

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 SEPTEMBER 16, 2024

7:00 PM

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. City Council Meeting Minutes dated September 3, 2024
(Council action required)
2. Note Other Minutes:
 - Utilities Committee Meeting Minutes dated September 3, 2024
 - Civil Service Commission Special Meeting Minutes dated September 9, 2024
 - Safety Committee Meeting Minutes dated September 9, 2024
 - Planning Commission Meeting Minutes September 10, 2024

LOBBY

ADMINISTRATORS' REPORTS

1. Mayor
2. Engineer
3. Director of Finance
4. Other Reports
 - July 2024 Parks and Recreation Division Report

COUNCIL COMMITTEE REPORTS

1. UTILITIES COMMITTEE REPORT dated September 3, 2024 – The committee reviewed and considered ORD. NO. 2024-88, 2024-89, 2024-90, and 2024-91. The Committee motioned to send ORD. NO. 2024-88, 2024-89, 2024-90, and 2024-91 back to the City Council for consideration.
(Council action required)
2. SAFETY COMMITTEE REPORT dated September 9, 2024 – The committee reviewed and considered ORD. NO. 2024-81, and 2024-82. The Committee motioned to send ORD. NO. 2024-81, and 2024-82 back to the City Council for consideration.
Committee Action:
ORD. NO. 2024-81: Vote of 0-3
ORD. NO. 2024-82: Vote of 3-0
(Council action required)

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

The North Ridgeville Planning Commission took action on the following items at their Regular Meeting of September 10, 2024:

1. Century Tavern, 33312 Center Ridge Rd, PPN 07-00-008-114-008
Owner: Thomas Kelly, 33256 Center Ridge Rd, North Ridgeville, OH 44039.
Proposal consists of site improvements for the bar/tavern. Property is zoned B-3 Highway Commercial.
PC ACTION: Conditional use Approved by a vote of 4-0.
Development Plan Approved by a vote of 4-0, subject to the inclusion of lot lines, potential lot consolidation and water easements shown on plan.
2. Elmer Ave Street Vacation, PPN 07-00-045-109-007
Applicant: Cynthia Perry, 7313 Dyke Ave, North Ridgeville, OH 44039. Proposal consists of vacating a portion of Elmer Ave. Property is zoned R-1 Residence District.
PC ACTION: Approved by a vote of 4-0, subject to lot consolidation and applicants agreeing to maintain the existing drainage.

(Council approval is required for all plans and recommendations from Planning Commission.)

RECESS

FIRST READINGS

- O 2024-104 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)
- R 2024-105 A Resolution authorizing Fund Transfers.
(Introduced by Mayor Corcoran)
- O 2024-106 An Ordinance authorizing the Mayor of the City of North Ridgeville to make application to the Northeast Ohio Areawide Coordinating Agency for a Transportation for Livable Communities Initiative Implementation Grant for the Bagley Road Sidewalks Project.
(Introduced by Mayor Corcoran)
- O 2024-107 An Ordinance amending Ordinance No. 5996-2022 authorizing the Mayor 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 construction and inspection of the Cypress Avenue Extension, by increasing the not to exceed amount to \$3,300,000.00.
(Introduced by Mayor Corcoran)
- R 2024-108 A Resolution approving the settlement agreement with the City of North Ridgeville and a former employee to resolve claims/charges made by the former employee.
(Introduced by Mayor Corcoran)

SECOND READINGS

- O 2024-80 An Ordinance vacating a portion of Elmer Avenue.
(Introduced by Mayor Corcoran; First Reading on August 5, 2024; Planning Commission on 09-10-2024; Public Hearing on 09-16-2024)
- O 2024-95 An Ordinance to amend the Code of Ordinances, City of North Ridgeville, Ohio, to provide amendments to Traffic North Ridgeville City Code Sections 402.077, 402.37, 404.991, 452.04; to provide for penalties; to provide for codification; to provide for severability; to repeal conflicting Ordinances; to provide an effective date; and for other purposes.
(Introduced by Mayor Corcoran; First Reading on 09-03-2024)
- O 2024-96 An Ordinance to amend the Code Of Ordinances, City of North Ridgeville, Ohio, to provide amendments to General Offenses North Ridgeville City Code Sections 624.01, 624.14, 624.141, 630.11, 636.20, 666.02, 666.03; to provide for penalties; to provide for codification; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.
(Introduced by Mayor Corcoran; First Reading on 09-03-2024)

- O 2024-102 An Ordinance authorizing the Mayor to enter into a lease agreement with the State of Ohio for the use of real property owned by the City for the purpose of installing, operating and maintaining a self-supporting communications tower and shelter building.
(Introduced by Mayor Corcoran; First Reading on 09-03-2024)

THIRD READINGS

MEETING ANNOUNCEMENTS

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

ADJOURNMENT

**NORTH RIDGEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
September 3, 2024**

CALL TO ORDER:

President Jacobs called the Monday, September 3, 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, Georgia Awig, and Martin DeVries.

Councilman Cliff Winkel was excused.

Also present were Mayor Kevin Corcoran, Finance Director April Wilkerson, City Engineer Christina Eavenson, Clerk of Council Nicholas Ciofani, and Deputy Clerk of Council Tina Wieber.

MINUTES - Corrections (if any) and approval:

President Jacobs asked if there were any corrections to the Regular City Council Meeting Minutes dated August 19, 2024. No discussion was offered. The meeting minutes stand approved as submitted.

President Jacobs noted the following minutes:

Parks and Recreation Commission Meeting Minutes dated July 24, 2024

Building and Lands Committee Meeting Minutes dated August 19, 2024

Board of Zoning and Building Appeals Meeting Minutes dated August 22, 2024

Civil Service Commission Meeting Minutes dated August 23, 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.

There were none.

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 ORD. NO. 2024-95, ORD. NO. 2024-96, ORD. NO. 2024-97, ORD. NO. 2024-98, ORD. NO. 2024-99, ORD. NO. 2024-100 and ORD. NO. 2024-101.
- Street Paving - The Public Works Department, Streets Division, will begin milling Aurensen Road and Noll Drive on Thursday, September 5, 2024, in preparation for paving. You can find the complete list and schedule on the City's website at nridgeville.org.
- Health Fair for Older Adults - In conjunction with Healthy Aging Month, the Senior Center is hosting a health fair in partnership with North Ridgeville Heart & Sole on Monday, September 9, 2024, from 9:00 a.m. until 11:00 a.m. Over 30 vendors will be on hand offering health screenings, flu shots, medication management consultation, fitness demonstrations, and more.
- Coffee & Conversation – The Mayor's monthly coffee and conversation on Thursday, September 12, 2024, from 8:30 a.m. until 9:30 a.m. It is a great way for residents to hear firsthand about current and upcoming projects and ask any questions they may have.

Moved by Mayor Corcoran and seconded by Swenk to suspend the bylaws and introduce Ordinance Number 2024-103 under first readings for the Agenda dated September 3, 2024..

A roll call vote was taken, and the motion carried.

Yes – 6 No – 0

Moved by Mayor Corcoran and seconded by Swenk into an Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

A roll call vote was taken, and the motion carried.

Yes – 6 No – 0

Adjourned into Executive Session at 7:06 p.m.

Reconvened into the Regular Council meeting at 7:13 p.m.

Moved by Swenk and seconded by Abens to adjourn the executive session and return to the regular City Council session.

A roll call vote was taken, and the motion carried.

Yes – 6 No – 0

Mayor Corcoran concluded his report.

2. Engineer:

City Engineer Christina Eavenson provided the following update.:

- EKMU will be starting work on the Stoney Ridge, Mills and Avalon roundabout on September 9, 2024. The northbound lane on Stoney Ridge will be closed (from Rummel Mill to Mills Road) during the day while they extend the sanitary sewer in that area. The signed detour will be to use Rummel Mill Dr. to Stratton Mill to Mills Road. When the contractor is not working both lanes will be open. Advised folks to find an alternate route altogether because starting September 20, 2024, the intersection will be completely closed and there will be no access through this entire intersection. The posted detour route will be SR 83. The intersection is expected to be closed for 90 days.
- The contractor for the residential development, the Crossing at French Creek, will be doing some work in and near the ROW on SR 83 soon.
- The contractor is scheduled to begin work on the Chestnut Ridge Road bridge replacement just east of Root Road on September 16, 2024. The closure will last approximately 75 days. The detour posted will be to use Lorain Road and Lear Nagle.
- The Turnpike has added a week to the targeted opening date for the Bagley Road bridge. It is now scheduled for October 30th. The Turnpike has completed the majority of their work on the EB ramp bridge over Lorain Road and it has been open for two weeks.
- The draft resolution for the SR 83 bridge over SR 10 is scheduled to go out to bid this fall and begin construction next spring. The bridge deck, parapet, and ancillary work will use part-width construction and will remain open with one lane through the use of a temporary traffic light.
- The Active Transportation Steering Committee will have its last meeting on October 23, 2024, and we will be looking at preparing the final draft of the TLCI Planning Study shortly after that.
- Engineering recently hired a new inspector—Mr. Nathan Tucker.

3. Director of Finance:

Finance Director April Wilkerson:

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

Resolution No. 2024-99 – Authorizing Fund Advances.

Resolution No. 2024-100 – Authorizing Fund Advance.

Ordinance No. 2024-101 – Amending 2024 Annual Appropriations.

Finance Director April Wilkerson concluded her report.

4. Other Reports:

President Jacobs noted the following report:

July 2024 Parks and Recreation Division Report
July 2024 Finance Department Financial Report

COUNCIL COMMITTEE REPORT(S):

BUILDING AND LANDS COMMITTEE REPORT dated August 19, 2024 – The committee reviewed and considered 2024-78. The Committee motioned to send 2024-78 back to the City Council for consideration.

(Council action required)

Moved by Swenk and seconded by Awig to accept the Building and Lands Report dated August 19, 2024.

A voice vote was taken, and the motion carried.

Yes – 6 No – 0

CORRESPONDENCE:

There were none.

OLD BUSINESS:

There were none.

NEW BUSINESS:

Transfer Liquor Permit Request:

A request to transfer a liquor permit from the GETGO Operating LLC DBA GETGO North Ridgeville #3199 to Riser Foods CO DBA GETGO North Ridgeville #3199 at 34179 Center Ridge Road.

(Council action required - move not to request a hearing so that this permit can be sent to the state for final disposition by September 6, 2024)

Moved by Swenk and seconded by Awig to not request a hearing so that this permit can be sent to the state for final disposition by September 6, 2024.

A voice vote was taken, and the motion carried.

Yes – 6 No – 0

RECESS:

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

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

Yes – 6 No – 0

FIRST READINGS:

Ordinance and Resolution submittal(s)

Clerk of Council Nicholas Ciofani:

- O 2024-95 An Ordinance to amend the Code of Ordinances, City of North Ridgeville, Ohio, to provide amendments to Traffic North Ridgeville City Code Sections 402.077, 402.37, 404.991, 452.04; to provide for penalties; to provide for codification; to provide for severability; to repeal conflicting Ordinances; to provide an effective date; and for other purposes.
(Introduced by Mayor Corcoran)

This Ordinance moved to Second Readings.

Clerk of Council Nicholas Ciofani:

- O 2024-96 An Ordinance to amend the Code Of Ordinances, City of North Ridgeville, Ohio, to provide amendments to General Offenses North Ridgeville City Code Sections 624.01, 624.14, 624.141, 630.11, 636.20, 666.02, 666.03; to provide for penalties; to provide for codification; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.
(Introduced by Mayor Corcoran)

This Ordinance moved to Second Readings.

Clerk of Council Nicholas Ciofani:

- O 2024-97 An Ordinance authorizing the Mayor to enter into a Design-Build Contract according to law for the replacement of the existing playground at South Central Park.
(Introduced by Mayor Corcoran)

Moved by Mayor Corcoran and seconded by Swenk to dispense with the second and third readings for 2024-97.

A voice vote was taken, and the motion carried.

Yes – 6 No – 0

Moved by Mayor Corcoran and seconded by Swenk to add the emergency clause to replace the dangerous equipment as soon as possible.

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

Yes – 6 No – 0

Moved by Mayor Corcoran and seconded by Swenk to adopt 2024-97 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Ordinance Number 2024-97.

Yes – 6 No – 0

Clerk of Council Nicholas Ciofani:

R 2024-98 A Resolution to cooperate with the Director of Transportation of the Ohio Department of Transportation for a project to improve Avon Belden Road (SR 83) over SR 10 by replacing the bridge deck and making related improvements in the City of North Ridgeville.
(Introduced by Mayor Corcoran)

Moved by Mayor Corcoran and seconded by Swenk to dispense with the second and third readings for 2024-98.

Mayor Corcoran remarked that the bridge is at the southern end of the city, and it requires repairs. The City is participating in the project with the Ohio Department of Transportation (ODOT).

A voice vote was taken, and the motion carried.
Yes – 6 No – 0

Moved by Swenk and seconded by Awig to adopt 2024-98.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Resolution Number 2024-98.
Yes – 6 No – 0

Clerk of Council Nicholas Ciofani:

R 2024-99 A Resolution authorizing Fund Advance.
(Introduced by Mayor Corcoran)

Moved by DeVries and seconded by Awig to dispense with the second and third readings for 2024-99.

A voice vote was taken, and the motion carried.
Yes – 6 No – 0

Moved by DeVries and seconded by Awig to add the emergency clause to provide the Department of Finance with the necessary resources needed to meet the City's financial obligations.

A voice vote was taken on the emergency clause, and the motion was carried.
Yes – 6 No – 0

Moved by DeVries and seconded by Awig to adopt 2024-99 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Resolution Number 2024-99.
Yes – 6 No – 0

Clerk of Council Nicholas Ciofani:

R 2024-100 A Resolution authorizing Fund Advances.
(Introduced by Mayor Corcoran)

Moved by DeVries and seconded by Awig to dispense with the second and third readings for 2024-100.

A voice vote was taken, and the motion carried.

Yes – 6 No – 0

Moved by DeVries and seconded by Awig to add the emergency clause to provide the Department of Finance with the necessary resources needed to meet the City's financial obligations.

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

Yes – 6 No – 0

Moved by DeVries and seconded by Awig to adopt 2024-100 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Resolution Number 2024-100.

Yes – 6 No – 0

Clerk of Council Nicholas Ciofani:

O 2024-101 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 2024-101.

A voice vote was taken, and the motion carried.

Yes – 6 No – 0

Moved by DeVries and seconded by Awig to add the emergency clause to provide the Department of Finance with the necessary resources needed to meet the City's financial obligations.

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

Yes – 6 No – 0

Moved by DeVries and seconded by Awig to adopt 2024-101 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Ordinance Number 2024-101.

Yes – 6 No – 0

Clerk of Council Nicholas Ciofani:

- O 2024-102 An Ordinance authorizing the Mayor to enter into a lease agreement with the State of Ohio for the use of real property owned by the City for the purpose of installing, operating and maintaining a self-supporting communications tower and shelter building.
(Introduced by Mayor Corcoran)

This Ordinance was moved to Second Readings.

Clerk of Council Nicholas Ciofani:

- O 2024-103 An Ordinance amending Ordinance 2024-70 Exhibit "A" Amending certain salary ranges for the Department of Planning and Development.
(Introduced by Mayor Corcoran)

Moved by DeVries and seconded by Awig to dispense with the second and third readings for 2024-103.

Mayor Corcoran noted that they are changing the low end of the Chief Building Official range, changing both the low end and high end of the Assistant Chief Building Official range, and reducing the range completely for the Zoning Inspector.

A voice vote was taken, and the motion carried.

Yes – 5 No – 1 (Abens)

Moved by DeVries and seconded by Awig to add the emergency clause to provide an updated pay range for certain positions that are advertised.

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

Yes – 5 No – 1 (Abens)

Moved by DeVries and seconded by Awig to adopt 2024-103 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Ordinance Number 2024-103.

Yes – 5 No – 1 (Abens)

SECOND READINGS:

There was none.

THIRD READINGS:

Clerk of Council Nicholas Ciofani:

O 2024-78 An Ordinance amending Chapter 830 Home Occupations of the North Ridgeville Business Regulation and Taxation Code.
(Introduced by Mayor Corcoran; First Reading on 08-5-2024; Building and Lands Committee on 08-19-2024)

Moved by Awig and seconded by Awig to add the emergency clause for the welfare and safety of the community.

A voice vote was taken on the emergency clause, and the motion was carried.
Yes – 5 No – 1 (Abens)

Moved by Swenk and seconded by Awig to adopt 2024-78 with the emergency clause.

A roll call vote was taken on the adoption, with the emergency, and the motion carried for
Ordinance Number 2024-78.
Yes – 6 No – 0

MEETING ANNOUNCEMENTS:

President Jacobs noted the following:

1. A Safety Committee meeting will be held on Monday, September 9, 2024, at 6:00 p.m. in Council Chambers to discuss 2024-81 (N.R.C.O Section 452.03) and 2024-82 (Fireworks).
2. A Public Hearing will be held on Monday, September 16, 2024, at 6:45 p.m. in Council Chambers to discuss 2024-80 (Vacate of Elmer Avenue).
3. The next Regular City Council meeting will be on Monday, September 16, 2024, at 7:00 p.m. in Council Chambers.

ADJOURNMENT:

President Jacobs adjourned the meeting at 7:34 p.m.

Approval of minutes on September 16, 2024:

Jason Jacobs
PRESIDENT OF COUNCIL

Nicholas Ciofani
CLERK OF COUNCIL

**NORTH RIDGEVILLE CITY COUNCIL
UTILITIES COMMITTEE MEETING MINUTES
CITY COUNCIL CHAMBERS - 5:30 p.m.
MONDAY, September 3, 2023**

To Order:

Chairman Bruce Abens called the Utilities Committee meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

Attendance:

Members present were Chairman Bruce Abens, Councilwoman Georgia Awig, and Councilman Eric Shaffer.

Also present: Mayor Kevin Corcoran, Director of Community Services Tara Peet, Finance Director April Wilkerson, Council President Jason Jacobs, Councilman Martin DeVries, Councilwoman Holly Swenk, and Deputy Clerk of Council Tina Wieber.

Minutes:

Chairman Abens asked for any corrections to the minutes of January 17, 2023, and May 1, 2023. No discussion was offered. Minutes approved as presented.

{Clerk's notes: Numerous discussions took place among the audience that were not captured in the minutes because the microphone did not detect their voices.}

New Business:

- O 2024-88 An Ordinance authorizing the Administration to charge credit card processing fees to payer.
(Introduced by Mayor Corcoran; First Reading on 08-19-2024)
- O 2024-89 An Ordinance authorizing the Mayor to enter into a contract with Utility Metering Solutions, LLC, for the City-Wide Mass Water Meter Replacement Project. (Introduced by Mayor Corcoran; First Reading on 08-19-2024)
- O 2024-90 An Ordinance authorizing the Mayor to purchase water meters and appurtenances from Badger Meter, INC. as part of the Mass Water Meter Replacement Project.
(Introduced by Mayor Corcoran; First Reading on 08-19-2024)
- O 2024-91 An Ordinance establishing a water meter service charge.
(Introduced by Mayor Corcoran; First Reading on 08-19-2024)

Chair Abens asked Community Service Director Tara Peet to provide a presentation for the mass water meter replacement.

Community Service Director Tara Peet explained the following legislation: Ordinance Number 2024-89 is contracting with Utility Metering Solutions, LLC) and Ordinance Number 2024-90 is the purchase of the water meters and infrastructure. Mrs. Peet introduced the presenters Jacob and Mark from Badger Meter, Inc. and Utility Metering Solutions, LLC.

A presentation was delivered to the City Council regarding the implementation of the mass meter replacement project, as well as the next steps outlined by Badger Meter, Inc. and Utility Metering Solutions, LLC. A copy of the presentation is attached to the minutes.

{Clerk's Note: Due to technical limitations, the PowerPoint presentation was not displayed during the meeting. The presenters provided physical examples of the water meters.}

The presentation discussed the following:

- Badger Meter has served as the account manager for the City of North Ridgeville since 2012.
- In 2009, the City utilized a metering system called Galaxy.
- The presentation provided an overview of the functions of water meters.
- Water meter collectors are responsible for transmitting signals from the meters to the billing software.
- Customer engagement is planned for when the installation of mass meters begins.
- The current metering solution is nearing the end of its useful life.
- To address this issue, upgrading the metering technology is necessary. This will involve entering each resident's home, replacing the existing meter, and installing a new transmitter.
- The transition process is expected to take approximately three years, with a total project cost estimated at \$8.8 million.

Councilman Shaffer inquired about the privacy of the transmitted data and whether it would increase junk mail. He also asked who would be responsible for repairing the pipes.

Ms. Peet clarified that the City is only responsible for the water meter. Any issues occurring beyond the meter into the residential property would be the responsibility of the property owner.

Presenters continued:

- The privacy structure implemented is similar to financial institutions.
- An increase in junk mail is not anticipated. Residents will only receive an informational mailer regarding the new meter installation. If there is no response to the first mailer, a second mailer will be sent.
- All data collected during the installation project from residents will be deleted once the project is complete.

Councilman Abens wanted to know if the information from the data was being transmitted through a one-way process.

Presenters continued:

- The system utilizes a two-way communication mechanism, sending signals to the private cellular network and receiving confirmation signals in return. Firmware updates will be processed via this signal.
- In the event of a hack, only specific data would be accessible, including the meter number, endpoint number, interval reading data, and leak notifications. No other customer information is transferred.
- The meters remain operational even if nearby cellular towers experience outages. They can connect to multiple cellular towers, and if none are available, the endpoint will store data until a tower is back online for communication.
- All installers hired by Badger Meter for the mass meter project undergo: Criminal background checks; Drug and alcohol screenings; Issuance of ID badges; and Provision of a verification letter from the City.
- The last upgrade for some meter parts occurred in 2009.
- It is noted that utilities typically replace their systems every 12-14 years for various reasons.
- Coordination for fixing pipes will be managed through the City: If a leak occurs at the meter, the City will address the issue; the City is not responsible for any leaks occurring after the meter.
- Installations will be conducted in grouped phases.
- Meters installed in 2022 are excluded from the mass meter replacement as they are already equipped with the latest technology.
- The project is expected to take approximately one year to complete.
- The upgrade will address many data issues that impact the billing system.

Director of Finance April Wilkerson provided an overview of the background research conducted by the Administration on the mass meter replacement project. The Administration explored various funding options, including grants and loans, to support the project. The Ohio Water Development Authority had resources available; however, the City unfortunately missed the application deadline. All potential funding sources were carefully reviewed. A copy of the presentation is attached to the minutes. Ms. Wilkerson discussed the following points:

- Total project cost is estimated at \$8.8 million.
- Proposed funding includes \$3.8 million from ARPA Funds and financing of \$5.5 million.
- The total project cost of \$8.8 million is not sufficient to request a bond.
- Bond anticipation notes will be used to cover the additional \$5.5 million.
- The City plans to roll the debt annually, to pay it off within 5 years.
- The City has successfully issued bond anticipation notes in the past.
- The requested legislation will establish a water meter service fund and implement a per meter per month charge to finance the project and future water meter initiatives.
- Implementation of the service fee is set to begin immediately upon legislation adoption.
- Projected revenue from the meter service fee is approximately \$714,000 annually, totaling about \$3.4 million over 5 years.

- The Water Operation Fund is expected to contribute \$2.35 million towards the total project cost.
- Detailed explanations were provided regarding fund balances, the Water Operation Fund, and associated calculations as outlined in the PowerPoint presentation.

Councilman Abens inquired whether there would be different fees for residential and commercial users. He also asked if the City could impose a premium charge for new services to help cover the project costs.

Mrs. Peet responded that a flat rate would be implemented, and current regulations do not permit premium charges.

Councilwoman Swenk asked if residential utility deposits could be utilized to fund the project.

Ms. Wilkerson explained that the deposit funds are applied to the resident final bill if there is a deposit on file for utilities. The Utilities Division does not request deposits anymore.

Councilman DeVries inquired whether the City could still apply for grants to fund the project.

Ms. Wilkerson responded that the City would not be eligible for grants since the project would have already started.

Councilman Shaffer asked if the project could be postponed for a year to allow time to apply for grants.

Ms. Wilkerson advised against postponing the project due to the uncertainty of grant approval.

She noted that the City had previously applied for funding from the Ohio Water Development Authority (OWDA) for the irrigation system at French Creek. Postponing the application for the OWDA grant could potentially delay the project by two years and increase the risk of inflation.

Councilman Abens inquired whether there would be any increases to the \$3.50 fee by the end of the year.

Ms. Wilkerson clarified that there would be no increase, as any adjustments would require City Council approval.

Councilman Abens also asked how much the City charges for credit card transactions.

Ms. Wilkerson explained that the City could save money by passing on credit card transaction fees to residents. The proposed legislation is to implement this charge citywide. Currently, the City incurs nearly \$450,000 annually in credit card fees, which amount to approximately 2.95% per transaction.

Councilman Abens expressed concern that residents might experience about a 6% increase in their water bills as a result, leading to potential complaints.

Mrs. Peet shared that there will be a campaign to inform residents about the fee structure and emphasize the potential savings by paying their utility bills via check.

Moved by Awig and seconded by Shaffer to send Ordinance Number 2024-88 back to City Council for consideration.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Moved by Awig and seconded by Abens to send Ordinance Number 2024-89 back to City Council for consideration.

A voice vote was taken and the motion carried.

Yes – 2 No – 1 (Shaffer)

Moved by Awig and seconded by Abens to send Ordinance Number 2024-90 back to City Council for consideration.

A voice vote was taken and the motion carried.

Yes – 2 No – 1 (Shaffer)

Moved by Awig and seconded by Abens to send Ordinance Number 2024-91 back to City Council for consideration.

A voice vote was taken and the motion carried.

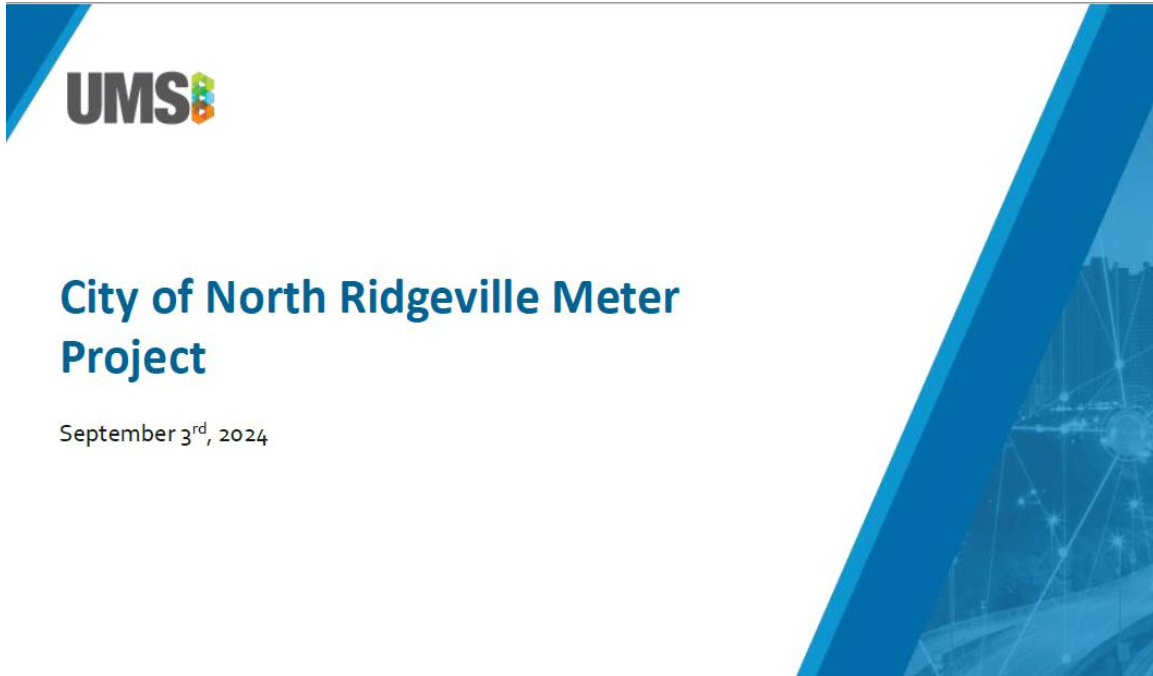
Yes – 3 No – 0

Adjournment:

Chairman Abens adjourned the meeting at 7:15 p.m.

Date Approved:

Fijabi Gallam, MMC
Assistant Clerk of Council



City of North Ridgeville Meter Project

September 3rd, 2024

Background: Current State of Metering

Overall System Health

- Generate \$5.2M a year on water
- Roughly 17,378 service connections
- 4,300 meters are not reading and are being estimated as of last check
- Transitioned to Badger BEACON software in 2018/2019

Meter Reading Technology

- First generation Badger Meter Galaxy System was Installed in 2009
- System is read by 9 collectors (two currently not operational)
- Current system is out of warranty and at end-of-life. No replacement gateways or replacement parts
- Last full meter change out program – 2009/2010

UMS

Problem: Existing Metering Solution at End of Life

- Current meters and AMI solution has reached end of life and needs to be upgraded.
- 4,300 meters (25%) are not reading. Customers receiving estimated bills.
 - Continued operation of existing system will result in a steady increase of these numbers
- Meter reading accuracy is steadily declining due to aging infrastructure



Solution: Transition to Upgraded Technology

- Undergo a mass meter upgrade project
- Enter every resident home
- Upgrade existing meter
- Attach new transmitter



Technology and Service Providers



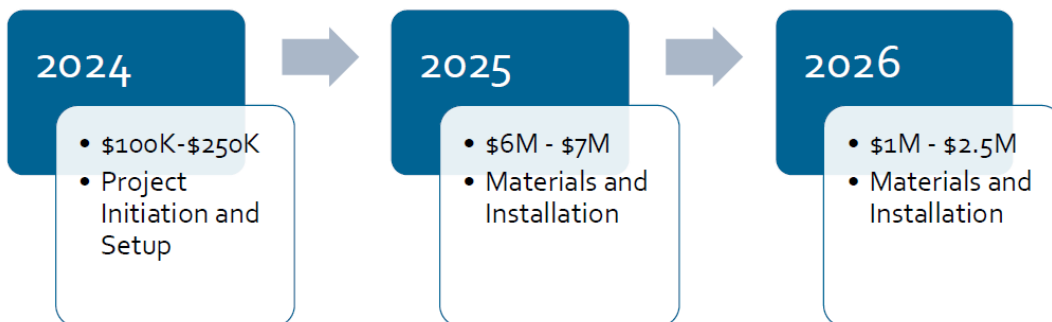
- Leading manufacturer of water meters and technology since 1905
- Existing vendor for the City of North Ridgeville
- Has meter reading software and customer engagement software already installed and integrated



- Certified Installation and Integration Partner with Badger Meter
- Successfully completed over a dozen projects and over 200,000 meter installations in OH in the last three years
- Have completed numerous inside meter installation projects



Transition Cost and Timeline



Total Project Cost: \$8.8M
 Project Duration: Approximately 10-12 Months



Estimated Cost

What is your all in cost for a complete change out

Final Quotes			
	Badger Meter	UMS	Combined
Cost	\$ 4,713,407.86	\$ 3,198,898.00	\$ 7,912,305.86
Contingency	\$ 471,340.79	\$ 319,889.80	\$ 791,230.59
Bonding		\$ 87,969.70	\$ 87,969.70
Total	\$ 5,184,748.65	\$ 3,606,757.50	\$ 8,791,506.15




Thank you and Questions?




City of North Ridgeville

Water Meter Project Financial Overview

DRAFT

Financing Overview

Project Estimate, rounded - \$8,800,000

ARPA Grant - \$3,800,000

Amount to be financed - \$5,000,000

Bond Anticipation Notes

	Principal pay down	Interest		Balance
2024	\$ -	\$	250,000	\$ 5,000,000
2025	\$ 1,000,000	\$	200,000	\$ 4,000,000
2026	\$ 1,000,000	\$	150,000	\$ 3,000,000
2027	\$ 1,000,000	\$	100,000	\$ 2,000,000
2028	\$ 1,000,000	\$	50,000	\$ 1,000,000
2029	\$ 1,000,000	\$	-	\$ -

DK

Financing Overview

Water Meter Service Fund

Total number of customers/meters – 17,000

Proposed monthly meter service fee - \$3.50

Estimated annual revenue - \$714,000

Funding over five-years

Meter Service Fund - \$3,400,000

Water Operations Fund - \$2,350,000

DK

City of North Ridgeville, Ohio
Revenues, Expenses and Changes in Fund Balance
Forecasted

	Forecasted				
	2025	2026	2027	2028	2029
WATER METER SERVICE FUND (XXX)					
<u>Revenues</u>					
Charges for Services	714,000	714,000	714,000	714,000	714,000
Total Revenues	714,000	714,000	714,000	714,000	714,000
<u>Expenses</u>					
Capital Outlay	-	-	-	-	-
Total Expenses	-	-	-	-	-
Excess (deficiency) of Revenues over Expenses	714,000	714,000	714,000	714,000	714,000
<u>Non-Operating Revenues/(Expenses)</u>					
Interest	10,000	10,000	10,000	10,000	10,000
Sale/Disposal of Assets	-	-	-	-	-
Transfers-Out	(500,000)	(800,000)	(700,000)	(700,000)	(700,000)
Total Non-Operating Revenues/(Expenses)	(490,000)	(790,000)	(690,000)	(690,000)	(690,000)
Excess of revenues and Non-Operating Revenues Over/(Under) Expenses and Non-Operating Expenses	224,000	(76,000)	24,000	24,000	24,000
Fund Balance, beginning of year	-	224,000	148,000	172,000	196,000
Estimated Fund Balance, End of Year					
Target Carryover Balance	-	-	-	-	-
Available for Future Appropriations	-	-	-	-	-
Total Fund Balance, end of year	224,000	148,000	172,000	196,000	220,000

City of North Ridgeville, Ohio
Revenues, Expenses and Changes in Fund Balance
Actual, Budget, and Forecasted

	Budget		Forecasted			
	2024	2025	2026	2027	2028	2029
WATER FUND (610)						
<u>Revenues</u>						
Charges for Services	5,925,000	6,101,000	6,282,000	6,468,000	6,660,000	6,859,800
Tap-in Fees	40,000	40,000	40,000	40,000	40,000	40,000
Other Revenue	5,000	5,000	5,000	5,000	5,000	5,000
Total Revenues	5,970,000	6,146,000	6,327,000	6,513,000	6,705,000	6,904,800
<u>Expenses</u>						
Collections	354,900	363,800	372,900	382,200	391,800	401,600
Operations	2,877,190	2,949,100	3,022,800	3,098,400	3,175,900	3,255,300
Purchase of Water	1,800,000	1,845,000	1,891,100	1,938,400	1,986,900	2,036,600
Capital Outlay	181,210	-	-	-	-	-
Total Expenses	5,213,300	5,157,900	5,286,800	5,419,000	5,554,600	5,693,500
Excess (deficiency) of Revenues over Expenses	756,700	988,100	1,040,200	1,094,000	1,150,400	1,211,300
<u>Non-Operating Revenues/(Expenses)</u>						
Interest	62,000	63,000	64,000	65,000	66,000	66,000
Sale/Disposal of Assets	-	-	-	-	-	-
<u>Transfers-Out</u>	-	(750,000)	(400,000)	(450,000)	(400,000)	(350,000)
Total Non-Operating Revenues/(Expenses)	62,000	(687,000)	(336,000)	(385,000)	(334,000)	(284,000)
Excess of revenues and Non-Operating Revenues Over/(Under) Expenses and Non-Operating Expenses	818,700	301,100	704,200	709,000	816,400	927,300
Fund Balance, beginning of year	3,814,184	4,632,884	4,933,984	5,638,184	6,347,184	7,163,584
Estimated Fund Balance, End of Year						
Target Carryover Balance	1,258,000	1,289,000	1,322,000	1,355,000	1,389,000	1,423,000
Available for Future Appropriations	3,374,884	3,644,984	4,316,184	4,992,184	5,774,584	6,667,884
Total Fund Balance, end of year	4,632,884	4,933,984	5,638,184	6,347,184	7,163,584	8,090,884

City of North Ridgeville, Ohio
Revenues, Expenses and Changes in Fund Balance
Actual, Budget, and Forecasted

	Budget	Forecasted				
	2024	2025	2026	2027	2028	2029
WATER DEBT SERVICE FUND (624)						
<u>Revenues</u>						
Tap-in Fees	175,698	180,969	186,398	191,990	197,750	203,683
Total Revenues	175,698	180,969	186,398	191,990	197,750	203,683
<u>Expenses</u>						
Debt Service						
Bond Principal Retirement	140,200	150,200	150,500	160,800	160,800	76,050
<i>Note Principal Retirement (BANS)</i>	-	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
OWDA Payment	-	-	-	-	-	-
ETL Obligation	53,300	42,241	43,871	45,563	47,321	49,146
<i>Interest and Fiscal Charges</i>	48,900	304,263	249,565	190,445	134,820	79,083
Total Expenses	242,400	1,496,704	1,443,936	1,396,808	1,342,941	1,204,279
Excess (deficiency) of revenues over expenses	(66,702)	(1,315,735)	(1,257,538)	(1,204,818)	(1,145,191)	(1,000,596)
<u>Non-Operating Revenues/(Expenses)</u>						
Interest	18,000	17,000	17,000	17,000	17,000	17,000
Note Proceeds	-	-	-	-	-	-
Transfers-In	-	1,250,000	1,200,000	1,150,000	1,100,000	1,050,000
Total Non-Operating Revenues/(Expenses)	18,000	1,267,000	1,217,000	1,167,000	1,117,000	1,067,000
Excess of revenues and Non-Operating Revenues Over/(Under) Expenses and Non-Operating Expenses	(48,702)	(48,735)	(40,538)	(37,818)	(28,191)	66,404
Fund Balance, beginning of year	679,209	630,507	581,773	541,235	503,417	475,226
Fund Balance, end of year	630,507	581,773	541,235	503,417	475,226	541,630

City of North Ridgeville, Ohio
Revenues, Expenses and Changes in Fund Balance
Actual, Budget, and Forecasted

	Budget	Forecasted				
	2024	2025	2026	2027	2028	2029
WATER IMPROVEMENT FUND (632)						
<u>Revenues</u>	-	-	-	-	-	-
<u>Expenses</u>						
Capital Outlay	9,642,000	-	-	-	-	-
Total Expenses	9,642,000	-	-	-	-	-
Excess (deficiency) of revenues over expenses	(9,642,000)	-	-	-	-	-
<u>Non-Operating Revenues/(Expenses)</u>						
Interest	76,000	70,000	70,000	70,000	70,000	70,000
Note Proceeds	5,000,000	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-
Premium on Note and Bonds	-	-	-	-	-	-
Transfers-In	3,800,000	-	-	-	-	-
Total Non-Operating Revenues/(Expenses)	8,876,000	70,000	70,000	70,000	70,000	70,000
Excess of revenues and Non-Operating Revenues Over/(Under) Expenses and Non-Operating Expenses	(766,000)	70,000	70,000	70,000	70,000	70,000
Fund balances, beginning of year	1,093,212	327,212	397,212	467,212	537,212	607,212
Estimated Fund Balance, End of Year	327,212	397,212	467,212	537,212	607,212	677,212
Reserve for Encumbrances	-	-	-	-	-	-
Fund Balance, End of Year	327,212	397,212	467,212	537,212	607,212	677,212

Water Meter Project

Questions??

DK

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF THE
SPECIAL MEETING – MONDAY, SEPTEMBER 9, 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 Law Director Brian Moriarty, Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

APPROVAL OF MINUTES

Regular Meeting Minutes of August 26, 2024

Chairman Schiffbauer asked if the Commission had any questions or comments regarding the regular meeting minutes of August 26, 2024.

None were given.

Moved by Schiffbauer and seconded by Spann to approve the regular meeting minutes of August 26, 2024.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

EXECUTIVE SESSION

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to go into executive session and to invite Police Chief Freeman, the Law Department and Deputy Clerk of Council Wieber.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Adjourned into Executive Session at 5:02 p.m.

Reconvened into the Special Civil Service Commission meeting at 5:42 p.m.

NEW BUSINESS:

Discussion of Civil Service Commission Rules & Regulations.

Assistant Law Director Morgan stated that she had put together for the Commission a rule that would tentatively supplement Rule VII, Section 6, Disqualification of Eligibles. She explained that the language was for their review and consideration and at the next regular meeting to be voted on.

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
SPECIAL MEETING – MONDAY, SEPTEMBER 9, 2024**

PAGE 2

Chairman Schiffbauer asked if there were any questions from the Commission.

None were given.

Moved by Schiffbauer and seconded by Spann to conduct a personnel hearing for the purpose of evaluating whether or not a candidate is eligible to be on the promotion list to be held on Monday, September 23rd.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to waive Rule VIII, Section 2, second paragraph to extend the time period by 30 days due to pending Administrative matters specific to the promotional list for Sergeant.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

PUBLIC COMMENT:

Moved by Schiffbauer and seconded by Spann to add to the agenda the public comment and have it as a standing agenda item.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Schiffbauer invited members of the audience who wished to make public comment 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 Monday, September 23, 2024.

ADJOURNMENT:

Moved by Schiffbauer and seconded by Spann to adjourn the meeting.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

The meeting was adjourned at 5:46 PM.

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
SPECIAL MEETING – MONDAY, SEPTEMBER 9, 2024**

PAGE 3

Donald Schiffbauer
Chairman

Tina Wieber
Deputy Clerk of Council, Recording Secretary

Monday, September 23, 2024
Date Approved

**NORTH RIDGEVILLE CITY COUNCIL
SAFETY COMMITTEE MEETING MINUTES
CITY COUNCIL CHAMBERS – 6:00 p.m.
MONDAY, September 9, 2024**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

Chair Holly Swenk called the Safety Committee meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL:

Members present were Chairwoman Holly Swenk, Councilwoman Georgia Awig, and Councilman Martin DeVries.

Also present: Mayor Kevin Corcoran, President Jason Jacobs, Councilman Bruce Abens, Police Chief Mike Freeman, Fire Chief John Reese, and Police Lieutenant Tony Lee.

APPROVAL OF MINUTES:

Chair Holly Swenk asked if there were any corrections to the Safety Committee Meeting Minutes dated June 3, 2024. No discussion was offered. The meeting minutes stand approved as submitted.

{Clerk's notes: Numerous discussions took place among the audience that were not captured in the minutes because the microphone did not detect their voices.}

New Business:

2024-81 An Ordinance amending N.R.C.O Section 452.03 – prohibited standing or parking places.
(Introduced by Mayor Corcoran; First Reading on 08-05-2024)

Chair Swenk asked Mayor Corcoran to provide an overview of the legislation.

Mayor Corcoran stated that he has received repeated requests to amend regulations to allow parking on the opposite side of the street. He added that the city's growing population is contributing to increased traffic and parking issues. Some neighborhoods have signage indicating no parking completely, but this is not consistent throughout the city. There is a complaint regarding buses struggling to get through the streets, and there is concern that emergency vehicles might also be unable to pass because of parked cars. Mayor Corcoran further noted that surrounding municipalities, including Avon, Avon Lake, Westlake, and North Olmsted, all have regulations against parking on the side with fire hydrants.

Councilwoman Awig stated that she supports parking on one side of the street; however, she raised concerns about the potential issues it could create for cul-de-sacs if cars were allowed to park there.

Mayor Corcoran understood Councilwoman Awig's concerns.

The Committee members agreed that some of the concerns involve residents hosting parties and the street parking issues.

Police Chief Mike Freeman stated that the issue of on-street parking presents both advantages and disadvantages. He outlined the following concerns related to street parking.:

- The more people you have parking on the street, the more people you have crossing the street—including kids.
- Passenger doors are to the landside.
- Longlines of cars cause a sight issue—like kids playing in between the cars.
- The busier streets can hold up traffic or increase speeds when people are trying to get somewhere.
- People will not be able to get to the ice cream trucks.
- There will be an issue with people parking in front of mailboxes and trash cans.
- Some streets do not have sidewalks, which could be a safety issue if you have to walk in traffic.

Lt. Lee highlighted the importance of uniformity, noting that the lack of legislative backing for enforcing complaints causes a challenge for the police department. Many developments display signs indicating that street parking is prohibited, and residents rely on the police department for enforcement. He stated that, as a supervisor, consistency from the City would make their jobs easier.

Police Chief Freeman requested that the legislation be uniformly applied throughout the entire city.

Fire Chief Reese stated that cities with legislation permitting street parking on one side often have different street conditions than those in North Ridgeville. He expressed that approving such legislation is challenging due to both pros and cons.

Councilwoman Awig inquired about the distance between fire hydrants.

Fire Chief Reese responded that fire hydrants are spaced 300 feet apart and are easy to locate using GPS.

Councilman Jacobs asked if there have been instances when fire trucks were unable to access certain streets. Chief Reese confirmed that there have indeed been multiple occasions where fire emergency vehicles could not navigate through some streets.

Fire Chief Reese noted that there have been numerous occasions when fire emergency vehicles could not navigate certain streets.

Police Chief Freeman commented that the proposed legislation will not resolve the existing issues, indicating that there are more cons than pros associated with it.

Chair Swenk confirmed that vehicles cannot be parked within 10 feet of a fire hydrant and that this regulation is enforceable within the city.

Police Chief Freeman further stated that enforcement is also possible for vehicles parked within 30 feet of an intersection.

Councilman DeVries expressed his belief that the legislation provides the police department with an additional tool for enforcement when necessary.

Police Chief Freeman is more concerned with the safety aspect than the enforcement aspect.

Councilman DeVrie inquired how the police officers respond to repeated offenders.

Police Chief Freeman stated that while officers do not have a specific protocol for this situation if they are unable to pass due to two cars parked opposite each other, they will locate the address of the vehicle and knock on the door to request the owner to move their car.

Chair Swenk inquired whether residents are permitted to park on the streets during parties.

Police Chief Freeman responded that they occasionally provide residents with options when their driveways cannot accommodate multiple vehicles.

Mayor Corcoran expressed that there is a common belief within the community that parking on the street is illegal; however, enforcement is challenging for the police due to not having an ordinance prohibiting it.

Police Chief Freeman added that the streets in North Ridgeville vary, with some lacking sidewalks.

Chair Swenk inquired whether the passage of the legislation would impact streets that currently display "no parking" signs.

Police Chief Freeman clarified that it would not affect those streets, which are already enforced by the police department.

Resident Frank Toth asked who granted the authority for the placement of "no parking" signs on certain streets.

Mayor Corcoran explained that these signs were installed at the request of residents or the development. However, he noted that there is no ordinance in place to enforce these restrictions.

Moved by Swenk and seconded by DeVries to send Ordinance 2024-81 back to the City Council for further review.

A voice vote was taken, and the motion carried.

Yes – 0

No – 3 (Swenk, DeVries, Awig)

2024-82 An Ordinance establishing enforcement capability regarding fireworks for the Police Department.
(Introduced by Mayor Corcoran; First Reading on 08-05-2024)

Chair Swenk asked Mayor Corcoran to provide an overview of the legislation.

Mayor Corcoran noted that recent changes to the State code regarding fireworks regulations have occurred. While these regulations are enforceable under State law, they are not currently enforceable by the North Ridgeville Police Department. Enforcement is designated to the Fire Marshal according to State code. He advised that legislation is necessary to regulate the use of fireworks within North Ridgeville. Mayor Corcoran proposed that the City consider implementing stricter restrictions on fireworks or potentially reducing the number of days they can be used.

Mayor Corcoran stated that the Fire Code prohibits the discharge of fireworks within 100 feet of any dwelling. He emphasized that the majority of the city is unable to legally discharge fireworks. He also highlighted that enforcing fireworks regulations presents a challenge for police officers.

Councilman DeVries inquired about any increase in fireworks-related calls over the past year.

Police Chief Freeman confirmed that there has been an increase in such calls and noted that additional legislation is necessary to enforce the restrictions on illegal fireworks use. This proposed legislation aligns with the regulations that the State adopted.

Mayor Corcoran read an email complaint from a resident concerning fireworks disturbances.

Councilwoman Awig questioned whether implementing a ban on fireworks would present additional challenges.

Police Chief Freeman emphasized the need for enforcement tools within the police department.

Chair Swenk inquired about the first penalty and its maximum fine of \$1,000.

Mayor Corcoran clarified that first-degree penalties fall within a range of fines corresponding to various misdemeanor offenses.

Chair Swenk additionally asked whether the proposed legislation would authorize police officers to issue citations for the use of fireworks on non-designated days.

Police Chief Freeman stated that they would implement what the City of Elyria has done by forming a task force during the holidays.

Fire Chief Reese agreed with Police Chief Freeman's concerns.

Mayor Corcoran added that fireworks should not be discharged within 150 feet of livestock.

Resident Frank Toth raised concerns about the challenges related to the legal use of fireworks in the area.

A discussion followed regarding the issue of illegal fireworks being used on non-designated days.

Moved by Awig and seconded by DeVries to send Ordinance 2024-82 back to the City Council for discussion and consideration.

A voice vote was taken, and the motion carried.

Yes – 3

No – 0

No further business.

Adjournment:

Chair Swenk adjourned the meeting at 7:00 p.m.

Date Approved:

Fijabi Gallam, MMC
Assistant Clerk of Council

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF REGULAR MEETING
TUESDAY, SEPTEMBER 10, 2024**

CALL TO ORDER:

Vice-Chairman Schumann called the Planning Commission meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members Frank Toth, Vice-Chairman Paul Schumann, Council Liaison Bruce Abens and Chairman James Smolik.

Member Steve Ali was excused.

Also present were Assistant Law Director Toni Morgan, City Engineer Christina Eavenson, Planning and Development Director Kimberly Lieber and Deputy Clerk of Council Tina Wieber.

ELECTION OF OFFICER

Liaison to the Board of Zoning and Building Appeals

Chairman Smolik asked if there were any nominations for the Liaison to the Board of Zoning and Building Appeals.

Moved by Abens and seconded by Schumann to nominate Frank Toth to the position of Liaison to the Board of Zoning and Building Appeals.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

MINUTES:

Vice-Chairman Schumann asked if the members had a chance to review the minutes of the regular meeting on July 9, 2024. He asked if there were any corrections. Hearing none, the minutes were approved.

CORRESPONDENCE:

Administrative Approvals & Zoning Certificates

1. PPZ2024-0282 White Box Alterations, 35423 Center Ridge Rd
Administrative approval of Planning Commission application for exterior building alterations and site improvements for new business and office space.
2. PPZ2024-0292 Smokin City, LLC, 39257 Center Ridge Rd
Approval of a Certificate of Zoning Compliance for a smoke shop.

**NORTH RIDGEVILLE PLANNING COMMISSION
REGULAR MEETING – TUESDAY, SEPTEMBER 10, 2024**

PAGE 2

Chairman Smolik asked Director Lieber if she would review the administrative approvals.

Director Lieber explained that there was one Administrative approval for a Planning Commission application and that was for the Pulp project that was in the former bank at the corner of Root Rd and Center Ridge Road. She stated that it was listed as White Box Alterations, but that was the property owner's sphere of work for Pulp and then Pulp came in later with their tenant work. She stated that there was a certificate of zoning compliance for Smokin City, LLC, down on the west end in a retail plaza near Elyria for a smoke shop.

3. Planning Updates

- o Zoning Code Diagnosis
- o Active Transportation Plan
- o Traffic Studies

Director Lieber stated that she wanted to provide a couple Planning updates. She mentioned that, as they were aware, they were underway with the zoning code update and subdivision regulation diagnosis phase of the zoning code review, and that it was coming along well. She said that a draft would be presented to the staff steering committee this month and then she anticipated during the October/November time frame they would be presenting the recommendations to Planning Commission and Council hopefully at a Planning Commission meeting or a joint work session, to ensure that everyone was in agreement with the code updates before they started writing the new text. She discussed the active transportation plan safe routes to school project was coming close to a conclusion on September 24th, which was Tuesday, at 6:00 p.m. at the NRAC Community room and they would be having the third and final public meeting for that project and the consultant would be making a presentation on the priority recommendations for new sidewalks, trails, multi-use paths and other code updates in support of connectivity in North Ridgeville. She stated that that would provide a basis for potential future grant applications for some of those projects. She said that previously she had mentioned that they had two traffic studies that were underway or complete, with one at Route 83, Avon Belden Rd and Bainbridge and then another at the Lorain Rd and Lear Nagel Rd intersection. She explained that they engaged Woolpert, an engineering firm, to evaluate traffic efficiency and safety in those areas as they were two areas of town with high levels of traffic and high levels of accidents. She mentioned that they were looking at ways and counter measures that they could reduce accidents and still promote traffic efficiency. She stated that the Route 83 and Bainbridge study was done and they were evaluating the recommendations and how to secure funding for some of those. She added that they would see a draft later this month for the Lorain Rd and Lear Nagle Rd and then they would be providing the draft to the public for their review and input into those counter measures.

OLD BUSINESS:

NEW BUSINESS:

Century Tavern, 33312 Center Ridge Rd, PPN 07-00-008-114-008

Owner: Thomas Kelly, 33256 Center Ridge Rd, North Ridgeville, OH 44039. Proposal consists of site improvements for the bar/tavern. Property is zoned B-3 Highway Commercial.

Application was read.

Chairman Smolik asked Director Lieber for findings of fact.

Director Lieber stated that the proposal consisted of site improvements for Century Tavern. She explained that the business was last in operation over five years ago and the current owner acquired the property in 2019 and had spent a lot of time and effort in restoring the building since then. She discussed that last year the City and owner had a conversation about vacating a portion of Pleasant Avenue which abutted Century Tavern to the west in order to allow for expansion of the parking lot. She said that they discussed at the time that if the land were vacated and turned into commercial parking, that it would need to follow the requirements of the zoning code. She mentioned that earlier this year, Council did vacate a portion of Pleasant Avenue adjacent to that site, which created an additional .14 acre of commercial property and that the current proposal was to reopen the tavern and to make improvements to include a parking lot and outdoor patio. She stated that there would be a paver patio fenced in on the east side of the building and the plan showed a potential future deck, as well as some accessibility improvements at the front entrance. She discussed that the property was zoned B-3 Highway Commercial District as were the parcels to the north and the east, however, the property to the west was zoned RS-2 General Residence District. She explained that bars and taverns were a conditional use in the B-3 District, so part of Planning Commission's approval should be for a conditional use permit for that use. She stated that the building was legal non-conforming and predated the zoning code by a lot as the building was built in the early 1800's and zoning in North Ridgeville might have been over 100 years away. She discussed that the new parking lot would be a great improvement to the site and would provide defined access and egress, which it was currently lacking, along with striped parking spaces and would provide 18 parking spaces, which would be required based upon the square footage, and included accessible parking, a new sidewalk along the frontage as shown and a new trash enclosure on the rear of the property. She stated that regarding the buffer strip, as the Commission was aware, anywhere a commercial property abutted a residential district, a buffer strip of a minimum of 10 foot of depth shall be provided, which was shown on the plan, just on the portion of the property that did abut that RS-2 district. She stated that the Planning Commission could determine the sufficiency of the landscape plantings to provide screenings in that area. She mentioned that the property owner of Century Tavern was also the property owner of that residential property. She added that they provided fence detail for the new fencing south of the patio and remarked that it was worth mentioning that the intent of the property owner was to consider and propose future rezoning of that vacant parcel to the west to further expand the commercial parking available for Century Tavern but it was not part of their consideration currently and that it would be under separate application but was something that they would expect to see at a future date.

City Engineer Eavenson stated that in the initial review of the proposed site plan, it wasn't clear where the existing property lines were that made up the proposed project site and that it appeared five parcels made up the proposed site but unfortunately that information wasn't on the preliminary plan, so she asked that during final review, that they include that information so that it could be reviewed if any lot splits or consolidations were warranted for the site. She explained that the proposed tavern site was also serviced by an existing sanitary lateral coming off of McKinley and ran along the rear of the property. She stated that the existing water main ran north to south along the vacated portion of Pleasant Avenue. She said that the applicant had been made aware that a water main easement shall be executed and recorded for the City to maintain rights over the water main and the existing tap location shall be reviewed during final engineering, to ensure that additional easements were not warranted. She added that because the site was considered a redevelopment area and encompassed about 4/10ths of an acre, they asked the applicant to address storm water by implementing a water quality measure. She stated that the applicant had also been made aware that the proposed parking lot area shall be a hardscape

**NORTH RIDGEVILLE PLANNING COMMISSION
REGULAR MEETING – TUESDAY, SEPTEMBER 10, 2024**

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surface with curbing and be in compliance with the new parking chapter 1285. She stated that the applicant had adhered to the sidewalk requirement along Center Ridge Road and was proposing a four-foot-wide sidewalk along the entire frontage.

Chairman Smolik asked if there was a representative for the application.

Thomas Kelly, 33256 Center Ridge Road, North Ridgeville, OH 44039.

Jeff Byers, 4304 Clague Road, North Olmsted, OH, 44070.

Mr. Kelly explained that he owned the auto body shop next to it, Caliber Collision for 40 years and that for many years Century Tavern was a real sore spot for him, and he didn't like the place, but his wife, before she passed away, always wanted to own it. He discussed that eventually once he added onto his building, he had to make a decision, and he bought it, and he has brought it back to life. He stated that he was really proud of what he had accomplished and wanted to do it for the City. He explained that he was always proud of North Ridgeville and really wanted the project to look good. He mentioned that he wasn't a developer but bought it and fell in love with it and saved it and was passing it on to his son-in-law.

Mr. Byers stated that his father-in-law had done a lot of work and he and his wife would be doing all of the leg work for Mr. Kelly and that she had a lot of experience in the service industry and he had a lot of experience being a grunt and together they wanted to make Century Tavern a very inclusive, welcoming bar compared to what it used to be. He mentioned that they would be offering adult beverages as well as non-alcoholic offerings and cocktails for people that didn't drink. He stated that they wanted it to be a place where people could gather with their friends and not to be turned into a punch palace getting into fights at two in the morning. He indicated that they wanted to be a part of the community.

Mr. Kelly stated that his love was the beams, the wood, the cherry, the bricks and stated that he was possessed by the place.

Mr. Byers stated that shown was the future plan and that they did want a deck and to have music and be the Whiskey Island of the west side. He added that they wanted to have bands, families, touch-a-truck events, a place to watch the games and really wanted to be a part of the community. Mr. Byers stated that they were looking to start fresh and create a good reputation for it.

Chairman Smolik asked if anyone from the general audience had any questions or comments for the project.

None were given.

Chairman Smolik asked regarding the deck area, if there would be enough parking to facilitate the needs for the tavern or if it would be more beneficial to have that as additional parking where that deck was proposed.

Mr. Kelly stated that currently they were going to keep it as parking because he owned the house next door. He said that he did have future plans to go further, but for now that was taken off and moved the patio to the side. He stated that there was a garage there that he wanted to remove and turn into parking.

He commented that currently he didn't think that deck could go up, but it was a non-factor now because they weren't building it.

Chairman Smolik asked the Administration if there was enough parking to meet the needs for the development plan.

Director Lieber stated that as proposed, the optional future deck would drive additional parking but again they had discussed with the owner the potential pursuit of rezoning for the property next door and the expansion of parking, which would then more than account for all of the parking needed for that additional seating space.

Chairman Smolik stated that there was a comment regarding storm water quality and asked if since it was a renovation, was storm volume required for renovations.

City Engineer Eavenson explained that the code currently left it up to the Engineer if the property was over 15,000 square feet and what they typically had been doing was anything that was in a redevelopment situation that was less than an acre, they had been just asking for a water quality measure that would meet the current NPDES permit. She stated that that had been working out well because often they didn't have enough room to really do a full storm water management without a complete rehab burden.

Chairman Smolik stated that perhaps once they acquired that additional land, then that question could come back up.

City Engineer Evanson stated that they could revisit that.

Chairman Smolik stated that they saw some landscaping along the buffering and asked if there was anything proposed for that.

Mr. Byers stated that it was a mixture of Norway and Blue Spruce and there were a few Red Oaks but that basically it would be a raised bed that would be mulched. He explained that the evergreens didn't lose their foliage, so all year round it would be a buffer and would block headlights from the house, but again the owner of Century Tavern did own the house next door.

Vice-Chairman Schumann asked Director Lieber regarding the buffering, if she had a copy of the plan.

Director Lieber stated that it was on the site plan. She explained that looking at the note just to the left of the buffer strip, it actually broke it down.

Chairman Smolik asked if there were any other questions or comments.

None were given.

Motion made by Schumann and seconded by Toth to approve the conditional use permit for Century Tavern, 33312 Center Ridge Rd.

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A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Motion made by Schumann and seconded by Toth to accept the development plan for Century Tavern, subject to the inclusion of lot lines and water easements in the plan and potential lot consolidations.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Elmer Ave Street Vacation, PPN 07-00-045-109-007

Applicant: Cynthia Perry, 7313 Dyke Ave, North Ridgeville, OH 44039. Proposal consists of vacating a portion of Elmer Ave. Property is zoned R-1 Residence District.

Application was read.

Chairman Smolik asked Director Lieber to give her findings of fact.

Director Lieber stated that her only comment on the street vacation would be her request that the resulting lot be consolidated with the applicant's parcel so that it didn't remain a separate parcel in the future.

City Engineer Eavenson stated that engineering had requested utilities to be located through OUPS and found no utilities in the proposed Elmer Avenue vacation area. She stated that they also field visited the proposed vacation area and noted a small drainage swale was upon the site and as long as the parties agreed to maintain the existing drainage pattern, engineering had no objections to the vacation.

Cynthia Perry, 7313 Dyke Ave, North Ridgeville, OH 44039.

Mrs. Perry stated that she was requesting the paper street next to her home be vacated. She explained that for over 60 years, her grandfather, husband and herself had maintained the property. She discussed that they did have standing water, so they recently put in an irrigation system, had the ground leveled and had an entire new lawn put in, so that there were no water issues at all. She mentioned that they were looking to put up a privacy fence. She said that she submitted a petition, a scaled description of the paper street, as well as legal documents that she and her neighbor Tim Gibbons had given that were signed and were an understanding that they would each be granted 50 percent of the street upon vacation, requesting that all parcels be unified having the residential and the paper street be one parcel, which they would be willing to do and then also submit a final survey of the combined property.

Chairman Smolik asked if there was anyone from the audience that wished to speak on the matter.

Jessica Kordos, 7344 Dyke Ave, North Ridgeville, OH 44039.

Ms. Kordos stated that she was her neighbor right across the street on Elmer Avenue and they had a similar problem with it. She discussed that in looking at the photo, her house was technically

**NORTH RIDGEVILLE PLANNING COMMISSION
REGULAR MEETING – TUESDAY, SEPTEMBER 10, 2024**

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encroaching that street. She stated that they had an addition put on prior to her purchasing the home and it was authorized by the City of North Ridgeville but upon looking at her roof line she was encroaching that street. She stated that she seconded her motion to separate the property between the property owners.

Chairman Smolik asked if there were any other questions or comments from the public.

None were given.

Chairman Smolik asked if there were any questions or comments from the Commission.

None were given.

Motion made by Schumann and seconded by Toth to recommend vacating a portion of Elmer Avenue subject to lot consolidation and the applicants agreeing to maintain the existing drainage on the property.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Chairman Smolik asked if there were any further business to come before the Commission.

None was given.

ADJOURNMENT:

Chairman Smolik adjourned the meeting at 7:26 PM.

James Smolik
Chairman

Tina Wieber
Deputy Clerk of Council

Tuesday, October 8, 2024
Date Approved

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	(+) \$11.10	(+) 1.02%
July	\$27,122.83	\$34,378.88	(+) \$7,256.05	(+) 26.75%
Total	\$231,935.82	\$259,027.75	(+) \$27,091.93	(+) 11.68%

Unencumbered balance through July 2024: \$256,075.78

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	\$1,000.00	\$2,050.28	(+) \$1,000.00	(+) 105.03%
June	\$3,284.62	\$2,344.81	(-) \$939.81	(-) 28.61%
July	\$4,723.09	\$2,247.15	(-) \$2,475.94	(-) 52.42%
Total	\$23,338.25	\$24,492.33	(+) \$1,154.08	(+) 4.95%

Unencumbered balance through July 2024: \$242,941.66

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
July	\$84,111.47	\$39,020.94
Total	\$553,272.28	\$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	\$32,524.04	\$40,390.90
June	\$69,360.99	\$48,905.38
July	\$41,042.86	\$42,446.31
Total	\$222,688.62	\$255,234.15

DIRECTORS REPORT:

Tyler Newkirk:

We are sad to report that on Friday, August 16 Tyler Newkirk our Tot & Youth Program Supervisor resigned from the City of North Ridgeville. Tyler accepted a new position with the Youth Success Summit in Akron, OH. Tyler currently resides in Canton, OH. Tyler will be missed as she did a tremendous job in her role over the last 2 years. We will be publicizing the Program Supervisor Position ASAP with the hopes to have it filled within the next 30 days.

Frontier Park Pedestrian Bridge Project:

Legislation went in-front of City Council on Monday, August 19 to advertise for bids for a new pedestrian bridge at Frontier Park. The new pedestrian bridge is tentatively set to be 10 ft. wide and 50 ft. long. We hope to be out for bid within the next few weeks. Total estimated project cost is: \$173,657.00.

PROGRAM REPORT:

Program Name: Baseball Hitting Clinic with Mike Byrne

Ages: 6-9 and 10-12 year olds

Date: September 8-September 29

Time:

9:00-10:00a.m.: 6-9 yr. olds

10:00-11:00a.m.: 10-12 yr. olds

Program Description:

Our baseball hitting clinic is designed to improve one's skills while participating in a number of drills/exercises geared towards enhancing the player's performance. These drills will be done under the supervision of Mike Byrne. Mike is a youth baseball coach with over 10 years of experience running hitting clinics and coaching high school and travel baseball programs.

Program Name: Hummingbirds Soccer Presented by Jump Star Sports

Ages: 3-4 and 5-6 yr. olds

Date: September 4-October 9

Time:

5:30-6:30p.m.: 3-4 yr. olds

6:30-7:30p.m.: 5-6 yr. olds

Program Description:

Children will have fun while learning the basics of soccer, dribbling, passing, trapping, shooting and positioning. Each session consists of instruction in each aspect of the game, participation in fun drills that are designed to teach skills in a low-key, non-competitive game. All participants will receive a team shirt and a participation medal.

Program Name: T-Birds TR-ball Presented by Jump Star Sports

Ages: 3-4 yr. olds

Date: September 6-October 11

Time: 5:30-6:30p.m.

Program Description:

Registration taken only at: www.jumpstartsports.com. A fun and highly instructional introduction to baseball for 3 and 4 year old boys and girls. Players learn the basics of throwing, catching, fielding, batting, and base running. They then apply what they have learned in fun, non-competitive games. Sessions are one hour long, one day per week, and include all instruction and game play in one outing. Instruction is conducted by Jump Start Sports staff coaches. Players receive a hat, team tee shirt, and baseball medal. Volunteer coaches may also participate in a detailed coaches training program provided by Jump Start Sports.

Program Name: Spinning MON & WED Session III

Date:

Monday, August 26-Monday, September 30

Wednesday, August 21-Wednesday, September 25

Time: 6:30-7:30PM

Enrollment:

Monday: 04 (as of 08.22.24)

Wednesday: 11

Program Description:

When in need of a challenging workout, innovative equipment, or a flat-out fun experience, look to Spinning and start enjoying the benefits of indoor cycling. This class is a great cardiovascular workout. Pedal through hill climbs, sprints, and many other challenging drills and exercises. An indoor cycling class set to exciting music tracks and choreographed to provide an excellent workout and improve cardiovascular conditioning. Each session is 6 weeks. Please bring a water bottle and towel.

Program Name: Total Body Tone

Date: September 25-October 30

Time: 9:00-10:00AM

Current Enrollment: 03 (as of 08.22.24)

Program Description:

The class will focus on improving muscular strength and toning utilizing various resistance equipment, such as weights, bands, and stability balls. Class will target on increasing energy, toning muscles, and stretching.

Program Name: Gym & Story Times Session I

Date: September 6

Time: 10:00-11:00AM

Current Enrollment: 04 (as of 08.22.24)

Program Description:

Come join us with North Ridgeville Library for a story and some movement to burn off some energy. Children can come and have some fun while making new friends. Your child will experience gross motor movements and social skills, with stories and a snack.

City of North Ridgeville Revenue Report

Accounts: 101.150.000000 to 890.800.510601

As Of: 1/1/2024 to 7/31/2024

Include Inactive Accounts: No

Account	Description	Budget	MTD Revenue	YTD Revenue	Uncollected	% Collected
270	CEMETERY			Target Percent:	58.33%	
DEPT: 000						
270.000.500531	LOT SALES	\$15,000.00	\$550.00	\$9,050.00	\$5,950.00	60.33%
270.000.500532	BURIALS	\$13,000.00	\$250.00	\$9,250.00	\$3,750.00	71.15%
270.000.500547	CHARGES FOR SERVICES	\$5,500.00	\$475.00	\$2,575.00	\$2,925.00	46.82%
270.000.700110	INTEREST INCOME	\$7,000.00	\$957.29	\$6,717.37	\$282.63	95.96%
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	\$2,232.29	\$27,601.33	\$15,898.67	63.45%
270 Total:		\$43,500.00	\$2,232.29	\$27,601.33	\$15,898.67	63.45%
275	PARK & RECREATION TRUST			Target Percent:	58.33%	
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	\$28,348.76	\$236,336.86	\$82,163.14	74.20%
275.000.500556	CONCESSION SALES	\$10,000.00	\$5,034.25	\$15,897.50	(\$5,897.50)	158.98%
275.000.700110	INTEREST INCOME	\$8,000.00	\$887.24	\$6,509.74	\$1,490.26	81.37%
275.000.800892	OTHER REVENUE	\$0.00	\$108.63	\$283.65	(\$283.65)	N/A
	DEPT: 000 Totals:	\$337,000.00	\$34,378.88	\$259,027.75	\$77,972.25	76.86%
275 Total:		\$337,000.00	\$34,378.88	\$259,027.75	\$77,972.25	76.86%
280	PARK & RECREATION IMPROVEMENT			Target Percent:	58.33%	
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	\$19,250.00	\$14,750.00	56.62%
280.000.700110	INTEREST INCOME	\$5,600.00	\$747.15	\$5,242.33	\$357.67	93.61%
280.000.800892	OTHER REVENUE	\$0.00	\$0.00	\$0.00	\$0.00	N/A
	DEPT: 000 Totals:	\$39,600.00	\$2,247.15	\$24,492.33	\$15,107.67	61.85%
280 Total:		\$39,600.00	\$2,247.15	\$24,492.33	\$15,107.67	61.85%
890	TRUST MISCELLANEOUS			Target Percent:	58.33%	
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 7/31/2024

Account	Description	Budget	MTD Revenue	YTD Revenue	Uncollected	% Collected
Grand Total:		\$421,100.00	\$38,858.32	\$311,121.41	\$109,978.59	73.88%
					Target Percent:	58.33%

City of North Ridgeville

Statement of Cash Position with MTD Totals

From: 1/1/2024 to 7/31/2024

Include Inactive Accounts: No

Funds: 275 to 280

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	\$34,378.88	\$259,027.75	\$42,446.31	\$255,234.15	\$335,438.08	\$79,362.30	\$256,075.78
280	PARK & RECREATION IMPROVEMENT	\$284,709.33	\$2,247.15	\$24,492.33	\$0.00	\$23,650.00	\$285,551.66	\$42,610.00	\$242,941.66
Grand Total:		\$616,353.81	\$36,626.03	\$283,520.08	\$42,446.31	\$278,884.15	\$620,989.74	\$121,972.30	\$499,017.44

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 7/31/2024

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:	58.33%	
PARK & RECREATION								
101.185.100101	WAGES-SUPER	\$83,844.00	\$6,253.40	\$46,755.23	\$37,088.77	\$0.00	\$37,088.77	55.76%
101.185.100102	WAGES-STAFF	\$99,246.00	\$3,703.56	\$35,690.16	\$63,555.84	\$0.00	\$63,555.84	35.96%
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	\$3,631.34	\$30,475.80	\$41,248.20	\$1,412.84	\$39,835.36	44.46%
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	\$2,466.18	\$17,532.06	\$12,506.94	\$0.00	\$12,506.94	58.36%
101.185.130100	MEMBERSHIP/EDUCATION	\$2,500.00	\$0.00	\$370.00	\$2,130.00	\$435.00	\$1,695.00	32.20%
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	\$0.00	\$603.14	\$396.86	\$396.86	\$0.00	100.00%
101.185.215100	OPERATING SUPPLIES	\$5,037.84	\$683.23	\$4,783.66	\$254.18	\$254.18	\$0.00	100.00%
101.185.215115	JANITORIAL SUPPLIES	\$3,000.00	\$203.45	\$979.40	\$2,020.60	\$2,020.60	\$0.00	100.00%
101.185.215240	FUEL	\$2,500.00	\$68.21	\$312.39	\$2,187.61	\$0.00	\$2,187.61	12.50%
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	\$2,873.34	\$28,620.27	\$15,379.73	\$13,379.73	\$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	\$55.95	\$926.26	\$729.63	\$729.63	\$0.00	100.00%
101.185.315110	PHONE	\$1,527.25	\$52.80	\$280.16	\$1,247.09	\$1,099.84	\$147.25	90.36%
101.185.315120	CELLULAR PHONE / DATA	\$2,931.11	\$141.19	\$1,223.97	\$1,707.14	\$830.10	\$877.04	70.08%
101.185.315130	NETWORK / INTERNET / CA	\$919.74	\$76.61	\$372.84	\$546.90	\$431.66	\$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	\$293.40	\$327.48	\$2,672.52	\$0.00	\$2,672.52	10.92%
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 7/31/2024

Account	Description	Budget	MTD Expense	YTD Expense	UnExp. Balance	Encumbrance	Unenc. Balance	% Used
101.185.320500	M&R LANDS & GROUNDS	\$72,675.36	\$4,543.12	\$54,575.52	\$18,099.84	\$10,545.99	\$7,553.85	89.61%
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	\$503.39	\$5,072.01	\$7,722.05	\$6,098.05	\$1,624.00	87.31%
101.185.340100	INSURANCE	\$9,060.00	\$9,057.20	\$9,057.20	\$2.80	\$0.00	\$2.80	99.97%
101.185.350455	CUSTODIAL	\$50,095.61	\$4,131.75	\$28,770.11	\$21,325.50	\$21,097.50	\$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	\$282.82	\$2,901.58	\$1,640.03	\$1,450.03	\$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>\$523,520.07</u>	<u>\$39,020.94</u>	<u>\$282,805.65</u>	<u>\$240,714.42</u>	<u>\$60,958.71</u>	<u>\$179,755.71</u>	<u>65.66%</u>
101 Total:		\$523,520.07	\$39,020.94	\$282,805.65	\$240,714.42	\$60,958.71	\$179,755.71	65.66%
Grand Total:		\$523,520.07	\$39,020.94	\$282,805.65	\$240,714.42	\$60,958.71	\$179,755.71	65.66%

Target Percent: 58.33%

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 7/31/2024

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:	58.33%	
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	\$18,242.79	\$41,315.54	\$25,684.46	\$0.00	\$25,684.46	61.66%
275.380.120125	EMPLOYEE BENEFITS	\$2,345.00	\$353.09	\$1,323.48	\$1,021.52	\$524.18	\$497.34	78.79%
275.380.120155	RETIREMENT	\$9,355.00	\$3,454.43	\$4,715.31	\$4,639.69	\$0.00	\$4,639.69	50.40%
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	\$0.00	\$5,909.78	\$15,090.22	\$14,398.62	\$691.60	96.71%
275.380.215204	COM ED-SUPP/EXP	\$15,500.00	\$1,025.04	\$3,911.94	\$11,588.06	\$6,964.46	\$4,623.60	70.17%
275.380.215208	SPECIAL EVENTS	\$40,000.00	\$5,200.00	\$16,172.91	\$23,827.09	\$16,461.59	\$7,365.50	81.59%
275.380.215212	SPORTS-SUPP/EXP	\$40,000.00	\$1,060.00	\$31,801.03	\$8,198.97	\$6,621.43	\$1,577.54	96.06%
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	\$5,203.06	\$11,045.28	\$454.72	\$12.72	\$442.00	96.16%
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	\$109.17	\$981.26	\$762.88	\$706.70	\$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	\$133.48	\$20,438.55	\$5,975.87	\$2,230.87	\$3,745.00	85.82%
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	\$991.80	\$6,213.31	\$1,786.69	\$0.00	\$1,786.69	77.67%
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	\$1,576.25	\$24,345.94	\$11,081.98	\$7,170.96	\$3,911.02	88.96%
275.380.350212	SPORTS-CONTRACT SVCS	\$39,000.00	\$3,600.00	\$36,712.39	\$2,287.61	\$500.00	\$1,787.61	95.42%
275.380.350216	CLINICS-CONTRACT SVCS	\$12,000.00	\$1,257.20	\$5,500.70	\$6,499.30	\$4,499.30	\$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	\$0.00	\$3,900.00	\$400.00	\$0.00	\$400.00	90.70%
275.380.350807	OTHER - SFTWR EXP	\$2,052.00	\$240.00	\$1,368.00	\$684.00	\$664.00	\$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 7/31/2024

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	\$42,446.31	\$255,234.15	\$142,235.15	\$79,362.30	\$62,872.85	84.18%
275 Total:		\$397,469.30	\$42,446.31	\$255,234.15	\$142,235.15	\$79,362.30	\$62,872.85	84.18%
Grand Total:		\$397,469.30	\$42,446.31	\$255,234.15	\$142,235.15	\$79,362.30	\$62,872.85	84.18%
						Target Percent:	58.33%	

COMMITTEE REPORT
UTILITIES COMMITTEE MEETING
DATE: September 3, 2024

FIRST REVIEW: September 3, 2024

O 2024-88 An Ordinance authorizing the Administration to charge credit card processing fees to payer.
(Introduced by Mayor Corcoran; First Reading on 08-19-2024)

COMMITTEE ACTION FOR 2024-88: 3-0

O 2024-89 An Ordinance authorizing the Mayor to enter into a contract with Utility Metering Solutions, LLC, for the City-Wide Mass Water Meter Replacement Project.
(Introduced by Mayor Corcoran; First Reading on 08-19-2024)

COMMITTEE ACTION FOR 2024-89: 2-1(Shaffer)

O 2024-90 An Ordinance authorizing the Mayor to purchase water meters and appurtenances from Badger Meter, INC. as part of the Mass Water Meter Replacement Project.
(Introduced by Mayor Corcoran; First Reading on 08-19-2024)

COMMITTEE ACTION FOR 2024-90: 2-1(Shaffer)

O 2024-91 An Ordinance establishing a water meter service charge.
(Introduced by Mayor Corcoran; First Reading on 08-19-2024)

COMMITTEE ACTION FOR 2024-91: 3-0

The committee reviewed and considered ORD. NO. 2024-88, 2024-89, 2024-90, and 2024-91. The committee made a motion to send ORD. NO. 2024-88, 2024-89, 2024-90, and 2024-91 back to City Council for consideration.

Printed: September 3, 2024

Signed: September 4, 2024

Members of the Committee:

Member: Eric Shaffer Member: _____

Member: Georgia Awig Member: _____

Chairman: Bruce Abens Chairman: _____

Councilwoman Holly Swenk, Ward 1 and Chair
Councilwoman Georgia Awig, At Large
Councilman Martin DeVries, At Large



CITY COUNCIL COMMITTEE REPORT
SAFETY COMMITTEE MEETING
DATE: September 9, 2024

FIRST READING IN COMMITTEE: September 9, 2024

COMMITTEE ACTION: 0-3

Members of Council:

O 2024-81 An Ordinance amending N.R.C.O Section 452.03 – prohibited standing or parking places.
(Introduced by Mayor Corcoran; First Reading on 08-05-2024)

We considered Ordinance Number 2024-81 and motioned to send 2024-81 back to the City Council to consider and discuss.

COMMITTEE ACTION: 3-0

O 2024-82 An Ordinance establishing enforcement capability regarding fireworks for the Police Department.
(Introduced by Mayor Corcoran; First Reading on 08-05-2024)

We considered Ordinance Number 2024-81 and motioned to send 2024-82 back to the City Council to consider and discuss.

Printed: September 9, 2024

Signed: September 12, 2024

Member: Martin DeVries Member: _____

Member: Georgia Awig Member: _____

Chairwoman: Holly Swenk Chairman: _____



Planning Commission Report

MEETING OF SEPTEMBER 10, 2024

The North Ridgeville Planning Commission took action on the following items at their Regular Meeting of September 10, 2024:

1. Century Tavern, 33312 Center Ridge Rd, PPN 07-00-008-114-008

Owner: Thomas Kelly, 33256 Center Ridge Rd, North Ridgeville, OH 44039.

Proposal consists of site improvements for the bar/tavern. Property is zoned B-3 Highway Commercial.

PC ACTION: Conditional use Approved by a vote of 4-0.

Development Plan Approved by a vote of 4-0, subject to the inclusion of lot lines, potential lot consolidation and water easements shown on plan.

2. Elmer Ave Street Vacation, PPN 07-00-045-109-007

Applicant: Cynthia Perry, 7313 Dyke Ave, North Ridgeville, OH 44039. Proposal consists of vacating a portion of Elmer Ave. Property is zoned R-1 Residence District.

PC ACTION: Approved by a vote of 4-0, subject to lot consolidation and applicants agreeing to maintain the existing drainage.

cc: Mayor Corcoran
Law Director Moriarty
Assistant Law Director Morgan
City Engineer Eavenson
Chief Building Official Fursdon
Planning & Development Director Lieber

Planning Commission Application

AUG 15 2024



SUBMITTAL INSTRUCTIONS AND PROCEDURES

Plan reviews will be carried out according to the processes described in the City's Zoning Code.

- **Pre-Application.** Prior to making application, applicants are recommended to contact the city to discuss their development project. City staff will outline the review process and provide a checklist of required submittals.
- **Application Submittal.** Following the pre-application meeting, the applicant shall submit this completed application, fee and ten (10) sets of all required exhibits. All submissions shall be made in hard copy to the Building Division. Plans shall be collated, folded and easily legible.
- **Staff Review.** The applicant shall attend a staff review meeting and may be required to submit additional information and/or revised plans based on staff input.
- **Variances.** Where zoning variances are sought by the applicant, review by the Board of Zoning and Building Appeals will be necessary prior to consideration by the Planning Commission, requiring a separate application.
- **Decision or Referral.** Following staff review, complete submittals for Administrative Review projects may be considered for approval. For Council Review projects, complete submittals shall be referred to the next available Planning Commission meeting, which are held the second Tuesday of each month.

PROJECT INFORMATION

33312 CENTER Ridge Rd 070000814008
Location address North Ridgeville Parcel number(s)

Project type: ☒ Commercial/Industrial/Multi-Fam ☐ Prelim Major Subdivision ☐ Final Major Subdivision ☐ Lot Split

Project elements: ☐ New Construction ☐ Building Addition/Alteration ☒ Site Improvements ☐ Plat

PARKING LOT / PATIO
Project description

APPLICANT/AGENT INFORMATION

Thomas S Kelly Pentur / Tavern LLC
Name/Company

33312 CENTER Ridge Rd North Ridgeville, Ohio 44039
Applicant address

440-258-7410 Tom.PURCARSTAR.COM
Applicant phone Applicant email

PROPERTY OWNER INFORMATION

Thomas S Kelly
Name/Company

33256 CENTER Ridge Rd North Ridgeville, Ohio 44039
Property owner address

440-258-7410 Tom.PURCARSTAR.COM
Property owner phone Property owner email

AUTHORIZATION AND ACKNOWLEDGEMENT

Tom Kelly
Applicant signature

Tom Kelly
Property owner signature

I hereby authorize the City of North Ridgeville, including Planning Commission members, to view the premises and consent to their entry onto the property for the purpose of observing site conditions related to review of my application.

OFFICE	PPZ No. PP 22024-0293	Planning Fee Paid 150.00 CK # 161	ACTION	
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Planning Commission

APPLICANT GUIDE

COMMISSION AUTHORITY

The Planning Commission is a five-member board with the responsibility to hear applications for land use, zoning classifications or districts; to review and recommend legislation and regulations on all matters of municipal planning, land use and zoning; and to review and recommend to Council ordinances creating regulations governing all development and redevelopment, both public and private. The Commission has control over platting and subdividing of lands. The Commission evaluates the plan, design, location, removal, relocation and alteration of buildings and structures located on public lands and along public streets. All plans and recommendations of the Planning Commission must be approved by Council.

APPLICATIONS

Commission meetings are held in Council Chambers at City Hall on the second Tuesday of each month starting at 7:00 p.m. Complete applications must be received at least 25 days prior to a regular meeting to appear on the agenda. To be considered complete, an application must be signed by the property owner, include the required fee and be accompanied by the required plans, exhibits and materials of the type and number listed in the application. All materials submitted become the property of the Commission.

FEES

See the Planning and Zoning Fee Schedule for a complete list of applicable fees for your project.

SUBMITTAL REQUIREMENTS

For residential subdivisions and other platting of property, applicant shall refer to the City's Subdivision Regulations for submittal requirements. For all other projects, Section 1243.05 of the Zoning Code contains the complete list of development plan requirements. Applicants shall submit information responsive to these requirements, as applicable and directed by city staff.

Note that a traffic impact study is required for all developments involving a new use, change of use and/or expansion of use based on trip generation rates and in accordance with the requirements of Chapter 1210.

All drawings for subdivision of property must have the seal of a licensed professional engineer or registered surveyor. Development plans should be stamped by a registered architect or licensed professional engineer. Plats shall be 24 by 36 inches in size. Site improvement plans shall be 22 by 34 inches in size.

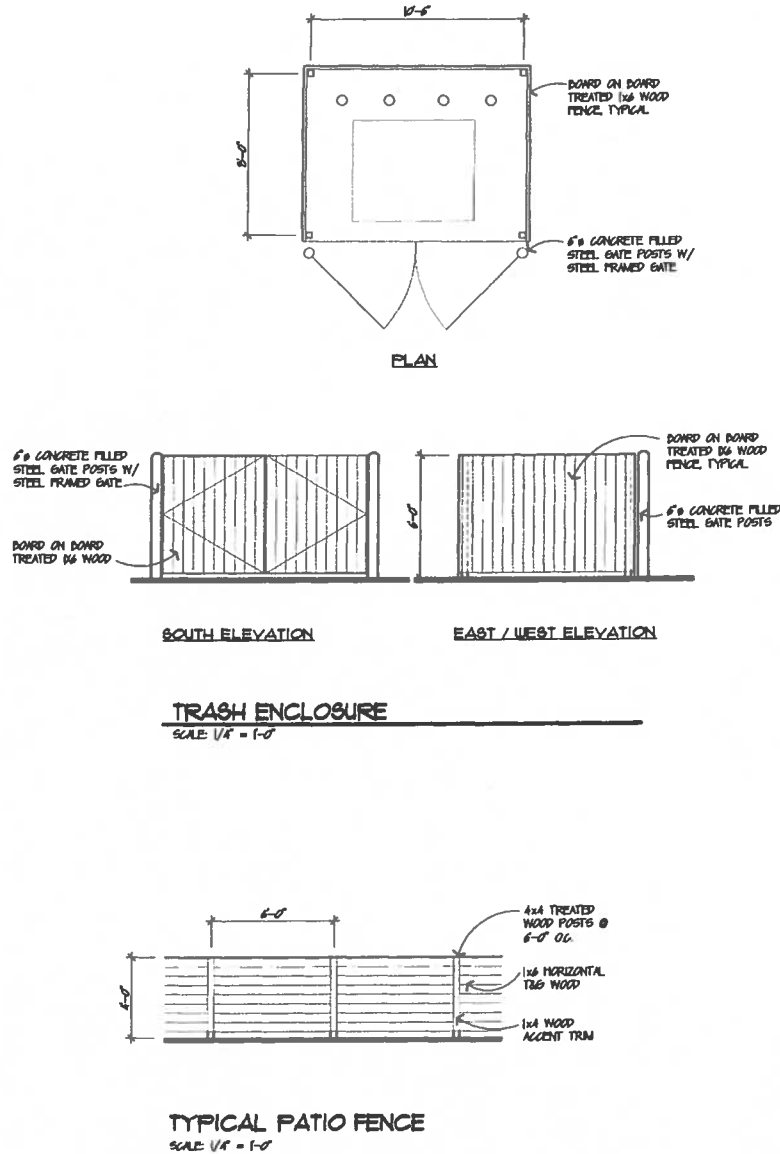
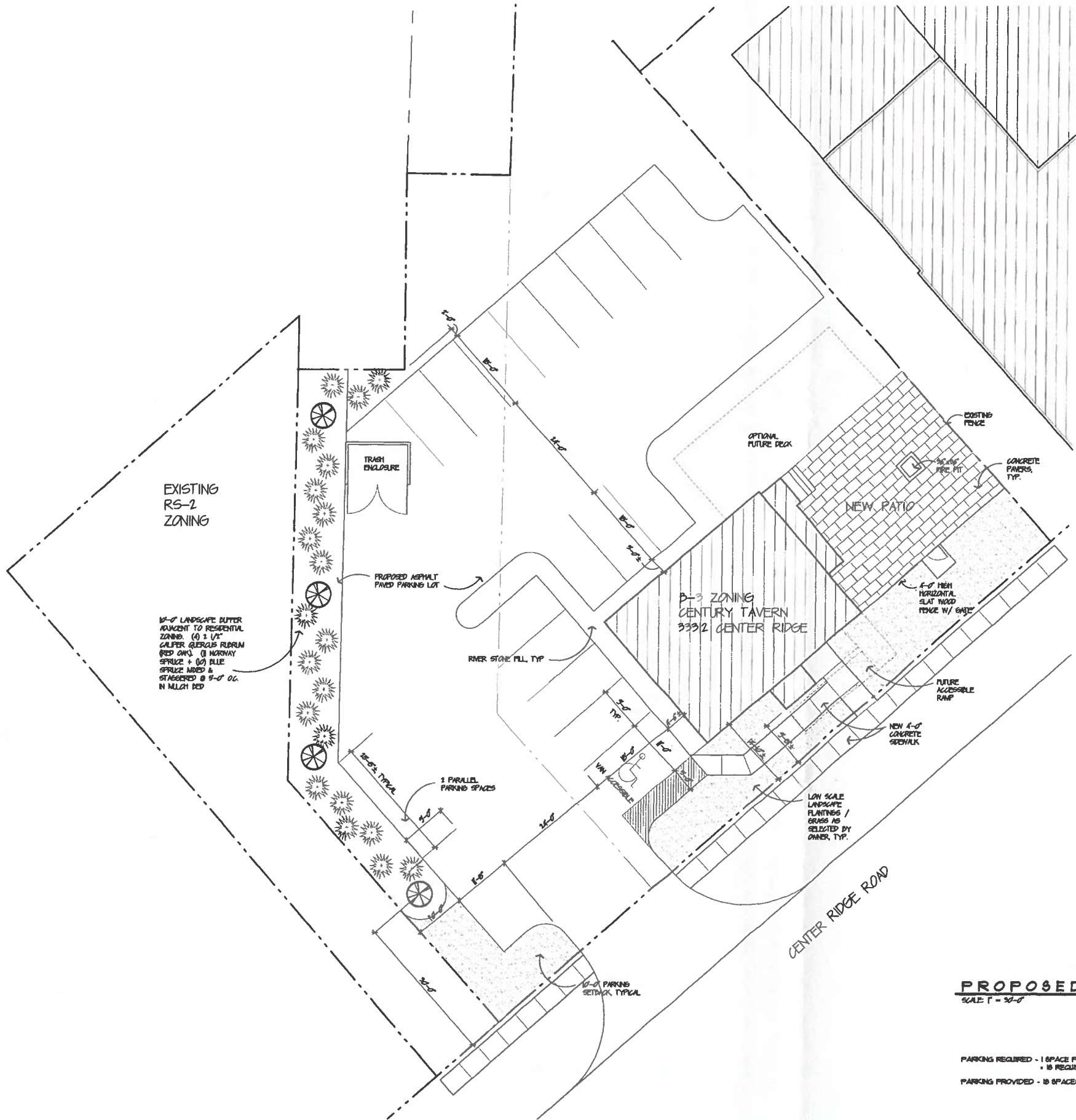
NOTICE AND APPEARANCE

The Commission is required to give public notice ten days in advance of a meeting, as well as notice to all parties in interest, including owners of adjoining properties. Applicants and owners are required to attend the meeting where their application is considered.

APPLICANT PRESENTATION

Applicants are expected to submit any documents or information relevant to their request with their application. At the meeting, the applicant, owner or authorized agent (design professional, contractor, attorney, etc.) should be prepared to make a presentation of their project or request and answer questions of the Commission. Adjoining property owners or other interested parties may also make comment or ask questions. Any public comment or questions regarding a project are directed to the Commission chair.

APPROVED
SEP 10 2024



NORTH RIDGEVILLE PLANNING COMMISSION

☒ Approval Granted	☐ Request Rejected
Refer for Council Approval: <i>*Conditional use permit</i>	
BZA approval required: <i>Approved 4-0</i>	
Other Conditions: <i>*Development plan approved subject to the inclusion of the lot lines in plan & potential lot consolidations that water easements are shown on the plan. Approved 4-0</i>	
Date: <i>9.10.24</i>	BY: <i>[Signature]</i>

DSC
ARCHITECTS
401 FRONT STREET
BEREA, OHIO 44017
PHONE: 440.835.3957
info@dscarchitects.com

DATE:
PRELIMINARY 08.14.24
PRELIMINARY 09.03.24

3332 Center Ridge Road
North Ridgeville, Ohio

VARY
INSTRUCTION

PROJECT NO.
23.020

D-1

APPROVED
SEP 10 2024

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

CITY OF NORTH RIDGEVILLE

(440) 490-2045

nrldgoville.org

APPROVED
SEP 10 2024

Kevin Corcoran
MAYOR

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

APPROVED
SEP 10 2024

DATE: August 5, 2024
INTRODUCED BY: Mayor Corcoran
REFERRED BY:

1ST READING: August 5, 2024
 2ND READING: _____
 3RD READING: _____
 ADOPTED: _____
 EFFECTIVE: _____

ORDINANCE NO. 2024-80

AN ORDINANCE VACATING A PORTION OF ELMER AVENUE.

WHEREAS, the City of North Ridgeville (the City) may have rights and/or entitlements to Elmer Avenue to the extent that it is a public right-of-way; and

WHEREAS, the City has received a petition from Cynthia M. Perry and Ken Perry requesting the vacation of a portion of Elmer Avenue fifty feet in width extending from the east line of Dyke Avenue (50 feet in width), easterly to the east line of the Meadows No. 1 as described in the petition and attached exhibits; and

WHEREAS, the vacation of said portion of Elmer Avenue is being requested to allow for fencing; and

WHEREAS, the right-of-way will be vacated and deeded to Elmer Avenue as a separate parcel or attached to the adjacent parcels where they abut; and

WHEREAS, the vacation will not result in any adverse impacts to traffic patterns, local access or operations, or the City's street system; and

WHEREAS, pursuant to a properly published notice, a public hearing was held before City Council on _____, at which time Council provided the opportunity to hear from the public regarding the proposed vacation.

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

SECTION 1. Approximately 50 square feet in width of Elmer Avenue, identified more particularly on Exhibits A and B attached hereto and incorporated herein, shall be vacated and closed as a public right-of-way.

SECTION 2. In this instance, such street shall revert in equal amounts to the abutting property owners, further identified as:

Staff Meeting Bulletin

Meeting Date: August 27, 2024
Project: Vacating a portion of Elmer Ave, North Ridgeville, OH 44039
Applicant: Cynthia Perry, 7313 Dyke Ave, North Ridgeville, OH 44039
Zoning: R-1 Residence District
In Attendance: Kim Lieber, Planning & Development Director
Christina Eavenson, City Engineer
Guy Fursdon, Chief Building Official
Mike Freeman, Police Chief
Mike Uhnak, Assistant Fire Chief
Cynthia & Gary Perry, Applicants

Project Introduction

- Cynthia explained that the house she is currently living in was previously owned by her grandparents for 60 years who maintained the portion of Elmer Ave that runs along Dyke, along with his own property. She explained that they would like that area vacated and split between her and the adjacent property owner, who has written a letter stating he was agreeable to that.

Staff Comments

- Kim stated that she would like to see the parcels combined and not separate lots, since the vacated area would not meet minimum lot size requirements. She asked that they have their surveyor provide a legal description of the combined lots once the vacation is approved.
- Christina asked about irrigation and Gary stated that they had an irrigation system installed on their property.

Next Steps

- The applicant will appear at the Planning Commission meeting on September 10, 2024, to present their request to vacate.

APPROVED
SEP 10 2024



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.

cc: [illegible]

PHONE: [illegible]

FAX: [illegible]

fauverlegal.com

APPROVED
SEP 10 2024

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,



Howard T. Lane

Enclosures

cc: Cynthia Perry

APPROVED
SEP 10 2024

APPROVED
SEP 10 2024

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

APPROVED
SEP 10 2024

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 440-287-7041 or cindy.perry414@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 440-287-6380

SEP 10 2024
APPROVED

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.

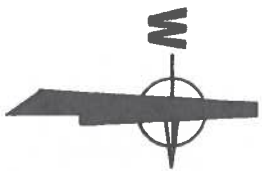


ALDEN AVE 50'

APPROVED
SEP 10 2024

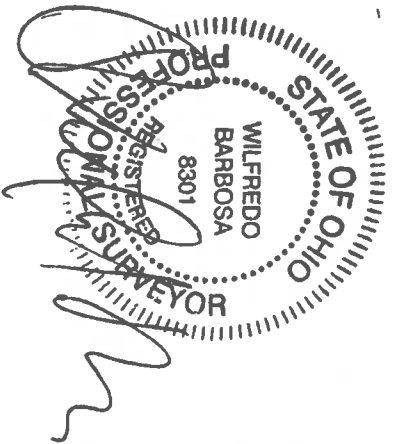
NORTH RIDGEVILLE PLANNING COMMISSION

☒	Approval Granted	☐	Request Rejected
Refer for Council Approval:			
BZA approval required:			
Other Conditions: <i>subject to lot consolidation & subject to applicants agreeing to maintain the existing drainage. 4-0</i>			
Date:	<i>9.10.24</i>	BY:	<i>[Signature]</i>



WATSON AVE 50'

VACATED



DYKE AVE 50'

N88°13'00"E
400.69' CALC. FROM RECORD PLAT

N1°07'00"E

25.01'

N01°07'00"E
130.06' REC & USED

N01°07'00"E
130.06' REC & USED

SUBLOT 122

SUBLOT 123

SUBLOT 124

25.01'

N89°22'00"E 126.33' R&U

N89°22'00"E 130.30'

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

N00°38'00"W
130.00' REC & USED

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

ELMER AVE 50'

1" P. SET
ON 3' OFFSET

- LEGEND:**
- ⊕ = 3/8" 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

SCALE: 1" = 50'



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

CHECKED BY:WB

JOB No: 2024-6-1

SHEET 1 of 1

DATE:	<u>September 16, 2024</u>	1 ST READING:	<u>September 16, 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. 2024-104

**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:

Fund Number	Fund	Personal Services	Other	Transfers and Advances	Total
<u>General Fund</u>					
101	General Government	-	73,160	350,000	423,160
Total General Fund		-	73,160	350,000	423,160
<u>Special Revenue Funds</u>					
267	State Grants	-	700,000	-	700,000
268	Federal Grants	-	170,002	-	170,002
Total Special Revenue Funds		-	870,002	-	870,002
<u>Capital Project Funds</u>					
434	ODNR Flood Control Grant	-	490,000	-	490,000
481	TIF IMPRV #2 Ord 5207	-	1,200	-	1,200
482	TIF IMPRV #3 Ord 5208	-	7,900	-	7,900
488	TIF IMPRV #9 Ord 5286	-	100	-	100
490	TIF IMPRV #10 Ord 5287	-	2,100	-	2,100
492	TIF IMPRV #12 Ord 5289	-	200	-	200
Total Capital Project Funds		-	501,500	-	501,500
<u>Enterprise Funds</u>					
632	Water Improvement	-	157,350	-	157,350
660	Sewer Improvement	-	280,000	-	280,000
Total Enterprise Funds		-	437,350	-	437,350
<u>Internal Service Funds</u>					
710	Self Insurance Benefits Trust	-	500,000	-	500,000
Total Internal Service Funds		-	500,000	-	500,000
Total All Funds		-	2,382,012	350,000	2,732,012

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>September 16, 2024</u>	1 ST READING:	<u>September 16, 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. 2024-106

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO MAKE APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY FOR A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE IMPLEMENTATION GRANT FOR THE BAGLEY ROAD SIDEWALKS PROJECT.

WHEREAS, the City of North Ridgeville is submitting an application to the Northeast Ohio Areawide Coordinating Agency (NOACA) for funding through the Transportation for Livable Communities Initiative (TLCI); and

WHEREAS, the TLCI Program provides federal funds for projects that integrate transportation and land use planning, increase transportation options, promote livability and advance the goals of NOACA's Strategic Plan for Northeast Ohio; and

WHEREAS, the North Ridgeville Active Transportation Plan, a TLCI-funded planning study, has identified the Bagley Road Sidewalks Project as a community priority; and

WHEREAS, the Project involves installation of 3,400 linear feet of sidewalk along Bagley Road, at an estimated cost of \$590,000, which would require a local match of \$118,000.

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 authorized to submit an application to NOACA for the Bagley Road Sidewalks Project, to act as the designated recipient of USDOT funds for the TLCI Program and to execute a contract with NOACA, including the commitment of funds for the required local match, if selected for funding.

SECTION 2. The City of North Ridgeville agrees to abide by all federal requirements as a sub-recipient of federal transportation funds, including Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, and including all applicable federal procurement requirements.

SECTION 3. The City of North Ridgeville agrees to be responsible for managing any and all sub-contracting agencies, organizations or consultants.

SECTION 4. The City of North Ridgeville agrees to complete the agreed upon scope of services or will forfeit current and future TLCI awards.

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>September 16, 2024</u>	1 ST READING:	<u>September 16, 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. 2024-107

**AN ORDINANCE AMENDING ORDINANCE NO. 5996-2022
AUTHORIZING THE MAYOR 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 CONSTRUCTION AND INSPECTION OF THE
CYPRESS AVENUE EXTENSION, BY INCREASING THE NOT TO
EXCEED AMOUNT TO \$3,300,000.00.**

WHEREAS, the development of commercial and industrial properties in the City of North Ridgeville will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development in the City; and

WHEREAS, the City of North Ridgeville desires to make public infrastructure improvements to provide supplemental access to Cypress Avenue by extending the roadway and existing utilities from their current end point to an intersecting point at Lorain Road (SR 10); and

WHEREAS, the City of North Ridgeville would like to increase the not to exceed the amount of Ordinance No. 5996-2022 from \$1,400,000.00 to \$3,300,000.00 to cover the cost to restore the existing pavement section and utilities of Cypress Avenue from Lear Nagle Road to its current end point and to include the improvements necessary for the Mills Creek Flood Control project; and

WHEREAS, the amended costs also include construction inspection services.

WHEREAS, plans and bidding documents will be available in the City of North Ridgeville Engineering Department for construction of the roadway extension of Cypress Avenue.

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

SECTION 1. Ordinance 5996-2022 is hereby amended by increasing the not to exceed amount from \$1,400,000.00 to \$3,300,000.00.

SECTION 2. The Mayor of the City of North Ridgeville, Ohio, 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 roadway extension of Cypress Avenue to an intersecting point with Lorain Road (SR 10), in an amount not to exceed \$3,300,000.00.

SECTION 3. The cost for said project 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

PASSED:

Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :

Nicholas Ciofani
CLERK OF COUNCIL

APPROVED:

Kevin Corcoran
MAYOR

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. T. 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'

25.01'

25.01'

N 88°13'00"E

400.69' CALC. FROM RECORD PLAT

N 01°07'00"E

130.06' REC & USED

25.01'

N 89°22'00"E 126.33' R#U

N 01°07'00"E

130.06' REC & USED

SUBLOT 122

SUBLOT 123

SUBLOT 124

N 00°38'00"W

130.00' REC & USED

N 89°22'00"E 130.30'

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

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

ELMER AVE 50'

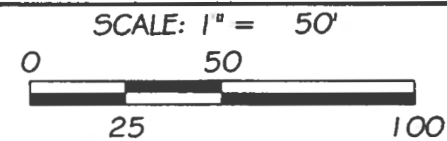
I.P. SET
ON 3' OFFSET



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>September 3, 2024</u>	1 ST READING:	<u>September 3, 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. 2024-95

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NORTH RIDGEVILLE, OHIO, TO PROVIDE AMENDMENTS TO TRAFFIC NORTH RIDGEVILLE CITY CODE SECTIONS 402.077, 402.37, 404.991, 452.04; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of North Ridgeville, Ohio, is authorized by O.R.C. § 715.01 to adopt ordinances relating to its property, affairs and local government; and

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

SECTION 1. The Code of Ordinances of the City of North Ridgeville, Ohio (meaning City Municipal Code), is hereby amended by adding the provisions as provided below.

SECTION 2. The addition, amendment, or removal of Municipal North Ridgeville City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of North Ridgeville, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

SECTION 3. The codifier (meaning the person, agency, or organization authorized to prepare the supplement to the Code of Ordinances of the City of North Ridgeville, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

SECTION 4. Supplementation of Code.

(a) In preparing a supplement to the City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.

(b) When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the City's Municipal Code printed in the supplement, and make changes in such catchlines, headings, and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the City's Municipal Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the City's Municipal Code which embody the substantive sections, or the ordinance incorporated into the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the City's Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the City's Municipal Code.
- (c) In preparing a supplement to the City's Municipal Code, the pages of a supplement shall be so numbered that they will fit properly into the City's Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the City's Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

SECTION 5. Provisions of Section 6 that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

SECTION 6. The following sections and subsections of the Municipal Code are new or have been amended with new matter in the Municipal Code, and are hereby approved, adopted, and enacted:

402.077. Child day-care center or type a family day-care home

"Child ~~day-care~~ center" and "Type A family ~~day-~~ child care home" have the same meanings as set forth in Ohio R.C. 5104.01.

State law reference—(ORC 4511.01(FFF))

Codifier: Added material is underlined, deleted material is struck through.

402.37. School bus

"School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning, and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipality, or within such limits and the territorial limits of municipalities immediately contiguous to the municipality, nor a common passenger carrier certified by the Public Utilities Commission unless the bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child ~~day~~-care center or Type A family ~~day~~- child care home to transport children from the child ~~day~~-care center or Type A family ~~day~~- child care home to a school if the van or bus does not have more than 15 children in the van or bus at any time. Amended by Ord. 6124-2023, 12-4-23 State law reference—(ORC 4511.01(F))

404.991. Committing an offense while distracted penalty

(a) As used in this section and each section of the Traffic Code where specified, all of the following apply:

(1) "Distracted" means doing either of the following while operating a vehicle:

A. Using a handheld electronic wireless communications device, as defined in Ohio R.C. 4511.204 except when utilizing any of the following:

- i. The device's speakerphone function;
- ii. A wireless technology standard for exchanging data over short distances;
- iii. A "voice-operated or hands-free" device that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;
- iv. Any device that is physically or electronically integrated into the motor vehicle.

B. Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

(2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of Section 432.41.

(3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage or a circumstance affecting the health or safety of individuals.

As used in subsection (a)(3) of this section:

A. "Utility" means an entity specified in division (A), (C), (D), (E) or (G) of Ohio R.C. 4905.03.

B. "Utility service vehicle" means a vehicle owned or operated by a utility.

(b) If an offender violates any section of this Traffic Code which provides for an enhanced penalty for an offense committed while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation and, notwithstanding Ohio R.C. 2929.28, is subject to an additional fine of not more than one hundred dollars (\$100.00) as follows:

(1) Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation or summons for a violation of any section of the Traffic Code that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender's right to contest the ticket, citation or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of one hundred dollars (\$100.00).

In lieu of payment of the additional fine of one hundred dollars (\$100.00), the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the Ohio Director of Public Safety. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of one hundred dollars (\$100.00), so long as the offender submits to the court both the offender's payment in full and such written evidence within ninety days of the underlying violation that resulted in the imposition of the additional fine under division (b) of this section.

(2) If the offender appears in person to contest the ticket, citation or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than one hundred dollars (\$100.00).

If the court imposes upon the offender the applicable penalty for the violation and an additional fine of not more than one hundred dollars (\$100.00), the court shall inform the offender that, in lieu of payment of the additional fine of not more than one hundred dollars (\$100.00), the offender instead may elect to attend the distracted driving safety course described in subsection (b)(1) of

this section. If the offender elects the course option and attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than one hundred dollars (\$100.00), so long as the offender submits to the court the offender's payment and such written evidence within ninety days of the underlying violation that resulted in the imposition of the additional fine under division (b) of this section.

State law reference—(ORC 4511.991)

452.04. Manner of parallel and angle parking; ~~handicapped~~ persons with disabilities

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within the Municipality unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.

(b) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(c) (1) A. Except as provided in subsection (c)(1)B. hereof, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

B. The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in subsection (c)(2) of this section irrespective of whether or not the space is metered.

(d) Notwithstanding any statute or any rule, regulation, resolution, or ordinance, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the Director of Transportation.

(e) ~~Special~~ Accessible parking locations and privileges for persons with disabilities that limit or impair the ability to walk, ~~also known as handicapped parking spaces or disability parking spaces~~ shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111 (C) shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating an special accessible parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the ~~special~~ designated accessible parking location if the motor vehicle is not legally entitled to be parked in that location.

(f) (1) A. No person shall stop, stand or park any motor vehicle at special accessible parking locations provided under subsection (e) hereof, or at ~~special~~ accessible clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with subsection (e) hereof, unless one of the following applies:

i. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or ~~special~~ accessible license plates;

ii. The motor vehicle is being operated by or for the transport of a ~~handicapped~~ person with a disability and is displaying a parking card or ~~special handicapped~~ accessible license plates.

B. Any motor vehicle that is parked in an special accessible marked parking location in violation of subsection (f)(1)A. of this section may be towed or otherwise removed from the parking location by the Police Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.

C. If a person is charged with a violation of subsection (f)(1)A. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).

(2) No person shall stop, stand or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by diagonal stripes and is located immediately adjacent to an ~~special~~ accessible parking location provided under subsection (e) of this section or at an ~~special~~

accessible clearly marked parking location provided in or on a privately owned parking lot, parking garage, or other parking area and designated in accordance with that subsection.

(g) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a ~~temporary removable windshield placard or special accessible~~ license plates, or when a motor vehicle is being operated by or for the transport of a ~~handicapped~~ person with a disability, and is displaying a parking card or ~~special handicapped~~ accessible license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(h) No owner of an office, facility, or parking garage where ~~special~~ accessible parking locations are required to be designated in accordance with division (e) of this section shall fail to properly mark the ~~special~~ accessible parking locations in accordance with that division or fail to maintain the markings of the ~~special~~ accessible locations, including the erection and maintenance of the fixed or movable signs.

(i) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or ~~special~~ accessible license plates if the parking card or ~~special~~ accessible license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(j) As used in this section:

(1) "~~Handicapped~~ Person with a disability person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or ~~so severely handicapped as to be~~ unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other ~~handicapping~~ disabling condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.

(3) "~~Special~~ Accessible license plates" and "removable windshield placard" mean any license plates ~~or standard removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.~~

(k) Penalty.

(1) Whoever violates division (a) or (c) of this section is guilty of a minor misdemeanor.

(2) A. Whoever violates division (f)(1)A. or B. of this section is guilty of a misdemeanor and shall be punished as provided in division (k) (2)A. and B. of this section. Except as otherwise

provided in division (k)(2)A. of this section, an offender who violates division (f)(1)A. or B. of this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). An offender who violates division (f)(1)A. or B. of this section shall be fined not more than one hundred dollars (\$100.00) if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

i. At the time of the violation of division (f)(1)A. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or ~~special~~ accessible license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (f)(1)A. of this section.

ii. At the time of the violation of division (f)(1)B. of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or ~~special handicapped~~ accessible license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (f)(1)B. of this section.

B. In no case shall an offender who violates division (f)(1)A. or B. be sentenced to any term of imprisonment.

C. An arrest or conviction for a violation of division (f)(1)A. or B. of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

D. The Clerk of the Court shall pay every fine collected under division (k)(2) of this section to the Municipality. Except as provided in division (k)(2) of this section, the Municipality shall use the fine moneys it receives under division (k)(2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (e) of this section. The Municipality may use up to 50% of each fine it receives under division (k)(2) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the Municipality that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(3) Whoever violates division (h) of this section shall be punished as follows:

A. Except as otherwise provided in division (k)(3) of this section, the offender shall be issued a warning.

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (h) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars (\$25.00) for each parking location that is not properly marked or whose markings are not properly maintained.

(l) (1) Any person who receives notice of a violation of this section shall have the right to appear at City Hall at the Clerk of the Mayor's Court office, and if such person, any time prior to his or her court appearance, and, in writing, waives the filing of an affidavit relating to the violation, the reading of the same and the issuance of a warrant, and then and there enters a plea of guilty and consents to be tried in his or her absence and pays the amount of two hundred fifty dollars (\$250.00), such person shall be released from further liability.

(2) If the person does not appear any time prior to his or her court appearance, he or she shall be charged with a violation of this section and shall be processed in accordance with law before the Mayor's Court.

(m) (1) Any person who receives notice of a violation of this section after having received a written warning shall have the right to appear at City Hall at the Clerk of the Mayor's Court office, and if such person, any time prior to his or her court appearance, and, in writing, waives the filing of an affidavit relating to the violation, the reading of the same and the issuance of a warrant, and then and there enters a plea of guilty and consents to be tried in his or her absence and pays the amount of twenty-five dollars (\$25.00), such person shall be released from further liability.

(2) If the person does not appear any time prior to his or her court appearance, he or she shall be charged with a violation of this section and shall be processed in accordance with law before the Mayor's Court where court costs shall be assessed in addition to the twenty-five dollar (\$25.00) fine.

(n) (1) Any person who receives notice of a violation of any other section of 452.04, excluding divisions (l) and (m), after having received a written warning shall have the right to appear at City Hall at the Clerk of the Mayor's Court office, and if such person, any time prior to his or her court appearance, and, in writing, waives the filing of an affidavit relating to the violation, the reading of the same and the issuance of a warrant, and then and there enters a plea of guilty and consents to be tried in his or her absence and pays the amount of fifteen dollars (\$15.00), such person shall be released from further liability.

(2) If the person does not appear any time prior to his or her court appearance, he or she shall be charged with a violation of this section and shall be processed in accordance with law before the Mayor's Court where court costs shall be assessed in addition to the fifteen dollar (\$15.00) fine. (Adopting Ordinance; Ord. 3600-00, 7-17-00; Ord. 3789-02, 4-15-02)

State law reference—(ORC 4511.69)

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of North Ridgeville, Ohio, hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences,

clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 8. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 9. 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 10. 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>September 3, 2024</u>	1 ST READING:	<u>September 3, 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. 2024-96

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NORTH RIDGEVILLE, OHIO, TO PROVIDE AMENDMENTS TO GENERAL OFFENSES NORTH RIDGEVILLE CITY CODE SECTIONS 624.01, 624.14, 624.141, 630.11, 636.20, 666.02, 666.03; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of North Ridgeville, Ohio, is authorized by O.R.C. § 715.01 to adopt ordinances relating to its property, affairs and local government; and

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

SECTION 1. The Code of Ordinances of the City of North Ridgeville, Ohio (meaning City Municipal Code), is hereby amended by adding the provisions as provided below.

SECTION 2. The addition, amendment, or removal of North Ridgeville City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of North Ridgeville, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

SECTION 3. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of North Ridgeville, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

SECTION 4. Supplementation of Code.

(a) In preparing a supplement to the City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.

(b) When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the City's Municipal Code printed in the supplement, and make changes in such catchlines, headings, and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the City's Municipal Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the City's Municipal Code which embody the substantive sections, or the ordinance incorporated into the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the City's Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the City's Municipal Code.
- (c) In preparing a supplement to the City's Municipal Code, the pages of a supplement shall be so numbered that they will fit properly into the City's Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the City's Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

SECTION 5. Provisions of Section 6 that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

SECTION 6. The following sections and of the Municipal Code are new or have been amended with new matter in the Municipal Code, and are hereby approved, adopted, and enacted:

624.01 Definitions

As used in this chapter, certain terms are defined as follows:

- (a) "Administer." Has the same meaning as in R.C. § 3719.01.
- (b) "Adulterate." To cause a drug to be adulterated as described in R.C. § 3715.63.

Codifier: Added material is underlined, deleted material is struck through.

(c) "Alcohol and drug addiction services." Has the same meaning as in R.C. § 5119.01.

(d) "Bulk amount." Of a controlled substance, means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II, or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (2), (5), or (6) of this definition, whichever of the following is applicable:

A. An amount equal to or exceeding ten grams or 25 unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;

B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;

C. An amount equal to or exceeding 30 grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;

D. An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;

E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;

F. An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21 U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws, as defined in this section, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

G. An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug and Cosmetic Act (21

U.S.C. §§ 301 et seq., as amended) and the federal drug abuse control laws;

(2) An amount equal to or exceeding 120 grams or 30 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

- (3) An amount equal to or exceeding 20 grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III opiate or opium derivative;
- (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance;
- (5) An amount equal to or exceeding 200 solid dosage units, 16 grams, or 16 milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid;
- (6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, if the defendant is charged with a violation of R.C. § 2925.11 and the sentencing provisions set forth in R.C. § 2925.11(C)(10) (b) and (C)(11) will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (1), (2), (3), (4), or (5) of this definition for the other Schedule III, Schedule IV, or Schedule V controlled substance that is combined with the fentanyl-related compound.
- (e) "Certified grievance committee." A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the state that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.
- (f) "Cocaine." Any of the following:
- (1) A cocaine salt, isomer or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
- (2) Coca leaves or a salt, compound, derivative or preparation of coca leaves, including ecgonine, a salt, isomer or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
- (3) A salt, compound, derivative or preparation of a substance identified in division (1) or (2) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.
- (g) "Committed in the vicinity of a juvenile." An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within 100 feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within 100 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(h) "Committed in the vicinity of a school." An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within 1,000 feet of the boundaries of any school premises.

(i) "Committed in the vicinity of a substance addiction services provider or a recovering addict." An offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:

(1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under R.C. § 5119.391 to provide methadone treatment or an opioid treatment program licensed on or after that date under R.C. § 5119.37, or within 500 feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

(2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within 30 days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.

(j) "Controlled substance." Has the same meaning as in R.C. § 3719.01.

(k) "Controlled substance analog." Has the same meaning as in R.C. § 3719.01.

(l) "Counterfeit controlled substance." Any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to the trademark, trade name or identifying mark.

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it.

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its markings, labeling, packaging, distribution or the price for which it is sold or offered for sale.

(m) "Cultivate." Includes planting, watering, fertilizing or tilling.

- (n) "Dangerous drug." Has the same meaning as in R.C. § 4729.01.
- (o) "Deception." Has the same meaning as in R.C. § 2913.01.
- (p) "Disciplinary counsel." The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.
- (q) "Dispense." Has the same meaning as in R.C. § 3719.01.
- (r) "Distribute." Has the same meaning as in R.C. § 3719.01.
- (s) "Drug." Has the same meaning as in R.C. § 4729.01.
- (t) "Drug abuse offense." Any of the following:
 - (1) A violation of R.C. § 2913.02(A) that constitutes theft of drugs, or any violation of R.C. § 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36 or 2925.37.
 - (2) A violation of an existing or former law of any municipality, state or of the United States, that is substantially equivalent to any section listed in division (1) of this definition.
 - (3) An offense under an existing or former law of any municipality, state or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element.
 - (4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under division (1), (2) or (3) of this definition.
- (u) "Person with a drug dependency." Has the same meaning as in R.C. § 3719.011.
- (v) "Drug of abuse." Has the same meaning as in R.C. § 3719.011.
- (w) "Felony drug abuse offense." Any drug abuse offense that would constitute a felony under the laws of this state, any other state or the United States.
- (x) "Fentanyl-related compound." Any of the following:
 - (1) Fentanyl;
 - (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidiny]-N-phenylpropanamide);
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-phenylpropanamide);
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-phenylpropanamide);
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidiny]-phenylpropanamide);
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny]propanamide;
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide;
- (10) Alfentanil;
- (11) Carfentanil;
- (12) Remifentanil;
- (13) Sufentanil;
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidiny]-N-phenylacetamide); and
- (15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:
 - A. A chemical scaffold consisting of both of the following:
 - i. A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;
 - ii. An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
 - B. A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

Codifier: Added material is underlined, deleted material is struck through.

- C. An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and
 - D. The compound has not been approved for medical use by the United States food and drug administration.
- (y) "Harmful intoxicant." Does not include beer or intoxicating liquor, but means any of the following:
- (1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes but is not limited to any of the following:
 - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline or other preparation containing a volatile organic solvent.
 - B. Any aerosol propellant.
 - C. Any fluorocarbon refrigerant.
 - D. Any anesthetic gas.
 - (2) Gamma Butyrolactone;
 - (3) 1, 4 Butanediol.
- (z) "Hashish."
- (1) A resin or a preparation of a resin to which both of the following apply:
 - A. It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
 - B. It has a delta-9 tetrahydrocannabinol concentration of more than 0.3%.
 - C. "Delta-9 tetrahydrocannabinol" has the same meaning as in section 928.01 of the Revised Code.
 - (2) The term does not include a hemp byproduct in the possession of a licensed hemp processor under R.C. Chapter 928, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under R.C. § 928.03.
- (aa) "Hypodermic." Has the same meaning as in R.C. § 3719.01.
- (ab) "Juvenile." A person under 18 years of age.

- (ac) "Licensed health professional authorized to prescribe drugs." Has the same meaning as in R.C. § 4729.01.
- (ad) "L.S.D." Lysergic acid diethylamide.
- (ae) "Major drug offender." Has the same meaning as in R.C. § 2929.01.
- (af) "Mandatory prison term." Has the same meaning as in R.C. § 2929.01.
- (ag) "Manufacture." To plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (ah) "Manufacturer." Has the same meaning as in R.C. § 3719.01.
- (ai) "Marihuana." Has the same meaning as in R.C. § 3719.01, except that it does not include hashish.
- (aj) "Methamphetamine." Methamphetamine, any salt, isomer or salt of an isomer of methamphetamine, or any compound, mixture, preparation or substance containing methamphetamine or any salt, isomer or salt of an isomer of methamphetamine.
- (ak) "Minor drug possession offense." Either of the following:
- (1) A violation of R.C. § 2925.11, as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.
 - (2) A violation of R.C. § 2925.11, as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.
- (al) "Official written order." Has the same meaning as in R.C. § 3719.01.
- (am) "Person." Has the same meaning as in R.C. § 3719.01.
- (an) "Pharmacist." Has the same meaning as in R.C. § 3719.01.
- (ao) "Pharmacy." Has the same meaning as in R.C. § 3719.01.
- (ap) "Possess" or "possession." Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (aq) "Premises of a substance addiction services provider's facility." Means the parcel of real property on which any substance addiction service provider's facility is situated.

- (ar) "Prescription." Has the same meaning as in R.C. § 4729.01.
- (as) "Presumption for a prison term" or "presumption that a prison term shall be imposed." A presumption as described in R.C. § 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under R.C. § 2929.11.
- (at) "Professional license." Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate or temporary registration that is described in R.C. § 2925.01(W)(1) to (W)(37) and that qualifies a person as a professionally licensed person.
- (au) "Professionally licensed person." Any of the following:
- (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;
 - (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under R.C. Chapter 4703;
 - (3) A person who is registered as a landscape architect under R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
 - (4) A person licensed under R.C. Chapter 4707;
 - (5) A person who has been issued a certificate of registration as a registered barber under R.C. Chapter 4709;
 - (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of R.C. Chapter 4710;
 - (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under R.C. Chapter 4713;
 - (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license or a dental hygienist's teacher's certificate under R.C. Chapter 4715;
 - (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under R.C. Chapter 4717;

- (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under R.C. Chapter 4723;
- (11) A person who has been licensed to practice optometry or to engage in optical dispensing under R.C. Chapter 4725;
- (12) A person licensed to act as a pawnbroker under R.C. Chapter 4727;
- (13) A person licensed to act as a precious metals dealer under R.C. Chapter 4728;
- (14) A person licensed under R.C. Chapter 4729 as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;
- (15) A person licensed under R.C. Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under R.C. Chapter 4730;
- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under R.C. Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
- (18) A person licensed as a psychologist, independent school psychologist, or school psychologist under R.C. Chapter 4732;
- (19) A person registered to practice the profession of engineering or surveying under R.C. Chapter 4733;
- (20) A person who has been issued a license to practice chiropractic under R.C. Chapter 4734;
- (21) A person licensed to act as a real estate broker or real estate salesperson under R.C. Chapter 4735;
- (22) A person registered as a registered environmental health specialist under R.C. Chapter 3776;
- (23) A person licensed to operate or maintain a junkyard under R.C. Chapter 4737;
- (24) A person who has been issued a motor vehicle salvage dealer's license under R.C. Chapter 4738;
- (25) A person who has been licensed to act as a steam engineer under R.C. Chapter 4739;

- (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under R.C. Chapter 4741;
- (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under R.C. Chapter 4747;
- (28) A person who has been issued a class A, class B or class C license or who has been registered as an investigator or security guard employee under R.C. Chapter 4749;
- (29) A person licensed to practice as a nursing home administrator under R.C. Chapter 4751;
- (30) A person licensed to practice as a speech-language pathologist or audiologist under R.C. Chapter 4753;
- (31) A person issued a license as an occupational therapist or physical therapist under R.C. Chapter 4755;
- (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under R.C. Chapter 4757;
- (33) A person issued a license to practice dietetics under R.C. Chapter 4759;
- (34) A person who has been issued a license or limited permit to practice respiratory therapy under R.C. Chapter 4761;
- (35) A person who has been issued a real estate appraiser certificate under R.C. Chapter 4763;
- (36) A person who has been issued a home inspector license under R.C. Chapter 4764;
- (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (av) "Public premises." Any hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort.
- (aw) "Sale." Has the same meaning as in R.C. § 3719.01.
- (ax) "Sample drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(ay) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" or "Schedule V." Have the same meaning as in R.C. § 3719.01.

(az) "School." Any school operated by a board of education, any community school established under R.C. Chapter 3314, or any nonpublic school for which the ~~State Board~~ Director of Education and Workforce prescribes minimum standards under R.C. § 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed

(ba) "School building." Any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(bb) "School premises." Either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed.

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under R.C. Chapter 3314, or the governing body of a nonpublic school for which the ~~State Board~~ Director of Education and Workforce prescribes minimum standards under R.C. § 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(bc) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

(bd) "Substance addiction services provider." Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under R.C. § 5119.36;

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

(be) "Unit dose." An amount or unit or a compound, mixture or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(bf) "Wholesaler." Has the same meaning as in R.C. § 3719.01.

State law reference—R.C. § 2925.01

624.14 Use or possession of paraphernalia

(a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter or Ohio R.C. Chapter 2925. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:

- (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
- (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance, except for those exempted in division (d)(4) of this section;
- (6) A scale or balance for weighing or measuring a controlled substance;
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;
- (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
- (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;

Codifier: Added material is underlined, deleted material is struck through.

- (11) A container or device for storing or concealing a controlled substance;
 - (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
 - (13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.
- (b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:
- (1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;
 - (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
 - (3) The proximity of the equipment, product or material to any controlled substance;
 - (4) The existence of any residue of a controlled substance on the equipment, product or material;
 - (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
 - (6) Any oral or written instruction provided with the equipment, product or material concerning its use;
 - (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;
 - (8) National or local advertising concerning the use of the equipment, product or material;
 - (9) The manner and circumstances in which the equipment, product or material is displayed for sale;

- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;
- (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
- (12) Expert testimony concerning the use of the equipment, product or material.
- (c) (1) Subject to subsection(s) (d)(2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.
- (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.
- (3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.
- (d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 624.09.
- (2) Subsection (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.
- (3) Ohio R.C. 2925.11(B)(2) applies with respect to a violation of division (c)(1) of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.
- (4) Division (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug testing strips to determine the presence of fentanyl or a fentanyl-related compound.
- (e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.

(f) (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.

(2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree. (A.O)

(g) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38. (Ord. 5417-2017, 1-17-17)

State law reference—ORC 2925.14

624.141 Marihuana drug paraphernalia

(a) As used in this section, "drug paraphernalia" has the same meaning as in Section 624.14.

(b) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in subsection (b) of Section 624.14.

(c) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marihuana.

(d) This section does not apply to any person identified in subsection (d)(1) of Section 624.14 and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 624.09.

(e)(1) Subsection (e) of Section 624.14 applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(2) Ohio R.C. 2925.11(B)(2) applies with respect to a violation of division (c)(1) of this section when a person seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person experiences a drug overdose and seeks medical assistance for that overdose, or a person is the subject of another person seeking or obtaining medical assistance for that overdose.

(f)(1) Whoever violates subsection (c) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor. (A.O)

(2) Arrest or conviction for a violation of division (c) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(g)(1)

(A) If ~~In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. If the offender pleaded guilty to or was convicted of a violation of ORC4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.~~

(B) If the offender is a professionally licensed person, the court immediately shall comply with Ohio R.C. 2925.38.

(Ord. 5416-2017, 1-17-17)

State law reference—ORC 2925.141

630.11 Raffle drawings

(a) (1) Subject to division (a)(2) of this section, a person or entity may conduct a raffle to raise money for the person or entity and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit if the person or entity is any of the following:

(A) Exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school;

Subject to division (a)(2) of this section, a person or entity that is exempt (C) Exempt from federal income taxation under IRC 501(a) and is described in IRC 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c) (19) may conduct a raffle to raise money for the person or entity and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.

(2) If a person or entity that is described in division (a)(1) ~~of this section, but that is not also described in IRC 501(c)(3), of this section~~ conducts a raffle, the person or entity shall distribute at least 50% of the net profit from the raffle to a charitable purpose described in R.C. § 2915.01(V) or to a department or agency of the federal government, the state, or any political subdivision.

(b) Except as provided in subsection (a) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.

(c) Whoever violates subsection (b) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this subsection, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (b) of this section, illegal conduct of a raffle is a felony and shall be prosecuted under appropriate State law.

State law reference—ORC 2915.092

636.20 Illegal distribution of cigarettes, other tobacco products, or alternate nicotine products

(a) As used in this section:

(1) "Age verification." A service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is 21 years of age or older.

(2) "Alternative nicotine product."

A. Subject to division B. of this definition, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

B. The phrase does not include any of the following:

- i. Any cigarette or other tobacco product;
- ii. Any product that is a "drug" as that term is defined in 21 U.S.C. § 321(g)(1);
- iii. Any product that is a "device" as that term is defined in 21 U.S.C. § 321(h);
- iv. Any product that is a "combination product" as described in 21 U.S.C. § 353(g).

(3) "Cigarette." Includes clove cigarettes and hand-rolled cigarettes.

(4) "Distribute." Means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

(5) "Electronic smoking device." Means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. §§ 321 and 353(g).

(6) "Proof of age." Means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under R.C. §§ 4507.50 to 4507.52 that shows that a person is 21 years of age or older.

(7) "Tobacco product." Means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. §§ 321 and 353(g).

(8) "Vapor product." Means a product, other than a cigarette or other tobacco product as defined in R.C. Chapter 5743, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. The phrase includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. §§ 321 and 353(g). The phrase includes any product containing nicotine, regardless of concentration.

(9) "Vending machine." Has the same meaning as "coin machine" in R.C. § 2913.01.

(b) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

(1) Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes ~~to any person under 21 years of age or without first verifying proof of age;~~;

A. To any person under 21 years of age; or

B. Without first verifying proof of age.

(2) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under 21 years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age, or other identification of any person under 21 years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

(4) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than 20 cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification-;

(7) Allow an employee under eighteen years of age to sell any tobacco product;

(8) Give away or otherwise distribute free samples of cigarettes, other tobacco products, alternative nicotine products, or coupons redeemable for cigarettes, other tobacco products, or alternative nicotine products.

(c) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

(1) An area within a factory, business, office, or other place not open to the general public;

(2) An area to which persons under 21 years of age are not generally permitted access;

(3) Any other place not identified in division (c)(1) or (c)(2) of this section, upon all of the following conditions:

A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an

unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

B. The vending machine is inaccessible to the public when the place is closed.

C. A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: "It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."

(d) The following are affirmative defenses to a charge under division (b)(1) of this section:

(1) The person under 21 years of age was accompanied by a parent, spouse who is 21 years of age or older, or legal guardian of the person under 21 years of age.

(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under 21 years of age under division (b)(1) of this section is a parent, spouse who is 21 years of age or older, or legal guardian of the person under 21 years of age.

(e) (1) It is not a violation of division (b)(1) or (b)(2) of this section for a person to give or otherwise distribute to a person under 21 years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under 21 years of age is participating in a research protocol if all of the following apply:

A. The parent, guardian, or legal custodian of the person under 21 years of age has consented in writing to the person under 21 years of age participating in the research protocol.

B. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.

C. The person under 21 years of age is participating in the research protocol at the facility or location specified in the research protocol.

(2) It is not a violation of division (B)(1) or (2) of this section for an employer to permit an employee eighteen, nineteen, or twenty years of age to sell a tobacco product.

(f) (1) No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one years of age with respect to any of the following:

A. Alternative nicotine products;

B. Papers used to roll cigarettes;

C. Tobacco products other than cigarettes.

(2) A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in divisions (F)(1)(a) to (c) of this section.

(g) Whoever violates division (b)(1), (b)(2), (b)(4), (b)(5), (b)(6) (b)(7), or (b)(8), (c), or (f) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or a substantially equivalent state law or municipal ordinance, or plead guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(h) Whoever violates division (b)(3) of this section is guilty of permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (b)(3) of this section or a substantially equivalent state law or municipal ordinance, permitting a person under 21 years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(i) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under 21 years of age in violation of this section and that are used, possessed, purchased, or received by a person under 21 years of age in violation of R.C. § 2151.87 are subject to seizure and forfeiture as contraband under R.C. Chapter 2981.

State law reference—ORC 2927.02

666.02 Unlawful sexual conduct with a minor

(a) No person who is 18 years of age or older shall engage in sexual conduct with another ~~who is not the spouse of the offender~~, when the offender knows the other person is 13 years of age or older but less than 16 years of age, or the offender is reckless in that regard.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor.

(1) Except as otherwise provided in division (b)(2), unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate State law.

(2) Except as otherwise provided in division (b)(3) of this section, if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.

(3) If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or any substantially similar municipal ordinance, or a violation of

former Ohio R.C. 2907.12, or any substantially similar municipal ordinance, unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate State law.

State law reference—ORC 2907.04

666.03 Sexual imposition

(a) No person shall have sexual contact with another, ~~not the spouse of the offender~~; cause another, ~~not the spouse of the offender~~, to have sexual contact with the offender; or cause two or more persons to have sexual contact when any of the following applies:

(1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.

(2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.

(3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.

(4) The other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.

(5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

(b) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or former Section 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 2907.02, 2907.03, 2907.04 or 2907.05, 2907.06 or former Section 2907.12 or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and, notwithstanding the range of jail terms prescribed in Ohio R.C. 2929.24, the court may impose on the offender a definite jail term of not more than one year.

State law reference—ORC 2907.06

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of North Ridgeville, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 8. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 9. 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 10. 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>September 3, 2024</u>	1 ST READING:	<u>September 3, 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. 2024-102

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE STATE OF OHIO FOR THE USE OF REAL PROPERTY OWNED BY THE CITY FOR THE PURPOSE OF INSTALLING, OPERATING AND MAINTAINING A SELF-SUPPORTING COMMUNICATIONS TOWER AND SHELTER BUILDING.

WHEREAS, the City of North Ridgeville is the owner of real property known as Permanent Parcel Number 03-00-017-102-028 and 03-00-017-102-050, commonly referred to as the French Creek Waste Water Plant; and

WHEREAS, the State of Ohio wishes to install, operate, and maintain a self-supporting communications tower, a shelter building, together with associated radio telecommunications equipment necessary on said property; and

WHEREAS, the primary use of said property/tower is intended to be the operation and use of the Multi-Agency Radio Communications System (MARCS); and

WHEREAS, the parties agree that it would be beneficial to both the residents of the City of North Ridgeville and other neighboring cities to have this self-supporting communications tower and appurtenances in this location.

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 execute a Lease Agreement with the State of Ohio for the use of Permanent Parcel Numbers 03-00-017-102-028 and 03-00-017-102-050, in substantially similar form to the Lease Agreement attached as Exhibit "A".

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

STATE OF OHIO LEASE

This lease (the "Lease") is made effective _____, 2024, by and between the City of North Ridgeville, Ohio ("Lessor"), having its office located at 7307 Avon Belden Road, North Ridgeville, Ohio, 44039, and the State of Ohio, acting by and through the Department of Administrative Services ("Lessee"), General Services Division, Office of Real Estate and Planning, having an office located at 4200 Surface Road, Columbus, Ohio 43228-1395, for and on the behalf of the Department of Administrative Services, Office of First Responder Communications, Multi-Agency Radio Communications System (MARCS) Program Office (hereinafter referred to as the "Occupying State Agency").

The parties hereby agree as follows:

I. DEMISE AND USE OF THE LEASED PREMISES

- A. In consideration of the rents, covenants and stipulations to be paid, performed and observed by Lessee and upon the terms and conditions herein specified, Lessor hereby leases, lets and demises unto Lessee, and Lessee hereby leases from Lessor, those premises known as Parcel # 0300017102028, 2350 Abbe Road North, Sheffield, Ohio, 44054, Lorain County, Ohio, which land is described on Exhibit "A" attached hereto and hereby made a part hereof, subject to all legal highways, easements and restrictions of record, as applicable. Said land is referred to hereinafter, as the "Leased Premises".
- B. The Leased Premises shall be used by the Ohio Department of Administrative Services, Office First Responder Communications, Multi-Agency Radio Communications System Program Office (the "Occupying State Agency") for the purpose of installing, constructing, operating, and maintaining a self-supporting communications tower and the associated structures referenced in Article XV and such other lawful uses as may, from time-to-time, be deemed desirable by Lessee or the Occupying State Agency.

II. INITIAL TERM

To have and to hold the same, with any appurtenances thereunto belonging, for and during the full-term commencing October 1, 2024 (the "Commencement Date") and ending on June 30, 2049, (said time period is hereinafter referred to as the "Initial Term").

III. BASE RENT

During the Initial Term of this Lease, Lessee shall pay an annual base rental (the "Base Rent") of one and 00/100 Dollars (\$1.00) for the use of the Leased Premises which sum shall be payable on or before the 15th day of October at Lessor's office located at 7307 Avon Belden Road, North Ridgeville, Ohio, 44039, or such other place as may, from time-to-time, be designated by Lessor.

IV. RENEWAL TERMS

Provided that Lessee is not then in default of its obligations to pay the rents reserved hereunder and the performance of its covenants set forth herein, Lessee shall have the option to renew this Lease for up to ten (10) successive and continuous terms of five (5) years each, which are identified in

Exhibit "B" (the "Renewal Terms"), attached hereto and hereby made a part hereof, upon the same terms and conditions as are set forth above.

Lessee may exercise each of Lessee's Renewal Terms by giving written notice to Lessor not less than sixty (60) days prior to the expiration of the applicable term of this Lease. Any reference in this Lease to the "term of this Lease" shall include the Renewal Terms.

V. ADDITIONAL CONSIDERATION

Lessor is permitted two cameras and a point-to-point link from the tower to their network location on the property with tower heights to be mutually agreed upon. Additionally, up to 12U of rack space as needed in relation to the cameras will be provided to Lessor within the shelter at no cost. Additionally, if lessor wants to co-locate on the tower in the future for Lessor's own use, they will be permitted to do so without cost, provided a structural analysis indicates that the tower will hold the current and additional load, and Lessor abides by MARCS co-location policies.

The wastewater treatment plant is not staffed between the hours of 2:00 a.m. and 6:00 a.m. Access requested by the Occupying State Agency during these hours will necessitate an overtime call out of a treatment plant employee. The Occupying State Agency will pay to the Lessor the actual cost of the employee for up to the four-hour time period for any such call out.

VI. PLANS AND SPECIFICATIONS/CONSTRUCTION OF IMPROVEMENTS

Intentionally Deleted.

VII. CONDITION PRECEDENT

This Lease, and the exercise by Lessee of any option to renew the term of this Lease, is subject to appropriation by the Ohio General Assembly and certification by the Director of Budget and Management of available funds as required by Chapter 126 of the Ohio Revised Code and approval by the State Controlling Board, if required, pursuant to Chapter 127 of the Ohio Revised Code.

VIII. WASTE/RETURN OF LEASED PREMISES

Lessee shall not commit or suffer any waste on the Leased Premises. Upon the expiration of any term of this Lease or upon an earlier termination hereof, Lessee shall surrender possession of the Leased Premises in substantially as good a condition as the same existed at the Commencement Date, except for (a) damage from fire or natural elements, (b) circumstances beyond the control of Lessee, (c) reasonable use and normal wear and tear, depreciation and decay, and (d) Lessee shall remove its communication tower including all support structures and repair all damage caused in the course of any such removal.

IX. QUIET ENJOYMENT

Lessor represents and warrants that it is the lawful owner of and has good right and full power to lease the Leased Premises to Lessee. Upon commencement of this Lease, Lessor will warrant and defend the title of Lessee against any and all claims whatsoever, and further warrants that Lessee shall, at all times during the term of this Lease, peaceably and quietly have, hold and enjoy the Leased Premises.

X. SUBSTITUTE OCCUPYING STATE AGENCIES

In the event the assigned Occupying State Agency herein named ceases to function under the Ohio Department of Administrative Services, Office First Responder Communications, Multi-Agency Radio Communications System Program Office, and the Multi-Agency Radio Communications System goes by another name or under a different state agency, , during the term of this Lease, Lessee shall have the right at its sole option to place another state agency or agencies in the space given up under the same terms, provisions and conditions as herein specified and shall provide notice to the Lessor of any changes within ten (10) days of such change.

XI. LESSOR'S COMPLIANCE WITH LAWS

At the time the same is ready for occupancy, Lessor agrees that the Leased Premises will comply with all laws, ordinances, orders, rules, regulations and requirements of all federal, state and municipal governments, departments, commissions, boards and officers. The obligations of Lessor under this Article XI shall survive Lessee's acceptance and/or occupancy of the Leased Premises.

XII. LESSOR'S DUTIES/SERVICES

Lessor shall, at its sole cost and expense, perform/provide the following services in regard to the entire Leased Premises:

- A. Pay before any fine, penalty, interest or costs may be added thereto, all taxes, excises, levies, license and permit fees and other assessments, and water and sewer rents, rates and charges which may be assessed, levied confirmed, imposed upon, or become due and payable out of or in respect of the Leased Premises.
- B. Provide Lessee unrestricted ingress and egress to the Leased Premises. Being a secured facility, upon entering and exiting during normal business hours, Lessee will check in at the administration building, and shall sign and date the access log. After hours access is described in section V.
- C. Lessor shall not permit the installation, on lands which it owns in the vicinity of the Premises, of any equipment or structure that interferes with Lessee's intended communications on or from the Premises. Lessor can consult with Lessee when contemplating any new equipment or structure that might interfere with Lessee's intended communications on the Premises to prevent any such interference. Lessor shall, at its expense, immediately resolve any interference with Lessee's use of the Premises. If such interference continues after notice is provided as set forth in Paragraph XXII herein and the expiration of the applicable cure period, then Lessee shall have the right:
 - 1) to cure the interference at Lessor's expense.
 - 2) to terminate this Lease, remove Lessee's equipment and bill the Lessor for all costs

relative thereto.

In the event Lessor fails to perform the duties or provide the services required of Lessor, Lessee may terminate this Lease by giving not less than thirty (30) days written notice to Lessor. The provisions of Article XXIV herein shall not apply in the case of any such failure by Lessor occurring under this Article.

XIII. INSPECTION

Lessee shall permit Lessor or its agent, upon forty-eight (48) hours advance notice, to enter upon the Leased Premises to examine same or to make such repairs or construct such improvements as may be necessary to eliminate hazards to the health and safety of the occupants and the general public, or to make any other repair or maintenance required hereunder, except for the use of shared driveway and ground maintenance. If any shelter or building erected on the Premises solely houses equipment belonging to Lessee, Lessor and its agent(s) shall not enter thereon unless accompanied by a Lessee representative. Provided, however, that Lessor may immediately enter upon the Leased Premises for the purpose of making emergency repairs but shall promptly give notice to Lessee of any such entry.

XIV. LESSEE'S DUTIES

Lessee shall perform/provide the following:

- A. Payment of all rentals as they become due.
- B. Abide by such reasonable rules and regulations promulgated in writing by Lessor to assure the proper operation of the Leased Premises, provided such rules and regulations are not inconsistent with the terms of this Lease.
- C. Comply with any applicable laws, ordinances, orders, rules, regulations, and requirements of all federal, state or municipal governments relating to Lessee's use and occupancy of the Leased Premises.
- D. Provide the Lessee a 200-amp electrical service. The Lessee shall pay Lessor for electrical service at a rate equal to what Lessor is charged by the electrical utility. Billing periods shall be at the discretion of the Lessor.
- E. Pay all fees, permits, and licenses directly related to Lessee's equipment.

XV. LESSEE'S ALTERATIONS/REPLACEMENT

Lessee shall have the right, but not the obligation, from time-to-time, to make such other and further additions or alterations to the Leased Premises or to replace the Improvements or any part thereof with such other structure or equipment as Lessee may deem desirable.

Lessee is hereby authorized to install, construct, operate and maintain a self-supporting communications tower, a shelter building, together with associated radio telecommunications array and supporting equipment and necessary utility service connections and lines on the Premises.

Lessee shall also have the right to repair, replace, reconstruct and remove any of the aforesaid improvements at any time during the term of this Lease.

Lessee has the right to allow co-location on the Premises, as long as it does not cause interference with Lessor's existing use. Terms of co-location along with revenue sharing detailed in Article XXXIV below.

Lessee will install, operate, and maintain its equipment, at its sole cost and expense, in accordance with applicable federal, state, and local laws and regulations. Lessee shall also be responsible for reasonable periodic upkeep and mowing of the Premises.

Lessee's equipment will remain the property of Lessee and the exclusive ownership by Lessee is acknowledged by Lessor. At the expiration or other termination of this Lease, Lessee shall remove the Equipment. Lessee will also repair at least equal to existing conditions, at its sole cost and expense, any and all damage to Lessor's property occasioned by such removal.

To the best of its ability, Lessee will not use or occupy or permit the Lessor's Premises to be used or occupied in any manner which may cause structural injury to or interfere with the structural integrity of the Lessor's Premises or any part thereof.

XVI. INSURANCE/DESTRUCTION OF THE LEASED PREMISES

Certificate of Insurance on file.

XVII. EMINENT DOMAIN

If the Leased Premises is taken in any appropriation proceedings or by any right of eminent domain, this Lease shall terminate from the time when possession of the Leased Premises is taken for public use. Such taking shall not operate as, or be deemed, an eviction of Lessee or a breach of Lessor's covenant of quiet enjoyment. Lessee shall pay all rent due and perform and observe all other covenants, up to the time when possession is surrendered by Lessee. If only a part of the Leased Premises is taken, and if twelve (12) months or more of the applicable term of this Lease then remains unexpired, and if the remaining premises can be substantially restored in Lessee's reasonable opinion within thirty (30) days, then, Lessee reserves the option to continue this Lease. Lessee may exercise this option by written notice given to Lessor within sixty (60) days following receipt by Lessee of notice of the proposed taking. Upon receipt of this notice, this Lease will not terminate, and, at its expense, Lessor will restore the Leased Premises within thirty (30) days following Lessee's notice. The Base Rent payable by Lessee during the period of restoration and the remainder of the term of this Lease shall be reduced on a pro rata basis. Neither party hereto shall have a right of claim against the other for damages or participate in the amount of compensation awarded to the other party. However, Lessor agrees to immediately notify Lessee at the time such appropriation proceedings are initiated against Lessor so that Lessee shall be afforded the opportunity to participate in such proceedings in order to obtain compensation for its damages.

XVIII. HOLDOVER

At its option and without there being a new lease or agreement in writing between the parties hereto, Lessee may holdover and remain in possession of the Leased Premises or any part thereof after the expiration or termination of the term of this Lease, on the same terms, provisions and conditions,

including Base Rent, as are contained in this Lease excepting as to term. Notice of Lessee's intention to holdover shall be given to Lessor not less than thirty (30) days before the expiration of the applicable term of this Lease. Unless otherwise agreed to by the parties, Lessee may not holdover for more than a total of six (6) months and said tenancy shall terminate at the end of the month in which Lessee actually vacates the Leased Premises.

XIX. CANCELLATION BY LESSEE

During the term of this Lease, Lessee may cancel this Lease for any reason whatsoever upon not less than thirty (30) days' notice given to Lessor.

XX. MEMORANDUM OF LEASE

At its expense and within ten (10) days of the date of full execution of this Lease, Lessor shall present for recording a fully executed Memorandum of Lease in accordance with Section 5301.251 of the Ohio Revised Code in the office of the County Recorder of Lorain County, Ohio. Lessor shall do likewise with respect to any addendum to this Lease which may be entered into hereafter by the parties. As proof of recording, Lessor shall return the original recorded Memorandum to Lessee, and Base Rent shall not begin to accrue, notwithstanding that the term of this Lease has commenced, until receipt by Lessee of the recorded Memorandum of Lease.

XXI. SALE OF LEASED PREMISES

Should Lessor, during the term of this Lease, grant, bargain, sell, convey, transfer, or otherwise dispose of the Leased Premises, Lessor shall immediately notify Lessee of such transfer of ownership and shall provide copies of the recorded deed or other instrument transferring title, together with the new owner's name, address, telephone and facsimile number, email address, business entity title, social security number and/or federal tax identification number.

The obligations of Lessor under this Lease shall not be binding upon Lessor herein named with respect to any period subsequent to the transfer of its interest in the Leased Premises as owner or lessor thereof (unless the event complained of occurred prior to the transfer) and in the event of such transfer, said obligations shall thereafter be binding upon each transferee of the interest of Lessor being transferred.

XXII. NOTICES

All notices, demands, requests, consents, approvals, and other instruments required to be given pursuant to the terms of this Lease shall be in writing and shall be deemed to have been properly given when: 1) hand delivered, 2) sent by U.S. certified mail, return receipt requested, postage prepaid, 3) if certified mail is either refused or unclaimed, then by regular U.S. Mail, 4) by overnight delivery service with receipt or 5) by fax or email, followed by one of the other methods of delivery described herein; fax or email delivery shall be deemed to be on the date of receipt and the parties hereto agree that a fax or email with confirmation shall be adequate proof of receipt,

- a) with respect to Lessor, addressed to:

City of North Ridgeville
7307 Avon Belden Road
North Ridgeville, Ohio 44039

Attention: Mayor of North Ridgeville

- b) with respect to Lessee, addressed to:

Department of Administrative Services
General Services Division
Office of Real Estate and Planning
4200 Surface Road
Columbus, Ohio 43228-1395
Attention: Real Estate Administrator

- c) with an additional copy sent to Occupying State Agency:

Office of First Responder Communications
Multi-Agency Radio Communications System
4200 Surface Road
Columbus, Ohio 43228
Attention: Business Operations Manager

Lessor and Lessee each shall have the right from time-to-time to specify as its street address, fax number or email address for purposes of this Lease upon giving written notice thereof to the other parties hereto, as provided herein.

XXIII. SEPARABILITY OF LEASE PROVISIONS

If any provision of this Lease, or the application thereof to any situation or circumstance, shall be invalid or unenforceable, the remainder of this Lease or the application of such provision to situations or circumstances other than those as to which it is invalid or unenforceable shall not be affected; and each remaining provision of this Lease shall be valid and enforceable to the fullest extent permitted by applicable law.

XXIV. DEFAULTS

- A. By Lessee. In the event that:

- (1) Lessee shall fail to pay an installment of rent or any portion thereof, or any of the other charges required by this Lease, when the same shall become due and payable and the same shall remain unpaid for a period of thirty (30) days after written notice thereof from Lessor; or Lessee shall be in material default of any other terms or provisions of this Lease and shall so remain for a period of sixty (60) days after Lessor has informed Lessee of such default, by written notice; then Lessor may give notice of termination to end the term of this Lease upon the date specified in such notice, which date shall not be less than one hundred eighty (180) days after the date of such notice. Upon the date specified in said notice of termination, the term of this Lease shall expire and terminate as fully and completely and with the same effect as if such date were the date herein fixed for the expiration of the term of this Lease.

- (2) However, if such default cannot reasonably be cured within the required period above, then Lessee shall not be deemed in default so long as it promptly commences to cure the same within the required period and diligently pursues such curing thereafter.
- (3) Upon termination of this Lease, Lessor shall have the immediate right to re-enter and repossess the Leased Premises by due process of law.
- (4) Upon the termination of this Lease by reason of the happening of any event of default specified hereinabove, or upon Lessor recovering possession of the Leased Premises in the manner or under any of the circumstances herein mentioned, Lessee shall pay to Lessor the rents required to be paid by Lessee up to the time of such termination of this Lease.

B. By Lessor. In the event that:

- (1) Lessor is in material default of any terms or provisions of this Lease and shall so remain for a period of thirty (30) days after Lessee has given notice to Lessor of such default, then Lessee may give notice of termination to Lessor upon the date specified in such notice, which date shall not be less than ten (10) days after the date of such notice. Upon the date specified in said notice of termination, the term of this Lease shall expire and terminate as fully and completely and with the same effect as if such date were the date herein fixed for the expiration of the term of this Lease.
- (2) At its option, Lessee may resolve Lessor's default (or have the default resolved by others) and deduct the cost thereof from the Base Rent payable hereunder.
- (3) Notwithstanding Lessee's election under (1) or (2) of this Paragraph B, Lessee shall nonetheless be entitled to pursue any and all rights it may have at law or in equity.

XXV. USE OF COMMON AREAS

- A. During the term of this Lease, Lessor hereby grants to Lessee and Lessee's agent, servant, employees and business invitees, a non-exclusive right to use "Common Areas" which may, from time-to-time, be part of or appurtenant to the Leased Premises, together with rights of ingress and egress to and from the Leased Premises at such places as are now or may hereafter be designated by Lessor. Lessor acknowledges that no fee shall be charged to Lessee for the use of the Common Areas.

Common Areas are defined as the roadway to the tower and parking near the tower.

- B. The use of the Common Areas by the aforementioned persons shall be subject to such reasonable rules and regulations as Lessor may adopt in writing from time-to-time.
- C. Lessor reserves the right to make changes, additions, alterations, or improvements in and to the Common Areas and in the access drives from public thoroughfares or from adjoining land as may be required by public authorities or as deemed desirable by Lessor, provided

said improvements do not in any way adversely affect Lessee's or the Occupying State Agency's right or occupancy hereunder.

XXVI. LESSEE'S PROPERTY

Lessor shall not be liable for any injury or damage to persons or property resulting from fire, explosion, any falling plaster, steam, gas, electricity, water, rain, snow, or leaks from any part of the Leased Premises including pipes, appliances, plumbing, roof, or by dampness, or by any other cause whatsoever unless the same results from Lessor's negligence or Lessor's failure to maintain or make repairs required hereunder.

XXVII. INDEMNIFICATION

Each party agrees, provided that it is not otherwise immune from liability, that it will accept responsibility for any personal injury or property damage liability to a third party resulting from its own negligent acts or omissions as determined by a court of competent jurisdiction or as the parties may otherwise mutually agree. Each party also agrees to be responsible for civil damages or fines resulting from its own acts or omissions. Each party understands that it has no right to seek indemnification from the other.

The provisions of this Section shall survive the expiration or termination of this Lease.

XXVIII. FORCE MAJEURE

In the event that either party hereto shall be delayed or hindered in or prevented from the performance of any act required hereunder by reason of Acts of God, strikes, lockouts, labor troubles, inability to procure materials, failure of power, riots, insurrection, war, terrorism, or other reason not the fault of the party delayed in performing work or doing acts required under the terms of this Lease, then performance of such acts shall be excused for the period of the delay and the period for the performance of any such acts shall be extended for a period equivalent to the period of such delay. Except as otherwise provided in this Lease, the provisions of this Article XXVII shall not operate to excuse the prompt payment of the rents, or any other payments required by the terms of this Lease.

XXIX. LESSOR'S MORTGAGEE

Lessor represents to Lessee that the Leased Premises is currently encumbered by a mortgage in favor of _____ (N/A) ("Mortgagee"). If this Lease is to be subordinate to the lien of the above-mentioned mortgage, Lessor agrees to immediately notify Mortgagee of the existence of this Lease and to obtain Mortgagee's written agreement to recognize this Lease at all times provided Lessee is not in default hereunder and further provided that Lessee shall attorn to Mortgagee (or any subsequent purchaser acquiring ownership of the Leased Premises through foreclosure sale or deed in lieu of foreclosure).

XXX. FORUM DESIGNATION

Any action or proceeding against any of the parties hereto relating in any way to this Lease or the subject matter hereof shall be brought and enforced exclusively in the competent courts of Ohio, and the parties hereto consent to the exclusive jurisdiction of such courts in respect of any such action or proceeding.

XXXI. ESTOPPEL CERTIFICATES

From time-to-time and not later than thirty (30) days following notice from Lessor as provided in Article XXII(B) herein, Lessee agrees to execute, acknowledge, and deliver to Lessor in a form prepared by Lessee a statement certifying to the effect that this Lease is unmodified and in full force and effect (or if there have been modifications, that this Lease is in full force and effect as modified) and the date to which Base Rent and any other sums due hereunder have been paid. It is intended that said statement may be relied upon by any prospective purchaser or mortgagee of the Leased Premises.

XXXII. WAIVER

No waiver by either party of a breach of any term, condition, provision, covenant, or obligation of this Lease shall be construed to be a waiver of any future breach of the same or other term, condition, provision, covenant, or obligation hereof. No receipt of money by Lessor from Lessee or others after the giving of any notice of default, or after the termination of this Lease, or after the commencement of any suit, shall reinstate, continue, or extend the term of this Lease, or affect any such notice, demand, or suit. The rights and remedies hereby created are cumulative and the use of one remedy shall not be taken to exclude or waive the right to the use of another.

XXXIII. SURVIVAL

The representations, warranties, covenants, indemnities, and agreements of the parties contained in this Lease shall survive the expiration or termination of the term of this Lease and shall be and continue in effect notwithstanding the fact that Lessee may waive compliance with any of the other provisions of this Lease.

XXXIV. SUCCESSORS AND ASSIGNS

The words "Lessor" and "Lessee," wherever used in this Lease, shall include the successors, and assigns of Lessor and Lessee, respectively.

Lessee may assign this Lease with the consent of the Lessor, which consent will not be unreasonably withheld or delayed. Lessee shall not allow commercial co-location on the premises to occur without the express written consent of the Lessor. If the Lessor and Lessee agree to allow commercial co-location on the premises, any revenue generated from such co-location shall be divided as follows: fifty percent (50%) of the revenue remains with Lessee and fifty percent (50%) shall be forwarded to the Lessor.

XXXV. HAZARDOUS MATERIALS

Lessee and Lessor shall not place, hold, or dispose of any hazardous materials (as defined below) on, under or at the Leased Premises, and Lessee and Lessor shall not use the Leased Premises as a

treatment, storage, or disposal site (whether permanent or temporary) for any hazardous materials. Lessee and Lessor shall not cause or allow any asbestos to be incorporated into any improvements or alterations which either of them makes or causes to be made to the Leased Premises. For purposes of this Lease, "hazardous materials" means and includes any hazardous substance, or any pollutant or contaminant defined or referenced in the Comprehensive Environmental Response, Compensation and Liability Act, The Toxic Substances Control Act, or any other federal, state, or local statute, law, act, ordinance, code, rule, regulation, order, or decree relating to any hazardous, toxic, or dangerous waste, substance, or material. Lessor hereby agrees to indemnify and hold Lessee harmless from liability with respect to the presence of hazardous materials or other pre-existing hazardous conditions at the Leased Premises. Lessee may terminate this Lease immediately if a pre-existing hazardous condition is found to exist within the Leased Premises which Lessee considers to be dangerous to its employees, agents, or invitees.

XXXVI. GOVERNING LAW

This Lease, and any addendum hereto, shall be governed by, construed, enforced, and interpreted in accordance with the laws of the State of Ohio, without giving the effect to any conflicts or choice of laws principles which otherwise might be applicable.

XXXVII. HEADINGS

The headings to the various Articles and Exhibits to this Lease have been inserted for reference only and shall not to any extent have the effect of modifying, amending, or changing the express terms, provisions, and conditions of this Lease.

XXXVIII. MULTIPLE COUNTERPARTS

This Lease may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

XXXIX. CAMPAIGN CONTRIBUTIONS & ETHICS COMPLIANCE

Lessor hereby certifies that neither Lessor nor any of Lessor's partners, officers, directors, shareholders, nor the spouse of any such person, have made contributions in excess of the limitations specified in Section 3517.13 of the Ohio Revised Code. Lessor, by signature on this document, certifies that it has reviewed and understands the Ohio ethics and conflict of interest laws, is currently in compliance and will continue to adhere to the requirements of such laws and will take no action inconsistent with those laws.

XL. ENTIRE LEASE

This Lease and attached exhibits constitute the entire agreement between the parties and supersedes all prior or contemporaneous negotiations or agreements, whether oral or written, relating to the subject matter hereof. Any amendment or change in this Lease shall not be valid unless made in writing and signed by both parties.

XLI. SUSPENSION AND DEBARMENT

Lessor represents and warrants that it is not suspended or debarred from consideration for contract awards by any governmental agency or otherwise excluded by the federal government from participating in this transaction. If this representation and warranty is found to be false, this Lease is void ab initio, and the Lessor shall immediately repay any funds paid under this Lease.

XLII. INDEPENDENT CONTRACTOR STATUS

It is fully understood and agreed that neither Lessor nor its personnel shall at any time, or for any purpose, be considered agents, servants, or employees of the State, or public employees, for the purpose of Ohio Public Employees Retirement Systems benefits.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed by their duly authorized representatives effective the date first written above.

LESSOR
City of North Ridgeville

By: _____
Kevin Corcoran

Title: _____
Mayor of North Ridgeville

ACKNOWLEDGMENT

State of Ohio, Lorain County, ss:

On this _____ day of _____, 2024, before me personally appeared XXX, known to me to be the Mayor of the City of North Ridgeville, Ohio, who acknowledged that he executed the foregoing Lease, that the same is his free and voluntary act and deed, and that he is duly authorized to enter into this Lease for and on behalf of the City of North Ridgeville, Ohio.

Notary Public, State of Ohio
My Commission Expires _____

LESSEE
State of Ohio, acting by and
through the Ohio Department of
Administrative Services

By: _____
Kathleen Madden, Director
or Signatory Designee and/or
Statutory Agent, O.R.C 123.01 (A)(4) and
(A)(6)

ACKNOWLEDGMENT

State of Ohio, Franklin County, ss:

On this _____ day of _____, 2024, before me personally appeared _____ of the Ohio Department of Administrative Services, who acknowledged that the foregoing document is being executed for and on behalf of the Ohio Department of Administrative Services, acting on behalf of the State of Ohio, that the same is her own and the Department of Administrative Services' voluntary act and deed, and that she is duly authorized to enter into said document for and on behalf of the Ohio Department of Administrative Services.

Notary Public, State of Ohio
My Commission Expires _____

This Lease was prepared by:
Department of Administrative Services
General Services Division
Office of Real Estate and Planning

File No. xxxx
DASM
North Ridgeville Tower 47-04

4200 Surface Road
Columbus, Ohio 43228-1395
(614) 387-6049

EXHIBIT "A"

DESCRIPTION OF THE LEASED PREMISES

EXHIBIT "B"

RENEWAL TERMS

1	10/01/2024 to 06/30/2049	
2	07/01/2049 to 06/30/2054	
3	07/01/2054 to 06/30/2059	
4	07/01/2059 to 06/30/2064	
5	07/01/2064 to 06/30/2069	
6	07/01/2069 to 06/30/2074	
7	07/01/2074 to 06/30/2079	
8	07/01/2079 to 06/30/2084	
9	07/01/2084 to 06/30/2089	
10	07/01/2089 to 06/30/2094	

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