

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING MAY 13, 2002**

CALL TO ORDER 7:30 P.M.

President of Council David Gillock: I'd like to call this Special Meeting of the North Ridgeville City Council to order. Would the Clerk please, call the roll.

ROLL CALL

Present were Council Members Nancy Buescher, Josanne Pagel, Bob Olesen, Bernadine Butkowski, Denny Johnson and David Gillock.

Absent was Council Member Allen Swindig.

Also, present were Law Director Eric Zagrans was represented by Assistant Law Director Toni Morgan and Clerk of Council Charles Norris.

Absent were Mayor Deanna Hill, Safety-Service Director Jim Johnson, Engineer Tom Beutler and Auditor Chris Costin.

President Gillock: Mr. Swindig had indicated that he would not be here. Would you please read the meeting notice.

READING OF NOTICE

Council Clerk Norris: Dear Members of Council and Mayor: Notice is hereby given, in accordance with Section 3.9(c) of the Charter of the City of North Ridgeville, that a Special Council meeting will be held Monday, May 13, 2002 at 7:30 P.M. This meeting will be held in City Council Chambers, North Ridgeville City Hall, 7307 Avon Belden Road, North Ridgeville, Ohio.

The purpose of this meeting is to consider T 44-2002, an ordinance amending North Ridgeville Codified Ordinance Section 1286.09(D)(3) regarding placement of certain temporary signs.

It is signed by G.David Gillock, President of Council, Bob Olesen, Ward IV Council Member, and Nancy Buescher, Ward I Council Member.

President Gillock: I think that would constitute second reading, unless you want to read the title again.

Clerk of Council Norris: I will be happy to. It's a second reading of T 44-2002.

SPECIAL MEETING

T 44-2002 An ordinance amending North Ridgeville Codified Ordinance Section 1286.09(D)(3) regarding placement of certain temporary signs.
Second Reading

President Gillock: Is there any discussion? Mr. Johnson?

Council Member Johnson: Proposed language at section one, item four reads, Where a sign concerns a matter to be voted upon, citizens may be asked to vote, but no opinion will be express as to how to vote. This topic is already covered in ordinance 1286.02(a) under classification of

signs, classification by content and use. There the wording is, political means a sign advocating action on a public issue or candidate for public office. I don't think we need to reinvent the wheel here. We can stick with the meaning of political sign that's already in the ordinances and with that in mind, I move that we amend section one, item four of this proposal to read in its entirety: "No political signs as defined in Ordinance 1286.02(a)(8) will be permitted."

motion by Johnson to amend Section 1, Paragraph iv) to read "No political signs as defined in Ordinance 1286.02(a)(8) will be permitted.", 2nd by Butkowski

President Gillock: Is there any other discussion.? Mrs. Pagel?

Council Member Pagel: I think, I'm trying to think of the discussion that lead to all of, you know with the posting of school signs and stuff like that for the issues, school issue and it seemed to be, in the public, there was a misunderstanding that school issues were political and I'm wondering if this would also lead to confusion also by putting it as political signs instead of maybe just leaving it as any sign that would fall under that jurisdiction.

Council Member Johnson: Most political signs fall under Ohio Revised Code as well as our code and the sign that brought this to frutation here, was the one involved in the schools. I suppose there are some out there that believe they are political. I don't believe they are but, there are some that believe they are. The definition is there. The definition has stood the test of time under this classification of signs. I think we're better off sticking with that rather than trying to dance around the issue with the wording that was there.

Council Member Buescher: Mr. President, that would be, the signs would read something to the effect, support your schools, but you wouldn't be able to say, vote for issue one.

Council Member Butkowski: Mr. President, I think Mrs. Buescher is correct. Once a sign starts saying, issue number five or vote, then it becomes political, otherwise, it's not a political sign and even if there was a school issue up at the time, if it just says, support your schools, as long as it doesn't mention a political voting issue, it's nonpolitical and I think that's how it is defined in Ohio Revised Code also. So, I think what Mr. Johnson is asking us to do is correct and probably will take some of the question out of what's in number four here because it's not defined real well.

President Gillock: I agree. I believe the Ohio Revised Code says, you can't use taxpayers money to support issues. Which basically says, no political signs. I think if we leave it that way, when you get a sign, it's going to, basically, be up to the Mayor to make an interpretation on whether that is a political sign or not and I think the key is, as you said in the definition, whether you're advocating an issue or not. I meant to ask you if you had any input on this. I was going to give you time to think about it while I was saying what I wanted because it really is a legal issue and I don't think we're trying to stop school banners by any shape of the imagination but, we don't want to violate the Ohio Revised Code either by putting up political signs and I think that's what we're trying to clarify here. The language is the way it is. Kind of parallels what 1286.02 says because, it says, may be asked to vote but, no opinion will be expressed, 1286, the definition says, you can't advocate a position.

Council Member Johnson: Mr. President, my intention is to allow the school banners without the controversy. That's my intention. It doesn't do any good to allow them and allow controversy,

gray language in there where people can argue while there's a levy going on. It works against any levy drive.

Council Member Olesen: Mr. President, if I put a sign up that says, support Joe Jones, candidate for county commissioners, I'm not saying vote for him, I'm saying support him. That, to me, would be a political sign.

President Gillock: Number one, that's not an issue, that's a candidate. I think if you say support him, there's an election going on, you just definitely made it a political sign without a doubt.

Council Member Johnson: Mr. President, The language I'm leaning on here in 1286.02, says political, means a sign advocating action on a public issue or a candidate for public office. So, it wouldn't be allowed.

Assistant Law Director Morgan: It sounds like everybody's in agreement to what you want. It's just a matter of hashing out the language. But, you're right, if you're advocating an issue, that makes it political. The question is, do we want to make this language different to say something more specific or do you want to leave it general. But, it sounds like everybody's on the same page.

Council Member Buescher: Mr. President, if you're advocating an issue though, a school levy is an issue. Where do you draw the line there then?

President Gillock: That's what I'm saying, it's going to be subject to interpretation to a point. If you're saying, support our schools and you stop there, is that supporting an issue? I know you can't say, vote for and you get into the issue of signs being informational as opposed to, it says, what was the language Denny, about advocating or taking action. Advocating action on a public issue, that's the key.

Assistant Law Director Morgan: Mr. Chairman, I would indicate that if you, if the sign says, even if it's an issue, if there's a levy up and you put up a sign, most people would read that as being an issue. If the language on the sign is something to the effect that everyone should vote, without saying vote for, vote against, just advocating voting, then you're probably okay. It's more iffy if you get into language like, support, because support seems to say to vote for it and we have done that in the past.

President Gillock: So, in your opinion, are we better off to just say, no political signs allowed or, I agree that the new language is more gray than saying, no political signs allowed. Ohio Revised Code says, no political signs, right?

Assistant Law Director Morgan: I believe it does, yes.

Council Member Johnson: What's left in question then is, what is a political sign and that's address some what under our definition and further in Ohio Revised Code.

Council Member Buescher: Mr. President, isn't there something in there that expresses that these signs are for community activities or something to that effect?

President Gillock: You mean in the codes now or the new ordinance?

Council Member Buescher: In the ordinance now. It probably is in the new one.

President Gillock: Yes there is language in the existing ordinances that refers to public charitable, civic, community, educational, and religious events but, I don't remember exactly what it says.

Council Member Buescher: Well, that's educational then. Interpret it that way.

President Gillock: So, you can put up a sign that says, we're speaking hypothetically, support our schools or attend the concert or they're having a fund raiser or something, graduation date. But, when you're advocating action on an issue, is when you cross the line.

Council Member Johnson: Support our schools, you can put that banner up in January when there is no election, when there is no school issue and it works either way. Just because it goes up when there is an issue on the ballot, doesn't tie it to a political issue, in my opinion.

Council Member Pagel: Mr. President, can Mr. Johnson read the wording for the amendment, again, please.

Council Member Johnson: No political signs as defined in Ordinance 1286.02(a)(8) will be permitted.

President Gillock: That definition, 1286.02, political sign, political means a sign advocating action on a public issue or a candidate for public office. So, he's saying, you can't have a political sign that advocates action on an issue.

Council Member Butkowski: Mr. President, it sounds like it defines it about the best you can when you're talking about the school things, support our kids, something like that it's just, way away from anything that would deal with a school levy as much as possible rather than support our schools but, that can be up to the committee but, according to what Mr. Johnson has advocated here, it spells out pretty much in black and white what a political sign means. There's always someone who's going to find something.

Assistant Law Director Morgan: Mr. Chairman, I'd say it is a matter of degree if you look at the term political broadly, it can mean a number of different things.

President Gillock: And that interpretation would basically be up to the Mayor, correct?

Assistant Law Director: Yes, when we come down to whether or not the Mayor, whoever the administration was thought it was an appropriate sign at the time.

President Gillock: And therefore, I wouldn't have a problem with it. Any other discussion? Mrs. Buescher?

Council Member Buescher: I believe also, that somewhere in there it stated that, let me think of what that issue was, I can't think of it, go ahead.

President Gillock: I think what we're trying to do, is the Ohio Revised Code is very clear. You can't put up political signs yet, we want to allow the Mayor some discretion in putting up banners.

Council Member Buescher: The City, I believe somewhere in there it states that the City can put up those signs and that was one of the issues that we had, that we were worried and concerned about. The City workers can put up any of those signs that have to do with the community. Is that correct?

Council Member Johnson: Mr. President, I would think the City's workers are the only ones we want putting banners up across the highways.

President Gillock: Correct.

Council Member Buescher: That's stated in there somewhere, isn't it?

President Gillock: It's not in the, what it says, the City shall be permitted to assist in erecting

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otherwise nonconforming temporary signs. So, it says, the City can do that. I do know of one instance where the board had a member from Alltel on their board, that said well, Alltel would do it for us and I don't think you want to get into that. There as good as our people, I would think but, from a liability standpoint and all other issues, we should just do it.

Council Member Buescher: I think that was one of the concerns that people were thinking that that's where the controversy was, the school issue was not a City, it's not exactly a City issue but, the City workers were putting the signs up and was there a conflict there.

Council Member Johnson: If the sign is legal and proper then, it's no different than congratulations Rangers on winning the State finals or something.

President Gillock: As long it's not political, then you don't have that conflict. Any other discussion? Vote on the amendment to delete Section 1 iv) in it's entirety and replace it with the statement, "No political signs as defined in 1286.02(a)(8) will be permitted.". Please call the roll.

Clerk of Council Norris: On the motion to amend T 44-2002 , section one, paragraph four.

Council Member Butkowski: Excuse me, did you want to put in the definition of a political sign, also.

President Gillock: No.

Yes, 6 No, 0

Clerk of Council Norris: Motion passes by a vote of six to zero.

ADJOURNMENT

President Gillock: Meeting adjourned.

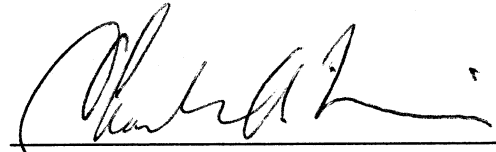
Meeting adjourned at 7:43 P.M.

MOTION Butkowski 2ND Buescher DATE May 20, 2002

YES 6 NO 0 ABSTAIN 1 - Swindig



PRESIDENT OF COUNCIL



CLERK OF COUNCIL