

Jason Jacobs, At-Large/President of Council
Georgia Awig, At-Large
Martin DeVries, At-Large
Holly A. Swenk, Ward 1
Eric Shaffer, Ward 2
Bruce F. Abens, Ward 3
Clifford Winkel, Ward 4/President Pro-Tem
Kevin Corcoran, Mayor



City Council
CITY HALL COUNCIL CHAMBERS
REGULAR AGENDA OF AUGUST 5, 2024
7:00 PM

REVISED

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. City Council Meeting Minutes dated July 15, 2024
(Council action required)

Note Other Minutes:

CRA Housing Council Meeting Minutes dated June 12, 2024

Parks and Recreation Commission Meeting Minutes June 26, 2024

Civil Service Commission Meeting Minutes dated July 22, 2024

Board of Zoning and Building Appeals Meeting Minutes dated July 25, 2024

LOBBY

ADMINISTRATORS' REPORTS

1. Mayor
2. Engineer
3. Director of Finance
4. Other Reports

June 2024 Parks and Recreation Division Report

COUNCIL COMMITTEE REPORTS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

RECESS

FIRST READINGS

- R 2024-77 A Resolution Supporting the Race Road and Maddock Road Rail Grade Crossing Elimination Project.
(Introduced by Mayor Corcoran)
- O 2024-78 An Ordinance amending Chapter 830 *Home Occupations* of the North Ridgeville Business Regulation and Taxation Code.
(Introduced by Mayor Corcoran)
- O 2024-79 An Ordinance authorizing the Mayor of the City of North Ridgeville to enter into an agreement with the State of Ohio Office of Budget and Management in order to accept a grant award for the Cypress Avenue Extension Project.
(Introduced by Mayor Corcoran)
- O 2024-80 An Ordinance vacating a portion of Elmer Avenue.
(Introduced by Mayor Corcoran)
- O 2024-81 An Ordinance amending N.R.C.O Section 452.03 – prohibited standing or parking places.
(Introduced by Mayor Corcoran)
- O 2024-82 An Ordinance establishing enforcement capability regarding fireworks for the Police Department.
(Introduced by Mayor Corcoran)
- O 2024-83 An Ordinance amending Ordinance Number 6121-2023 of the City of North Ridgeville, Ohio, providing appropriations for the period commencing January 1, 2024, and ending December 31, 2024.
(Introduced by Mayor Corcoran)
- O 2024-84 An Ordinance authorizing the Mayor to enter into a contract with Root Development and Construction LLC for the purchase of real property.
(Introduced by Mayor Corcoran)
- O 2024-85 An Ordinance authorizing the Mayor of the City of North Ridgeville to advertise for bids and enter into a contract according to law and in a

manner prescribed by law, with the lowest and best bidder for the Sugar Ridge PRV vault replacement project not to exceed \$521,840.00.
(Introduced by Mayor Corcoran)

SECOND READINGS

O 2024-71 An Ordinance repealing *NRCO Section 222.03 Fees for Copies* of the North Ridgeville Administration Code.
(Introduced by Mayor Corcoran; First Reading on 07-15-2024)

THIRD READINGS

MEETING ANNOUNCEMENTS

ADJOURNMENT

1. The next Regular City Council meeting will be on Monday, August 19, 2024, at 7:00 p.m. in Council Chambers.

**NORTH RIDGEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
July 15, 2024**

CALL TO ORDER:

President Jacobs called the Monday, July 15, 2024, Council meeting to order at 7:00 p.m.

INVOCATION:

Led by President Jacobs.

PLEDGE OF ALLEGIANCE:

Led by President Jacobs.

ROLL CALL:

Present were Council members President Jason Jacobs, Holly A. Swenk, Eric Shaffer, Bruce F. Abens, Clif Winkel, Georgia Awig, and Martin DeVries.

Also present were Mayor Kevin Corcoran, City Engineer Christina Eavenson, Clerk of Council Nicholas Ciofani, and Assistant Clerk of Council Fijabi Gallam.

MINUTES - Corrections (if any) and approval:

President Jacobs asked if there were any corrections to the Regular City Council Meeting Minutes dated July 01, 2024. No discussion was offered. The meeting minutes stand approved as submitted.

President Jacobs noted the following minutes:

Board of Zoning and Appeals Meeting Minutes dated June 27, 2024

Civil Service Commission Meeting Minutes dated July 1, 2024

Planning Commission Meeting Minutes dated July 9, 2024

LOBBY:

President Jacobs opened the lobby session. He reminded everyone that the lobby session was not meant to be an interactive question-and-answer session. However, it was an opportunity for the public to address the City Council and its administration. He asked anyone who would like to speak to come to the podium and state their name and address. He further added that each person is allowed three minutes to speak.

No lobby session.

ADMINISTRATORS REPORTS:

1. Mayor:

Mayor Corcoran remarked the following.:

- Under the first readings, he requested an emergency passage on several pieces of legislation that would need the emergency for RES. NO. 2024-73, RES. NO. 2024-74, ORD. NO. 2024-75.
- Street Paving - Public Works, Streets Division is finishing up paving and the clean up on Cadet Drive. They are halfway through this year's asphalt paving list. They have completed five streets with five more to go on the list. You can find the complete list and schedule on the City's website at nridgeville.org.
- Zoning Community Survey Results Are In - The City is working with a consultant to assess the need for changes to the existing planning and zoning ordinances. The audit will summarize the strengths and weaknesses of the existing regulations in terms of usability, organization, and substantive standards, and provide recommendations for improvement. As part of this process, the City surveyed North Ridgeville residents to gather their feedback. The survey was open from May 20, 2024, to June 16, 2024 (four weeks) and was promoted on social media, the City's June Newsletter, the website, and email blasts. In total, the survey generated 962 responses. Among the respondents, the majority were North Ridgeville residents (97%), with over ten years of residency in the city (57%), homeowners (98%), and aged between 35 and 64 (69%). For the complete survey results, visit the City's website at nridgeville.org.
- Coffee & Conversation – The Mayor's monthly coffee and conversation is Tuesday, July 16, 2024, from 6:00 p.m. until 7:00 p.m. This is a great way for residents to hear firsthand about current and upcoming projects and ask any questions they may have.
- Summer Concert Series, July 14, 2024 - The free summer concert series is at South Central Park Gazebo. The fourth and final concert of the season is Sunday, July 28, 2024, from 6:00-8:00 p.m. featuring Funkology, from Motown to Country, Disco to Classic Rock. Concerts are subject to cancellation because of weather conditions. For updates during the season, residents can visit the Parks & Recreation Division Rainout Line Tab on their webpage or call the Rainout Line at (440) 210-6226.
- TEAL Art Fest -- The TEAL Art Fest is at South Central Park on Saturday, July 20, 2024, from 10:00 a.m. until 4:00 p.m. The Art Fest is aimed at showcasing the visual and performing artists of Northeast Ohio. The festival celebrates the arts and individual expressions of K-12 students and young adults. It aims to engage the business community and residents of North Ridgeville and neighboring cities. Free live entertainment, kid-friendly activities, food, and a locally curated art gallery featuring K-12 artists and more! The event is sponsored by iN Education.

Mayor Corcoran concluded his report.

2. Engineer:

City Engineer Christina Eavenson provided the following updates:

- Great Lakes demolition was awarded the Chestnut Bridge replacement over the Dixon ditch. The Division is awaiting the contractor's schedule, but the county anticipates they will start sometime in August.
- Awarded the Stony Ridge, Avalon, and Mills Roundabout project at KMU and hope to schedule a preconstruction meeting soon.
- Awarded this year's traffic paint striping project to Griffin Pavement striping and crack sealing to Scodeller Construction, which should kick off soon.
- Regarding the Maddoc Road culvert replacement bids, the lowest bidder was under the engineer's estimate.
- The Ohio EPA has recently instituted additional reporting requirements for the water distribution system. The City is required to inventory all of the service lines tapped off of North Ridgeville's water mains which includes over 15,000 Services. The City is also required to provide a number of factors including identification, sequencing, detailed locations, material type, approximate age of laterals, and others. The report is due to the EPA in October 2024.
- Engineering is again looking for a Resident Project Representative to fill the division's inspection needs for anyone interested.
- The next Board of Drainage and Flood Control meeting is Tuesday, July 23, 2024, at 7:00 p.m. in this room and is open to the public. City Engineer Eavenson concluded her report.

3. Director of Finance:

April Wilkerson, the Finance Director, requested the inclusion of an emergency clause to ensure that the Finance Department has the required resources to reach its financial obligations for the following legislation.

Ordinance No. 2024-75 – Amended the 2024 annual appropriation.

Resolution No. 2024-76 – Authorize the execution of Then and Now certificates.

Resolution No. 2024-77 – 2025 Tax budget to continue tax collections.

The Finance Department has distributed the June 2024 Financial Report. This report is available for public review on the City's website under the Department of Finance webpage.

Finance Director April Wilkerson concluded her report.

4. Other Reports:

President Jacobs noted the following report:

June 2024 Water Distribution and EPA Report
June 2024 Fire Department Report
June 2024 Building Division Report

COUNCIL COMMITTEE REPORT(S):

There were none.

CORRESPONDENCE:

There were none.

OLD BUSINESS:

There were none.

NEW BUSINESS:

The North Ridgeville Planning Commission took action on the following items at their Regular Meeting of July 9, 2024:

1. PPZ2024-0279 T.J.B. Incorporated, 33600 Liberty Parkway, PPN 07-00-008-115-059
Applicant: Victor Krevinko, A.A., 423 Lombardy Dr, Berea, OH 44017. Proposal consists of constructing a 10,000 sq. ft. addition to existing building for storage. Property zoned I-2 Light Industrial District.

PC ACTION: Approved by a vote of 4-0 with the condition of changing the split face block to painted flat block regarding the elevation.

Councilman Abens is glad to see businesses want to expand.

Moved by Abens and seconded by Swenk to approve the Planning Commission's action for the T.J.B. Incorporated project.

A voice vote was taken, and the motion was carried.

Yes – 6 No – 0 Abstain - 1

2. PPZ2024-0281 Pro Care, We Care, Aron A. Rus, 35782 Center Ridge Rd, PPN 07-00-021-101-068
Proposal consists of constructing a 9,000-square-foot building, parking, and landscape material storage. Property zoned B-3 Highway Commercial District and R-1 Residence District. Note: Planning Commission recommended rezoning portion of property zoned R-1 to B-3 on 5.14.2024.

PC ACTION: Denied by a vote of 3-1.0

Moved by Abens and seconded by Swenk to approve the denial of the Planning Commission's action for the Pro Care, We Care project.

Councilman Shaffer wanted to know why the project was denied.

Councilman Abens mentioned there were multiple reasons, one of which was a request for additional variances.

A voice vote was taken, and the motion was carried.

Yes – 7 No – 0

New Liquor Permit Request:

A request from the Chipotle Mexican Grill of Colorado LLC DBA Chipotle Mexican Grill for a new liquor permit request at 34712 Center Ridge Road.

Moved by Winkel and seconded by Awig not to request a hearing so that this permit can be sent to the state for final disposition by August 8, 2024.

A voice vote was taken, and the motion was carried.

Yes – 7 No – 0

RECESS:

Moved by Winkel and seconded by Awig to dispense with recess.

A voice vote was taken, and the motion was carried.

Yes – 7 No – 0

FIRST READINGS:

Ordinance and Resolution submittal(s)

Clerk of Council Nicholas Ciofani:

2024-71 An Ordinance repealing NRCO Section 222.03 Fees for Copies of the North Ridgeville Administration Code.
(Introduced by Mayor Corcoran)

This Ordinance moved to second reading.

Clerk of Council Nicholas Ciofani:

2024-72 A Resolution accepting a donation of ten (10) picnic tables/benches donated by the Lorain County Solid Waste Management District.
(Introduced by Mayor Corcoran)

Moved by Mayor Corcoran and seconded by Swenk to dispense with the second and third readings for 2024-72.

Reworded: Mayor Corcoran discussed how the City previously received a recycling grant, but Lorain County recently decided to eliminate this funding. Lorain County is now distributing recycling picnic tables and benches.

A voice vote was taken, and the motion carried.

Yes – 7 No – 0

Moved by Winkel and seconded by Awig to add the emergency clause being to accept the donation of ten (10) Picnic Tables/Benches for the health and safety of the public.

A voice vote was taken on the emergency clause, and the motion was carried.

Yes – 7 No – 0

Moved by Winkel and seconded by Awig to adopt 2024-72 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Resolution Number 2024-72.

Yes – 7 No – 0

Clerk of Council Nicholas Ciofani:

2024-73 A Resolution accepting Subgrant NO. 2024-BW-LEC-3544 in the amount of \$83,549.06 from the Office of Criminal Justice Services (OCJS) for the North Ridgeville Body Worn Camera (BWC) Project.
(Introduced by Mayor Corcoran)

Moved by Mayor Corcoran and seconded by Swenk to dispense with the second and third readings for 2024-73.

A voice vote was taken, and the motion carried.

Yes – 7 No – 0

Moved by Mayor Corcoran and seconded by Swenk to add the emergency clause to accept the Ohio Department of Public Safety Subgrant Program for its Body Worn Cameras (BWC) Project and purchase the necessary equipment for the safety and welfare of the public.

A voice vote was taken on the emergency clause, and the motion was carried.

Yes – 7 No – 0

Moved by Mayor Corcoran and seconded by Swenk to adopt 2024-73 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Ordinance Number 2024-73.

Yes – 7 No – 0

Clerk of Council Nicholas Ciofani:

2024-74 A Resolution approving an expenditure from the Law Enforcement Trust Account for a drone.
(Introduced by Mayor Corcoran)

Moved by Mayor Corcoran and seconded by Swenk to dispense with the second and third readings for 2024-74.

Councilman Shaffer wanted to know where there was not an amount in the title of the legislation.

Ms. Wilkerson remarked that it is in the body of the legislation.

Mayor Corcoran explained that the purpose of the legislation is to approve expenditures from the Law Enforcement Trust Account, as mandated by the State. Furthermore, Mayor Corcoran mentioned that the purchase of the drone would be funded by two different sources.

A voice vote was taken, and the motion carried.

Yes – 7 No – 0

Moved by Mayor Corcoran and seconded by Swenk to add the emergency clause being to purchase the necessary equipment for the department.

A voice vote was taken on the emergency clause, and the motion was carried.

Yes – 7 No – 0

Moved by Mayor Corcoran and seconded by Swenk to adopt 2024-74 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Ordinance Number 2024-74.

Yes – 7 No – 0

Clerk of Council Nicholas Ciofani:

2024-75 An Ordinance amending Ordinance Number 6121-2023 of the City of North Ridgeville, Ohio, providing appropriations for the period commencing January 1, 2024, and ending December 31, 2024.
(Introduced by Mayor Corcoran)

Moved by DeVries and seconded by Awig to dispense with the second and third readings for 2024-75.

A voice vote was taken, and the motion carried.

Yes – 7 No – 0

Moved by DeVries and seconded by Awig to add the emergency clause to meet the City's financial obligations in a timely manner.

A voice vote was taken on the emergency clause, and the motion was carried.

Yes – 7 No – 0

Moved by DeVries and seconded by Awig to adopt 2024-75 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Ordinance Number 2024-75.

Yes – 7 No – 0

Clerk of Council Nicholas Ciofani:

2024-76 A Resolution authorizing the execution of Then and Now Certificates by the City Fiscal Officer and the payment of amounts due for various purchase orders.
(Introduced by Mayor Corcoran)

Moved by DeVries and seconded by Awig to dispense with the second and third readings for 2024-76.

A voice vote was taken, and the motion carried.

Yes – 7 No – 0

Moved by DeVries and seconded by Awig to add the emergency clause to meet the City's financial obligations in a timely manner.

A voice vote was taken on the emergency clause, and the motion was carried.

Yes – 7 No – 0

Moved by DeVries and seconded by Awig to adopt 2024-76 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Resolution Number 2024-76.

Yes – 7 No – 0

Clerk of Council Nicholas Ciofani:

2024-77 An Ordinance approving the tax budget of the City of North Ridgeville, Ohio for the year beginning January 1, 2025, and submitting same to the Lorain County Auditor.
(Introduced by Mayor Corcoran)

Moved by DeVries and seconded by Awig to dispense with the second and third readings for 2024-77.

A voice vote was taken, and the motion carried.

Yes – 7 No – 0

Moved by DeVries and seconded by Awig to add the emergency clause to meet the City's financial obligations and deliver the tax budget to the Lorain County Auditor by their deadline.

A voice vote was taken on the emergency clause, and the motion was carried.

Yes – 7 No – 0

Moved by DeVries and seconded by Awig to adopt 2024-77 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Resolution Number 2024-77.
Yes – 7 No – 0

SECOND READINGS:

There was none.

THIRD READINGS:

Clerk of Council Nicholas Ciofani:

2024-58 An Ordinance amending North Ridgeville Codified Ordinance Section 660.13
Smoking in Places of Public Assembly.
(Introduced by Mayor Corcoran; First Reading on 05-20-2024; Safety
Committee Meeting on 06-03-2024; Report to City Council on 06-17-2024)

Moved by Swenk and seconded by Winkel to amend 2024-58 to add the word
“Properties”.

A roll call vote was taken, and the motion carried.
Yes – 7 No – 0

Moved by Swenk and seconded by Winkel to adopt 2024-58.

A roll call vote was taken on the adoption and the motion carried for **Resolution Number 2024-58.**
Yes – 7 No – 0

Clerk of Council Nicholas Ciofani:

2024-63 An Ordinance repealing Chapter 862 Taxicabs of the North Ridgeville Business
Regulation Code.
(Introduced by Councilman Abens; First Reading on 06-17-2024)

Moved by Abens and seconded by Swenk to adopt 2024-63.

A roll call vote was taken on the adoption, and the motion carried for **Ordinance Number 2024-63.**
Yes – 7 No – 0

MEETING ANNOUNCEMENTS:

President Jacobs noted the following:

1. The next Regular City Council meeting will be on Monday, August 5, 2024, at 7:00 p.m. in Council Chambers.

Mayor Corcoran announced that Meghan Martin-Mausser is the Division of Police's new police officer, and she was recently sworn in. She is also a lateral transfer from Lakewood.

ADJOURNMENT:

President Jacobs adjourned the meeting at 7:29 p.m.

Approval of minutes on August 5, 2024:

Jason Jacobs
PRESIDENT OF COUNCIL

Nicholas Ciofani
CLERK OF COUNCIL

DRAFT

**CITY OF NORTH RIDGEVILLE
HOUSING COUNCIL MEETING
June 12, 2024
9:30 A.M.**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

The meeting was called to order by Mayor Corcoran at 2:00 p.m. and led the Pledge of Allegiance.

ROLL CALL:

Present: Chairman Mayor Kevin Corcoran, Member Roxann Ramsey-Caserio, Member Jennifer Swallow, Member Frank Toth, Member Jaqueline, and Councilman Bruce Abens.

Also present: Finance Director April Wilkerson, North Ridgeville Schools Treasure/CFO Michael Pissini, Planning Economic Development Director Kim Lieber, Law Director Brian Moriarty, and Assistant Clerk of Council Fijabi Gallam.

Excuses: Member James Smolik

APPROVAL OF MINUTES:

CRA Housing Council Meeting Minutes dated April 19, 2023

The minutes were approved as submitted.

NEW BUSINESS:

Community Reinvestment Area Annual Review:

Finance Director April Wilkerson provided an update on the current Community Reinvestment Area (CRA) Agreements. The attached annual report contains further details. Ms. Wilkerson discussed the following points:

- There are currently eight active CRA agreements.
- One CRA agreement is set to end in 2023. The Finance Department is collaborating with the County to ensure that all necessary paperwork is updated.
- Except for Progressive North Ridgeville/Avenue at North Ridgeville, seven out of the eight CRA agreements are meeting the expectations outlined in their agreements.
- Progressive North Ridgeville/Avenue at North Ridgeville is complying with the required employee count. However, their total payroll falls short of the expectation by approximately \$15,000 to \$16,000 for the year 2023.
- Drug Mart is not meeting their expectations. They are currently behind by approximately \$5,000 in tax collection and have not met their target number of employees, currently employing only 6 individuals.

Mayor Corcoran shared that Drug Mart has raised concerns about their agreement, specifically regarding their property valuation. Drug Mart had initially anticipated a property value of over \$6 million, but it was valued at around \$4 million instead. As a result, their abatements are lower than expected since the abatement amount is based on property valuation. Drug Mart has requested if the schools would be willing to reduce the agreed amount because of the lower valuation. Mayor Corcoran expressed his disagreement with the idea of asking the schools to agree to a lower amount or seeking a revision of the City Council's legislation.

Member Roxann Ramsey-Caserio verified that Drug Mart had not contacted the schools regarding their concerns. In addition, she affirmed the accuracy of the Mayor's assumptions. Ms. Ramsey-Caserio made it clear that the schools would not agree to a reduction in the agreed amount.

North Ridgeville Schools Treasure/CFO Michael Pissini asked if Drug Mart had put forward a proposed resolution.

Mayor Corcoran stated that DrugMart had suggested decreasing their contribution to the schools because their tax abatement had been reduced by a certain percentage. Mayor Corcoran commented that this proposal was not a positive financial move.

Ms. Wilkerson inquired about the status of the donation from Drug Mart to the schools. It was noted that the donation has not been received yet and is now past the due date.

Ms. Wilkerson provided an update regarding the Avenue at North Ridgeville payroll commitment. It was noted that the commitment is not being met, as the company has 217 part-time employees and 84 full-time employees, instead of the expected 100 employees. As a result, the total payroll is not meeting expectations. The Administration will review the agreement with Avenue at North Ridgeville, taking into consideration the changes in recent CRA agreements. It was pointed out that these agreements no longer include a requirement for a specific total payroll, but only specify an expectation for the number of employees.

Planning and Development Director Lieber explained the revised rules for the Community Reinvestment Area Housing Council, which came into effect in September 2022. The updated regulations now allow negotiated agreements with applicants, taking into account various factors such as payroll and other separate criteria. This change has granted the Housing Council flexibility and removed the obligation to offer incentives to businesses solely based on job creation.

Mayor Corcoran emphasized the significance of a business's payroll rather than just the number of jobs created. He stressed that the amount of payroll that a business brings in is important.

RUF US, Inc. CRA Agreement:

Ms. Lieber provided details about RUF, a German-based company specializing in the construction and sale of briquetting systems. These systems are designed to turn scraps from wood, metal, or plastic manufacturing into reusable briquettes for fuel purposes. The company has expressed interest in the vacant 10-acre site adjacent to Dayton Freight on Taylor Parkway, where they plan to establish their sales office, headquarters, and production facility. The initial construction will involve a 25,000-square-foot facility, which may expand to 100,000 square feet in the future. To incentivize RUF's investment, the company has been offered a 75% 10-year abatement, encompassing a new facility, job creation, and an increase in payroll. Additionally, as part of the agreement, RUF will donate \$10,000 to the local school. The engineering plans for the

construction are currently under review, and the company anticipates completing the project by September 2025.

Mayor Corcoran provided that RUF plans have 17 full-time employees and one part-time employee in the first year.

Member Toth inquired about the discrepancy in the property value assessment for the Drug Mart property.

Mayor Corcoran clarified that the County initially provided estimated figures for newly constructed buildings, but upon further evaluation, the accurate assessment of the property value turned out to be lower than the initial estimates.

ADJOURNMENT:

With no further business to address, the meeting was adjourned at 9:51 a.m.

Date Approved:

Fijabi Gallam, MMC
Assistant Clerk of Council

**City of North Ridgeville
Tax Incentive Agreements
As of December 31, 2023**

<u>Active Community Reinvestment Area (CRA)</u>	<u>School Donation</u>	<u>Last Tax</u>	<u>Agreement</u>	<u>Notes</u>
		<u>Effective Year</u>	<u>Term</u>	
Rhenium Alloys, Inc	-	2026	2012 / 15 yrs	100% abatement through 2021 / 20% reduction annually beginning 2022 / 2026 0%
Arc Terra	\$2,500 thru 2024 \$10,000 thru 2026 /	2029	2020 / 10 yrs	100% abatement through 2024 / 20% reduction annually beginning 2025 / 2029 0%
Bright Path Kid's / Previously Young Explorer's Montessori	\$5,000 2027	2031	2022 / 10 yrs	100% abatement through 2026 / 20% reduction annually beginning 2027 to 80% / 2031 0%
Rudolph Libbe Group	-	2033	2019 / 15 yrs	100% abatement through 2028 / 20% reduction annually beginning 2029 / 2033 0%
Lemmon & Lemmon - Danbury Senior Living	50% of school tax	2034	2020 / 15 yrs	100% abatement through 2029 / 20% reduction annually beginning 2030 / 2034 0%
Progressive N. Ridgeville/Avenue at North Ridgeville	50% of school tax \$40,000 thru 2031 /	2034	2020 / 15 yrs	Abatement 100% through 2034
Isomer Group / Discount Drug Mart	\$25,000 thru 2033	2036	2022 / 15 yrs	Abatement 100% through 2036

<u>Upcoming Community Reinvestment Area (CRA)</u>	<u>School Donation</u>	<u>Last Tax</u>	<u>Agreement</u>	<u>Notes</u>
		<u>Effective Year</u>	<u>Term</u>	
RUF US Inc. - Anticipated project completion 12/31/2025	\$10,000	2036	2026 / 10 yrs	75% abatement through 2036

<u>Active Increment Financing Agreement (TIF)</u>	<u>School Donation</u>	<u>Last Tax</u>	<u>Final Debt</u>	<u>Notes</u>
		<u>Effective Year</u>	<u>Service</u>	
Riddell, Inc.	50% Income Tax Share	2034	2034	25 year tax exemption

**City of North Ridgeville
Tax Incentive Agreement Performance Update
As of December 31, 2023**

<u>Active Community Reinvestment Area (CRA)</u>	<u>Per Agreement</u>	<u>As Reported for 12/31/2023</u>	
	<u>Number of Employees</u>	<u>Number of Employees</u>	<u>Meeting Expectations</u>
Rhenium Alloys, Inc	50	54	Yes
Arc Terra	10	20	Yes
Bright Path Kids (Previously Young Explorer's)	26	16/12	Yes
Rudolph Libbe Group	50	64	Yes
Lemmon & Lemmon - Danbury Senior Living	50	47/17	Yes
Progressive N. Ridgeville/Avenue at North Ridgeville	100	217/84	Yes
Isomer Group / Discount Drug Mart	53/8	12/38	No

Parks & Recreation Commission
MINUTES OF REGULAR MEETING: JUNE 26, 2024



The Parks and Recreation Commission Meeting was called to order by Chairman Douglas Hayes at 7:30p.m.

ROLL CALL:

Jill Timoteo, Keriann Roach, Georgia Awig, Jeff Grigsby, Douglas Hayes and Parks and Recreation Director Kevin Fougrousse.

FINALIZATION OF AGENDA:

Motion by Roach, 2nd by Awig for approval of Agenda.

5 – Yes, 0 – No

APPROVAL OF MINUTES:

Approval of minutes for our regularly scheduled commission meeting that was held on Wednesday, April 24, 2024. We did not have a commission meeting in May (lack of quorum).

Motion by Grigsby, 2nd by Timoteo for approval of minutes from our commission meeting that was held on Wednesday, April 24, 2024.

5-Yes, 0-No

LOBBY:

No report.

REPORTS:

COUNCIL LIAISONS REPORT:

Councilwoman Georgia Awig reported that North Ridgeville was recognized as a Dementia Friendly Community. We are the first in Lorain County with that designation and only 7 in the State have this designation. Dementia Training in the Senior Center will take place on Wednesday, July 10. Ribbon cuttings for Point Salon and Spa and then Fuji San Sushi. Coming soon Pulp will be opening in the old bank building on the corner of Center Ridge & Root Road. Pulp is tentatively set to open in September. Active Transportation open house on Thursday, July 11 at 6:00p.m. in the Senior Center.

SCHOOL BOARD LIAISONS REPORT:

School Board Liaison Jeff Grigsby reported the district put forward the master facility plan for the OFCC and the ELPP for the construction of the new High School. We have a new principal at the Liberty Building. The girl's basketball team just came back from a camp at the University of Findlay.

FINANCIAL REPORT:

Parks and Recreation Director Kevin Fougrousse discussed the revenues and expenses from 2024. Trust Fund revenue in May of 2024 was \$28,599.04. Trust Fund unencumbered balance at the end of May was \$256,040.58. The Park and Recreation Improvement Fund revenue in May of 2024 was \$2,050.28. The Park and Recreation Improvement Fund unencumbered balance at the end of May was \$238,349.70. Our General Fund expenses in May of 2024 were \$35,876.95. Trust Fund expenses in May of 2024 were \$40,390.90.

DIRECTORS REPORT:

Parks and Recreation Director Kevin Fougousse the vacant position in the department. Interviews were conducted at the end of April. After first round interviews we narrowed our candidate pool down to a final 2. During this process we created the Recreation Services Administrator Position. This position would still oversee athletics but would serve as an Assistant Director. We did an extend an offer but unfortunately the candidate removed himself on May 31 to stay with his current employer. We are currently conducting interviews again the week of June 17. I am also pleased to announce that the city received \$500,000.00 from the State Capital Budget for the Root Road Park.

RECREATION SUPERVISOR REPORT:

Jr. Browns Flag Football Program is open for boys/girls in grades K-6. We added a Kindergarten and 5th & 6th grade division this year. Jr. Ranger Tackle Football is open to boys/girls entering grades 3rd & 4th and 5th & 6th grade. Youth Tennis Program Session II starts on July 1 and runs through July 24 at the time of this report we had 12 enrolled. Spinning is being held on Monday & Wednesday evenings from 6:30-7:30PM and both days has 10 enrolled. Kids Irish Dance started on June 12 and runs through July 3 and we had 07 pre-registered. Junior Pony Camp Session III & IV both are full and have 10 kids enrolled.

GROUNDS MAINTENANCE REPORT:

No report.

OLD BUSINESS:

NEW BUSINESS:

ADJOURNMENT: Meeting adjourned at 7:51PM

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF THE
REGULAR MEETING – MONDAY, JULY 22, 2024**

CALL TO ORDER:

The meeting was called to order at 5:00 PM.

ROLL CALL:

Present were Secretary Amie Espinosa-Gonzalez, Vice-Chairman Sam Spann and Chairman Donald Schiffbauer. Also present were Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

APPROVAL OF MINUTES:

Regular Meeting Minutes of July 1, 2024

Chairman Schiffbauer asked if the Commission had any questions or comments regarding the regular meeting minutes of July 1, 2024.

None were given.

Chairman Schiffbauer stated that he did have one correction on page 5 and read, “Chairman Schiffbauer stated that according to the trial court, the City did not have the authority to be more restrictive than the state”. He discussed that his intent was that the City of North Ridgeville couldn’t be any less restrictive than the state. He explained that they could be more restrictive but not any less restrictive in their rules than the state.

Moved by Schiffbauer and seconded by Spann to approve the regular meeting minutes July 1, 2024, with the correction on page 5.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to go into executive session after new business to discuss matters of personnel.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Received an Oath of Office for Meghan Martin-Mauser dated July 15, 2024.

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
REGULAR MEETING – MONDAY, JULY 22, 2024**

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Chairman Schiffbauer stated that the Commission had received the Oath of Office for Officer Meghan Martin-Mausser dated July 15, 2024, and congratulated her.

Certify the Patrol Officer Lateral Transfer List due to appointment.

Chairman Schiffbauer stated that the Commission would need to re-certify the Lateral Transfer List due to appointment and had received a copy of that prior to the meeting. He asked if there were any questions from the Commission.

None were given.

Moved by Schiffbauer and seconded by Spann to re-certify the Police Lateral Transfer List due to appointment.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Received Oath of Office for Sergeant Ryan Jones dated July 19, 2024.

Chairman Schiffbauer stated that the Commission received an Oath of Office for Sergeant Ryan Jones dated July 19, 2024, and congratulated him on the promotion.

Re-certify the Top 3 Police Sergeant Promotional Eligibility List due to appointment.

Chairman Schiffbauer stated that the Commission would need to re-certify the Top 3 Police Sergeant Promotional Eligibility List due to appointment.

Moved by Schiffbauer and seconded by Spann to re-certify the Top 3 Police Sergeant Promotional Eligibility List due to appointment.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Re-certify the Police Sergeant Promotional Eligibility List due to appointment.

Chairman Schiffbauer stated that the Commission received a copy of that list and would need to re-certify the 2024-2026 Police Sergeant Top 3 Eligibility List due to appointment. He asked if there were any questions or comments regarding the list.

None were given.

Moved by Schiffbauer and seconded by Spann to re-certify the Police Sergeant Promotional Eligibility List due to appointment.

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
REGULAR MEETING – MONDAY, JULY 22, 2024**

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A voice vote was taken and the motion carried.

Yes – 3 No – 0

Certification of payroll by Civil Service Commission (Per Rule I, Section 3).

Deputy Clerk of Council Wieber explained that they had not received the most recent payroll list for certification due to the fact that a couple employees in the Finance Department had family emergencies, so the list would need to be certified at the next regular meeting.

Chairman Schiffbauer asked if people would still get paid.

Deputy Clerk of Council Wieber stated that they would.

Moved by Schiffbauer and seconded by Spann to table the certification of the Civil Service payroll to the next regular Civil Service Commission meeting.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Re-certify the 2024-2026 Patrol Officer Class D Entrance Eligibility List.

Chairman Schiffbauer stated that the Commission would need to certify the 2024-2026 Patrol Officer Class D Entrance Eligibility List and that they had received a copy of that list prior to the meeting. He asked if there were any questions or comments.

None were given.

Moved by Schiffbauer and seconded by Spann to 2024-2026 to re-certify the Patrol Officer Class D Entrance Eligibility List A voice vote was taken and the motion carried.

Yes – 3 No – 0

Moved by Schiffbauer and seconded by Spann amend the agenda for public comment after returning from executive session.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer stated that at that time he would recess the meeting and go into executive session.

Adjourned into Executive Session at 5:07 p.m.
Reconvened into the Regular Council meeting at 5:16 p.m.

PUBLIC COMMENT:

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
REGULAR MEETING – MONDAY, JULY 22, 2024**

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Chairman Schiffbauer invited members of the audience who wished to speak to come forward and do so.

None were given.

Chairman Schiffbauer stated that the next Civil Service Commission regular meeting was scheduled for 5:00 PM on August 26, 2024.

ADJOURNMENT:

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to adjourn the meeting.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

The meeting was adjourned at 5:17 PM.

Donald Schiffbauer
Chairman

Tina Wieber
Deputy Clerk of Council, Recording Secretary

Monday, August 26, 2024
Date Approved

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, JULY 25, 2024**

CALL TO ORDER:

Chairwoman Masterson called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members James Cain, Shawn Kimble, Alternate Planning Commission Liaison Steve Ali and Chairwoman Linda Masterson.

Also present were Chief Building Official Guy Fursdon, Planning and Development Director Kimberly Lieber, Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

MINUTES:

Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, June 27, 2024.

None were given.

Moved by Masterson and seconded by Kimble to accept the minutes as submitted.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PLANNING COMMISSION REPORT

Alternate Planning Commission Liaison Ali stated that at the Planning Commission meeting held on July 9, they received an application for a 10,000 square foot addition to an existing building for storage and it was approved 4-1. He stated that the second application that came before them was for Pro Care We Care Landscape to construct a 9,000 square foot building, parking and landscape material storage and it was denied by a vote of 3-1.

OTHER REPORTS OR CORRESPONDENCE

Chairwoman Masterson asked Director Lieber if she gave the Mayor the spreadsheet of people who would be potential candidates to replace Neil.

Director Lieber said, yes, that she forwarded the master plan list of folks that had applied.

PUBLIC HEARINGS:

PPZ2024-0286: David & Christina Fagan, 9302 Winfield Lane, PPN 07-00-036-000-452

Proposal consists of an outbuilding in front yard. Property is zoned R-1 Residence District. Requests:

1. A variance for an accessory structure (outbuilding) in the front yard, code does not permit, Section 1294.01(g)(10). Note: Outbuilding is encroaching into the required front yard by 8 feet.

Application was read.

Chairwoman Masterson asked Director Lieber to give her review of the application.

Director Lieber stated that the applicant was proposing to install a new 120 square foot shed on their corner lot and as the Board was aware, for corner lots both street frontages are considered front yards. She explained that the zoning code required that all accessory uses be located within a side or rear yard. She stated that the shed encroached in the front yard that existed along the side street of Elizabeth Lane and that the property was developed under Chapter 1282 and therefore, in this case, the required front yard was 30 feet. She discussed that the proposed shed was about 22 feet set back from the right of way along Elizabeth Lane.

David & Christina Fagan, 9302 Winfield Lane, North Ridgeville, OH 44074, were sworn in.

Chairwoman Masterson asked the applicant to explain the application.

Mr. Fagan stated that there obviously were some preferences at play, but they were not just their own but also those of their neighbors and their HOA and that it was a strategic use of the property. He discussed that the large corner lot was a big selling point for them when they bought the house two years ago and that they had invested a small fortune in the backyard with building a deck and a patio and lighting, and now recently some fencing that had finally allowed them to be able to throw a frisbee for their overactive dog and just safely play baseball with the kids. He stated that he was trying to find a spot for the shed and the awkward unused corner behind their third car garage extension was an ideal spot to preserve that large play area and the views of the water that they have behind their lots for both them and their neighbors. He discussed that they originally aimed to tuck it all the way into the corner and was something their contractor Alpine had done in other towns, but they weren't aware that the rules could be so different town to town. He explained that they learned with the first permit rejection that it needed to be 10 feet away for freestanding buildings, so then they resubmitted with pulling it 10 feet out which ran into the setback line and brought them before the Board that day. He added that ultimately, they were just hoping that the 8 foot encroachment on that setback line wasn't substantial and that since there were two other houses in the neighborhood on their street actually, that had sheds tucked behind a third car garage extension, that there was a precedence from a consistency in the community standpoint and since their intent with it was really just to be smart and conscientious with the addition in a way that their neighbors and family would be grateful for the variance.

Chairwoman Masterson stated that they asked them to provide a hardship and that having their neighbor's consent and having the consent of the HOA did not pertain to the Board and was not something they took into consideration. She asked if they wanted to put the shed away from the house and weren't thinking of tucking it next to the garage, 10 feet away from the corner of that garage extension.

Mr. Fagan stated that they originally wanted to tuck it all the in but were told that they couldn't. He stated that per Ohio code it had to be 10 feet away. He mentioned that there was a house at 9554 Winfield Lane that had one that was tucked within 10 feet of their house behind their third car garage extension. He added that he thought that technically they were in Eaton Township, but it had a North Ridgeville address.

Chairwoman Masterson stated there were a different set of rules and regulations for Eaton Township. She asked Chief Building Official Fursdon to address that. She stated that first in the application it looked like

they were tucking that shed behind the garage next to the house and they were told that they couldn't do that at all.

Chief Building Official Fursdon stated that was correct because it was a free-standing shed and the ordinance stated that it had to be 10 feet away from the house. He stated that they did have the option to attach it to the house like they do in Ridgefield, but he wasn't sure if they were aware of that or chose not to use that option.

Mr. Fagan stated that the practical difficulty there was that it took the project from an \$8,000 shed to a \$48,000 home addition. He stated that he hadn't gotten an exact quote on that, but he did get clarification on what that would entail and it would be cemented floaters below the frost line, flashing against the house, headers and drywall and tons of hours of labor that would balloon the cost of the project. He explained that they were expecting their child in a little over a week and there would be a bunch of financial burden that they would be taking on and they had already invested so much into their house that it would be a difficulty. He stated that their practical difficulty regarding keeping it within the setback lines from both Winfield and the canal were that if they put it in the back right corner of where that jutted out, optically, that would be almost right in the middle of their fenced in backyard and would be a shame. He stated that putting it in the back left would block the views for them and their neighbor of the waterway in back which was near and dear to their hearts. He added that also, because they had invested over \$150,000 in their backyard, to then plop a shed in the middle of it when they worked so hard to cultivate that large play area and the views, both of those options would be a shame because they did all of that not thinking it would be a big deal to tuck the shed into that corner because two other houses had done that.

Chairwoman Masterson explained that by comparing their situation to their neighbor's was not comparing apples to apples but apples to oranges because he had two front yards.

Ms. Fagan stated that because of where they were on the corner lot, the community mailboxes were also located right behind their house and currently that was unlit by the city because of electrical issues, so they and their neighbors were concerned regarding being able to view that mailbox when folks went to access those. She mentioned that right now where it's approved to put the shed, was that Direct Line of view to those mailboxes.

Chairwoman Masterson asked if the mailboxes were behind their house.

Ms. Fagan explained that the mailboxes were all behind their house in the back left corner, if they were to follow Elizabeth west and stated that it was just off screen what they were viewing. She mentioned that there was concern there that people could potentially hide behind that and that it was not a lit area, so the concern for them was the line of sight to those mailboxes for folks that are out there.

Chairwoman Masterson mentioned that sadly financial concerns were not a hardship.

Mr. Fagan stated that they were aware of that, but they were just trying to set context with. He commented that he knew they were probably looking for more objective reasoning, but they were trying to appeal to some empathy for the situation that they were in. He discussed that he would also say in that same vein, looking through the notes that were provided on those Duncan Factors, it was mentioned that it was not going to block any government facilities, was not going to pose a safety hazard, and even though the 8 foot delta, he thought they called it, was not insignificant, it was also not substantial, which was the original prompt. He stated that he felt like there was not a lot of objectiveness in that.

Chairwoman Masterson explained that they were looking for the standard, “Could their property without this shed, be used” and the answer was yes, it could be used.

Mr. Fagan commented that it was a residence and regardless of how it ended up, they could live there. He stated that was correct.

Chairwoman Masterson read “Is the variance substantial” and stated that it was 22 feet rather than 30 feet, so it was substantial.

Ms. Fagan remarked that it was still within a fenced backyard.

Mr. Fagan asked if it was substantial, 8 feet? He stated that they called it not insignificant but was it substantial.

Chairwoman Masterson stated that it was not an insignificant difference, so it wasn’t small.

Mr. Fagan commented that it was also not substantial.

Director Lieber stated that it was her staff report and that she didn’t think that the Board had ever been in a position where they attempted to quantify where something turned significant. She discussed that they were not measuring in inches but were measuring in feet, and that it was a significant percentage of that requirement. She added that certainly they were not proposing to put the shed on the property line, but again a corner lot did require two front yards, and in that case, it did encroach substantially and then became the structure that was closest to the right of way line versus the house.

Mr. Fagan stated that right across the street from them at 9301 Winfield, they had a privacy fence that extended N from their garage extension towards Winfield. He stated that he hadn’t gotten out there with a measuring tape, but it was at least 8 feet, if not more and opaque. He remarked that for all intents and purposes, anybody walking down the sidewalk of Elizabeth, there was a 6 1/2-foot-tall opaque structure jutting out at them and it was white.

Chairwoman Masterson stated that they were talking about their house. She mentioned that if they had a problem with that, they were more than welcome to lodge a complaint with the building department.

Mr. Fagan stated that he didn’t have a problem with it but was saying that he didn’t think anybody else would notice that it was the closest thing in the neighborhood towards Winfield or towards Elizabeth.

Chairwoman Masterson read “Will the variance adversely affect the delivery of governmental services, water, sewer, garbage”, and stated that no, it wouldn’t. She then read “Did you purchase the property knowing the zoning restrictions” and commented that most people generally didn’t. She stated that they looked at the fact that they were buying a corner lot, and they have a whole bunch of property. She read, “Is there any other way you can address this through having a variance” and asked if they were stating that there was no other place to place the shed that wouldn’t require a variance of some kind.

Mr. Fagan stated that technically there was, and that they could drop it in the middle of their backyard.

Chairwoman Masterson read, “Would the spirit and intent behind the zoning requirement be observed

in substantial justice by granting this” commented that it was subjective. She asked if there was anybody else on the Board that had any comments, questions or concerns.

Member Cain stated that the big issue on the corner lots is obstruction for safety for vehicles, travel, and if that was going to be an obstruction of view. He commented that it wasn’t like a fence where you were past it, you had 8-foot, 12 feet of frontage of the shed. He stated that his issue was if there was plenty of room of line of sight past the shed for safety.

Chairwoman Masterson asked if he felt that there was.

Member Cain stated that he felt that there was.

Chairwoman Masterson stated that she drove by it and could understand their concern regarding the mailboxes that were farther down the street that somebody could be hiding behind it. She mentioned that wherever they put the structure, there could always be that problem that might occur.

Mr. Fagan stated that with where they were looking to put it, for them to hide behind it, for anybody that's walking on this right side of the picture, they would have had to have hopped his fence to get behind it. He indicated that if they put it in the back right corner of where those setback lines were, they could be on the opposite side, which would be the west end and not have hopped the fence but be out of sight behind a shed for anybody that was walking that way and that was his concern there. He stated that as soon as the walker was to clear his property line, someone could come running at them.

Chairwoman Masterson explained that what Mr. Cain was trying to say was that they were generally looking at self-contained and were looking at the sidewalk around his house and looking to see that kids would be ok.

Mr. Fagan stated that they had a stop sign there at the corner and they tested it out themselves, as well to see if you're at the stop sign and you're looking left and right, if there was plenty of sight on both sides.

Vice-Chairman Kimball, I do. I drove through and went by the property earlier that day and went by down Elizabeth, the next street around the cul-de-sac and came back and specifically was thinking of where it would be if there would be a visual obstruction and he didn't think that there would be from any safety standpoint. He mentioned that however, he did think they had plenty of room in their backyard where they could put that. He stated that the Board was intended for when they were out of options. He commented that he knew that it was not great to hear that they couldn’t get what they wanted but the Board was there for when there were no other options and he felt that they had several options.

Mr. Fagan stated that for them it was kind of a last-ditch effort because if they didn’t get the variance and found out that there was literally no way for them to get a shed even in that general area, they were probably not going to do a shed and they would just have to figure it out. He stated that currently they couldn’t park their cars in the garage because they had a two-year-old that had a lot of stuff, and they were about to add to it with a second child.

Chairwoman Masterson asked if there was anybody in the audience that wants to speak on behalf of this matter.

No comments given.

Chairwoman Masterson asked if anyone from the Administration had anything else that they wanted to add.

No comments given.

Moved by Kimble and seconded by Masterson to deny the variance request.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PPZ2024-0287 George Delury, 32907 Chestnut Ridge Rd, PPN 07-00-004-109-005

Applicant: Daniel Margulies Company, Inc, 1210 Chase Ave, Lakewood, OH 44107.

Proposal consists of building addition. Property is zoned R-1 Residence District.

Requests:

1. An 8-foot variance for depth of required front yard. Applicant shows 42 feet, code requires 50 feet, Section 1250.04(b)(1).

Application was read.

Chairwoman Masterson asked Director Lieber to give her review of the application.

Director Lieber stated that the property owner was proposing an addition to their existing home. She mentioned that the current front stoop was to be replaced with a larger covered porch, which would also extend a bit closer to the front property line. She stated that the code required dwellings to be set back 50 feet from the property for that case and for that project.

Chairwoman Masterson asked if there was a representative for the application.

Dan Margulies, 1210 Chase Ave Lakewood, OH 44107, was sworn in.

Chairwoman Masterson asked the applicant to explain the application.

Mr. Margulies stated that there was an existing front stoop with a kind of a makeshift metal awning over it and the front stoop extended out about 6 feet. He explained that they wanted to replace that with an open-air, covered porch. He remarked that he had been doing his job a long time and had gotten hundreds of variances in various cities, but that this might be the first time he requested a variance where he didn't have a practical difficulty. He stated that they were doing a sizable addition on the rear of the house and decided that the house sort of looked like a very nice mobile home currently. He discussed that they felt this architectural element would enhance the house significantly and Mr. Delury and his wife as they got older wanted to sit out on the front porch and they didn't have one they could do that on. He stated that he wasn't sure if they wanted to go through all the Duncan Factors individually, but he didn't think that they were government services at all. He explained that since this was at the front door, they had no other place to put it that made sense.

Chairwoman Masterson stated that one of the practical difficulties is this is an extremely unique piece of property and that it was pretty deep. She asked what the dimensions of that pad for the front porch was, the floor of the porch, what the size was.

Mr. Margulies stated that it was 6 by 8, or something like that. He discussed that it projected into the front yard 6 feet and was roughly about 8 foot wide. He stated that they were making it a little bit wider and two feet deeper and that it wouldn't be enclosed, just purely roof covering.

Mr. Delury stated that the structure being built over the front window was because his wife wanted to make windows that open and so that they could be open while it was raining as well.

Chairwoman Masterson asked if any Board members had any questions, comments or concerns.

Vice-Chairman Kimble stated that driving down Chestnut Ridge, especially thinking about this variance, I think to possibly help you along with your practical difficulty is the approach of the visual coherency of your proposed project versus a lot of the homes that are on the road. He indicated that there were a number of homes that had fairly good size front porches and he believed that this would blend in with the rest of his neighbors along that stretch of road, so to him the proposal did make sense.

Chairwoman Masterson asked if anybody from the Administration had any comments, questions, or concerns?

Director Lieber stated that it looked like the existing stoop did already encroach, so it was a non-conforming situation and where the house was set, they couldn't construct anything on the front as a covering and comply with code. She stated that it would be two additional feet approximately and didn't think it was substantial. She added that they couldn't really move the house back and they couldn't change where the front door was, so that might be other hardships.

Member Cain commented that he was looking at the diagram and thinking that it was already encroaching into that area. He stated that he thought it would definitely make the neighborhood look better.

Chairwoman Masterson stated that his practical difficulty was that he had a nonconforming structure. She discussed that he was only adding two more feet and that was a very small variance, and it would enhance the appearance of the house. She commented that his practical difficulty was that he had something that was nonconforming that was there prior, and he was trying to improve what existed. She asked if anyone in the audience wanted to speak on behalf of this matter?

Moved by Masterson and seconded by Cain to approve the variance request.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PPZ2024-0288 Feliciano Towing, Javier Feliciano, 5884 Rosebelle Ave, PPN 07-00-020-108-019

Proposal consists of an outbuilding for home occupation. Property is zoned RS-2 General Residence District. Requests:

1. An appeal to allow a second vehicle used primarily for the home occupation on the premises, Section 830.02(b)(15). Note: BZBA denied variance request for second vehicle in 2017.
2. A 1-foot variance for setback of a detached private garage. Applicant shows side setback (north) of 4 feet, code requires 5 feet, Section 1294.03.

3. A 356 square foot variance for area of detached private garage. Applicant shows 1,032 square feet, code allows 676 square feet, Section 1294.03(d)(1). Note: Garage also exceeds 26 feet in width.

Application was read.

Chairwoman Masterson asked Director Lieber to give her review of the application.

Director Lieber stated that the proposal was a little bit more complicated than the average too big garage. She mentioned that some of her comments would contain questions that hopefully the applicant could address in their remarks to the Board. She explained that in April of this year, building staff determined that the owner of the property had constructed or had begun constructing a garage addition on his property without the issuance of a permit, so at that time a citation was issued, or a notice violation was issued by the city in April. She indicated that on May 3rd the applicant submitted their permit application to obtain approval and during plan review it was then found that the garage addition did not comply with the requirements of the zoning code. She stated that on June 5th the city had issued its plan review findings to that effect indicating that the garage was located too close to the side property line and also significantly exceeded the maximum area, especially because this is a smaller lot and it fell under the under 1/2-acre lot size requirement. She discussed that the applicant was advised to either bring the structure into compliance or seek variances and so that was the genesis of the application to the BZBA, but a little bit more complicated. She described that within the written portion of the request, the applicant had indicated that the garage addition was made to accommodate the home occupation that existed on the lot and talked about the tow truck would be stored in the garage. She indicated that 2015 a home occupation permit was issued for the property to allow the towing business but then the applicant then appeared before this Board in 2017 to request a second work vehicle on the property and that was denied. She stated that her question would be what the intent of this garage addition would be as well and that if it was to house more than one work vehicle on the property, then that would be in violation of the BZBA denial, as well one the home occupation ordinances. She mentioned that she was aware that the Assistant Law Director had a conversation with the applicant who indicated it was not for a second work vehicle, but just because maybe what was heard over the phone seems to maybe not be completely in line with the written portion of the applicant submittal, she just wanted to make sure that that got clarified on the record for BZBA as to what the intended use of the structure was. She added that regardless, she would have concerns that if a garage was being constructed in violation of the code, also in support of a home occupation, which was not supposed to change the nature of a residential area, she would have concerns regarding that.

Assistant Law Director Morgan stated that there was some concern that it was an appeal for a second vehicle, so she called Mr. Feliciano and he indicated that it wasn't an appeal for a second vehicle. She discussed that what was before them had to do with just the garage and the shortcomings that it had. She stated that it was also a good opportunity for her to indicate to the Board, as she had many times before, that they were quasi-judicial, which was why they would swear people in and they would give testimony and show pictures. She stated that they were allowed to give whatever evidence they wanted because the Board's decision could be appealed to an administrative appeal to the courts. She explained that a quasi-judicial board, the idea, there's a term at law called Res judicata, which is a matter which was settled, once they made a decision, which they had in 2017, they couldn't rehear the same application. She stated that as long as it was the same parties asking for the same thing, it had already been settled. She added that it was not an appeal before them but just as a reminder, once you made a decision, people couldn't come back and ask for the same thing. She mentioned that they could make modifications that were significant, even similar things, but they couldn't come back and ask for the same thing, just for future reference.

Chairwoman Masterson responded that for clarification, they were not even dealing with the second vehicle.

Assistant Law Director Morgan stated that they were not. She indicated that they were dealing with the structure where it was built and the size of the variances, what it did to the neighborhood, and the Duncan factors were what they needed to look at. She stated that he indicated to her that he was not appealing that, but even if he wanted to, it was foreclosed, and he couldn't do that.

Chairwoman Masterson asked the applicant to explain the application.

Javier Feliciano, Feliciano's Towing, is 5884 Rosebelle Ave. North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked the applicant to explain the application.

Mr. Feliciano stated that he was getting a little older and I didn't want his trucks outside in the wintertime. He stated that they took a brutal beating when they were outside, and he had to use them. He stated that he wasn't asking for a second variance and that was a long time ago. He said that he had a shop in Elyria, on the border of North Ridgeville and Elyria. He mentioned that it was just basically if he came in with his tow truck, he wanted to be able to get it inside for wintertime. He stated that it was super hard on them and to be able to just start them and just go, because the line freezes and stuff like that. He stated that that was basically why he needed the extra garage.

Chairwoman Masterson asked if there was a reason that he did not ask for a building permit before building the structure.

Mr. Feliciano stated that he didn't know that I needed one.

Chairwoman Masterson remarked that he was a business owner and was not aware that he needed a permit.

Mr. Feliciano stated that he was a business owner, but he was not perfect. He responded that he didn't know and that he would have complied.

Chairwoman Masterson stated that she had real issues when people built something that didn't meet code and then asked for forgiveness. She commented that she didn't understand why he didn't think he needed a building permit.

Mr. Feliciano stated that he didn't know he needed one.

Chairwoman Masterson stated that it was going to be a little bit difficult in regard to Duncan factors because he had already built the structure

Mr. Feliciano stated and the reason it was a little high was because of the tow truck to be able to put it in my other garage is literally like five and a half feet tall.

Chairwoman Masterson asked if he was planning on bringing the tow truck home every day or just during the winter?

Mr. Feliciano said, no. He stated that he had a shop in Elyria but sometimes if he came in late and was tired and didn't want to go all the way and drop it off over there and come home, he would sit it at home and that was basically it.

Chairwoman Masterson asked if any of the board members had any comments, questions or concerns?

Alternate Planning Commission Liaison Ali stated that being a fellow business owner and mechanical, he used to have towing also, so he could relate with what he was talking about and also, he would snowplow too, so it was convenient. He stated that it was a plus to have that in a garage and be ready for the next call.

Chairwoman Masterson stated that the problem with is that the structure was built, and it didn't meet code requirements and because he built it where it was, he created his own problems.

Mr. Feliciano stated that the only thing that didn't meet the code was just the height.

Chairwoman Masterson stated that was not correct.

Mr. Feliciano stated that a guy came to his house before he retired and told him that he had to be four feet. He said Paul came to the house and he said as long as he was four feet up, which he told him when he came to his house. He said he went with what he said and that he always complied.

Chairwoman Masterson stated that Paul no longer worked with the City of North Ridgeville. She commented that he would have also told him that he needed a permit.

Mr. Feliciano stated that if I wasn't getting older, he would just do everything outside, but it was getting harder.

Chairwoman Masterson stated that he had several different issues and that one of the issues was that he needed several variances. She stated that he needed a height and a side yard variance, and they were substantial, not inconsequential.

Director Lieber stated that the two variances would be a setback and an area. She said that she knew the applicant had mentioned the height, but they measured height as the midpoint between the top of the wall and the peak, so even though the peak in this case is a foot higher, it still in the definition of height complied. She explained that the two variances were for setback and area.

Chairwoman Masterson stated that height of the garage nothing to do with it but was regarding how large the garage was and that he was to the side yard. She added that had he gotten a permit, they would have let him know that.

Mr. Feliciano stated that was why he was there to try to get a variance like they told him to do.

Chairwoman Masterson asked what were the practical difficulties that he was unable get a permit.

Mr. Feliciano stated that he was not aware and if he had been, he would have gotten it.

Chairwoman Masterson stated that what they were dealing with was that the structure was too close to the side yard and that it was too big and was larger than what the code allowed. She indicated that those were the two issues that they were addressing.

Mr. Feliciano stated that he did the numbers Mr. Blanchette told him to and if he had given him different numbers, he would have used those.

Chairwoman Masterson stated that Mr. Blanchette was a building inspector under the Chief Building Official and while he had the right, the final say always went to the Chief Building Official. She stated that maybe he gave him incorrect information.

Vice-Chairman Kimble stated that Mr. Blanchette had been referenced several times and he had worked with Paul on many occasions in business and through the city being on the Zoning Board. He mentioned that he had been active with the Board for years and that Paul had always been perfect. He stated that he was one of those people that was a phenomenal guy, a great guy, and knew his information. He commented that he could guarantee that he didn't tell him that he could build it four feet from the property line. He stated that he had had dozens of experiences with him.

Mr. Feliciano stated that he was a businessman and was not going to sit there and lie.

Vice-Chairman Kimble stated that it was essentially hearsay talking about what someone said he could do and that someone was not there. He discussed that he was someone that had extensive experience with the gentleman that they kept talking about and he had never been led wrong by the man. He stated that he knew there was no way he told him four feet from the property line, no chance, but either way he wasn't there. He stated that he agreed with the Chairwoman that it was a large request and even if it wasn't already built, he would have a hard time being in favor of it. He commented that the fact that it was built, maybe he made an honest mistake and would give him credit for that, but that had nothing to do with the determination of his opinion at this time. He stated that he had a voting record that had proven that sheds of that size and detached garages of that size in a neighborhood that was existing as that one, he had never been in favor for. He added that if it was a more rural area, things could be a little bit different, but part of the Duncan factors that they talked about were the essential character of the neighborhood. He mentioned that he also lived in that area and was shocked at how large the addition was. He stated that he drove through Rosabelle, Ridgeview, and Jaycox his entire life and had been born and raised in the city.

Mr. Feliciano stated that he was raised there as well.

Vice-Chairman Kimble remarked that that was fantastic. He discussed that he went back four generations deep, so they could go back and forth on that, but he had never seen that large of an addition on a lot in that area of the city. He stated that it was shocking that he just went ahead and built that. He commented that that had nothing to do with them and they were purely looking at whether he had a hardship or not. He added that the Building Department and the Law Department would address the permit.

Mr. Feliciano stated that the garage was right to the fence four feet, so he just followed it all the way through the four feet, because the existing garage to the fence was four feet. He didn't see why the existing garage was accepted when the house was being built, and why it wouldn't be accepted coming around and stated that was why they went off the property line. He mentioned that he had been in business since 2014 and he was trying to grow in the business.

Chairwoman Masterson stated that they had to take into effect Duncan factors and read “Would the property be able to be used without the large variance and the setback” and stated that the answer was yes. She read “Is the variance request substantial” and stated that it was quite substantial. She read “Will the essential character of the neighborhood be altered” and stated that yes, it was the only structure like that currently and now that it was built, they could see how large it was and how it would definitely change the neighborhood. She read “Would it affect the delivery of governmental services”, no, it wouldn’t. She read, “Did you purchase the property without knowledge of the zoning restrictions” and stated that generally most people did, however, not understanding what the law was didn’t give forgiveness from understanding what the law was. She read, “Could this predicament be dealt with a different way” and stated that he could park his vehicle in a much smaller building. She read “Would the spirit and intent behind the zoning requirement be observed in substantial justice by granting the variance” and said that she had a problem with that. She mentioned that the structure was very large and the variance was substantial and putting it that close to the other person's property, she thought that was an issue.

Mr. Feliciano asked if the existing garage was four feet, why was it too close to the property.

Chairwoman Masterson stated that he was mistaken, the sideline was the issue, not the back line.

Mr. Feliciano commented that the sideline was a different number than the backline was.

Chairwoman Masterson explained that he built the addition to the existing garage, and it was built larger than what he was allowed and that was one of the issues. She stated that the other issue was that it was too close to the side yard.

Mr. Feliciano stated that that was why he was there to try to get a variance because he really needed it.

Chairwoman Masterson asked what his hardship was and asked why they should grant it.

Mr. Feliciano stated that it had to do with going back to get orders and working on the vehicle and that it really was a task just not having a garage. He stated that he didn’t have a garage where his shop was, and it was super hard to just work. He stated that he never greased anything up and always kept his house clean. He stated that regarding ice on the vehicle that would be perfect, and it would just be useful for the type of business that he had to be able to have it there.

Chairwoman Masterson asked if there anybody in the audience that wanted to speak on behalf of the matter?

Jeff Greenberg, 5932 Sandlewood Avenue, North Ridgeville, OH 44039, was sworn in.

Mr. Greenberg stated that he was there because he received notice, and it was behind his property, and he wanted to see if there were going to be any changes that might encroach onto his property. He stated that that was all that he wanted to find out.

Mr. Feliciano stated that he loved North Ridgeville, he grew up in North Ridgeville, bought a house in North Ridgeville and his business was in North Ridgeville. He stated that it wasn’t easy being a small business.

Director Lieber stated that she had concerns regarding the home occupation being the rationale for the variance. She stated that home occupations were not intended to change the central character of neighborhoods and if the business became a rationale for a variance, it was no longer something unique about the property, it would be about the business in a residential district.

Chairwoman Masterson asked Assistant Law Director Morgan if according to her advice, they were not rehashing anything about the home occupation because that was already done. She mentioned that they were not dealing with anything regarding a business and that all they were not dealing with the second vehicle or the home occupation.

Assistant Law Director Morgan stated that she felt he was talking himself out of the home occupation. She explained that in looking at the home occupation ordinance it said it must not involve any external or extension or modification of the dwelling. She stated that the problem was that he kept bringing up the subject of bringing his work vehicle home.

Mr. Feliciano stated that he barely did. He said that he drove his car home.

Chairwoman Masterson stated that the Board and Administration were concerned about was that he kept tying it to being related to his business.

Mr. Feliciano stated that he was allowed to have a business at his house.

Chairwoman Masterson stated that they really didn't care about the truck or the business, but what they were addressing was the garage that he already built without a permit. She discussed that had he asked for a permit, they would have told him what the setback requirements were and what the size of the structure he would have been allowed to build and because he didn't do that, he built the structure one foot closer to the sideline than he was allowed, he and made the garage much larger than allowed. She stated that he kept telling them he needed it so that he could park your vehicle out of the elements. She added that it didn't need to be that big to park a vehicle in. She stated that he was doing more damage to himself by telling them that he wanted to bring his towing truck there.

Mr. Feliciano stated that he didn't know what to tell them because that was what he wanted. He stated that when he got home late at night, he wanted to be able to bring his truck home and park it inside when it snowed. He stated that he always for years brought his truck home, but he just wanted it inside this time.

Chairwoman Masterson asked Chief Building Official Fursdon if he could give clarification to Mr. Feliciano.

Chief Building Official Fursdon explained that what they were telling him was that the tow truck could be parked in a garage much smaller than what he had constructed. He stated that he could even park two cars and that tow truck in a building smaller than what he constructed.

Mr. Feliciano stated that when he parked his tow truck inside, he only had about two and a half feet to the front and two and a half feet back. He stated that it was kind of even tough to even work inside of it. He stated that to the side it was maybe another three feet.

Chairwoman Masterson stated that his garage was 24 feet deep and 23 feet wide and asked if his vehicle was that big.

Mr. Feliciano stated that his flatbeds were 31 total, but he didn't bring a flatbed there, he just brought his tow truck. He stated that he didn't know the size of the tow truck but when he put it in there, he had two and a half feet in the front and two and a half feet in the back. He stated that it looked big but once inside it really wasn't.

Chairwoman Masterson stated that it didn't meet the code requirements and that was why they were there. She stated that he needed to give the Board a reason and the reason that he wanted to park his tow truck there wasn't a good enough reason. She stated that it seemed like they kept circling around the same thing.

Mr. Feliciano stated that it was because he did not understand what they wanted. He stated that he truly did not understand.

Chairwoman Masterson stated that to be clear, he had been cited for building a building without a permit and when he submitted his plans to the building department, he said it was going to be a 23 by 24 addition and then he showed how far off the property line the building was going to be and it didn't meet code. She added that he wanted to park a vehicle in there regardless of what kind of a vehicle it is and that was not a hardship.

Mr. Feliciano stated that he had a garage for the cars, he just wanted to park his tow truck only in there.

Vice-Chairman Kimble stated that for the Board's view of what they needed to consider, the fact that he wanted to put a tow truck in the large space had nothing to do with their decision-making task that we had in front of them. He discussed that it was the simple fact that it was a very large structure and that was what he was asking for approval on the variance. He added that he could never park his truck in there and it would not matter. He stated that his tow truck was not specifically a hardship enough of a reason that the Board to consider. He asked what other reason he would have that he needed this.

Mr. Feliciano stated that it was to keep his truck from freezing his truck or if he had to work on his if he had to pull the boom up. He stated that was the only thing.

Director Lieber commented that at some point, the applicant's testimony was his testimony, and the Board asked their questions and she thought they had heard the reasons and whether that met their justification for granting variances or not was up to them.

Chairwoman Masterson asked if there were any other comments, questions or concerns from the Board.

None were given.

Moved by Masterson and seconded by Cain to deny the application because sufficient reasons for the variance were not provided.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

ADJOURNMENT:

The meeting was adjourned at 8:05 PM.

Linda Masterson
Chairwoman

Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, August 22, 2024
Date Approved

DRAFT

TRUST FUND REVENUE (275):

Month	2023 Fiscal Year	2024 Fiscal Year	Difference + / -	Percentage +/-
January	\$30,428.79	\$42,795.43	(+) \$12,366.64	(+) 40.64%
February	\$38,114.49	\$55,883.30	(+) \$17,768.81	(+) 46.62%
March	\$30,925.06	\$27,650.12	(-) \$3,274.94	(-) 10.59%
April	\$34,286.64	\$28,963.71	(-) \$5,322.93	(-) 15.52%
May	\$30,266.25	\$28,599.04	(-) \$1,667.21	(-) 5.51%
June	\$40,346.17	\$40,757.27	(+) \$411.10	(+) 1.02%
Total	\$204,057.49	\$224,648.87	(+) \$20,591.38	(+) 10.09%

Unencumbered balance through June 2024: \$267,057.94

PARK AND RECREATION IMPROVEMENT FUND REVENUE (280):

Month	2023 Fiscal Year	2024 Fiscal Year	Difference + / -	Percentage +/-
January	\$6,899.28	\$4,633.44	(-) \$2,265.84	(-) 32.84%
February	\$3,009.18	\$3,724.67	(+) \$715.49	(+) 23.78%
March	\$1,529.99	\$3,782.95	(+) \$2,252.96	(+) 147.25%
April	\$2,395.87	\$5,709.03	(+) \$3,313.16	(+) 138.29%
May	\$1,496.22	\$2,050.28	(+) \$1,000.00	(+) 105.03%
June	\$3,284.62	\$2,344.81	(-) \$939.81	(-) 28.61%
Total	\$18,615.16	\$22,245.18	(+) \$3,630.02	(+) 19.50%

Unencumbered balance through June 2024: \$240,694.51

GENERAL FUND EXPENSES (185):

Month	2023 Fiscal Year	2024 Fiscal Year
January	\$75,028.40	\$41,971.64
February	\$64,089.95	\$46,999.90
March	\$98,990.56	\$30,466.42
April	\$77,977.08	\$52,269.15
May	\$77,719.64	\$35,876.95
June	\$70,299.25	\$36,200.65
Total	\$464,104.88	\$243,784.71

TRUST FUND EXPENSES (275):

Month	2023 Fiscal Year	2024 Fiscal Year
January	\$36,052.87	\$15,911.56
February	\$8,503.53	\$37,090.62
March	\$12,876.77	\$28,605.72
April	\$22,341.98	\$41,883.66
May	\$32,509.62	\$40,390.90
June	\$69,360.99	\$48,905.38
Total	\$181,660.18	\$212,787.84

DIRECTORS REPORT:

Shady Drive Complex Parking Lot Project:

The Parks & Recreation Department hired Sealtek back in February to perform the sealing and striping of all 4 parking lots at Shady Drive Complex. Due to the wet spring the project was pushed back to July. We are pleased to announce that the project is slated to be completed on July 18 & 19. This project was approved by City Council and the total project cost was: \$42,610.00.

PROGRAM REPORT:

Program Name: Jr. Browns Flag Football

Ages/Leagues: K; 1st-2nd; 3rd & 4th; 5th & 6th Grade

Date: August-October

Current Enrollment:

K: 13 (1 team)

1st & 2nd Grade: 53 (5 teams)

3rd & 4th Grade: 44 (4 teams)

5th & 6th Grade: 12 (1 team)

Program Description:

Our flag football league partners with NFL Flag. All teams receive an official NFL team-branded jersey and flag belts. All leagues compete in the Little Southwest Conference. This year we added Kindergarten and 5th & 6th Grade Flag. Practices start in August. This is a positive increase of **+44 kids** over 2023.

Program Description:

The program is designed to teach the fundamentals of football while participating in the Little Southwest Conference. Games are played on Saturdays with practices being held during the week. Rookie Tackle for 3rd & 4th graders is 7 v. 7 with the 5th & 6th grade program being 11 v. 11.

Program Name: Youth Tennis Program

Ages: 4-6 / 7-9 / 10-14 year olds

Dates: Session II: July 1-July 24

Days: M / W

Instructor: Eric Hodge, USPTR Professional

Location: South Central Park Pickleball/Tennis Courts

Enrollment:

4-6: 05

7-9: 12

10-14: 07

Program Description:

Are you looking for a new sports experience for your child? How about a professionally run introduction to a sport of a life time. Eric is a certified USPTR professional for over 20 years. Head tennis professional at Force Sports Rocky River for the past 8 years. As graduate and resident of North Ridgeville he is looking forward to working with the youth of the community. All participants should bring water, sunscreen & racquet.

Program Name: Beginning Art

Date: 07.06-07.27

Time: 11:00AM-12:00PM

Location: Community Cabin

Enrollment: 07

Program Description:

Kids will begin to develop a love for art! We will start to learn different techniques and explore different mediums. Each week the children will create a unique piece of art, all of which will be displayed during an art show on the last day. Please wear clothes that can get dirty.

Program Name: Summer Concert Series

Date: 07.28.2024

Location: South Central Park

Program Description:

On Sunday evenings sweet sounds of music and friendly greetings fill the air at the SouthCentral Park Gazebo with the City of North Ridgeville Summer Concert Series. The FREE concerts have a variety of performers appropriate for all age groups. All are invited to bring a lawn chair or blanket and enjoy this traditional summer pastime.

Day	Date	Time	Band
SUN	07.28	6:00-8:00PM	Funkology

Program Name: AHA CPR/Basic Life Support

Date: 08.03.24

Time: 9:00AM-1:00PM

Location: NR Fire Station

Current Enrollment: 09

Program Description:

This class is designed for healthcare professionals and other personnel who need to know how to perform CPR and other basic cardiovascular life support skills in a wide variety of in-facility and prehospital settings. Participants will learn High-quality CPR for adults, children, and infants, AHA Chain of Survival (BLS components), important early use of an AED. Effective ventilations using a barrier device, importance of teams in multirescuer resuscitation and performance as an effective, team member during multirescuer CPR, and relief of foreign-body airway obstruction (choking) for adults and infants. CPR certificate will be received upon completion of this course. Cost covers CPR certificate and materials.

City of North Ridgeville Revenue Report

Accounts: 101.150.000000 to 890.800.510601

As Of: 1/1/2024 to 6/30/2024

Include Inactive Accounts: No

Account	Description	Budget	MTD Revenue	YTD Revenue	Uncollected	% Collected
270	CEMETERY			Target Percent:	50.00%	
DEPT: 000						
270.000.500531	LOT SALES	\$15,000.00	\$550.00	\$8,500.00	\$6,500.00	56.67%
270.000.500532	BURIALS	\$13,000.00	\$1,400.00	\$9,000.00	\$4,000.00	69.23%
270.000.500547	CHARGES FOR SERVICES	\$5,500.00	\$675.00	\$2,100.00	\$3,400.00	38.18%
270.000.700110	INTEREST INCOME	\$7,000.00	\$1,082.41	\$5,760.08	\$1,239.92	82.29%
270.000.800300	REIMBURSEMENT STATE BURIAL, INDI	\$3,000.00	\$0.00	\$0.00	\$3,000.00	0.00%
270.000.800892	OTHER REVENUE	\$0.00	\$0.00	\$8.96	(\$8.96)	N/A
	DEPT: 000 Totals:	\$43,500.00	\$3,707.41	\$25,369.04	\$18,130.96	58.32%
270 Total:		\$43,500.00	\$3,707.41	\$25,369.04	\$18,130.96	58.32%
275	PARK & RECREATION TRUST			Target Percent:	50.00%	
DEPT: 000						
275.000.000000	PARK & REC TRUST FUND	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.000.400110	GRANT PROCEEDS	\$500.00	\$0.00	\$0.00	\$500.00	0.00%
275.000.500547	CHARGES FOR SERVICES	\$318,500.00	\$30,208.00	\$207,988.10	\$110,511.90	65.30%
275.000.500556	CONCESSION SALES	\$10,000.00	\$9,493.25	\$10,863.25	(\$863.25)	108.63%
275.000.700110	INTEREST INCOME	\$8,000.00	\$1,056.02	\$5,622.50	\$2,377.50	70.28%
275.000.800892	OTHER REVENUE	\$0.00	\$0.00	\$175.02	(\$175.02)	N/A
	DEPT: 000 Totals:	\$337,000.00	\$40,757.27	\$224,648.87	\$112,351.13	66.66%
275 Total:		\$337,000.00	\$40,757.27	\$224,648.87	\$112,351.13	66.66%
280	PARK & RECREATION IMPROVEMENT			Target Percent:	50.00%	
DEPT: 000						
280.000.000000	PARK & REC IMP FUND	\$0.00	\$0.00	\$0.00	\$0.00	N/A
280.000.422130	P & R TRAIL GRANT PROCEEDS	\$0.00	\$0.00	\$0.00	\$0.00	N/A
280.000.620250	BUILDING FEES	\$34,000.00	\$1,500.00	\$17,750.00	\$16,250.00	52.21%
280.000.700110	INTEREST INCOME	\$5,600.00	\$844.81	\$4,495.18	\$1,104.82	80.27%
280.000.800892	OTHER REVENUE	\$0.00	\$0.00	\$0.00	\$0.00	N/A
	DEPT: 000 Totals:	\$39,600.00	\$2,344.81	\$22,245.18	\$17,354.82	56.17%
280 Total:		\$39,600.00	\$2,344.81	\$22,245.18	\$17,354.82	56.17%
890	TRUST MISCELLANEOUS			Target Percent:	50.00%	
DEPT: 000						
890.000.630601	PR MEMORIAL TREE PROGRAM	\$1,000.00	\$0.00	\$0.00	\$1,000.00	0.00%
	DEPT: 000 Totals:	\$1,000.00	\$0.00	\$0.00	\$1,000.00	0.00%
890 Total:		\$1,000.00	\$0.00	\$0.00	\$1,000.00	0.00%

Revenue Report
As Of: 1/1/2024 to 6/30/2024

Account	Description	Budget	MTD Revenue	YTD Revenue	Uncollected	% Collected
Grand Total:		\$421,100.00	\$46,809.49	\$272,263.09	\$148,836.91	64.66%
					Target Percent:	50.00%

City of North Ridgeville

Statement of Cash Position with MTD Totals

From: 1/1/2024 to 6/30/2024

Funds: 275 to 280

Include Inactive Accounts: No

Page Break on Fund: No

Fund	Description	Beginning Balance	Net Revenue MTD	Net Revenue YTD	Net Expenses MTD	Net Expenses YTD	Unexpended Balance	Encumbrance YTD	Ending Balance
275	PARK & RECREATION TRUST	\$331,644.48	\$40,757.27	\$224,648.87	\$48,905.38	\$212,787.84	\$343,505.51	\$76,447.57	\$267,057.94
280	PARK & RECREATION IMPROVEMENT	\$284,709.33	\$2,344.81	\$22,245.18	\$0.00	\$23,650.00	\$283,304.51	\$42,610.00	\$240,694.51
Grand Total:		\$616,353.81	\$43,102.08	\$246,894.05	\$48,905.38	\$236,437.84	\$626,810.02	\$119,057.57	\$507,752.45

City of North Ridgeville Expense Report

Accounts: 101.185.100101 to 101.185.417024

Account Access Group: N/A

As Of: 1/1/2024 to 6/30/2024

Include Inactive Accounts: No

Include Pre-Encumbrances: No

Account	Description	Budget	MTD Expense	YTD Expense	UnExp. Balance	Encumbrance	Unenc. Balance	% Used
101	GENERAL					Target Percent:	50.00%	
PARK & RECREATION								
101.185.100101	WAGES-SUPER	\$83,844.00	\$6,253.40	\$40,501.83	\$43,342.17	\$0.00	\$43,342.17	48.31%
101.185.100102	WAGES-STAFF	\$99,246.00	\$3,703.58	\$31,986.60	\$67,259.40	\$0.00	\$67,259.40	32.23%
101.185.100111	INCENTIVE PAY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.100117	RETIREE/SEPARATION	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.100120	OVERTIME	\$500.00	\$0.00	\$20.83	\$479.17	\$0.00	\$479.17	4.17%
101.185.100127	CT CASH OUT	\$2,500.00	\$0.00	\$0.00	\$2,500.00	\$0.00	\$2,500.00	0.00%
101.185.100128	COMP ABSENCES	\$500.00	\$0.00	\$0.00	\$500.00	\$0.00	\$500.00	0.00%
101.185.100130	LONGEVITY	\$2,100.00	\$0.00	\$0.00	\$2,100.00	\$0.00	\$2,100.00	0.00%
101.185.100190	OTHER COMP	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.120125	EMPLOYEE BENEFITS	\$71,724.00	\$3,404.95	\$26,844.46	\$44,879.54	\$1,654.80	\$43,224.74	39.73%
101.185.120127	EMPLOYER HSA CONTRIBU	\$2,250.00	\$0.00	\$2,250.00	\$0.00	\$0.00	\$0.00	100.00%
101.185.120155	RETIREMENT	\$30,039.00	\$1,646.54	\$15,065.88	\$14,973.12	\$0.00	\$14,973.12	50.15%
101.185.130100	MEMBERSHIP/EDUCATION	\$2,500.00	\$0.00	\$370.00	\$2,130.00	\$0.00	\$2,130.00	14.80%
101.185.130120	TRAVEL/TRANSPORTATION	\$1,500.00	\$0.00	\$30.00	\$1,470.00	\$437.20	\$1,032.80	31.15%
101.185.130130	UNIFORMS	\$278.60	\$0.00	\$188.10	\$90.50	\$89.50	\$1.00	99.64%
101.185.130150	PHYSICAL EXAMS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.210100	OFFICE SUPPLIES	\$1,000.00	\$91.35	\$603.14	\$396.86	\$396.86	\$0.00	100.00%
101.185.215100	OPERATING SUPPLIES	\$5,037.84	\$78.15	\$4,100.43	\$937.41	\$937.41	\$0.00	100.00%
101.185.215115	JANITORIAL SUPPLIES	\$3,000.00	\$488.70	\$775.95	\$2,224.05	\$2,224.05	\$0.00	100.00%
101.185.215240	FUEL	\$2,500.00	\$108.12	\$244.18	\$2,255.82	\$0.00	\$2,255.82	9.77%
101.185.215270	SMALL TOOLS / EQUIPMEN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.310110	ELECTRIC	\$44,000.00	\$3,025.78	\$25,746.93	\$18,253.07	\$16,253.07	\$2,000.00	95.45%
101.185.310120	WATER / SEWER	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.310130	NATURAL GAS / OIL	\$1,655.89	\$76.13	\$870.31	\$785.58	\$785.58	\$0.00	100.00%
101.185.315110	PHONE	\$1,527.25	\$52.80	\$227.36	\$1,299.89	\$1,152.64	\$147.25	90.36%
101.185.315120	CELLULAR PHONE / DATA	\$2,931.11	\$172.53	\$1,082.78	\$1,848.33	\$971.29	\$877.04	70.08%
101.185.315130	NETWORK / INTERNET / CA	\$919.74	\$76.61	\$296.23	\$623.51	\$508.27	\$115.24	87.47%
101.185.315140	ELECT. MEDIA/SUBSCRIPTI	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.315190	OTHER COMMUNICATIONS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.315200	ADVERTISING	\$500.00	\$0.00	\$0.00	\$500.00	\$250.00	\$250.00	50.00%
101.185.320110	M&R EQUIP CTY GARAGE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.320120	M&R EQUIPMENT - EXTERN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.320130	EQUIPMENT SRV PLANS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.320210	M&R VEHICLES-CTY GARA	\$3,000.00	\$0.00	\$34.08	\$2,965.92	\$0.00	\$2,965.92	1.14%
101.185.320420	M&R BUILDINGS	\$5,100.00	\$0.00	\$4,661.00	\$439.00	\$0.00	\$439.00	91.39%

Expense Report
As Of: 1/1/2024 to 6/30/2024

Account	Description	Budget	MTD Expense	YTD Expense	UnExp. Balance	Encumbrance	Unenc. Balance	% Used
101.185.320500	M&R LANDS & GROUNDS	\$72,675.36	\$12,594.01	\$50,032.40	\$22,642.96	\$13,064.11	\$9,578.85	86.82%
101.185.325100	EQUIPMENT RENTAL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.330100	PROFESSIONAL SERVICE	\$12,794.06	\$296.25	\$4,568.62	\$8,225.44	\$6,601.44	\$1,624.00	87.31%
101.185.340100	INSURANCE	\$5,000.00	\$0.00	\$0.00	\$5,000.00	\$0.00	\$5,000.00	0.00%
101.185.350455	CUSTODIAL	\$50,095.61	\$4,131.75	\$24,638.36	\$25,457.25	\$25,229.25	\$228.00	99.54%
101.185.350800	IT LICENSES & SUPPORT	\$200.00	\$0.00	\$179.99	\$20.01	\$0.00	\$20.01	90.00%
101.185.360320	VEHICLE LEASE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.400030	EQUIPMENT LEASING	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.400031	MAINT/SVC AGREEMENTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
101.185.400033	COPIERS/PRINTERS	\$4,541.61	\$0.00	\$2,618.76	\$1,922.85	\$1,732.85	\$190.00	95.82%
101.185.400050	EQUIPMENT OUTLAY	\$6,000.00	\$0.00	\$5,846.49	\$153.51	\$0.00	\$153.51	97.44%
101.185.417024	VICTORY PARK PAVING	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
	PARK & RECREATION Totals:	<u>\$519,460.07</u>	<u>\$36,200.65</u>	<u>\$243,784.71</u>	<u>\$275,675.36</u>	<u>\$72,288.32</u>	<u>\$203,387.04</u>	<u>60.85%</u>
101 Total:		\$519,460.07	\$36,200.65	\$243,784.71	\$275,675.36	\$72,288.32	\$203,387.04	60.85%
Grand Total:		\$519,460.07	\$36,200.65	\$243,784.71	\$275,675.36	\$72,288.32	\$203,387.04	60.85%

Target Percent: 50.00%

City of North Ridgeville Expense Report

Accounts: 275.380.100102 to 275.380.510050

Account Access Group: N/A

As Of: 1/1/2024 to 6/30/2024

Include Inactive Accounts: No

Include Pre-Encumbrances: No

Account	Description	Budget	MTD Expense	YTD Expense	UnExp. Balance	Encumbrance	Unenc. Balance	% Used
275	PARK & RECREATION TRUST					Target Percent:	50.00%	
PARK & RECREATION TRUST								
275.380.100102	WAGES-COMM EDUCATE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.100103	WAGES-SCP	\$67,000.00	\$14,636.26	\$23,072.75	\$43,927.25	\$0.00	\$43,927.25	34.44%
275.380.120125	EMPLOYEE BENEFITS	\$2,345.00	\$300.78	\$970.39	\$1,374.61	\$612.74	\$761.87	67.51%
275.380.120155	RETIREMENT	\$9,355.00	\$377.11	\$1,260.88	\$8,094.12	\$0.00	\$8,094.12	13.48%
275.380.210100	OFFICE SUPPLIES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.215100	OPERATING SUPPLIES	\$8,000.00	\$0.00	\$5,826.40	\$2,173.60	\$0.00	\$2,173.60	72.83%
275.380.215201	BB-SUPP/EXP	\$21,000.00	\$2,175.08	\$5,909.78	\$15,090.22	\$13,742.62	\$1,347.60	93.58%
275.380.215204	COM ED-SUPP/EXP	\$15,500.00	\$1,434.45	\$2,886.90	\$12,613.10	\$7,989.50	\$4,623.60	70.17%
275.380.215208	SPECIAL EVENTS	\$40,000.00	\$8,095.00	\$10,972.91	\$29,027.09	\$3,716.59	\$25,310.50	36.72%
275.380.215212	SPORTS-SUPP/EXP	\$40,000.00	\$1,069.71	\$30,741.03	\$9,258.97	\$3,242.33	\$6,016.64	84.96%
275.380.215216	CLINICS-SUPP/EXP	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.215219	CONCESSIONS-SUPP/EXP	\$11,500.00	\$4,944.29	\$5,842.22	\$5,657.78	\$4,915.78	\$742.00	93.55%
275.380.215270	SMALL TOOLS / EQUIPMEN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.315110	PHONE	\$400.00	\$0.00	\$0.00	\$400.00	\$399.00	\$1.00	99.75%
275.380.315120	CELLULAR PHONE / DATA	\$1,744.14	\$265.80	\$872.09	\$872.05	\$815.87	\$56.18	96.78%
275.380.315130	NETWORK / INTERNET / CA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.315140	ELECT. MEDIA/SUBSCRIPTI	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.315190	OTHER COMMUNICATIONS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.315300	POSTAGE	\$500.00	\$0.00	\$16.93	\$483.07	\$0.00	\$483.07	3.39%
275.380.315403	BROCHURES ETC	\$2,680.82	\$0.00	\$949.32	\$1,731.50	\$1,731.50	\$0.00	100.00%
275.380.325200	FACILITY RENTAL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.330100	PROFESSIONAL SERVICES	\$26,414.42	\$88.83	\$20,305.07	\$6,109.35	\$2,319.35	\$3,790.00	85.65%
275.380.330130	ENGINEERING SERVICES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.350112	MERCHANT SERVICE FEES	\$8,000.00	\$730.89	\$5,221.51	\$2,778.49	\$0.00	\$2,778.49	65.27%
275.380.350201	BB-CONTRACT SVC	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.350204	COM ED-CONTRACT SVCS	\$35,427.92	\$3,024.79	\$22,769.69	\$12,658.23	\$8,747.21	\$3,911.02	88.96%
275.380.350212	SPORTS-CONTRACT SVCS	\$39,000.00	\$7,622.39	\$33,112.39	\$5,887.61	\$5,077.61	\$810.00	97.92%
275.380.350216	CLINICS-CONTRACT SVCS	\$12,000.00	\$0.00	\$4,243.50	\$7,756.50	\$5,756.50	\$2,000.00	83.33%
275.380.350219	CONCESSIONS-CONTRACT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.350800	IT LICENSES & SUPPORT	\$4,300.00	\$3,900.00	\$3,900.00	\$400.00	\$0.00	\$400.00	90.70%
275.380.350807	OTHER - SFTWR EXP	\$2,052.00	\$240.00	\$1,128.00	\$924.00	\$904.00	\$20.00	99.03%
275.380.400030	EQUIPMENT LEASING	\$10,750.00	\$0.00	\$0.00	\$10,750.00	\$10,750.00	\$0.00	100.00%
275.380.400031	MAINT/SVC AGREEMENTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
275.380.400050	EQUIPMENT OUTLAY	\$38,550.00	\$0.00	\$32,786.08	\$5,763.92	\$5,726.97	\$36.95	99.90%
275.380.415304	SD ACCESSIBLE WALKWAY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A

Expense Report
As Of: 1/1/2024 to 6/30/2024

Account	Description	Budget	MTD Expense	YTD Expense	UnExp. Balance	Encumbrance	Unenc. Balance	% Used
275.380.510050	REFUNDS	\$950.00	\$0.00	\$0.00	\$950.00	\$0.00	\$950.00	0.00%
PARK & RECREATION TRUST Totals:		\$397,469.30	\$48,905.38	\$212,787.84	\$184,681.46	\$76,447.57	\$108,233.89	72.77%
275 Total:		\$397,469.30	\$48,905.38	\$212,787.84	\$184,681.46	\$76,447.57	\$108,233.89	72.77%
Grand Total:		\$397,469.30	\$48,905.38	\$212,787.84	\$184,681.46	\$76,447.57	\$108,233.89	72.77%
Target Percent:							50.00%	

DATE:	<u>August 5, 2024</u>	1 ST READING:	<u>August 5, 2024</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u></u>
REFERRED BY:	<u></u>	3 RD READING:	<u></u>
		ADOPTED:	<u></u>
		EMERGENCY:	<u>N/A</u>
		EFFECTIVE:	<u>N/A</u>

RESOLUTION NO. 2024-77

A RESOLUTION SUPPORTING THE RACE ROAD AND MADDOCK ROAD RAIL GRADE CROSSING ELIMINATION PROJECT.

WHEREAS, Race Road in the City of North Ridgeville is an important north-south connector in the community, and, for the purpose of addressing traffic efficiency and safety, supports the pursuit of a grade separation at the Norfolk Southern Railroad tracks; and,

WHEREAS, the at grade crossing at Maddock Road is proposed to be removed which will enhance safety and reduce maintenance costs associated with the crossing; and

WHEREAS, the overall project would eliminate two at grade crossings and provide significant community-wide benefits, including reducing accidents, improving emergency response, facilitating traffic flow, encouraging economic development, and providing for multimodal transportation options.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Council hereby expresses its strong support for the Race Road and Maddock Road Rail Grade Crossing Elimination Project and urges the Federal Railroad Administration to provide funding for this important safety improvement through the Railroad Crossing Elimination Program.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 3. This Resolution shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____ MAYOR _____

DATE:	<u>August 5, 2024</u>	1 ST READING:	<u>August 5, 2024</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u></u>
REFERRED BY:	<u></u>	3 RD READING:	<u></u>
	<u></u>	ADOPTED:	<u></u>
		EMERGENCY:	<u></u>

ORDINANCE NO. 2024-78

AN ORDINANCE AMENDING *CHAPTER 830 HOME OCCUPATIONS* OF THE NORTH RIDGEVILLE BUSINESS REGULATION AND TAXATION CODE.

WHEREAS, updates to *Chapter 830 Home Occupations* of the Business Regulation and Taxation Code are necessary to better define the use regulations, prohibitions, permit requirements and procedures related to the conduct of home occupations; and

WHEREAS, it is the desire of Council to amend these Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. *Chapter 830 Home Occupations* of the Business Regulation and Taxation Code which presently reads in its entirety as set forth in **Exhibit A** be amended and, as amended, shall read in its entirety as set forth in the document attached to this Ordinance as **Exhibit B**.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

EXHIBIT A
PART EIGHT - BUSINESS REGULATION AND TAXATION CODE
TITLE TWO. - BUSINESS REGULATION
CHAPTER 830. HOME OCCUPATIONS

CHAPTER 830. HOME OCCUPATIONS¹

830.01 Definitions

As used in this chapter:

- (a) "Home occupation" means any profession or business conducted in a residential dwelling and as an accessory to the principal residential use thereof. Home occupations shall comply in all respects with the regulations provided in Section 830.02.

A home occupation shall not include and shall not be permitted on unimproved land in a Residence District or in any dwelling not currently occupied principally as a residence.

The following activities are not permitted as home occupations:

- (1) The repair and/or storage of vehicles for commercial purposes, including vehicles purchased primarily for resale.
 - (2) The repair and/or storage of heavy machinery and/or heavy equipment for commercial purposes.
 - (3) External wood cutting, external wood splitting and/or external wood processing for commercial purposes.
 - (4) Activities judged by the Chief Building Official and the Board of Zoning and Building Appeals to be similar in nature to the above-listed activities.
- (b) "Living area" means that area of the dwelling which would normally contain active (as opposed to stored) furniture and appliances for the use of the residents, but shall not include basements (unless finished), garages or porches.

(Ord. 4308-2006, 9-5-06)

830.02 Use regulations

- (a) A person may carry on a home occupation only in the dwelling house.
- (b) A home occupation may be permitted and carried on only if it complies with all of the following:
- (1) The home occupation shall comply with all local, State and Federal laws, the City Charter and/or regulations pertinent to the activity pursued;
 - (2) The person conducting such home occupation must, before commencement, receive a permit for such purpose, which permit shall be issued by the Chief Building Official;
 - (3) Such use must not involve any external extension or modification of the dwelling, and the dwelling must be otherwise lawful and conform to all applicable safety, fire, housing and building codes;

¹Cross reference(s)—Licensing of businesses in general - see B.R. & T. Ch. 802; Bed and breakfast inns - see B.R. & T. Ch. 812; Permit fees for dwellings - see B. & H. 1444.03; Use and Occupancy Housing Code - see B. & H. Ch. 1480; Structural requirements for dwellings - see B. & H. 1480.14

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- (4) Except for signage permitted in accordance with Chapter 1286, such use shall not involve any other display that will indicate from the exterior that the building or premises is being used, in part, for any purpose other than that of a residential dwelling;
 - (5) Such use shall be incidental and subordinate to the use of the premises and dwelling for residential purposes and in total shall not use space in excess of the equivalent of twenty-five percent of the floor area of the living area of the dwelling;
 - (6) Such use shall not include any activity resulting in or creating noise, vibration, smoke, pollution, electronic interference or other nuisance or safety hazard to any person or to any adjacent or nearby property;
 - (7) Such use shall not involve the storage of any materials, other than those normally used in the maintenance and use of the property solely as a dwelling, which are hazardous to persons or to adjacent and nearby property in a quantity normally used;
 - (8) (NOTE: Paragraph (b)(8) hereof was repealed by Ordinance 3627-00, passed October 16, 2000)
 - (9) Vehicles used for deliveries to or from a home occupation shall comply with the weight limits established for through traffic on the street upon which the dwelling fronts;
 - (10) Such use shall not result in an increase in frequency of, or a generation of vehicular or pedestrian traffic abnormal to, either the neighborhood or the City;
 - (11) No more than a total of two vehicles of patrons or customers shall be permitted on the premises which is the site of a home occupation at any one time. Such vehicles shall not, alternatively, be parked on a street, sidewalk or other adjacent public thoroughfare. Vehicles used solely for the personal use of the proprietor or owner of the home occupation shall not be included within the limitation of this paragraph;
 - (12) Such use shall not involve the use of utilities, sewers or other community facilities beyond that which would be reasonable to the use of the property solely for residential purposes;
 - (13) Such use shall not involve the storage of equipment, mobile or otherwise, finished materials and/or finished inventory related thereto, unless it is produced on the premises;
 - (14) A person carrying on a home occupation may employ only members of the family in the dwelling and a maximum of one outside employee;
 - (15) Only one automobile, truck or van used primarily for the customary home occupation shall be permitted on the premises, and then only if:
 - A. The gross vehicle weight of such vehicle (including cargo) is 11,000 pounds or less.
 - B. (NOTE: Paragraph (b)(15)B. hereof was repealed by Ordinance 3627-00, passed October 16, 2000)

(Ord. 4308-2006, 9-5-06.; Ord. 4747-2010, 5-3-10; Amended by Ord. 6087-2023 on 7/24/2023)

830.03 Permit required; fee; renewals

- (a) No home occupation shall be permitted to operate unless the person conducting it first obtains a permit to operate from the Chief Building Official as provided in Section 830.02(b)(2).
- (b) A fee of fifty dollars (\$50.00) is hereby established for the original issuance or a permit.

(Ord. 4308-2006, 9-5-06)

830.04 Conditions for issuance of initial permit

The Chief Building Official shall issue an initial permit to the permittee when the following conditions have been met:

- (a) All conditions set forth in Sections 830.02 and 830.03 have been satisfactorily complied with and completed and evidence of such compliance and completion is filed with the Chief Building Official; and
- (b) The permittee has tendered the fee for the original issuance of a permit as provided in Section 830.03(b); and
- (c) If the Chief Building Official denies the permit, the applicant may appeal that decision to the Board of Zoning and Building Appeals by filing notice of an appeal with the Clerk of Council no later than fifteen days from the date of the denial. A timely filed appeal shall be heard at the next regularly scheduled meeting of the Board of Zoning and Building Appeals. Notice requirements for posting of meetings shall not apply to this appeal.

(Ord. 4308-2006, 9-5-06)

830.05 Permit duration

The permit required under this chapter shall be valid from the date of issuance providing the Chief Building Official does not become aware of any complaints or violations regarding the permit, in which case Section 830.06 applies.

(Ord. 4308-2006, 9-5-06)

830.06 Right of entry of chief building official; inspections; compliance with permit; fraud; revocation of permit

- (a) The Chief Building Official and/or his or her representative are hereby authorized to enter upon and inspect the premises on which a home occupation is conducted at reasonable hours, from time to time, to determine whether the applicant or permittee is in compliance with the provisions of this chapter.
- (b) If the Chief Building Official or its authorized agent determines that the permittee is not complying with the conditions of the permit issued pursuant to this chapter, it shall order the permittee to correct the offending condition or use or otherwise to comply with such permit. Upon failure by the permittee to comply with the order of the Chief Building Official within five days from the date of the order, Sundays and legal holidays excluded, the permittee's permit shall be null and void and shall be immediately revoked by the Chief Building Official. Such action by the Chief Building Official shall be in addition to the penalty provided in Section 830.99.
- (c) The Chief Building Official is further authorized and directed to revoke any permit issued under this Chapter upon notice for any fraud, misrepresentation or false statement contained in the application for the permit or for the renewal thereof. The revocation of a permit by the Chief Building Official may be appealed pursuant to the procedure provided in Section 830.04(c).

(Ord. 4308, 9-5-06)

830.07 Decisions of board of zoning and building appeals and chief building official final; existing home occupations; violations; injunctive relief

- (a) Decisions of the Board of Zoning and Building Appeals and the Chief Building Official relating to violations of this Chapter, including appeals from the denial of issuance of, or the revocation of, permits, shall be final within the City.
- (b) Any home occupation in existence without a permit upon the passage of this chapter shall be discontinued immediately or shall be disclosed immediately to the Chief Building Official and comply with the provisions of this chapter within six months of the passage of this chapter.
- (c) No person, firm or corporation shall violate, or assist in the violation of, any of the provisions of this chapter. In the event of any such violation or the imminent threat thereof, the City, in addition to any remedies provided by law, may institute a suit for a preliminary and/or permanent injunction to prevent or terminate such violation.

(Ord. 4308-2006, 9-5-06)

830.08 Transferring of permits

No permit or renewal thereof issued under the provisions of this chapter may be sold within the premises or dwelling from or on which the home occupation is being conducted, nor may it otherwise be sold, conveyed or assigned to any party other than the permittee named therein.

(Ord. 4308-2006, 9-5-06)

830.99 Penalty

- (a) Whoever maintains an office or carries on a home occupation in the dwelling house used by him or her as his or her private residence without first securing a home occupation permit as provided in Section 830.02(b) shall be fined twenty-five (\$25.00) per day for each day he or she carries on such unauthorized use.
- (b) Whoever violates any of the other provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each such offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 4308-2006, 9-8-06)

EXHIBIT B
PART EIGHT - BUSINESS REGULATION AND TAXATION CODE
TITLE TWO. BUSINESS REGULATION
CHAPTER 830. HOME OCCUPATIONS

CHAPTER 830. HOME OCCUPATIONS

830.01 Definitions

As used in this chapter:

- (a) "Home occupation" means any profession or business conducted in a residential dwelling and as an accessory to the principal residential use thereof. Home occupations shall comply in all respects with the regulations provided in Section 830.02.
- (b) "Living area" means that area of the dwelling which would normally contain active (as opposed to stored) furniture and appliances for the use of the residents, but shall not include basements (unless finished), garages or porches.

830.02 Use regulations

- (a) Prohibited Uses. The following activities are not permitted as home occupations:
 - (1) The maintenance, repair and/or storage of vehicles, heavy machinery and/or heavy equipment for commercial purposes, including vehicles purchased primarily for resale.
 - (2) Tow truck services.
 - (3) Wood cutting, splitting and/or processing.
 - (4) Animal care or boarding facilities, including kennels.
 - (5) Contractor storage yards.
 - (6) Machine shops and other industrial uses.
 - (7) Any use involving toxic, flammable, combustible, explosive, corrosive or other potentially harmful chemicals or materials.
 - (8) Any use expressly prohibited in the North Ridgeville Zoning Code or by Council ordinance.
 - (9) Activities judged by the Chief Building Official to be similar in nature to the above-listed activities or which by their operation or nature are not incidental to or compatible with residential activities.
- (b) Requirements. A home occupation may be permitted and carried on only if it complies with all of the following:
 - (1) A home occupation shall not include and shall not be permitted on unimproved land in a Residence District or in any dwelling not currently occupied principally as a residence.
 - (2) A person may carry on a home occupation only in the dwelling house. No home occupation shall be conducted in an accessory building.
 - (3) The home occupation shall comply with all local, State and Federal laws, the City Charter and/or regulations pertinent to the activity pursued.
 - (4) The residential character of the dwelling exterior shall not be changed. The home occupation must not involve any external extension or modification of the dwelling, and the dwelling must be otherwise lawful and conform to all applicable safety, fire, housing and building codes.

- (5) Such use shall be incidental and subordinate to the use of the premises and dwelling for residential purposes and in total shall not use space in excess of the equivalent of twenty percent of the floor area of the living area of the dwelling.
 - (6) Such use shall not include any activity resulting in or creating noise, vibration, smoke, pollution, electronic interference or other nuisance or safety hazard to any person or to any adjacent or nearby property.
 - (7) Outdoor storage or display of materials, good, supplies or equipment related to the conduct of the home occupation shall be prohibited.
 - (8) Vehicles used for deliveries to or from a home occupation shall comply with the weight limits established for through traffic on the street upon which the dwelling fronts.
 - (9) Such use shall not result in an increase in frequency of, or a generation of vehicular or pedestrian traffic abnormal to, either the neighborhood or the City. Such use may not generate traffic expressly related to the home occupation between the hours of 8:00 p.m. and 8:00 a.m.
 - (10) No more than a total of two vehicles of patrons or customers shall be permitted on the premises which is the site of a home occupation at any one time. Such vehicles shall not, alternatively, be parked on a street, sidewalk or other adjacent public thoroughfare. Vehicles used solely for the personal use of the homeowner shall not be included within the limitation of this paragraph.
 - (11) Such use shall not involve the use of utilities, sewers or other community facilities beyond that which would be reasonable to the use of the property solely for residential purposes.
 - (12) A person carrying on a home occupation may employ only members of the family in the dwelling and a maximum of one outside employee.
 - (13) Only one automobile, truck or van used primarily for the customary home occupation shall be permitted on the premises, and then only if the gross vehicle weight of such vehicle (including cargo) is 11,000 pounds or less.
- (c) Conditions. The Chief Building Official may impose conditions to mitigate any potential adverse impacts of the home occupation to the adjacent land uses and/or to ensure that the use complies with the Codified Ordinances.
- (d) Signs. Any exterior signage shall comply with the requirements of Chapter 1286.

830.03 Permit required; fee

Any person who wishes to conduct a home occupation must, before commencement, receive a permit for such purpose, which shall be issued by the Chief Building Official. The permit application shall be submitted to the Building Division along with a \$50 application fee.

830.04 Issuance of permits; denials

- (a) The Chief Building Official shall issue a permit to the applicant when all conditions set forth in Sections 830.02 and 830.03 have been satisfactorily complied with and completed and evidence of such compliance and completion is filed with the Chief Building Official.
- (b) If the Chief Building Official denies the permit, the applicant may appeal that decision to the Board of Zoning and Building Appeals by filing notice of an appeal no later than fifteen days from the date of the denial.

830.05 Permit duration

The permit required under this chapter shall be valid from the date of issuance and remain valid providing the Chief Building Official does not become aware of any complaints or violations regarding the permit, in which case Section 830.06 applies.

830.06 Right of entry of Chief Building Official; inspections; compliance with permit; fraud; revocation of permit

- (a) The Chief Building Official and/or his or her representative are hereby authorized to enter upon and inspect the premises on which a home occupation is conducted at reasonable hours, from time to time, to determine whether the applicant or permittee is in compliance with the provisions of this chapter.
- (b) If the Chief Building Official determines that the permittee is not complying with the conditions of the permit issued pursuant to this chapter, he shall order the permittee to correct the offending condition or use or otherwise to comply with such permit. Upon failure by the permittee to comply with the order of the Chief Building Official within five days from the date of the order, Sundays and legal holidays excluded, the permittee's permit shall be null and void and shall be immediately revoked by the Chief Building Official. Such action by the Chief Building Official shall be in addition to the penalty provided in Section 830.99.
- (c) The Chief Building Official is further authorized and directed to revoke any permit issued under this Chapter upon notice for any fraud, misrepresentation or false statement contained in the application for the permit. The revocation of a permit by the Chief Building Official may be appealed pursuant to the procedure provided in Section 830.04(b).

830.07 Decisions of Board of Zoning and Building Appeals and Chief Building Official final; existing home occupations; violations; injunctive relief

- (a) Decisions of the Board of Zoning and Building Appeals and the Chief Building Official relating to violations of this Chapter, including appeals from the denial of issuance of, or the revocation of, permits, shall be final within the City.
- (b) Any home occupation in existence without a permit upon the passage of this chapter shall be discontinued immediately or shall be disclosed immediately to the Chief Building Official and comply with the provisions of this chapter within six months of the passage of this chapter.
- (c) No person, firm or corporation shall violate, or assist in the violation of, any of the provisions of this chapter. In the event of any such violation or the imminent threat thereof, the City, in addition to any remedies provided by law, may institute a suit for a preliminary and/or permanent injunction to prevent or terminate such violation.

830.08 Transferring of permits

No permit issued under the provisions of this chapter may be sold within the premises or dwelling from or on which the home occupation is being conducted, nor may it otherwise be sold, conveyed or assigned to any party other than the permittee named therein.

830.99 Penalty

- (a) Whoever carries on a home occupation without first securing a home occupation permit as provided in Section 830.03 shall be guilty of a minor misdemeanor and shall not be fined more than the maximum allowed under the Ohio Revised Code. A separate offense shall be deemed committed each day during or on which the home occupation is conducted without permit.
- (b) Whoever violates any of the other provisions of this chapter is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

DATE:	<u>August 5, 2024</u>	1 ST READING:	<u>August 5, 2024</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u></u>
REFERRED BY:	<u></u>	3 RD READING:	<u></u>
	<u></u>	ADOPTED:	<u></u>
		EMERGENCY:	<u></u>

ORDINANCE NO. 2024-79

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO OFFICE OF BUDGET AND MANAGEMENT IN ORDER TO ACCEPT A GRANT AWARD FOR THE CYPRESS AVENUE EXTENSION PROJECT.

WHEREAS, the City made application to the State of Ohio for One Time Strategic Community Investment funds for the Cypress Avenue Extension Project (the “Project”); and,

WHEREAS, pursuant to Section 200.20 of Substitution House Bill 2, the 135th General Assembly of the State of Ohio has appropriated \$700,000 toward the Project; and

WHEREAS, in order to access funding for the Project, the Ohio Office of Budget and Management requires the City to enter into a grant agreement establishing terms and conditions of the award.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor of the City of North Ridgeville, Ohio, is hereby authorized to enter into an agreement with the State of Ohio Office of Budget and Management in order to accept the grant award for the Cypress Avenue Extension Project.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

**GRANT AGREEMENT BETWEEN
THE OFFICE OF BUDGET AND MANAGEMENT AND**

This Grant Agreement (“Agreement”) is made and entered into by and between the State of Ohio (the “State”), through the Ohio Office of Budget and Management (“OBM”), acting by and through its Director, and located at 30 East Broad Street, 34th Floor, Columbus, Ohio 43215, and the (the “Recipient” or “Grantee”), acting by and through its authorized representative, and located at (each individually a “Party” or collectively the “Parties”).

WHEREAS, pursuant to Section 200.20 of Substitute House Bill 2 (the “Act”), the 135th General Assembly of the State of Ohio has appropriated funds in the amount of \$717,800,000 to OBM in appropriation item 042509, One Time Strategic Community Investments;

WHEREAS, pursuant to Section 200.30 of the Act, OBM shall use the One Time Strategic Community Investments to provide grants for the projects listed in that section in the amounts listed;

WHEREAS, pursuant to Section 200.30 of the Act, OBM, prior to disbursing a grant to a Recipient, shall enter into this Agreement with the Recipient;

WHEREAS, pursuant to Section 200.30 of the Act, the Recipient, as part of this Agreement, shall agree to complete a final report, in a form and manner prescribed by OBM, detailing how the Recipient used the grant and submit the report to OBM; and

WHEREAS, pursuant to Section 200.30 of the Act, the Grantee was appropriated for the project titled (the “Project”).

NOW, THEREFORE, for the purposes of providing these grant funds to the Grantee in accordance with the Act, the Parties hereby covenant and agree as follows:

1. **Funding Amount and Purpose.** OBM agrees to provide the Grantee via electronic funds transfer to be used by the Grantee for the purposes of funding the Project. In no event shall the State or OBM’s financial commitment to the Grantee exceed as provided for in this Section. Any funds provided under this Agreement that are not spent in conformity with the intent and purpose of the appropriation designated in Section 200.30 of the Act or in violation of other federal, state, or local laws, rules, regulations, or Executive Orders shall be returned in full to the State. Nothing in this Agreement shall constitute, or be deemed to constitute, an obligation of future appropriations of the General Assembly.
2. **Certification of Funds.** It is expressly understood and agreed by the Parties that none of the rights, duties, and obligations of the Parties under this Agreement shall be binding on either Party until all statutory provisions of the Ohio Revised Code (“R.C.”) including, without limitation, R.C. 126.07, have been complied with, and until such time as all funds have been made available.
3. **Bonded and Insured Employees and Agents.** The Grantee hereby certifies to OBM that: (i) all individuals or agents of the Grantee who are responsible for maintaining or disbursing funds acquired through this Agreement are or will be fully bonded or insured against the loss of such

funds; (ii) the bonding agent or insurer shall be licensed to do business in Ohio; and (iii) no part of the funds acquired by the Grantee through this Agreement shall be spent to obtain that bonding or insurance.

4. Performance Period; Report of Expenditures.

- a. **Initial Period.** The Grantee acknowledges the performance period for this Agreement runs through June 30, 2026. The Grantee will make a good faith effort to complete the Project on or before June 30, 2026. No later than July 31, 2026, the Grantee agrees to submit a final report to OBM detailing the use of funds and confirming the expenditures were made in accordance with the purposes enumerated in Section 1 of this Agreement. Notwithstanding Section 8 of this Agreement, any funds not expended shall be returned in full to the State within fourteen (14) days following the submission of the final report to OBM.
- b. **Extension.** If the Grantee has not expended all funds for the Project by June 30, 2026, the Parties, by mutual consent, may extend this Agreement. In lieu of a final report as provided in Section 4(a) of this Agreement, the Grantee agrees to submit an interim report to OBM detailing the use of funds and the expected completion date of the Project. The interim report shall be submitted to OBM no later than July 31, 2026. As permitted by the extension, no later than thirty (30) days following completion of the Project or the expenditure of all funds, whichever is sooner, the Grantee agrees to submit a final report to OBM detailing the use of funds and confirming the expenditures were made in accordance with the purposes enumerated in Section 1 of this Agreement. Notwithstanding Section 8 of this Agreement, any funds not expended shall be returned in full to the State within fourteen (14) days following the submission of the final report to OBM.
- c. **Project Incompletion.** To the extent applicable, should the Grantee decide not to complete the Project as provided in this Agreement, the Grantee will provide OBM with a final report detailing why the Grantee has chosen not to proceed with the Project. The final report shall be submitted to OBM no later than the last agreed upon date for completion of the Project. Notwithstanding Section 8 of this Agreement, any funds not expended shall be returned in full to the State within fourteen (14) days following the submission of the final report to OBM.

5. Relationship of the Parties. It is fully understood and agreed to by the Grantee that neither the Grantee nor its officers, employees, agents, representatives, contractors, or other personnel shall at any time, or for any purpose, be considered agents, servants, or employees of the State or OBM.

6. Term of Agreement.

- a. **Effective Date.** This Agreement shall commence and be binding on the Parties upon the completion of: (i) the signature of the Grantee's authorized representative below; and (ii) the Grantee's receipt of funds.
- b. **Expiration.** This Agreement will, unless otherwise earlier terminated herein, expire two (2) years following the date of the Grantee's submission of its final report to OBM pursuant to Section 4 of this Agreement.

Provisions of this Agreement have no force upon expiration unless its context provides otherwise.

- c. **Termination for Cause.** OBM reserves the right to terminate this Agreement upon written notice to the Grantee and to recover any funds distributed to the Grantee, or by the Grantee to contractors or other payees, in violation of the terms of this Agreement.
 - d. **Breach; Opportunity to Cure.** OBM, in its sole discretion, may permit the Grantee to cure a breach in this Agreement. Such cure period shall be no longer than twenty-one (21) calendar days. Notwithstanding OBM permitting a period of time to cure the breach or the Grantee's cure of the breach, nothing in this Agreement shall prohibit the State or OBM from exercising any other rights or remedies available to it under federal or state law.
7. **Notice.** Notices required by the Agreement shall be in writing and delivered via mail (postage prepaid), commercial courier, personal delivery, or sent by facsimile or other electronic means (email). Any notice delivered or sent shall be effective on the date of delivery. All notices and other written communications under the Agreement shall be, unless otherwise modified by subsequent written notice, directed to the OBM contact listed on the funding opportunity. The authorized representative on the grant agreement will serve as the main point of contact for this funding whereas additional contacts listed on the funding request form, as applicable, will serve as grant contacts for administrative purposes.
8. **Remittances.** If for any reason funds acquired through this Agreement are required to be paid, repaid, or remitted to the State, they shall be remitted in full by the Grantee to OBM within forty-five (45) days of demand. Any such remittance shall include a copy of this Agreement.
9. **Reports and Records.** During the term of this Agreement and for two (2) years following the date of the Grantee's submission of its final report to OBM, the Grantee shall keep and make all reports and records associated with the grant under this Agreement available to the State, OBM, the Ohio Auditor of State, or other authorized representatives or agents of the foregoing as necessary upon request.
10. **Liability; Waiver of Liability.** The Grantee shall be solely liable for any and all claims, demands, or causes of action arising from its obligations under this Agreement. Each Party to this Agreement must seek its own legal representative and bear its own costs, attorney fees, and expenses, in any litigation that may arise from the performance of this Agreement. It is specifically understood and agreed that OBM does not indemnify the Grantee. Nothing in this Agreement shall be construed to be a waiver of the sovereign immunity of the State of Ohio or the immunity of any of its employees or agents for any purpose. Nothing in this Agreement shall be construed to be a waiver of any immunity of the Grantee granted by statute or the immunity of any of its employees or agents for any purpose. In no event shall OBM be liable for indirect, consequential, incidental, special, liquidated, or punitive damages, or lost profits. On and after the date of this Agreement, the Grantee agrees not to seek any determination of liability against OBM or any department, agency, or official of the State in the case of claim or suit arising from the funds provided to the Grantee under this Agreement. The Grantee forever releases and waives any and all claims, demands, and causes of action it may ever possess or assert against OBM and its employees, agents, officials, and attorneys arising from, or relating to, this Agreement.

11. **Public Funds Compliance.** The Grantee will assure compliance with all applicable federal, state, and local laws and regulations pertaining to handling, management, and accountability in relation to public funds. All funds received by the Grantee under this Agreement shall be deposited in one or more financial institutions that fully insure, secure, or otherwise protect the funds from loss through federal deposit insurance and/or other deposit and/or collateralization strategies that protect the funds against loss. Funds granted to the Grantee shall be held in compliance with Chapter 135 of the Revised Code, as applicable.
12. **Ohio Ethics Law.** The Grantee certifies that it is in compliance with and will continue to adhere to the requirements of the Ohio ethics and conflict of interest laws as found in Chapter 102 of the Revised Code and R.C. 2921.42 and 2921.43. The Grantee understands that failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this Agreement and may result in the loss of other contracts or grants with the State.
13. **Drug-free Workplace.** The Grantee agrees to comply with all applicable state and federal laws regarding a drug-free workplace and shall make a good faith effort to ensure that none of its employees or permitted contractors purchase, transfer, use, or possess illegal drugs or alcohol, or abuse prescription drugs in any way.
14. **No Findings for Recovery.** The Grantee represents and warrants to the State that no officer, employee, or agent is subject to a finding for recovery under R.C. 9.24, or that it has taken appropriate remedial steps required under R.C. 9.24 or otherwise qualifies under that Section. The Grantee agrees that if this representation or warranty is determined by OBM to be false, the Agreement shall be void ab initio as between the Parties to this Agreement, and any funds paid by the State hereunder immediately shall be repaid in full to the State, or an action for recovery immediately may be commenced by the State for recovery of said funds.
15. **Employment Nondiscrimination.** Pursuant to R.C. 125.111, the Grantee agrees that Grantee and any contractor or subcontractor will not discriminate against any citizen of this state in the employment of a person qualified and available to perform work related to the Project on the basis of race, color, religion, sex, age, disability or military status as defined in R.C. 4112.01, national origin, or ancestry. In addition, the Grantee further agrees that Grantee and any contractor, subcontractor, or person acting on behalf of any contractor or subcontractor, will not discriminate against, intimidate, or retaliate against any employee hired for the performance of work related to the Project on the basis of race, color, religion, sex, age, disability or military status as defined in R.C. 4112.01, national origin, or ancestry. To the extent applicable, the Grantee represents that the contractor(s) from whom the Grantee makes purchases has a written affirmative action program for the employment and effective utilization of economically disadvantaged persons, and has filed a description of the affirmative action program and a progress report on its implementation with the Ohio Department of Development.
16. **Prevailing Wage.** To the extent applicable, the Grantee shall comply with the prevailing wage requirements of Chapter 4115 of the Revised Code extending from this Agreement.
17. **Competitive Selection.** The Grantee shall comply with all applicable state requirements relating to the competitive selection of contractors and comply with its own competitive selection policies and procedures. If competitive selection for the Project is not required by law, to the extent reasonably possible as determined by the Grantee, the Grantee shall employ an open and competitive process in the selection of its contractors.

18. **Campaign Contributions.** The Grantee hereby certifies that neither it nor any of its officers nor the spouse of any such person, has made contributions to the Governor of Ohio in excess of the limitations specified in R.C. 3517.13.
19. **Compliance with Laws.** The Grantee shall comply with Section 200.30 of the Act and all applicable federal, state, or local laws, rules, regulations, or Executive Orders in the performance of the Grantee's obligations under this Agreement.
20. **Indemnification.** Unless the Grantee is otherwise prohibited from indemnifying the State or OBM under state or federal law, the Grantee agrees to indemnify and to hold the State and OBM harmless and immune from any claims or causes of action arising from, or related to, implementing the Project, including any acts or omissions of the Grantee or its officers, employees, agents, representatives, contractors, or other personnel. Neither the State nor OBM shall be considered a party to and shall not be held liable under any contract entered into by the Grantee in carrying out its activities pursuant to this Agreement.
21. **Miscellaneous Provisions.**
- a. **Controlling Law.** This Agreement and the rights of the Parties hereunder shall be governed, construed, and interpreted in accordance with the laws of the State of Ohio. The Grantee consents to jurisdiction in a court of proper jurisdiction in Franklin County, Ohio.
 - b. **Days.** When this Agreement refers to days, it means calendar days, unless it expressly provides otherwise.
 - c. **Waiver.** A waiver by any Party of any breach or default by the other Party under this Agreement shall not constitute a continuing waiver by such Party of any subsequent act in breach of or in default hereunder.
 - d. **Successors and Assigns.** Neither this Agreement nor any rights, duties, or obligations hereunder may be assigned or transferred in whole or in part by the Grantee, without the prior written consent of OBM.
 - e. **Headings.** The headings in this Agreement have been inserted for convenient reference only and shall not be considered in any questions of interpretation or construction of this Agreement.
 - f. **Severability.** The provisions of this Agreement are severable and independent, and if any such provision shall be determined to be unenforceable in whole or in part, the remaining provisions and any partially-enforceable provision shall, to the extent enforceable in any jurisdiction, nevertheless be binding and enforceable.
 - g. **Entire Agreement.** This Agreement contains the entire agreement between the Parties and shall not be modified, amended, or supplemented, or any rights herein waived, unless specifically agreed upon in writing by the Parties. This Agreement supersedes any and all previous agreements, whether written or oral, between the Parties.
 - h. **Amendment.** This Agreement may be modified or amended at any time during its term by mutual consent of the Parties, expressed in writing, and officially signed by both Parties.

- i. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.
- j. **Electronic Signatures.** Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each Party hereto shall be entitled to rely upon an electronic signature of any other Party delivered in such a manner as if such signature were an original.

(Remainder of page intentionally left blank)

IN WITNESS WHEREOF, this Agreement is signed by the duly authorized representatives of OBM and the Grantee and shall be effective in accordance with Section 6(a) of this Agreement.

As to the Grantee, the Authorized Representative:

By: _____

Date: _____

As to the Ohio Office of Budget and Management:

By: Kimberly A. Murnieks

Date: July 25, 2024

Kimberly A. Murnieks
Director

0700045109006 07000451090007
7313 Dyke Ave. 7345 Dyke Ave.

SECTION 3. Identified abutting property owners shall receive appropriate notification and opportunity to be heard both at Planning Commission and at City Council. Council notification and Planning Commission notification shall follow customary notification requirements for like matters.

SECTION 4. The City Engineer is hereby authorized to prepare and submit any requested data to effect this transfer to the County Recorder, Engineer, or Auditor if requested. The Clerk of Council is hereby directed to file a certified copy of this Ordinance, once passed, for recording in the official records of the County Recorder pursuant to O.R.C. Section 723.04.

SECTION 5. When the vacation is complete, each abutting property owner may record the owner's additional land with Lorain County. The County may require a certified copy of the vacation ordinance and a drawing of metes and bounds survey and legal description of the vacation area accreted to each owner. The metes and bounds drawing, the legal description, and any recording fees are the responsibility of each abutting property owner.

SECTION 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:

Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :

Nicholas Ciofani
CLERK OF COUNCIL

Kevin Corcoran
MAYOR

R- 7/29/2024

Street Vacations, Narrowing and Name Changes

PETITION AND APPLICANT GUIDE



INITIATION

Street vacations, street narrowing and name changes may be initiated by a written petition of a property owner of a lot in the immediate vicinity of the street to be vacated, narrowed or renamed.

PETITION REQUIREMENTS

Any property owner requesting a street to be vacated, narrowed or renamed shall file the following with the Clerk of Council along with the required \$162.00 fee:

- (a) This petition for the renaming, vacating or narrowing of the street
- (b) An accurate legal description of the street, together with a plat drawn to a scale of one-inch equals 100 feet
- (c) A list of owners, and their addresses, of the property abutting upon the part of the street proposed to be vacated, narrowed or renamed
- (d) Written consent from such abutting property owners, and, if no written consent is obtained, a statement included with the petition to that effect

Any petition complete with required exhibits shall be forwarded to the Law Director to be prepared in ordinance form for introduction to Council.

CONSIDERATION BY PLANNING COMMISSION

Any ordinance proposing a renaming, vacation or narrowing shall first be submitted to the Planning Commission for approval, disapproval or suggestions, and the Planning Commission shall be allowed not less than thirty days for consideration and report.

PUBLIC HEARING

Council shall hold a public hearing before the adoption of the proposed ordinance. In order that opportunity shall be afforded to any person interested to be heard, at least thirty days' notice of any ordinance and of the required public hearing shall be provided in a local newspaper.

ACTION BY COUNCIL

Council may adopt the proposed ordinance by vote of a majority of Council members, provided that the proposed ordinance received approval by the Planning Commission. If the proposed ordinance was disapproved by the Planning Commission, it can only be adopted if it receives the vote of two-thirds of all members of Council.

PETITION REQUEST

ELMER ST.

Street name

Describe portion/extent if not entire street

☒ Street Vacation

☐ Street Narrowing

☐ Name Change:

PROPERTY OWNER INFORMATION

Cynthia M. Perry

Name(s)

7313 DYKE AVE. North Ridgeville, Oh 44039

Property owner address

440-787-7041

Property owner phone

cindyperry414@gmail.com

Property owner email

PETITION AUTHORIZATION

Cynthia M. Perry

Property owner signature

6-21-24

Date



May 24, 2024

Timothy L. Gibbens
7345 Dyke Avenue
North Ridgeville, Ohio 44039

Re: Cynthia Perry

Dear Mr. Gibbens:

Please be advised that I represent your neighbor, Cynthia Perry, the owner of the real property located at 7313 Dyke Avenue, North Ridgeville, Ohio 44039. I write you today regarding my client's intention to file a petition with the City of North Ridgeville seeking the vacating of a portion of Elmer Avenue. Elmer Avenue is a dedicated but undeveloped street which runs directly beside my client's property.

Enclosed you will find an aerial photograph which depicts my client's property, your property, and the portion of Elmer Avenue which Mrs. Perry would like to see vacated by the City of North Ridgeville. As I mentioned above, this portion of Elmer Avenue is a dedicated street; however the City of North Ridgeville has never actually constructed a street at that location. It remains as vacant land to this date. I believe that this vacant area of land has historically been maintained by the Perry's and you.

North Ridgeville City Ordinance 1022.02 requires any lot owner who files a petition for the vacating of any portion of a street within the city limits to submit the written consent of all abutting property owners. Your parcel, Parcel No. 07-00-045-109-007, abuts the portion of Elmer Avenue which Mrs. Perry desires to have vacated. Accordingly, Mrs. Perry requests your written consent to the City of North Ridgeville's vacating of the portion of Elmer Avenue in question. If provided, such written consent will be submitted along with the petition.

Understand that I cannot provide you with legal advice, nor can I guarantee any particular outcome in this matter. You should seek the advice of your own attorney if you determine that to be in your best interests. However, it is my belief that should the City of North Ridgeville vacate the portion of Elmer Avenue in question, the entire southern half of the street will accrete to your ownership, subject only to other land owners' reasonable need to use the area of the former street to access their own land.

Fauver Co., P.A. 7345 Dyke Avenue, Suite 400, North Ridgeville, OH 44039 PHONE: (440) 938-1700 FAX: (440) 938-1701

fauverlegal.com

Timothy Gibbens
May 24, 2024
Page 2

If you are in agreement to the vacating of the subject portion of Elmer Avenue, I ask that you sign the enclosed consent form and return it to me at 409 East Avenue, Suite A, Elyria, Ohio 44035 at your earliest convenience. If you have any questions about this request, please do not hesitate to contact me.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Lane", with a stylized flourish at the end.

Howard T. Lane

Enclosures

cc: Cynthia Perry

**CONSENT TO VACATING OF A PORTION OF ELMER
AVENUE IN NORTH RIDGEVILLE, OHIO**

The undersigned, TIMOTHY L. GIBBENS, being the owner of the parcel of real property located at 7345 Dyke Avenue, North Ridgeville, Ohio 44039 and known as Lorain County Permanent Parcel No. 07-00-045-109-007, which parcel abuts Elmer Avenue east of Dyke Avenue hereby gives my written consent to an ordinance which vacates the entire stretch of Elmer Avenue east of Dyke Avenue.

Timothy L. Gibbens 6/30/24
TIMOTHY L. GIBBENS

In addition, we the undersigned do hereby agree and acknowledge that upon vacation of Elmer Avenue we each would be granted 50% of that vacated street.

Timothy L. Gibbens 6/30/24
TIMOTHY L. GIBBENS

Cynthia Perry 6-30-24
CYNTHIA PERRY

Law Director for North Ridgville

I, Cynthia Perry, am requesting a vacation of Elmer Ave that is a paper street located directly next to my property. I live at 7313 Dyke Ave and my family has maintained this property for 70 years.

Some issues that would make it difficult to actually make this a street is a power line with a transformer is directly on that paper street as well as a dozen 40 year old trees and a ditch line.

This is, and always has been a very quiet street. If needed I would be happy to provide a list of homeowners on Dyke Rd that are all in agreement for the vacation of this street.

If you have any further questions or if I need to provide any more information please feel free to contact me at 440-787-7041 or cindyperry414@gmail.com

Thank you for your time,
Cynthia Perry

If for whatever reason I cannot be reached you can always reach my husband Ken Perry 440-787-6380

Barbosa and Associates LLC

5604 Case Road North Ridgeville, Ohio 44039 (440) 327-4776

Vacation of part of Elmer Avenue

Situated in the City of North Ridgeville, County of Lorain, and State of Ohio and being known as part of Ridgeville Township Original Lot 109 and further described as follows:

Being a portion of Elmer Avenue fifty feet in width extending from the east line of Dyke Ave (50 feet in width) easterly to the east line of The Meadows No. 1, as shown in Plat Volume 11 Pages 4 of Lorain County Maps and Records, and more specifically described as follows:

Beginning at the intersection of the east line of Dyke Avenue and the north line of Elmer Avenue thence N89°22'00"E along the north line of Elmer Avenue a distance of 130.30 feet to the southeast corner of subplot 124;

Thence S00°38'00"E along the east line of The Meadows No. 1 a distance of 25.00 feet to the centerline of Elmer Avenue;

Thence N89°22'00"E a distance of 9.01 feet to the east line of The Meadows No. 1;

Thence S1°07'00"W along the east line of The Meadows No. 1 a distance of 25.00 feet to the northeast corner of subplot 125;

Thence S89°22'00"W along the south line of Elmer Avenue a distance of 140.07 feet to the east line of Dyke Avenue;

Thence N1°07'00"E along the east line of Dyke Avenue a distance of 50.02 feet to the Principal Place of Beginning, containing within said bounds 6788.6384 square feet (0.1553 of an acre of land), be the same more or less as surveyed by Wilfredo Barbosa Professional Surveyor PS#8301 in July, 2024.



ALDEN AVE 50'

WATSON AVE 50'

N 1°07'00"E



VACATED

DYKE AVE 50'

N 88°13'00"E

400.69' CALC. FROM RECORD PLAT

N 01°07'00"E

130.06' REC & USED

25.01'

25.01'

N 01°07'00"E

130.06' REC & USED

SUBLOT 122

SUBLOT 123

SUBLOT 124

ELMER AVE 50'

N 89°22'00"E 130.30'

PIPE FND 0.19' N
(2 1/4")

N 00°38'00"W

130.00' REC & USED

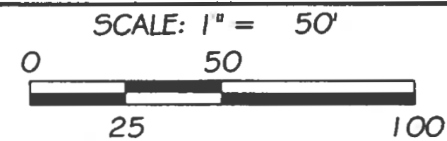
PIPE FND LEAVING
TOP IS 0.45' (5 3/8") EAST
0.13' (1 5/8") N



LEGEND:

- ⊕ = 5/8" REBAR SET WITH I.D. CAP
- = PIPE FOUND
- = PIPE FOUND AND USED
- ▲ = IRON PIN/ REBAR FOUND
- ▲ = IRON PIN/ REBAR FOUND AND USED
- = MONUMENT BOX
- ⊗ = DRILL HOLE FOUND
- C.L. = CENTERLINE

- O, OBS = OBSERVED
- C, CALC = CALCULATED
- R, REC = RECORD
- I.N. = INSTRUMENT NUMBER
- ORV = OFFICIAL RECORD VOLUME
- O.L. = ORIGINAL LOT
- PCL = PARCEL
- AC = ACREAGE



PREPARED AT THE REQUEST OF:
Cynthia Perry
7313 DYKE AVENUE
North Ridgeville, Ohio 44039

Survey

SUBLOT 122, 123, 124
IN

THE MEADOWS NO. 1 PLAT VOL. 11 PAGE 4
PART OF ORIGINAL LOT 45- 46 RIDGEVILLE TWP.
CITY OF NORTH RIDGEVILLE COUNTY OF LORAIN
STATE OF OHIO

BARBOSA AND ASSOCIATES LLC

5604 CASE ROAD
NORTH RIDGEVILLE, OH 44039
440 327-4776

6/20/2024
JOB No: 2024-6-1

CHECKED BY:WB
SHEET 1 of 1

DATE:	<u>August 5, 2024</u>	1 ST READING:	<u>August 5, 2024</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u></u>
REFERRED BY:	<u></u>	3 RD READING:	<u></u>
		ADOPTED:	<u></u>
		EMERGENCY:	<u>N/A</u>
		EFFECTIVE:	<u>N/A</u>

ORDINANCE NO. 2024-81

**AN ORDINANCE AMENDING N.R.C.O. SECTION 452.03 –
PROHIBITED STANDING OR PARKING PLACES.**

WHEREAS, the City currently has regulations prohibiting the places where a vehicle cannot park or stand. The term “park or stand” is defined in Chapter 402 – *Definitions*, as “Stopping” and “standing,” when prohibited, means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic; and

WHEREAS, N.R.C.O. Section 452.03(a)(4), states the following:

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

(4) Within ten feet of a fire hydrant; and

WHEREAS, the City would like to amend subsection (4) above to state:

(4) On the paved portion of the side of any street on which fire hydrants have been installed; and

WHEREAS, amending this language will keep traffic parked on one side of the street, making it easier and safer for traffic to travel, and for drivers to see pedestrians crossing the street.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. N.R.C.O. Section 452.03 (a)(4) is hereby amended to state the following:

(a)(4) On the paved portion of the side of any street upon which fire hydrants have been installed.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

DATE:	<u>August 5, 2024</u>	1 ST READING:	<u>August 5, 2024</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u></u>
REFERRED BY:	<u></u>	3 RD READING:	<u></u>
		ADOPTED:	<u></u>
		EMERGENCY:	<u>N/A</u>
		EFFECTIVE:	<u>N/A</u>

ORDINANCE NO. 2024-82

AN ORDINANCE ESTABLISHING ENFORCEMENT CAPABILITY REGARDING FIREWORKS FOR THE POLICE DEPARTMENT.

WHEREAS, as a result of changes in State law, North Ridgeville adopted Chapter 1650;
and

WHEREAS, North Ridgeville desires to adopt this ordinance to give the police enforcement capabilities and to be reinserted into N.R.C.O. Chapter 672.12.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. N.R.C.O. Chapter 672.12 shall have the language of this ordinance reinserted.

SECTION 2. (A) Definitions:

1. **Beer** and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code.
2. **Controlled substance** has the same meaning as in section 3719.01 of the Revised Code.
3. **Discharge** includes the use, explosion, detonation, ignition or any other discharge or use of fireworks in any manner.
4. **Fireworks** means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Revised Code.
5. **1.4G Fireworks** means consumer grade fireworks (intended for use by the general public), including fountain devices, consistent with regulations of the United States department of transportation as expressed using the designation "division 1.4" in Title 49, Code of Federal Regulations.
6. **Fountain device** means a specific type of 1.4G firework that meets all of the following criteria:

- (1) It is nonaerial and nonreport producing.
 - (2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).
 - (3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.
 - (4) It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.
7. **1.3G Fireworks** means display fireworks (permitted licensed exhibitors only) consistent with regulations of the United States department of transportation as expressed using the designation "division 1.3" in Title 49, Code of Federal Regulations.
 8. **Fireworks discharge site** means the area where any firework is discharged including the point of discharge and the area immediately surrounding that point.
 9. **Highway** means any public street, road, alley, way, lane, or other public thoroughfare.
 10. **Licensed exhibitor of fireworks or licensed exhibitor** means a person licensed pursuant to sections 3743.50 to 3743.55 of the Revised Code.
 11. **Railroad** means any railway or railroad that carries freight or passengers for hire.
 12. **Spectator** means any person other than a person who is directly engaged in the discharge of fireworks.
 13. **Trick/Novelty Items** include but not limited to the following:
 - a. Booby traps; means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
 - b. Cigarette load; means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
 - c. Party poppers; means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.

- d. Snake or glow worms; means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- e. Smoke device; means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- f. Snapper; means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- g. "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- h. Wire sparkler" means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.

***Note: For the purpose of this ORD, Trick/Novelty Items are not considered "fireworks" and are not restricted in terms of their use by sections (C)(1), (2), (3), (4), (5), (6) (7) and (15) found below.*

SECTION 3. (B) No person shall discharge 1.3G fireworks in this City unless done so by a licensed exhibitor of fireworks pursuant to sections 3743.50 to 3743.55 of the Revised Code.

(C) Prohibitions against discharging consumer grade fireworks (1.4G) by the public in the City of North Ridgeville:

- (1) No person under the age of eighteen (18) shall possess, handle or discharge 1.4G fireworks.
- (2) No person under the age of eighteen (18) shall be within 150 feet of the point of discharge of 1.4G firework aerial devices;
- (3) No person shall discharge 1.4G fireworks unless done so on the days listed below.
 - (a) New Year's Day
 - (b) Chinese New Year
 - (c) Cinco de Mayo
 - (d) Memorial Day and the prior Saturday/Sunday
 - (e) Juneteenth
 - (f) July 3rd, 4th, and 5th
 - (g) Diwali
 - (h) New Year's Eve
- (4) No person shall discharge 1.4G fireworks unless done so between the hours of 4:00 p.m. and 11pm.

(5) No person shall discharge 1.4G fireworks unless they are discharged on the consumer's own property or on another person's property with that person's permission.

(6) No person shall discharge 1.4G fireworks unless the following distance requirements can be met:

(a) **Distance away from spectators - For consumer grade (1.4G) aerial devices.**

(Aerial devices including, but not limited to, shells, roman candles, cakes, and bottle rockets), the minimum required discharge radius away from spectators shall be at least 150 feet.

(b) **Distance away from spectators - For consumer grade (1.4G) ground devices.**

(Ground devices including but not limited to fountains, firecrackers or ground effect devices), the minimum required discharge radius away from spectators shall be at least 50 feet.

(c) **Distance away from buildings and structures - For consumer grade (1.4G) aerial devices.**

(Aerial devices including, but not limited to, shells, roman candles, cakes, and bottle rockets), the minimum separation distance from the point of discharge to the nearest point of any structure or building shall be at least 150 feet.

(d) **Distance away from multitenant properties, hotels, motels, dormitories, fraternities, and sororities.**

The distance from the point of discharge of 1.4G fireworks, to the nearest point of a structure or building that is used as a multitenant structure, hotel, motel, dormitory, fraternity, or sorority shall be at least 450 feet.

(e) **Distances away from hospitals, educational facilities, health care facilities, Institutional Group occupancies, and residential facilities licensed under Title 37 of the Revised Code.**

The distance from the point of discharge of any 1.4G firework to the nearest point of a structure or building that is used as a hospital, educational facility, health care facility Institutional Group occupancy, or a residential care facility licensed under Title 37 of the Revised Code shall be at 300 feet.

(f) **Distances away from military installations, railroads, airports and fireworks establishments.**

The distance from the point of discharge to any railroad or the nearest point of a property line of property that is used as a military installation, airport or fireworks establishment shall be at least 450 feet. If a flight restriction is in place surrounding a facility the required distances shall be calculated based on the restriction.

(g) **Distances away from bulk storage areas.**

The distance between the point of discharge of any 1.4G firework to the nearest point of a bulk storage area containing materials that have a flammability, explosive, or toxic hazard shall be at least 300 feet. Note: fuel tanks on vehicles or other motorized equipment located in the 1.4G fireworks discharge site shall not be considered bulk storage.

(h) **Distances away from property that houses livestock.**

The discharge of 1.4G fireworks within 150 feet of property that houses livestock, measured from the point of discharge to the nearest point of the property line, unless the person who intends to discharge the fireworks provides at least five days written notice to the owner of the property where the livestock is housed which states the date, time, and location where the fireworks will be discharged;

(i) **Distances away from overhead objects, structures or vehicles.**

Any area selected as a 1.4G fireworks discharge site for the discharge of 1.4G firework aerial shells shall be located so that the post ignition trajectory of the shells shall not come within 25 feet of any overhead object, structure, or vehicle.

(j) **Distance of tents away from discharge site.**

There shall be no tents within 150 feet of a discharge site while fireworks are being discharged;

(k) **Distance of the presence of smoking materials, matches, lighters, or open flame devices.**

Distance of the presence of smoking materials, matches, lighters, or open flame devices within 50 feet of any area where 1.4G fireworks or other pyrotechnic materials are present; **Exception:** Matches, lighters, or open flame devices to be specifically used to lawfully ignite 1.4G fireworks for discharge purposes may be within the 1.4G fireworks discharge site.

(l) **Distance of minors away from discharge site of 1.4(G) aerial devices.**

All persons under the age of eighteen (18) shall be at least 150 feet away from any discharge of 1.4G aerial device(s).

- (7) No person while in possession, control or discharge of any 1.4G fireworks, be under the influence of any intoxicating liquor, beer, or controlled substance.
- (8) No person shall discharge 1.4G fireworks within the boundaries of any federal, state or local forest, park, public recreation area or place of nature conservancy.
- (9) No person shall ignite or discharge any 1.4G fireworks in any street, highway, alley or public way.

- (10) No person shall discharge any 1.4G firework indoors.
- (11) No person shall point, aim or discharge any 1.4G fireworks at or towards any person or object including bystanders, spectators, emergency services personnel, vehicles, aircraft, watercraft or any structure.
- (12) No person shall discharge any 1.4G fireworks on any public property or private school property (unless sanctioned/permited by proper authority).
- (13) No person shall discharge of 1.4G fireworks in a manner that would be deemed hazardous to property or endanger a person or animal.
- (14) No person shall store any fireworks within the 1.4G fireworks discharge site in such a manner that accidental ignition would have a high likelihood of occurring.
- (15) No person shall give, sell, furnish or distribute any 1.4G firework to a person under the age of eighteen (18) years of age.
- (16) No person shall discharge any firework when drought or hazardous weather conditions exist.
- (17) No person who obtains possession of any 1.4G firework shall in any manner tamper with, dismantle or alter the 1.4G firework other than normal discharge.
- (18) The fallout shelter for 1.4G firework aerial shells shall be an open area. Spectators, unauthorized vehicles, watercraft, or readily combustible materials shall not be located within the fallout area during any period in which fireworks are being discharged.
- (19) No person shall disturb, dismantle, reposition, move or alter of any firework item, any associated equipment or other material, or any other item within the 1.4G fireworks discharge site, or any evidence related to a consumer fireworks discharge incident is prohibited.

Exception: Items may, as authorized by a fire official or law enforcement official on site, be moved as necessary to prevent further injury or death to any member of the public or a threat of imminent fire or explosion

(D) Clean Up of Fireworks:

- (1) Any person who discharges any fireworks shall conduct an inspection of all affected premises to locate debris resulting from the discharge of same and promptly remove and properly dispose of all such debris. Such inspection and clean up shall occur

immediately after the discharge or within 12 hours of the discharge if the discharge occurs after dark.

- (E) This section does not limit the enforcement of any ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct.

SECTION 4. Penalty: Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99)).

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

DATE:	<u>August 5, 2024</u>	1 ST READING:	<u>August 5, 2024</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u></u>
REFERRED BY:	<u></u>	3 RD READING:	<u></u>
		ADOPTED:	<u></u>
		EMERGENCY:	<u>N/A</u>
		EFFECTIVE:	<u>N/A</u>

ORDINANCE NO. 2024-83

**AN ORDINANCE AMENDING ORDINANCE NUMBER 6121-2023
OF THE CITY OF NORTH RIDGEVILLE, OHIO, PROVIDING
APPROPRIATIONS FOR THE PERIOD COMMENCING
JANUARY 1, 2024, AND ENDING DECEMBER 31, 2024.**

WHEREAS, it is necessary to amend the appropriations for certain funds and appropriate other amounts for the operations of the City of North Ridgeville, Ohio.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO:

SECTION 1. That to provide for current and other expenditures for the City of North Ridgeville, Ohio for the period commencing January 1, 2024, and ending December 31, 2024, Ordinance No. 6121-2023 be and the same are hereby supplemented in the following amounts so that from and after the effective date of the Ordinance, the appropriation Ordinance shall include the following, being adjusted for the similar terms in the preceding appropriation Ordinance.

SECTION 2. That there be appropriated from the respective funds listed below, the amounts as follows:

<u>Fund Number</u>	<u>Fund</u>	<u>Personal Services</u>	<u>Other</u>	<u>Transfers and Advances</u>	<u>Total</u>
<u>General Fund</u>					
101	General Government	74,800	120,100	-	194,900
Total General Fund		74,800	120,100	-	194,900
<u>Special Revenue Funds</u>					
265	Ambulance	-	30,000	-	30,000
267	State Grants	-	85,000	-	85,000
Total Special Revenue Funds		-	115,000	-	115,000
<u>Capital Project Funds</u>					
410	Capital Project	-	10,000	-	10,000
Total Capital Project Funds		-	10,000	-	10,000
<u>Enterprise Funds</u>					
610	Water	-	11,000	-	11,000
Total Enterprise Funds		-	11,000	-	11,000
Total All Funds		74,800	256,100	-	330,900

SECTION 3. That the Director of Finance of the City of North Ridgeville is hereby authorized to draw warrants on the treasury of the City of North Ridgeville for payments on any of the foregoing appropriations, upon receiving proper certification and vouchers therefore, approved by officers authorized by law to approve the same or by an ordinance or resolution of

Council to make the expenditure and provide that no warrants may be drawn or paid for salaries or wages, except to persons employed by authority of or in accordance with law or Ordinance.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements.

SECTION 5. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

DATE:	<u>August 5, 2024</u>	1 ST READING:	<u>August 5, 2024</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u></u>
REFERRED BY:	<u></u>	3 RD READING:	<u></u>
	<u></u>	ADOPTED:	<u></u>
		EMERGENCY:	<u></u>

ORDINANCE NO. 2024-84

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ROOT DEVELOPMENT AND CONSTRUCTION LLC FOR THE PURCHASE OF REAL PROPERTY.

WHEREAS, the City has funds available for the purchase of an approximate 7.67-acre parcel of real property located at 32100 Chestnut Ridge Road; and

WHEREAS, the real property is being purchased for municipal purposes.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor is hereby authorized to enter into a contract with Root Development and Construction LLC for the purchase of 7.67 acres of real property located at 32100 Chestnut Ridge Road in the amount of \$75,000.00; said property is comprised of a single parcel that is identified in the Lorain County Records as Permanent Parcel No. 07-00-004-104-079.

SECTION 2. This purchase shall be consummated in such manner and on such terms as the Director of Law may approve.

SECTION 3. The purchase price, together with any costs and expenses incurred by the City in connection with this acquisition shall be paid from the appropriate fund.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

DATE:	<u>August 5, 2024</u>	1 ST READING:	<u>August 5, 2024</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u></u>
REFERRED BY:	<u></u>	3 RD READING:	<u></u>
	<u></u>	ADOPTED:	<u></u>
		EMERGENCY:	<u></u>

ORDINANCE NO. 2024-85

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, WITH THE LOWEST AND BEST BIDDER FOR THE SUGAR RIDGE PRV VAULT REPLACEMENT PROJECT NOT TO EXCEED \$521,840.00.

WHEREAS, the existing Sugar Ridge pressure reducing valve (PRV) vault is failing, requiring immediate replacement; and

WHEREAS, the City of North Ridgeville has appropriated the necessary funds for this water capital project; and

WHEREAS, the bidding documents and specifications for this project will be available through the Engineering Department.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor of the City of North Ridgeville is hereby authorized to advertise for bids and enter into a contract according to law and in a manner prescribed by law with the lowest and best bidder for the PRV Vault Replacement Project in an amount not to exceed \$521,840.00.

SECTION 2. The cost of the project shall be charged to and paid from the appropriate City funds.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED: _____

MAYOR

DATE:	<u>July 15, 2024</u>	1 ST READING:	<u>July 15, 2024</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u></u>
REFERRED BY:	<u></u>	3 RD READING:	<u></u>
		ADOPTED:	<u></u>
		EFFECTIVE:	<u></u>

ORDINANCE NO. 2024-71

**AN ORDINANCE REPEALING NRCO SECTION 222.03 *FEES FOR COPIES* OF THE
NORTH RIDGEVILLE ADMINISTRATION CODE.**

WHEREAS, the current Section 222.03 of the North Ridgeville Administration Code addresses fees for copies; and

WHEREAS, the Administration desires to streamline the process and ensure transparency in charging for copies; and

WHEREAS, the Public Records Act mandates that only actual costs be allowed for such copies.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. North Ridgeville Codified Ordinance *Section 222.03 Fees For Copies* is hereby repealed in its entirety.

SECTION 2. Fees for copies shall be the actual cost permitted under the Public Records Act.

SECTION 3. The City's Records Commission shall update its Public Records Policy to reflect the changes made by this ordinance. The fees for copies of public records shall be included in the City's Public Records Policy and Appendix A.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

PUBLIC RECORDS POLICY

1. PURPOSE

The purpose of this Policy is to provide for compliance with Ohio Revised Code Section 149.43, availability of Public Records. It is the City's policy to adhere to the state's Public Records Act. Any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code.

2. DEFINITIONS of terms are the same as definitions in ORC 149.43.

3. PREPARATION/AVAILABILITY OF PUBLIC RECORDS:

Public records requests will be accommodated during the ~~regular~~ normal administrative posted business hours, Monday through Friday, from the office processing the records. Upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information unless a federal or state law authorizes or requires a public office to make the redaction.

To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with this section. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section, such that the public office or the person responsible for the requested public record cannot reasonably identify the public records being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

Current records retention schedules shall remain on file in the Office of the Clerk of Council and are readily available for public inspection. Records are generally only available for as long or as far back as indicated on the records retention schedules. If records are retained longer than indicated on the records retention schedules for that record, it is still available as a public record.

4. PUBLIC DOCUMENTS REQUEST PROCESS:

4.1 Request Form:

- (a) All requests for public documents *may* be made by filling out the form attached hereto as Appendix A. A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use.
- (b) Each record shall be submitted to the Law Department for review before being released.
- (c) If any person chooses to obtain a copy of a public record the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy.
- (d) The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy, as long as it is practical to do so.
- (e) Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.
- (f) Upon a public records request made, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail

or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission. The requester, in all instances, may personally appear to retrieve records.

- (g) Requests for electronic media records will be responded to in the file format in which it is maintained by the public office.

4.2 Delivery of Public Records Request:

- (a) Public records are to be available for inspection during the ~~regular-normal~~ administrative posted business hours, Monday through Friday, of the office they seek the records from.
- (b) Public records must be made available for inspection promptly, within a reasonable amount of time, and at no cost.
- (c) Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

4.3 Public Records Request Limitations:

- ~~(a) — The number of public records requests to be transmitted to one person or entity by United States mail is limited to ten (10) per month, unless the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. Commercial shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen's oversight or understanding of the operation or activities of government, or nonprofit educational research.~~
- (ab) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.
- (be) Changes are occasionally to the Public Records Act, O.R.C. 149.43, and to the case law interpreting the Act. If any conflict arises between this policy and the current Act or the latest case law, the current Act or latest case law shall apply.

4.4 Denial of a Records Request:

If a request is ultimately denied in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. A redaction constitutes denial of a public records request.

5. SCHEDULE OF FEES (GENERAL):

5.1 Fees for copies shall be charged in accordance with the ordinances Ohio Revised Code Section 149.43 and adopted by Council the City's Records Commission which are on file in the Office of the Clerk of Council. Only the actual costs are allowed under the Public Records Act.

5.2 If an outside copying service is used to make copies, the requester will be required to pay the cost of the entire copying job, as billed by the copying service, and any other applicable costs.

5.3 In addition to any costs allowed by law, actual costs of postage and other supplies used in the compilation or mailing of any records request shall be assessed in accordance with current market prices.

5.4 The Fees for copies of public records shall be included in the City's Public Records Policy and Appendix A.

5.5 Certain fees are hereby established to reflect the actual costs of services rendered, as follows:

<u>Copies of public records requests for letter or legal-size paper (each side)</u>	<u>\$0.10</u>
<u>Copies of public records requests for black and white ledger-size paper (each side)</u>	<u>\$0.15</u>
<u>Copies of public records requests for color ledger-size paper (each side)</u>	<u>\$0.25</u>
<u>Copies of public records requests for 24x36 (each side)</u>	<u>\$2.50</u>
<u>Copies of public records requests for color 28x40 (each side)</u>	<u>\$9.00</u>
<u>Copy of Zoning Map color ledger size</u>	<u>\$3.00</u>
<u>Copy of Zoning Map color 28x40 (each side)</u>	<u>\$16.00</u>
<u>Electronic (Email or Link Access)</u>	<u>No Fee</u>
<u>CD ROM</u>	<u>\$4.00</u>
<u>Fax</u>	<u>\$2.00</u>
<u>Flash Drive</u>	<u>\$5.00</u>
<u>United States Postal Mail</u>	<u>Market Price</u>
<u>Other Delivery by Mail</u>	<u>Market Price</u>

6. IMPROPER DISCLOSURE:

Improper disclosure of records which are privileged, confidential, or exempt under law may subject the person so disclosing such documents to prosecution under Ohio Revised Code Section 102.03(B) as well as other disciplinary action.

(APPENDIX A)
REQUEST FOR PUBLIC RECORDS
PUBLIC CITIZENS REQUEST FORM

Ohio Revised Code Section 149.43 (b) requires the City to provide records in a reasonable period of time. Depending on research, additional time may be afforded in order to complete the request. A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

STATE YOUR REQUEST:		
DATE SUBMITTED:		
EXPECTED DELIVERY DATE:		
TYPE OF COPY NUMBER OF COPIES & NUMBER OF PAGES		**Please see cost list below
NAME OF REQUESTOR (optional):		
ADDRESS / EMAIL: (method of delivery)		
CONTACT PHONE NUMBER:		
PUBLIC OFFICE OR PERSON RESPONSIBLE FOR PUBLIC RECORDS REQUEST:		
DATE RECEIVED:		
DATE TRANSMITTED:		

COST LIST

PAPER	\$0.05 PER PAGE
ELECTRONIC (EMAIL)	
CD-ROM (DIGITAL)	
FAX	NO FEE
ELECTRONIC FILES	NO FEE
UNITED STATES POSTAL MAIL	POSTAGE—CURRENT MARKET PRICE

<u>Copies of public records requests for letter or legal-size paper (each side)</u>	<u>\$0.10</u>
<u>Copies of public records requests for black and white ledger-size paper (each side)</u>	<u>\$0.15</u>
<u>Copies of public records requests for color ledger-size paper (each side)</u>	<u>\$0.25</u>
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<u>Flash Drive</u>	<u>\$5.00</u>
<u>United States Postal Mail</u>	<u>Market Price</u>
<u>Other Delivery by Mail</u>	<u>Market Price</u>
<u>Obtain copies of the Codification Ordinance through the Codifier. For guidance, please reach out to the Clerk of Council's Office.</u>	