

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
REGULAR MEETING NOVEMBER 5, 2012**

CALL TO ORDER: 7:30 P.M.

President Kevin Corcoran: I call to order the Monday, November 5, 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 Pro-Tem Bernadine Butkowski, and President Kevin Corcoran.

Also present was Mayor G. David Gillock, Safety-Service Director Jeffry Armbruster, Law Director Andrew Crites, City Engineer Scott Wangler, Auditor Chris Costin, 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 October 15, 2012. Are there any corrections or objections to approving those minutes? See none those minutes are approved.

President Corcoran: Please note the Parks and Recreation Commission minutes of 09.26.12, Special Board of Zoning and Building Appeals minutes of 10.11.12, Civil Service Commission minutes of 10.16.12, Utilities Committee minutes of 10.16.12 & Board of Zoning and Building Appeals minutes of 10.25.12.

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.

Joyce McKenna, 34128 Gina Dr. – stated she has been flooded three times since 2003. Mrs. McKenna asked what Council will do regarding the flooding issues.

Linda Jarrell, 34140 Gina Dr. – stated Gina Drive has concentrated flooding. Mrs. Jarrell stated she has been flooded three times. Mrs. Jarrell asked why sewers aren't cleaned four times a year. She also asked for blue prints and the sewer system drawings for Gina Drive.

Malcolm Mahaffey, 34165 Gina Dr. – stated he has lived on Gina Drive for forty-two years and had major flooding.

Moved by Butkowski and seconded by Boose to give Mr. Mahaffey an additional three minutes to speak.

Yes – 7

No – 0

Barb Sutton, 34104 Gina Dr. – stated she has lived on Gina Drive for forty-two years. Mrs. Sutton stated last flood she had twelve feet of water in her home and this time three feet. Mrs. Sutton asked the City to fix the sewer systems.

Mark Christian, 34153 Gina Dr. – stated he has been in his home twelve years and been flooded four times. Mr. Christian stated he was frustrated and concerned about the safety of his children.

President Corcoran: Anybody else that would like to address Council? Moving on to the Administrators reports. Mr. Mayor.

ADMINISTRATORS REPORTS:

A. Mayor:

Mayor Gillock: Thank you Mr. President. Hurricane Sandy certainly hit with a vengeance. We had almost eight and half inches of rain in a very short period of time. My Engineer told me today that we had two months worth of rain overnight. We had about one hundred forty four homes without power for a day and a half, including Center Ridge Nursing home which operated on a backup generator. Some flooding occurred at those locations that normally flood. It is not just Pitts, but also Mills Creek North and South, Bender, Island, Lear Nagle and several others. The water did go down fast and we know that is no consolation to those that have water in their basement, but we do continue to work on those. Today we opened bids for the four mentioned Highland Detention ponds which came in around \$112,000. We allocated \$150,000. In our budget, that is not a small amount of money. We also had a conference today to shed light on a small part of the problem on Pitt where a pipe at one time had been removed because it was blocked. We are looking at maybe that pipe needs to go back in. We also continue to spend thousands of dollars with Bramhall Engineering looking for the illusive solution. Remember that this problem that we are talking about, as you have heard two of them say, has been there for forty-two years. We are trying to do something about it and we are spending money on it and we will continue spending money on it and try to find a solution for the problems in that area.

On the good news side this evening, in the last couple of weeks, the City has received a number of grants that will benefit our residents that I wanted to tell you about. You may already know that we received a grant for \$150,000 towards our trail applications at South Central that goes up passed the library up to the middle school. We received that from the Ohio Department of Natural Resources. This was our third try and we were the number one application out of sixty-six applications statewide. Kudos to our Parks & Rec Department for the work on that grant.

We received another grant of \$225,000 from ODOT towards the design detail work on the Lear Nagle reconstruction project on Center Ridge Road to Lorain as we continue to design and work towards widening Lear Nagle in probably 2016. We were also approved by the ODOT Safety Program Committee for permits to the Lorain Lear Nagle Cook Road intersection, which is a separate project from the Lear Nagle reconstruction. It was originally a part of the Lear Nagle reconstruction project, but ODOT recognized its own safety problems and wanted to move forward with that a little faster. We were approved for \$241,000 for detail design work in 2014; \$270,000 for right-of-way acquisition in 2014 and \$2,400,000 for construction in 2015. So that is good news for the City. Tomorrow is Election Day so if you haven't voted already be sure to remember to do that. That is your duty and right. I encourage everyone to hit the polls. Thank you Mr. President.

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

B. Safety-Service Director:

Safety-Service Director Armbruster: Well for the residents in the Pitts and Gina area, I can only say it is frustrating that we have not; we have made some changes, but for the years that I have lived here since 1970, it really is in the same position, not the same, but somewhat better position than what we were in. It is much easier to take some of the newer areas and fix, but for fifty, sixty years the Pitts and Gina area has been frustrating, not only in this Administration, but many other Administration's before this. I would only say as early as 2:00 this afternoon, there was probably eight of us in the conference room taking a look at all of the data that we had gathered as to where it is coming from, what changes in the ditches took place that sends water that way. There is a lot of consideration and a lot of thought. When we tweak the system and we clean the ditches, it has had an impact on other areas in North Ridgeville, including Gina and Pitts. It has had some positive effects, but unfortunately, when you have had that many years of flooding; it is not like there are new houses around there, it has been there and it is a little bit more difficult to fix. We are working on it. Mayor Gillock, I can only tell you, he certainly does care what is happening down there in the process. With that it is no consolation to say that we are working on it when in fact it is not fixed and I certainly understand that. When we were growing up we were flooded. I have not been flooded here in North Ridgeville because I don't have a basement. I haven't lived in the Pitts and Gina area. It is pretty frustrating when you get year after year, or three times over ten years to continue to get flooded. We are working on it. Beyond that, we have T 101 and T 100 that the Utilities Committee passed and hopefully we can move that forward. You all received information on T 112 tonight with regards to a change in the allocation of monies from \$40,000 to \$57,000 from the IT Department. Actually, the young

guys over there didn't realize that French Creek has its own budget and when they spent the money on French Creek that \$8,000 had put them over. That is why they are asking for the additional funding. I believe that Jason was able to explain that to you. If you want further explanation, obviously it would go to Committee if that is what you so choose. That completes my report for this evening.

President Corcoran: Thank you. Mr. Engineer.

C. Engineer:

Engineer Wangler: After the last incident we had we went out and discovered a lot of problems and we fixed a lot of problems. We are working on problems throughout the City all simultaneously. Some of the problems are easier and smaller to solve and those are going to be fixed ahead of time of the larger, more expensive, more complex problems. I want to let everybody know that they are all being addressed simultaneously and continue to be addressed. When I went around during this event, I saw a lot of places where we did make a lot of head way and I saw a lot of places where there is still work to be done. We are working on it. That is the end of my report.

President Corcoran: Thank you. Mr. Auditor.

D. Auditor:

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

E. Other Reports:

President Corcoran: Thank you. Other reports: August & September Building Department Reports & October 2012 Parks and Recreation Director's Report.

COUNCIL COMMITTEE REPORT(S):

Clerk of Council Smith: UTILITIES COMMITTEE REPORT dated October 16, 2012 which recommends approval of both T 100-2012 and T 101-2012 as originally submitted to City Council.

Moved by Boose and seconded by Butkowski to accept the Utilities Committee report as submitted.

President Corcoran: All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

Moved by Boose and seconded by Buescher to suspend By-laws to place T 100 and T 101 back on the agenda under first readings.

President Corcoran: Any comments or questions?

Councilman Boose: Mr. President, we had a thorough discussion on both Ordinances in Utilities Committee per the report that we just approved and also the minutes that all of you have. We have been able to make sure that the residents of our community are not paying anything more towards the project than they were originally suppose to pay. There were some monies moved from one area of the budget but at the end of the day they are the same monies, in fact, a little bit less than what we originally thought we would be paying. We want to move this project forward because every day that we don't, the City is incurring additional expense that we don't need to. I would recommend that we place this on the agenda under first readings, but also, suspend By-laws to pass this as quickly as possible. Thank you.

President Corcoran: Thank you Mr. Boose. It was moved and seconded to place 100 and 101 on the agenda for first readings. All those in favor say yes. Those opposed say no. They are now added to first readings.

Yes – 7

No – 0

CORRESPONDENCE: None.

OLD BUSINESS: None.

NEW BUSINESS:

Clerk of Council Smith: A request for a liquor permit from the Ohio Division of Liquor Control For Riser Foods Company, DBA Giant Eagle #199, 34325 Center Ridge Road, North Ridgeville, OH.

Moved by Boose and seconded by Buescher to not request a hearing as stated in the application so that this permit can be sent to the State for final disposition by November 29, 2012.

President Corcoran: All those in favor say yes. Those opposed say no. The motion was passed.

Yes – 7

No – 0

President Corcoran: Moving on to T 107.

Ordinance and Resolution Submittals

Clerk of Council Smith:

T 107-2012 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: LOCATED AT 36773 SUGAR RIDGE ROAD, PERMANENT PARCEL NUMBER 07-00-026-102-003 (AS SHOWN BY LEGAL DESCRIPTION BELOW); FROM R-1 RESIDENCE DISTRICT TO I-2 LIGHT INDUSTRIAL DISTRICT AND OWNED BY 5K'S MANAGEMENT COMPANY, LLC.

President Corcoran: Chair will refer that to the Buildings and Lands Committee and the Planning Commission. T 108.

Clerk of Council Smith:

T 108-2012 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: LOCATED NORTH OF CENTER RIDGE ROAD, PERMANENT PARCEL NUMBERS 07-00-033-101-005, -006, -007, & -013 (AS SHOWN BY ATTACHED LEGAL DESCRIPTION); FROM B-5 ARCHITECTURAL BUSINESS DISTRICT AND R-1 RESIDENCE DISTRICT TO B-2 CENTRAL BUSINESS DISTRICT AND OWNED BY CRNR, LLC.

President Corcoran: Chair will refer that to the Buildings and Lands Committee and the Planning Commission. T 109.

Clerk of Council Smith:

T 109-2012 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: LOCATED AT 37082 CENTER RIDGE ROAD, PERMANENT PARCEL NUMBER 07-00-033-101-009 (AS SHOWN BY ATTACHED LEGAL DESCRIPTION); FROM B-5 ARCHITECTURAL BUSINESS DISTRICT TO B-2 CENTRAL BUSINESS DISTRICT AND OWNED BY F. J. DETTORE, INC.

President Corcoran: Chair will refer that to the Buildings and Lands Committee and the Planning Commission. T 110.

Clerk of Council Smith:

T 110-2012 AN ORDINANCE AMENDING SECTION 1240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, KNOWN AS THE ZONING CODE ORDINANCE, TO RE-ZONE THE FOLLOWING LAND: LOCATED NORTH OF CENTER RIDGE ROAD, PERMANENT PARCEL NUMBERS 07-00-040-000-005 & -015 (AS SHOWN BY ATTACHED LEGAL DESCRIPTION); FROM R-1 RESIDENCE DISTRICT TO B-2 CENTRAL BUSINESS DISTRICT AND OWNED BY FJD PROPERTIES, LLC & CRNR, LLC.

President Corcoran: Chair will refer that to the Buildings and Lands Committee and the Planning Commission. T 111.

Clerk of Council Smith:

T 111-2012 AN ORDINANCE AMENDING MULTIPLE SUBSECTIONS OF N.R.C.O. CHAPTER 880 "EARNED INCOME TAX" IN ORDER TO REVISE AND CLARIFY SELECT PROVISIONS CONCERNING THE COLLECTION OF MUNICIPAL INCOME

TAX IN ANTICIPATION OF THE CITY'S ASSOCIATION WITH A COUNCIL OF
GOVERNMENTS.

President Corcoran: Chair will refer that to the Administrative Committee. T 112.

Clerk of Council Smith:

T 112-2012 AN ORDINANCE AMENDING ORDINANCE NO. 4907-2012 FOR THE
PURCHASE OF ADDITIONAL FUNCTIONALITY FOR THE CITY'S RECORDS
MANAGEMENT SYSTEM BY INCREASING THE AMOUNT FROM \$40,000.00 TO
\$57,000.00.

President Corcoran: T 113.

Clerk of Council Smith:

T 113-2012 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORTH
RIDGEVILLE TO APPLY FOR MEMBERSHIP IN A COALITION WHICH WILL APPLY
FOR A GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY FOR VARIOUS BROWNFIELD ACTIVITIES.

Moved by Mayor Gillock and seconded by Boose to give T 113 a first reading.

President Corcoran: Any comments or questions?

Mayor Gillock: Mr. President, there is a hearing this Thursday at North Ridgeville City Chambers at 6:30 P.M. There is also one Wednesday at the Elyria Township Complex. Lorain County Community Development Department, on behalf of the Commissioners, made an application to the U.S. EPA for what is called a Brownfield Coalition Assessment Grant. We will identify properties such as old shopping centers, the AT&T building, Center Ridge Road eleven properties will be submitted to be put on the inventory list. This grant will basically help do the phase one assessment of those to see if they are contaminated or not and if action is required. They applied for a grant in the amount of \$600,000 to help build this inventory; help prioritize the sites; do the assessments and develop the plans. We are going to have a couple hearings on this. We agreed to participate in this. The only thing we are giving up is our right to apply to the EPA for Brownfield grant on our own, which was never done. We figured this was a good thing to participate in. We would like a Resolution in support from Council to go along with our application for membership in the Coalition. Thank you.

President Corcoran: It has been moved and seconded to give T 113 a first reading. Any other comments? All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: T 113 is now added to first readings. That is the end of New Business.

RECESS:

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

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

President Corcoran: All those in favor say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: Moving on to first readings then. First up, we have T 105.

FIRST 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.

President Corcoran: T 100.

Clerk of Council Smith:

T 100 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO AN AMENDED CONTRACT WITH FRENCH CREEK BIOENERGY, LLC, AND QUASAR ENERGY GROUP, LLC, FOR THE MANAGEMENT, PROCESSING AND DISPOSAL OF WASTEWATER BIOSOLIDS PRODUCED BY THE FRENCH CREEK WASTEWATER TREATMENT PLANT.

Moved by Boose and seconded by Butkowski to dispense with the second and third readings for T 100.

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 100.

Moved by Boose and seconded by Butkowski to add the emergency clause due to timing issues.

President Corcoran: All those in favor of the emergency clause say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: It was moved by Boose and seconded by Butkowski to adopt T 100 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes – 7

No – 0

Clerk of Council Smith: Passed unanimously and becomes Ordinance number 4968-2012.

President Corcoran: T 101.

Clerk of Council Smith:

T 101 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO, TO ENTER INTO AN AGREEMENT WITH FRENCH CREEK BIOENERGY, LLC, FOR THE PURCHASE OF ELECTRIC ENERGY GENERATED BY THE ANAEROBIC DIGESTER FACILITY.

Moved by Boose and seconded by Butkowski to dispense with the second and third readings for T 101.

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 101.

Moved by Boose and seconded by Butkowski to add the emergency clause due to timing issues.

President Corcoran: All those in favor of the emergency clause say yes. Those opposed say no.

Yes – 7

No – 0

President Corcoran: It was moved by Boose and seconded by Butkowski to adopt T 101 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes – 7

No – 0

Clerk of Council Smith: Passed unanimously and becomes Ordinance number 4969-2012.

President Corcoran: T 113.

Clerk of Council Smith:

T 113-2012 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE TO APPLY FOR MEMBERSHIP IN A COALITION WHICH WILL APPLY FOR A GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR VARIOUS BROWNFIELD ACTIVITIES.

Moved by Boose and seconded by Olesen to dispense with the second and third

readings for T 113.

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 Olesen to adopt T 113.

Moved by Boose and seconded by Olesen to add the emergency clause to meet the deadline for this week's meeting.

President Corcoran: All those in favor of the emergency clause say yes. Those opposed say no.

Yes – 7 No – 0

President Corcoran: It was moved by Boose and seconded by Olesen to adopt T 113 with the emergency clause. Any comments or questions? Clerk, please call the roll.

Yes – 7 No – 0

Clerk of Council Smith: Passed unanimously and becomes Ordinance number 1264-2012.

SECOND READINGS:

Clerk of Council Smith:

T 99-2012 AN ORDINANCE REPEALING ORDINANCE NO. 4949-2012, WHICH AUTHORIZED THE MAYOR TO ENTER INTO A SECOND CONTRACT WITH MARSH MCBIRNEY, INC. FOR PROFESSIONAL METERING SERVICES.

President Corcoran: That is the end of second readings. Now we have T 84-2012 Revised.

THIRD READINGS:

Clerk of Council Smith:

T 84-2012 AN ORDINANCE AUTHORIZING THE CASH-OUT OF 600 HOURS OF SICK
Revised TIME.

Moved by Boose and seconded by Buescher to adopt T 84-2012 Revised.

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

Yes – 7 No – 0

Clerk of Council Smith: Passed unanimously and becomes Ordinance number 4970-2012.

MEETING ANNOUNCEMENTS:

President Corcoran: The next regular Council meeting will be held on Monday, November 19, 2012 at 7:30 P.M. here in Council Chambers. Tomorrow is Election Day so please vote. Seeing nothing else to bring before Council this evening. The meeting is adjourned.

ADJOURNMENT:

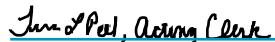
The meeting was adjourned at 8:11 P.M.

Approval of minutes:

These minutes were approved at the regular meeting of the North Ridgeville Municipal Council on November 19, 2012.



PRESIDENT KEVIN CORCORAN



CLERK OF COUNCIL GEORGE E. SMITH