservation of the public health, safety and welfare of the City , and for the further reason that
this Ordinance is required to be immediately effective to enable the City to timely conclude the
proceedings for the levying of the final assessments and the issuance of bonds for the
improvement and thereby to enable the City to take advantage of attractive current market
conditions and to preserve the credit of the City.

President Corcoran: On the emergency clause itself, any comments or questions? All those in favor say
yes. Those opposed say no.
Yes - 5 No – 0

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

Clerk of Council Smith: With two absentees, it passed unanimously otherwise and becomes **Ordinance
number 5077-2013**.
Yes - 5 No – 0

President Corcoran: Thank you. Second readings, we have T 102.

SECOND READINGS:

Clerk of Council Smith:

Introduced by Mayor Gillock; Planning Commission on 09/10/2013; Report accepted on
09/16/2013; First reading 10/07/2013

T 102-2013 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ENTER INTO AN EASEMENT AGREEMENT WITH THE NORTH RIDGEVILLE CITY SCHOOL DISTRICT.

President Corcoran: T 115.

Clerk of Council Smith:

Introduced by Councilwoman Johnson; First reading 10/07/2013

T 115-2013 AN ORDINANCE ESTABLISHING THE *PAYROLL AND BENEFITS RESERVE FUND*.

President Corcoran: There are no third readings.

THIRD READINGS: None.

MEETING ANNOUNCEMENTS:

President Corcoran: That brings us to the end of our meeting. There are no Committee meeting announcements; except we do have our next regular Council meeting is on Monday, November 4, 2013 at 7:30 P.M. in Council Chambers.

As a final reminder, Halloween is October 31st from 6:00 – 7:30 P.M. Leave your light on if you want the trick-or-treaters to come.

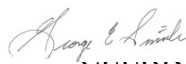
ADJOURNMENT:

President Corcoran: Seeing no other business to bring before the City this evening, this meeting is adjourned. The meeting was adjourned at 8:14 P.M.

Approval of minutes:



PRESIDENT OF COUNCIL



CLERK OF COUNCIL