

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING DECEMBER 3, 2012**

CALL TO ORDER: 7:30 P.M.

President Kevin Corcoran: I call to order the Monday, December 3, 2012 regular Council meeting. Please rise for the invocation and Pledge of Allegiance.

INVOCATION: led by President Corcoran.

PLEDGE OF ALLEGIANCE: led by all.

ROLL CALL: Present were Council Members Nancy Buescher, Dennis Boose, Richard Jaenke, Robert Olesen, Roseanne Johnson, President Kevin Corcoran and President Pro-Tem Bernadine Butkowski.

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

MINUTES - Corrections (if any) and Approval:

President Corcoran: You have before you the minutes of the regular Council meeting held November 19, 2012. Are there any corrections or objections to approving those minutes? See none those minutes are approved.

President Corcoran: Please note the Workers Comp Safety Committee minutes of 10.25.2012, Board of Zoning and Building Appeals minutes of 11.15.2012, Administrative Committee minutes of 11.19.2012, Building and Lands Committee minutes of 11.19.2012 and Civil Service Commission minutes of 11.20.2012.

LOBBY:

President Corcoran: That brings us to the lobby session of our meeting. This is your opportunity to address Council. If you choose to do that, please bring the signup sheet from the back and give it to Mrs. Buescher. When you approach the podium, please state your name and address for the record. You will have three minutes to speak on a topic of your choice. With that being said, the lobby session is open and anybody who wishes to address Council, please approach the podium.

President Corcoran: Anybody? Seeing none, we will move on to the Administrators reports. Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you Mr. President. Just a couple things, first, on our continuing struggle to get Chestnut Ridge done - it looks really nice, but it is not entirely done. We have the east portion open from Lear Nagle going east. The western section, going from Lear Nagle west is suppose to be open this Wednesday. The sidewalk has been poured. That was one of the last things they had to do. They still have to raise the water meter boxes, relocate some mailboxes back to where they are suppose to be and some other items like that. Hopefully we will get that open this Wednesday.

Secondly, you have before you this evening a new Ordinance that I would like the Clerk to assign a t number to and then I would like to make a motion for this Ordinance.

Clerk of Council Smith: Mr. Mayor it is temporary 120.

Moved by Mayor Gillock and seconded by Olesen to suspend By-laws to add T 120 to the agenda this evening under first reading.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, what this Ordinance is: we have worked for three years now on a bicycle trail grant. Two young girl scouts started this as a merit badge or a project and we submitted it to the ODNR three years ago and we were turned down. Two years ago we submitted it again. We were very close. This year we submitted it and among sixty something projects in the State of Ohio, this was rated number one for funding. We received a grant for \$150,000 towards this grant. This trail project ties in with our transportation for livable communities study that we did that everyone liked so well. This would ultimately bring in a path that would run from the middle school parking lot south to South Central Park past the library and the trails throughout South Central Park. The first part of it was the need for engineering which is what this Ordinance is for. It is an Ordinance requesting approval to enter into a contract for \$30,000 to do the engineering that is needed, of which \$24,000 of that will be reimbursed by the ODNR as part of the grant. This is really only costing us \$6,000 to do this portion of it. We would like to get it done now so the engineers can start their planning now and have all the design work done and be able to appropriate next February and have the plans ready and everything in place to address it at that time. Before we move on, one amendment, if we would, under Section 2, where it says "the funds for this project shall be used from the Parks and Recreation Improvement Fund;" at the request of the City Auditor, we would like to add to that "or other appropriate fund" because it is on a reimbursement basis. It may at some time be simpler to run some of that through a different account for the reimbursement. Mr. Costin asked that be added.

Moved by Mayor Gillock and seconded by Buescher to amend T 120 adding the words "or other appropriate fund" at the end of Section 2.

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

Yes – 7 No - 0

President Corcoran: Okay, T 120 has been amended. So now we are voting on T 120 as amended. All those in favor say yes. Those opposed say no.

Yes – 7 No - 0

President Corcoran: T 120 is now added to first readings.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: No report this evening.

President Corcoran: Thank you. Mr. Engineer.

C. Engineer:

Engineer Wangler: I just want to make one note on Chestnut Ridge – for all intent and purposes everything the Mayor said was accurate; the one item that is not going to be done this year is unfortunately we cannot figure a way to get grass to grow in December, so there will maybe be some nasty grating at the edges and some grass will come back in the spring and clean that up.

President Corcoran: Thank you. Mr. Auditor.

D. Auditor:

Auditor Costin: Thank you Sir. No report scheduled for this evening.

President Corcoran: Moving right along.

E. Other Reports:

COUNCIL COMMITTEE REPORT(S):

Clerk of Council Smith:

ADMINISTRATIVE COMMITTEE report dated November 19, 2012 which recommends City Council adopt T 111-2012 as amended by the Committee in Section 880.06(a).

Moved by Buescher and seconded by Olesen to accept the Administrative Committee report dated November 19, 2012.

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

Yes – 7 No - 0

President Corcoran: That report is accepted. Now Buildings and Lands Committee report dated November 19, 2012.

Clerk of Council Smith:

BUILDINGS AND LANDS COMMITTEE report dated November 19, 2012 which recommends City Council adopt without changes T 107, T 109, and T 110. T 108 was postponed for further discussion.

Moved by Olesen and seconded by Jaenke to accept the Buildings and Lands Committee report dated November 19, 2012.

Councilwoman Buescher: Mr. President, since I voted no on two of these issues and they are being passed as a bundle, I will vote no this evening.

President Corcoran: Thank you. Anybody else have comments on that report? Clerk, please call the roll.

Yes – 5

No – 2 (Buescher, Butkowski)

Clerk of Council Smith: Two no votes and five yes votes. The motion passes.

President Corcoran: Moving on to correspondence. We do have a letter.

CORRESPONDENCE:

Clerk of Council Smith:

A letter dated November 21, 2012 from the Ohio EPA regarding National Pollutant Discharge Elimination System permits.

OLD BUSINESS: None.

NEW BUSINESS:

Ordinance and Resolution Submittals

Clerk of Council Smith:

T 116-2012 AN ORDINANCE PROVIDING FOR THE TEMPORARY APPROPRIATIONS OF MONEY FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2013 AND ENDING MARCH 31, 2013.

Auditor Costin: Mr. President, this particular temporary Ordinance needs to be passed with the emergency to be in place by December 31st or January 1st. It does not have to be passed tonight. It can be deferred until next meeting when we have other financial legislation to deal with as well, or you can choose to pass this tonight. In either case, it would need the emergency to be in full effect for January 1st.

There really wasn't anything scientific done to establish these numbers. They are based on estimates to allow the City to function through March 31st until we have our permanent appropriations in place which process begins around the third week in February. If there are any questions on the detail, I would be glad to answer those if you so wish.

Moved by Johnson and seconded by Buescher to suspend By-laws to allow T 116 to have its first reading this evening.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, I would request that we not pass this Ordinance this evening since it doesn't really make any difference whether we do it this meeting or next. I have one financial issue I am still trying to work through that might affect the budget. That would give me two more weeks to resolve that.

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

Yes – 7

No - 0

President Corcoran: T 116 is now added to the first readings. T 117.

Clerk of Council Smith:

T 117-2012 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO PURCHASE A GENERATOR AND APPURTENANCES FROM THE STATE CO OP FOR CITY HALL OFFICES, OR TO ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW, NOT TO EXCEED \$49,000.00.

President Corcoran: T 118.

Clerk of Council Smith:

T 118-2012 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO A CONTRACT WITH AN OUTSIDE VENDOR FOR THE INSTALLATION OF A GENERATOR AND APPURTENANCES FOR USE BY CITY HALL OFFICES, NOT TO EXCEED \$29,500.00.

President Corcoran: T 119.

Clerk of Council Smith:

T 119-2012 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A PROFESSIONAL ENGINEERING FIRM TO PERFORM A STUDY OF POTENTIAL ACCESS TO VACANT PROPERTY LOCATED AT THE NORTHWEST CORNER OF

LORAIN ROAD AND I-480, NOT TO EXCEED \$25,000.00.

Moved by Mayor Gillock and seconded by Olesen to give T 119 a first reading this evening.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, we had this prepared to bring to appropriations at the end of February or beginning of March. We had some interest in that potential development of that property. This is the seventy acres owned by Cypress Equities and possibly includes another twenty owned by another person. This will give us the ability to survey the property, determine what access to Lorain Road there is; how it would interface with the I-480 ramp and be able to take that and get, if possible, the approval from ODOT to build that access. We would not be building it, but this would give us the approval and the master plan basically so that we can dictate when the next developer of this will come in and say this is the way it can be done. I think that would go a long ways towards spurring development of that parcel. Thank you.

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

Yes – 7 No - 0

President Corcoran: T 119 is now added to the first readings.

Councilman Olesen: If I might, I have lost one of my long term members on the Flood and Drainage Committee, Andy Steirer, who is spending more time in Florida than he is in North Ridgeville. He has been on there ten years and I have a new person I would like to get appointed tonight if I might. It is Bill Gardner. Everybody knows Bill – former Safety-Service Director same in Sheffield. He knows the business and he knows our City.

Moved by Olesen and seconded by Johnson to appoint Bill Gardner to replace Andy Steirer on the Board of Drainage and Flood Control.

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

Yes – 7 No – 0

President Corcoran: Mr. Gardner is now on that Board. Thank you Mr. Olesen.

RECESS:

President Corcoran: That brings us to the recess portion of our meeting.

Moved by Johnson and seconded by Buescher to dispense with the recess.

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

Yes – 7

No – 0

President Corcoran: Moving on to first readings. We have T 114.

FIRST READINGS:

Clerk of Council Smith:

T 114-2012 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS LOCATED IN THE WINDSOR POINT SUBDIVISION 3 AND DEDICATING THEM FOR PUBLIC PURPOSES.

President Corcoran: 115.

Clerk of Council Smith:

T 115-2012 AN ORDINANCE ACCEPTING CERTAIN STREETS/IMPROVEMENTS LOCATED IN THE STONE CREEK ESTATES SUBDIVISION 3 AND DEDICATING THEM FOR PUBLIC PURPOSES.

President Corcoran: T 120.

Clerk of Council Smith:

T 120-2012 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A **AMENDED** CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A PROFESSIONAL ENGINEERING FIRM TO PLAN AND DESIGN A 1.2 MILE NON-MOTORIZED TRAIL FROM THE NORTH RIDGEVILLE MIDDLE SCHOOL TO SOUTH CENTRAL PARK, NOT TO EXCEED \$30,000.00 AND DECLARING AN EMERGENCY.

Moved by Boose and seconded by Butkowski to dispense with the second and third readings for T 120 Amended.

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

Yes – 7

No – 0

Moved by Boose and seconded by Butkowski to adopt T 120 Amended.

Moved by Boose and seconded by Butkowski to add the emergency clause to T 120 Amended in order to meet the appropriation deadline.

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

Yes – 7

No – 0

President Corcoran: Moved by Boose and seconded by Butkowski to adopt T 120 Amended with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes – 7

No – 0

Clerk of Council Smith: It passed unanimously and it becomes Ordinance number 4973-2012.

President Corcoran: T 116.

Clerk of Council Smith:

T 116-2012 AN ORDINANCE PROVIDING FOR THE TEMPORARY APPROPRIATIONS OF MONEY FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF NORTH RIDGEVILLE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2013 AND ENDING MARCH 31, 2013.

President Corcoran: T 119.

Clerk of Council Smith:

T 119-2012 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH A PROFESSIONAL ENGINEERING FIRM TO PERFORM A STUDY OF POTENTIAL ACCESS TO VACANT PROPERTY LOCATED AT THE NORTHWEST CORNER OF LORAIN ROAD AND I-480, NOT TO EXCEED \$25,000.00.

Moved by Mayor Gillock and seconded by Olesen to dispense with the second and third readings for T 119.

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

Yes – 7

No – 0

Moved by Mayor Gillock and seconded by Olesen to adopt T 119.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, I am certainly all for economic developments and trying to move that property forward. That property has been vacant for a number of years. Have we approached the current property owners to see if they would share in the cost of this \$25,000 or understanding that it is a process to try and work with ODNR and I think that is part of this; with the City doing that kind of leg work; have we talked about sharing the cost or actually covering the cost?

Mayor Gillock: We've had extreme difficulty even getting a hold of the owners in Texas. We have made contact with them in the past and they have not been cooperative in any way, shape or form. The answer is no.

Councilman Boose: Is there any way that we can legally, and I don't know if this can be, place these costs on the tax duplicate for this property so that we can get reimbursed if development does not occur or over a certain length of time we don't generate the tax income to help cover it?

Mayor Gillock: I wouldn't think so.

Assistant Law Director Morgan: Mr. Chairman, if I may, usually something like that is something that is absolutely necessary for the property. This isn't absolutely necessary. This is something that we want to do. I don't think it is possible to put this on the tax duplicate.

Councilman Boose: Again, I am all for trying to further this, but at the end of the day, us putting \$25,000 is going to make this property much more valuable for the current property owner. Again, I understand that we will hopefully generate tax revenues to help cover this cost and then some to develop that portion of town. I just hate to see City money going to help a developer that is not cooperative.

Councilman Olesen: Mr. President, if I might, isn't there a real estate sign on the property?

Mayor Gillock: There have been a number of signs over the years.

Councilman Olesen: If there is, can we contact the owners through that real estate company?

Mayor Gillock: It is just that there is nobody to contact with the current sign, but the one real estate gentlemen we talked to, we did have discussions, but where Mr. Boose said this makes this property much more valuable for the owner; it makes it more attractive; it makes it much more valuable for a potential buyer who hopefully will then buy and then build a road and develop it. I think we did, when we had that discussion, talk to him about that.

Safety-Service Director Armbruster: There have been several conversations that I've had with the real estate trusts that are involved with the Staubach and Dallas Companies. There was a whole group of companies that economically had to disband and be put back together. It is a very difficult task as to who in fact does control this property. There have been several conversations that I've had with the Dallas Staubach Company and their ancillary companies that are still around the United States. We've had many discussions with ODOT. We've had a number of traffic studies up there. We pleaded with them from the standpoint of, look, we've got enough traffic studies that we've done here in the last two years and they've really looked at us with a blind eye. They say look this specifically has to be done, has to be specific for this purpose; you cannot put in Lorain Community College. You can't put in the traffic safety study. You can't do these other things. Believe me, the Administration has tried, Councilman Boose, to

get around doing this, but there is no way that we can do it. This, quite honestly, is the fastest, most economic way and will give us that answer very quickly. At that point, this spring we can start. We will then go back to the real estate agents and different people and properties that are involved in this. We do know that the taxes are being paid. That is a fact. They are current but it is kind of like in a blind trust. It is pretty difficult to track how this is coming through. I hope that we can move forward on this.

Mayor Gillock: One other thing – in talking to the real estate company that we talked to; at first they wouldn't tell us who might be interested, who the name actually is so we don't know. He did express he worked diligently on marketing this property and over the years people kind of lost interest in it. Some people think there is something wrong with it. It is true that the wetlands in that area are growing the longer we wait. Although it is a great piece of property when you actually look at it, right now it just doesn't have a good reputation. Part of it is access only to Lear Nagle. From that standpoint, we are trying to dress it up a little it.

Councilman Olesen: Question Mr. President – as I remember all the infrastructures are in that property; all the sewers and everything. It is all there?

Mayor Gillock: Yes, it is all improved.

President Corcoran: Essentially, you have to look at this as an investment in the City and an investment in that area. From time to time we spend money hoping that we will get a pay-off in the future. That is really what this is. That property has been sitting there vacant for quite some time. I remember there were a lot of issues back before I came to town with that property and people not wanting to sell, holding up projects for different reasons. It is in a good spot and we really need to develop that. This is an opportunity to try and help that along.

Councilman Boose: Mr. President, if I can, again, I don't have an issue with trying to move that property forward. We've talked for many years – we need to increase the business tax base in this town to take more of the burden away from our residents because we are so upside down in a bedroom community. The majority of our tax base is from residents. The more business that we have come in; that is going to be a relief. I don't have an issue with it at all. Spending the City's money, I want to make sure that we have done everything we can. We haven't had these discussions, that is why I wanted to have them to make sure that we have done everything that we could behind the scenes to try to not spend our money, but spend somebody else's. At the end of the day to spend \$25,000 for a study that will hopefully show that they can have access to Lorain Road; we aren't going to build a road. We aren't going to engineer a road. We are not going to do any of that. We are not going to spend any of the City's money there. We should generate much more over the years than the \$25,000 that we are going to spend. Again, I just wanted to make sure that we try and have those conversations. It is interesting in what you are telling me is that if someone had the money today to buy it, they couldn't buy it because we don't know who to contact to talk about it. Thank you.

President Corcoran: Thank you Mr. Boose. Clerk, please call the roll.
Yes – 7 No – 0

Clerk of Council Smith: It was adopted unanimously and it becomes Ordinance 4974-2012.

SECOND READINGS: None.

President Corcoran: Now our third readings. We have T 105.

THIRD READINGS:

Clerk of Council Smith:

T 105-2012 A RESOLUTION OF THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, OHIO APPROVING AND RATIFYING AN APPLICATION FOR TAX INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14 CREATED BY CITY OF NORTH RIDGEVILLE RESOLUTION NO. 768-94, BY MVM REAL PROPERTY HOLDINGS, LLC, AN OHIO LIMITED LIABILITY COMPANY, PROPERTY OWNER, AND AN AFFILIATED BUSINESS ENTITY, NORLAKE MANUFACTURING COMPANY, AN OHIO CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO.

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

President Corcoran: Any comments or questions? Clerk, please call the roll.
Yes – 7 No – 0

Clerk of Council Smith: Passed unanimously and becomes Resolution number 1265-2012.

MEETING ANNOUNCEMENTS:

President Corcoran: The next regular Council meeting will be held on Monday, December 17 2012 at 7:30 P.M. here in Council Chambers.

ADJOURNMENT:

The meeting was adjourned at 8:01 P.M.

Approval of minutes:

These minutes were approved at the regular meeting of the North Ridgeville Municipal Council on December 17, 2012.



PRESIDENT OF COUNCIL



CLERK OF COUNCIL