

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING JULY 31, 2001**

CALL TO ORDER 6:30 P.M.

President Brown: I would like to call this Special Council Meeting to order, Executive Session regarding personnel matters. Mr. White, please read the notice.

READING OF NOTICE

Council Clerk White read the notice of the Special Council Meeting in full as on file in the office of the Clerk of Council as it relates to an Executive Session.

Law Director Zagrans: Madame President, there needs to be a roll call before convening into Executive Session.

President Brown: Please take roll.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, and Jean Brown.

Absent was Council Members Bernadine Butkowski and David Gillock.

President of Council Jean Brown was excused at approximately 6:32 P.M.

Also, present was Mayor Deanna Hill, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.

Absent was Safety-Service Director Jim Johnson and Engineer Stewart Lovece.

Law Director Zagrans: Madame President, before convening into Executive Session to discuss a personnel matter, I note that the Chair has requested the opportunity from staying at the remainder of the meeting. In the absence of the Vice-President of Council as well, it will take a motion and approval of a motion to suspend By-Laws to turn the duties of Chair over, temporarily to someone else and it can be anyone else qualified to do it, to act as the Chair of the meeting further. (Tape one, side one ends)

motion by Brown, 2nd by Overby for Swindig to take over the meeting

President Brown: . . .my absence, please. Discussion? Seeing none, please take roll.

Yes, 4 No, 0 Abstain, 1 (Swindig)

Law Director Zagrans: Motion fails.

motion by Swindig to reconsider, 2nd by Overby

Clerk of Council White: Mr. Swindig?

Council Member Swindig: Yes.

Yes, 5 No, 0

Clerk of Council White: Thank you. Motion now carries five, zero.

President Brown: Thank you.

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EXECUTIVE SESSION

motion by Swindig to convene into Executive Session, 2nd by Borocz
President Brown: Take roll.

Yes, 5 No, 0

Clerk of Council White: Motion carries five, zero to go into Executive Session.

Council convened into Executive Session at 6:32 P.M.

Council reconvened from Executive session at 6:46 P.M.

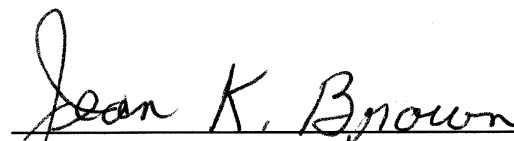
ADJOURNMENT

motion to adjourn by Overby, 2nd by Borocz

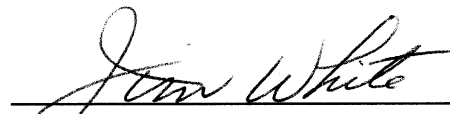
Meeting adjourned at 6:47 P.M.

MOTION _____ Swindig _____ 2ND _____ Borocz _____ DATE _____ September 4, 2001 _____

YES _____ 3 _____ NO _____ 0 _____ ABSTAIN 3 - Butkowski, Gillock, Brown _____



PRESIDENT OF COUNCIL



CLERK OF COUNCIL

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING JULY 31, 2001**

CALL TO ORDER 6:48 P.M.

Council Member Swindig: Mr. White would you read the notification

READING OF NOTICE

Council Clerk White read the notice of the Special Council Meeting in full as on file in the office of the Clerk of Council as it relates to a work session to discuss TOPS tax increment financing.

Council Member Swindig: Roll call.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz and Gail Minnick.

Absent was Council Members Bernadine Butkowski, David Gillock and Jean Brown

Also, present was Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans and Clerk of Council Jim White.

Absent was Auditor Chris Costin and Engineer Stewart Lovece.

WORK SESSION

Council Member Swindig: I'm going to turn this work session over to the Mayor to introduce the attorneys.

Mayor Hill: Thank you, Mr. President. I called this work session so that Council can learn about tax increment financing. It's a new concept in North Ridgeville. However, it is not new across the State. It is a way to make infrastructure improvements that are badly needed by working with an organization and we've already done that by submitting for approval for a grant from the State. So, we're already showing our commitment and this would be evidence of our commitment. Those grants are under the Department of Development. What they're looking for is economic development jobs and that sort of thing. These are the only organizations that bring jobs that make the application favorable. The purpose is to do something about that intersection at Lear Nagle and Center Ridge Road. This should come as no surprise to any Council Member because it's been talked about for almost a year. The nearest to us that has done tax increment financing is probably Sheffield Village and they did it for their industrial park. It's great advantage to the City because then, you don't have to, we don't have to invest taxpayer money as heavily to accomplish the same goal. We have with us tonight, the first person I'd like to introduce is Pam Hanover. She came recommended as an attorney. She is with Squire, Sanders and Dempsey. She came highly recommended from the Department of Development and our regional representative from the Governor's office as well as a number of business organizations in other communities. She is well known as an authority. Recognized by those across the State as an authority on tax increment financing and I'd like at this point, if the President permits, to

introduce Pam Hanover and Pam, if that's done, would you step to the microphone.

Pam Hanover: Good evening. If I could mention, it's kind of hard to know what to start with first so, I will circle around a little bit and mention a couple of the same concepts more than once because this is a little convoluted, a little difficult to understand on first hearing. But, if we first look at this as an economic development tool, what I understand the Mayor was referring to, is the City has applied for a four hundred thousand dollar grant for purposes of building public improvements in the vicinity of this proposed Shopping Center project and a condition of those types of grants is that the City show some sort of public subsidy to that project and so, in this respect, tax increment financing is viewed by the Department of Development as a public subsidy that would meet their requirements. We also look at tax increment financing as a tool to help pay for public improvements, not just a subsidy to a private company. So, let me talk now about how it works and I know you are familiar in the City with the concept of tax abatement and I will compare it a little bit and contrast it with tax abatement so that you can understand the difference. What happens is, you take a private development that is going to be located in the vicinity of where some public improvements need to also take place and where this private development, like the one in question here, is directly benefitted by the public improvements and the City can, by passing the appropriate ordinances and entering appropriate agreements, provide that the real property taxes that otherwise would have been paid by the private, relating to the improvements on the private property, be dedicated or redirected to help pay for the public improvements. So, in lieu of tax abatements, the company actually makes its real property tax payment in the amount that it otherwise would of made in connection with this new development, but instead, and it's paid to the County Auditor, but instead of that payment being divided up among the school district and the county and the city, it actually is all paid over, depending on what portion you've decided of it to pay over, but that portion that's subject to the tax increment financing is all paid over to the City and can only be used to pay for public improvements that you have identified through your tax increment financing ordinance and program that directly benefits the private improvement that you're getting the monies from. So, the way this works is that there's an ordinance passed by the City where the City's identified the private development and identifies the public improvements and states that the public improvements directly benefit the private development and then declare the private development to be exempted from real property taxes and that the payments in lieu of taxes, that would have been paid, are then directed to pay for those public improvements. That is in essence what a tax increment financing program does and you can see that it's, at the same time, a subsidy because public improvements are occurring that directly benefit a private development even though they are public improvements and in this case we're talking about public improvements that are in a major intersection area of the City and at the same time it is a way to help you pay for a public improvement so that typically what would occur here is if the grant does come through, and I understand the estimated cost of the public improvement is somewhere in the vicinity of 1.2 million dollars, so as a four hundred thousand dollar grant comes in, there's an eight hundred thousand dollar shortfall. The City might issue notes or bonds to held pay for the eighty hundred

thousand dollars and then have these payments in lieu of taxes coming in over time to help pay the debt service on the City's general obligation notes or bonds.

Law Director Zagrans: Pam, can you make sure that the Members of Council understand why this is superior, why it's better than merely collecting the tax revenues on the real property taxes, adding them to whatever fund they would go to and then just paying for the public improvement in the ordinary course. Please explain why this does a better job.

Pam Hanover: In the first place, from the City's perspective, the City might receive, I'm not sure what your percentage is, but say 20 percent of the amount of total real property taxes that are paid with respect a new development and the other taxing entities would receive the remaining 80 percent. In this instance, for that portion that you exempt, the City would receive 100 percent of the real property taxes that are coming off of a private improvement so that you not only have the 20 percent you would have otherwise had, but you have the additional 80 percent and the program works such that that money can only be used for those designated public improvements that you've already designated in your ordinance and once those public improvements have been fully paid for, this program stops and the property goes back on the tax duplicate and payment of taxes are made in the ordinary course. This is, the particular program we're talking about, has been around since 1993 for cities. There's been other tax increment programs around prior to that, but this program is 1993 and as the Mayor mentioned, it's been used in Sheffield Lake, it's been used in Huron, Willard, Solon, Streetsboro, or for somewhat similar projects in the sense that there are roads being built and in some of the instances, it's been an industrial development and others, it's been a commercial development. But, it is viewed as a way of raising some revenue to help pay for public improvements. It's not the same, it's not quite as, it's a source of revenue that's inherently a little bit, you're never going to be able to predict exactly how much money will come in at the beginning because the source, the amount of money that this is going to be based on, what the valuation will be of the private development. What you can do is all sorts of estimating based on information being provided by the developer but, in fact, you won't definitely know until the projects actually built, it's been appraised and you know. But, once that point occurs, absent some sort of major disaster, a fire or whatever, you then have some clue now of what the building will be valued at and what your stream of revenues will be after that point. But, they are referred to as payments in lieu of taxes. That's what tax increment financing brings about is the receipt by the City of payments in lieu of taxes. To compare this to tax abatement is, very briefly, from the developers view point, this is not tax abatement because they're making a payment that they would of otherwise not had to make if they had tax abatement. From the City's perspective, obviously it's not tax abatement because you're now receiving a tax payment in far greater amount than you would of received with just a regular tax payment. From the school district perspective, though this is very much like tax abatement, the property's exempted. They won't be receiving the tax payments that they would of received had it not been exempted through the tax increment financing. But, the State law provides protection for the school district very, almost identical to the protections provided for tax abatement where they are entitled to notice and approval and in certain circumstances, income tax sharing and I know that City

administrators have been talking with the school district to work out some arrangements so that they are comfortable and in fact, would approve the project and the program, the tax increment financing program.

Mayor Hill: Mr. President, if I may interject? Our Auditor, who had work to do, asked me to make the statement for him as well, he has attended the meetings. He did not understand or was not familiar with tax increment financing prior to these meetings, he whole heartedly supports this. What it means that the developer or organization still makes payments as if they were paying taxes. We get a four hundred thousand dollar grant that otherwise we'd have to finance because we all recognize the need to do something about the intersection and we have been talking with the schools and meeting with school officials and so we have the attorneys and they are okay with this because they recognize the need to get it done and they tend to be, to see things long term and they are looking at the future increase in the property values which means increases to them and of course, we do have income tax sharing in place in North Ridgeville, so they're looking forward to that income tax through the jobs and as I said, we have to do the intersection anyway otherwise that 1.2 million dollars is all ours.

Pam Hanover: If I might mention the process they go through in connection with tax increment financing. First of all, before the City Council can pass an ordinance we have to have School Board approval, assuming that's necessary, and I think it will be here, legally necessary, so that you have School Board approval which normally follows some period of notice and discussions that we're well into at this point. Then, after a School Board has approved it, then there's a City Council ordinance and that City Council ordinance normally accomplishes a couple of things. The first being what I already described, you identified the public improvements, the private development and determine what your exemption amount would be, whether it's 100 percent or less and for how long and with school approval this can go as long as 30 years. However, it stops whenever the public improvements have been paid for so it's going to be the shorter of that. Again, I don't think the 30 year time period is being discussed at this point but, that's the maximum it can go by law.

Mayor Hill: The Auditor has already gone through the numbers and he feels good about it and he, of course, before it's submitted to Council and to the Schools would formalize the numbers and percents that he sees as advantageous.

Pam Hanover: At that point you also would approve any agreement with the School district if there's any need for modification of your existing agreement with them and there's an agreement normally entered into with the developer that's approved and that point under which they agree to make the payments in lieu of taxes and file all exemption applications necessary and to any other conveyance that are determined appropriate.

Council Member Swindig: Does not the Board of Commissioners have to approve it also like tax abatement.

Pam Hanover: No, not like your enterprise zone tax abatement. This is just between the City and the schools.

Council Member Swindig: Is there any other questions of Pam?

Law Director Zagrans: Thank you very much.

Mayor Hill: We also have the attorney for TOPS, if you'd like to go to the microphone and introduce yourself, please, for the record.

Council Member Overby: Mr. President, I need to be excused. I have somewhere I was suppose to be a few minutes ago. I am familiar with this. I understand how it works and I apologize to these folks, but there's some place I've got to be.

Law Director Zagrans: Mr. President, unfortunately and unhappily I suggest the absence of a quorum.

Mayor Hill: If you could make it very brief. I know he has this meeting at 7 P.M. and he is Chairman so, I guess he has to leave.

Kip Wallers: I'm Kip Wallers. I'm with Calfee, Halter and Griswald. I'm attorney for the developer, Visconsi and Company and I think it would be useful to actually here from Brad Goldberg who is representing Visconsi, to talk a little bit about the plan development and the plan improvements.

Brad Goldberg: I'm Brad Goldberg and I'm representative of the Visconsi Companies and I'm sure you're all aware of the project we are proposing to do at Lear Nagle and Center Ridge Road. Our client, TOPS Market, is very excited to eventually, to get a new store opened. We're targeting to open, right now, we're looking for an October 10th of next year, for our grand opening. Our due diligence, our homework is but complete. The grant application is in to the State for approval and should be anywhere from 30 days out to getting the approved funds and as soon as we get the TIF agreed to and taken care of we would like to begin construction and get the project under way and get the store opened. I have cards that I'd be more than happy to pass out if anybody has any questions. The project, as you've all seen the site plan, it's going to be a 48,800 square foot TOPS Market store with about 8, about 9,000 square foot of retail on the project. We're very excited in getting developed and in getting the store open. So, if you have any questions at the end of the evening, I'll pass out the cards and call me.

Council Member Overby: Mr. Goldberg, since I'm here, does the opening of the store go along with the repair or the improvement of the intersection?

Mr. Goldberg: That's a very good question. TOPS, in a perfect world, we would have the off site completed by the time grand opening came to date. In the real world, depending on the weather and everything else, we've allotted time for some bumps in the road regarding the off site, how we go about preparing that off site. There are some things that are going to come into play. How we go about (inaudible), close the road, half lane it and a lot of things that can be done can be in conjunction with the City because it is a public improvement and if TIF money, grant money how those improvements are made. We're working through to address this right now.

Council Member Overby: Is it possible that the improvements in the intersection will be complete approximately the same time the store opens?

Mr. Goldberg: At the latest. TOPS would hesitate to be opened prior to the off sites being completed. The last thing they want to do is have a grand opening and have a street you can't get access to.

Council Member Overby: So, it's better for you to have that done before.

Mr. Goldberg: Absolutely.

Mayor Hill: Mr. President, the off site improvements have all been reviewed by our City Engineer who has attended all the meetings as well. We had our Law Director there, we had Pam there, their legal representative at meetings as well as myself and Safety-Service Director and the Engineer. So, we all came together to try to do the best we could and these are improvements that the City Engineer felt were very necessary and were approved by him.

Mr. Goldberg: If I could make one more additional comment. We've been everyone's best interest, again, TIF's the last piece of the puzzle that needs to be put in place. Once the development agreement, or actually the School Board passes the resolution onto the Council and the developer agreements be pushed, whoever prepares the covenant can go ahead and pull the trigger and (inaudible) land can begin construction. The TIF is the last piece of the puzzle that needs to be taken care of to get the ball moving.

Council Member Minnick: I won't hold you to this, but can you give me some ball park figure as to when this City could start realizing the tax from the TOPS store once the street is paid for?

Mr. Goldberg: If I'm understanding your question properly, you want to know when the City will benefit from the actual increase in tax dollars and the TIF would be pay for?

Council Member Minnick: Right.

Mr. Goldberg: It would probably be part of. . .

Pam Hanover: There would be more than one type of tax so that you would, as soon as the TOPS store would open, municipal income taxes would start. . .

Council Member Minnick: I'm talking about the real property.

Pam Hanover: The real property tax, there is a delay. If, in the same type of delay that is in effect with any commercial or industrial project or residential project for that matter, so that if it opens in 2001 it would go on the tax duplicate, otherwise we have to look at it as when would taxes be paid because you're receiving the payment in lieu of taxes as if taxes were paid. It would go on the tax duplicate January 1, 2002 and you'd receive your first payment in January of 2003.

Mayor Hill: Mr. President, has to be remembered that this is not tax abatement. So, it's not like they're not paying. They're just paying the City and the City pays for infrastructure. As soon as we get a grant approved we're already 400,000 ahead.

Pam Hanover: I think I started you in the wrong year because I said if construction were finished in 2001. Let's take it back in reality. If it were finished in 2002 it would go on the tax duplicate in January 1 of 2003 and the first payment would come in January 2 of 2004.

Council Member Minnick: What is the projected time that that tax money will pay for the road? Ball park figure.

Pam Hanover: I think we need, probably the Auditor here.

Mayor Hill: The Auditor has that all worked out. He has set up a time table and as I said, he had to leave to go do some work in his office, but prior to this being finalized, he would present that.

Pam Hanover: The answer to that depended on several scenarios of what the agreements with the schools would end up being of how long the exemption would be and for what percentage.

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Council Member Minnick: We'll have all those figures before it comes to Council?

Pam Hanover: Yes.

Council Member Swindig: Any other questions?

Pam Hanover: I might mentioned a couple of things. The exemption is just for real property, so personal property taxes continue to be made. This program does not exempt personal and to the extent there's any existing value at the site, the tax increment financing only picks up the increase value so that the taxes that are currently being paid are continued to be paid. That amount should continue to be paid as taxes as opposed to in the increased amount that is then comes to the City to pay for the public improvements.

Council Member Swindig: Any other questions? I thank you.

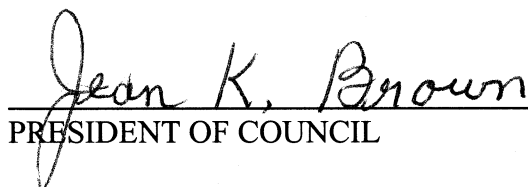
ADJOURNMENT

motion to adjourn by Overby, 2nd by Borocz

Meeting adjourned at 7:10 P.M.

MOTION _____ Swindig _____ 2ND _____ Borocz _____ DATE _____ September 4, 2001 _____

YES _____ 3 _____ NO _____ 0 _____ ABSTAIN 3 - Butkowski, Gillock, Brown _____



PRESIDENT OF COUNCIL



CLERK OF COUNCIL

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING JULY 31, 2001**

CALL TO ORDER 5:30 P.M.

President Brown: I would like to call this Special Meeting to order for North Ridgeville Municipal Council for July 31st, year 2001. Please read the notice, Mr. White.

READING OF NOTICE

Council Clerk White read the notice of the Special Council Meeting in full as on file in the office of the Clerk of Council as it relates to T 109-2001.

President Brown: Please take roll.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski and Jean Brown.
Absent was Council Member David Gillock.
Also, present was Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans and Clerk of Council Jim White.
Absent was Engineer Stewart Lovece.
Auditor Chris Costin arrived at 5:35 P.M.

President Brown: Under new business, Mr. White, please read T 109-2001

NEW BUSINESS

T 109-2001 An ordinance authorizing and directing the submission to the electors of a proposal to amend Section 2.4 of Article II of the Charter of the City of North Ridgeville, Ohio.

Law Director Zagrans: Madame President, thank you for recognizing me. I want to advise City Council of the functions and duties they are convening here at this Special meeting to take up. It relates to the process of the Charter Review Committee recommending to the electors of the City at the November General Election, various proposed amendments to the City Charter and this is pursuant to Section 16.1 of our Charter which reads as follows: During the month of January 1966, and at least once every six years thereafter, the Mayor shall appoint a committee of nine qualified electors of the Municipality to be known as a Charter Review Committee. Such Committee shall review and recommend to Council not less than 90 days prior to the next November Election, any alterations, revisions, and amendments to this Charter as in its judgment

seem advisable. The Council shall submit to the electors any such proposed alterations, revisions, or amendments to the Charter at the next regular November Election. Each said Charter Review Committee shall cease to function on the day of the next November Election following its appointment. The members shall serve without compensation unless otherwise provided by ordinance.

The point of my reminding Members of Council of that provision of our Charter is that the key sentence is that the Council shall submit to the electors any proposed alterations, revisions or amendments to the Charter at the next November Election. So, this is coming up before Council with a number of proposed amendments that are going to be in sequential meetings. It is up to the Members of Council, then, to vote to submit them and put them on the ballot for decision by the voters at the November 6th, 2001 Election. It was my understanding that former Mayor Richard Noll wanted to make a presentation to the Members of Council of all of the six proposed Charter amendments together at one time and I was going to ask for someone to move to suspend By-Laws to allow that presentation to be done all at once rather than be broken up meeting after meeting after meeting. But, in Mayor Noll's absence, is there another Member of Committee who wishes to make that presentation? If so I will ask someone to move to suspend By-Laws to permit it. (Inaudible) If you're going to do it then I have to ask somebody to move to suspend By-Laws to allow you to do it.

Click Davis: I wanted to ask what it entails?

Law Director Zagrans: It would simply be, informing Council of what the various proposed amendments are, confirming that they were, I think, unanimous in all of the votes of the nine Members of Committee, etcetera. Whatever it was you wanted to say. Somebody want to do that?

Clerk of Council White: If so we have, like he says, we have to suspend By-Laws and vote for it.

Law Director Zagrans: Just let me know if anybody wants to do that.

Mayor Hill: Madame President, I do have some background information to present for each of them. But, that I will do as we come to the vote of each. I hear the elevator, maybe. Maybe we ought to wait till it opens. Oh, it is Mayor Noll.

Law Director Zagrans: Would someone move to suspend By-Laws to allow Mayor Noll to make the presentation?

motion by Swindig to suspend By-Laws to allow Mayor Noll, 2nd by Borocz

Yes, 6 No, 0

Clerk of Council White: Motion carries six, zero. Mayor Noll, you're on.

Mayor Noll: Basically, can everybody hear me from here?

President Brown: Yes.

Mayor Noll: What we did as a group was a lot of individual efforts and we tried to clean up the Charter where it looked like it needed some language changes that would make it clearer. We considered a lot of things that aren't presented to you tonight but they didn't seem important enough at the time to make a recommendation. So, at this time I stand behind the Committee's

recommendation as presented and hopefully they will be sent to the Election Board. (Editor's Note: Mr. Noll was not near a microphone. Therefore, the audio recording was not clear. His actual words may vary from what was heard and recorded in these minutes.)

President Brown: Thank you.

Council Member Swindig: I move to, we can take all of them at the same time, Eric?

Law Director Zagrans: No, we can't take all of them at the same time. But, if you don't want to have multiple meetings, we need to deal with each of them tonight.

Council Member Swindig: I motion to accept T 109-2001.

Law Director Zagrans: That would be a motion to suspend By-Laws to give that a first reading tonight.

motion by Swindig to suspend By-Laws to give T 109-2001 a first reading tonight, 2nd by Overby

President Brown: Any discussion?

Council Member Butkowski: Madame President, when I received notification for this meeting, there was not any legislation attached. I went to the office eight thirty Monday night to collect my mail in my box. There was no legislation there. Nine A.M. this morning or about, I called the Council Clerk's office and left a message asking about the legislation. No one called back. I now find the legislation in my box at five twenty-five this evening. When did the other Council people receive their legislation copies? How can we vote on such important matters that changes the Charter of this City without sufficient time to review the changes? As I see, this is not an emergency. The brief definition is, a sudden need for action. It does not seem to me that this exists. There is plenty of time to study these matters and put it on the next November ballot. According to what Mr. Zagrans said today, the group was supposed to be appointed in January, I think it was June and it says it shall be put on the ballot, it did not say it must be put on the ballot. The Charter was written by my father and many dedicated members of this Community and we cannot undermine the work that they and many others in the past have done and shove this thing through without any study. We owe this much respect to the Community and our forefathers.

Law Director Zagrans: Madame President, Mrs. Butkowski is right about one thing and wrong about two things. The word shall and the word must in the context of the Charter would mean exactly the same thing. So, whether it's a shall or whether it says must, that's the same thing, legally. Also, the Committee is not to be appointed in January. It's to be appointed every six years after January 1966. But, she is correct that it has to be put on the ballot for this coming November Election when the Charter Review Committee has recommended these various amendments to the Charter and in order to be put on the ballot and in order to comply with our Charter, it has to be approved by Council and go to the Board of Elections at least 90 days before the November 6th Election. Now, I haven't counted backwards, but approximately 90 days would be somewhere around August the 6th. So you have between now and August the 6th to vote to approve and if you choose not to do it at this meeting, then there would have to be, under

our Charter, other meetings called between now and August the 6th in order to accomplish the result that the Charter mandates.

Council Member Overby: Madame President, I think everybody in this room has known what's been going on for some time with this Charter Review thing and they should be well aware of what the requests are going to be. It's been in the newspapers. Most of these people have been to the meetings and every time we have something like this, somebody's got to come up with, well we can't do it this way, we should do it that way. It's getting kind of ridiculous. I mean, people should do their jobs and pay attention to what's going on around them.

Council Member Butkowski: Madame President, I would do my job, but I have to read the contract before I sign it. People can tell me, I've bought cars before and they tell me all kinds of things, but believe me, I'd never sign that contract until I've read it and this is the first time I've seen what the changes are. I've gone to some of those meetings, not all those meetings. But, I still don't know what was going to be in black and white and what's going to be on the ballot until I have a chance to read it and I can't read it in five minutes. I can't vote on it.

Council Member Overby: Madame President, the Charter says we have to present this to the people. This Committee spent a lot of time doing this and their volunteers and it's hard to get people to do things like this. I don't think we should question their integrity of what hard work they put into this thing. Our job is to present it to the people to vote on. Their job was to present it to us. Our job now is to present it to the people.

Council Member Minnick: Madame President, I don't approve of this fast track approach, the seriousness of revising our Charter. The Charter Review Committee should have been setup in January and past Members contacted for input. Instead, the first meeting was held in June. To my knowledge no effort was made to contact past Members nor the people that I know who requested to be on the Charter Review Committee. I don't like the idea of the Charter Review Board appointments made by one person and the suggested changes coming from that one person. We received the Special Council meeting notices just yesterday without the legislation attached. This morning, I swung by Council office around ten only to learn that proposed ordinances weren't quite ready. There is not sufficient time to digest these ordinances and make a responsible decision. While I fully believe in the residents right to vote, it is also Council's responsibility to make sure we are giving the residents proper and valid changes to vote on.

Unfortunately, the notice was not published in The Chronicle Telegram and provided too late to be published in the Press and Light and Sun. The apparent rush to get the Charter changes to Council and on the ballot left no time to consider the residents suggestions. With the Charter amendments being approved at a Special Council meeting today, there is no lobby and no way to hear from residents other than by personal contact. The feed back that I've received thus far has been unfavorable to putting the suggested Charter changes on the ballot. I haven't received one comment in favor of putting the amendments on the November ballot. It appears we're dealing with a stacked deck. It's likely this entire process has been a one man show, put on the fast track and smacks of impropriety. I would like to send the proposed ordinances back to the Charter Review Commission for further study and reevaluation.

Council Member Swindig: Madame Chairman, I think it's a shame that these people that volunteer their time and their valuable time, and I know I've called them for putting in input, but I would not show up at a meeting. I didn't think it was my place to show up at that meeting and now they want to, we have people on Council that wants it to deny the people the right to vote.

Council Member Butkowski: Madame President?

President Brown: I will allow you to answer that and then we're going on.

Council Member Butkowski: I don't want to deny anybody the right to vote. I just would like 24 hours to read the legislation before I vote as I would hope people read all the literature before they go to vote. I am not a blind voter. Never have been and don't ever hope to be.

Mayor Hill: I take great offence, on behalf of the people who served on the Committee, to have it said that it's a one man show. Number one, I know who you're talking about and I'm not a man, okay. Secondly, there were many Charter changes that were considered by this Committee. I would also take great offense, on behalf of this Committee, to say there was no contact made with other people who served on Charter Commissions or with anybody else who might have input. That is absolutely untrue and if you had checked with the Charter Review Committee Members, maybe you would know what the truth is. Next thing is, we checked back on other Charter amendments that have been submitted. They have all, all, except one time that I could find and I'm not sure that that one even occurred, they were all put on the ballot, approved by Council to be put on the ballot as an emergency measure at Special Council meetings. Folks, if we don't have the majority, we'll just keep on meeting. We can take all of, up to August 6th to do it and I'll be happy to do it and I'm sure because of the commitment of the Charter Review Committee Members, they will too. But please, keep in mind, what the Charter says and what the Law Director says, shall. Thank you.

Clerk of Council White: I would like to respond.

President Brown: Yes, Mr. White.

Clerk of Council White: I would like to respond on the comment that the ordinances were not with the letter that Council people received. The Charter says, the Council Clerk's office, if they receive a response for a Special Council meeting, will submit those to the Council people 24 hours, the newspapers will be notified, they were notified, the letters were sent out. There was a person in our office all day today working on getting the legislation here. If you came into the office, she would have shown you. She may not of had all the copies run off, but she would have run copies off for you of the legislation and that was what she was required to do. So therefore, I don't know what to respond, that we owe you something else.

Council Member Butkowski: Madame President, I called at nine o'clock and nobody returned my phone call. I asked about the legislation.

Clerk of Council White: Whom did you call, please?

Council Member Butkowski: I called the Clerk of Council.

Clerk of Council White: She is on vacation for two weeks.

Council Member Butkowski: Well, I left a message and there is an assistant clerk, she doesn't check the messages of the clerk?

Clerk of Council White: Evidently, she doesn't. I don't answer my wife's calls, so maybe they don't answer.

Council Member Butkowski: I guess I assumed somebody would be answering. I tried to transfer over to Sandy's number and that's what I got so I left a message.

Clerk of Council White: You left a message for Sandy?

Council Member Butkowski: I left a message that, Paula's thing popped back on the phone, so I left a message knowing I got the right, thought I had the right person.

Clerk of Council White: In the future I will send a message to my house on the phones then, I guess. No, I won't do that. That's a lie. I won't do that.

Council Member Minnick: Madame President, I have to reiterate that the Charter Review Committee met in June. There were only a few meetings. Out of respect for what the Council has to do, I am tired of everything being put on the fast track and Council backed in a corner where we have to make a decision immediately. I have gone over developers agreements where this Council voted five to two and didn't look at what was going on and we got ourselves, I think, into some problems. Now, in order to look at that stuff, I have to pay for it. There is a total, absolute lack of respect for this Council. That we are expected to say yes to everything. This Council person is not going to say yes to everything without being able to fully read what I am voting for and I have not been able to do that and that is how I feel about this entire ~~sorted~~ SORDID affair.

Council Member Borocz: Madame President, Mrs. Minnick, no disrespect, but I pretty much see you vote no on just about everything that's come across the board and you have had the opportunity to read it.

Council Member Minnick: That is an absolute lie and you are not to ~~make...~~ LIE ABOUT MY VOTING RECORD.

President Brown: Out of Order, that's enough.

Clerk of Council White: Point of order.

President Brown: Point of Order.

Council Member Borocz: I'm sorry, my further comment is, that after we have had the opportunity to know that the Charter Review has sat down and gone through this over and over again. Yes, they did have a short time. Yes, they did meet in June. But, they have presented us with ordinances that are ready to go. We have the right to put this before the voters and that's what we are here to do.

Mayor Hill: Madame President, just one more comment on behalf of the Charter Review Committee. It's also disrespectful, in my opinion, to say that the Charter Review Committee Members didn't invest a lot of time. The number of meetings does not make a decision. They did their homework, they spent hours and hours and hours, several of them in researching records, going through everything that they had, calling people, asking questions. It was on the Government Access channel. I announced it at Council meetings. We announced it at Charter Review meetings. If you have some suggestions, recommendations or questions, please contact. There was no contact. None whatsoever. I got zero. These Charter Review Committee

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
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JULY 31, 2001

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Members worked hard and they don't have to have a meeting. They did their subcommittee meetings. They did their individual research and they brought it back to committee. So, I suggest that perhaps we ought to move on. If we need further meetings, we'll keep having further meetings.

President Brown: Thank you.

COUNCIL MEMBER MINNICK: I HAVE ANOTHER COMMENT.

PRESIDENT BROWN: I'd like to call for the vote please.

Clerk of Council White: This is to suspend By-Laws for first reading for T 109-2001.

Yes, 6 No, 0

Clerk of Council White: Motion carries six, zero for T 109-2001 to have first reading tonight.

President Brown: It's going to have first reading right now. First reading please.

FIRST READING

T 109-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
THE ELECTORS OF A PROPOSAL TO AMEND SECTION 2.4 OF ARTICLE
II OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

motion by Swindig to suspend second and third reading, 2nd by Overby

President Brown: Discussion? Please take roll, Mr. White.

Yes, 4 No, 2 (Minnick, Butkowski)

Law Director Zagrans: Madame President, the vote is four and two in favor of the motion, the motion fails because it does not get a two-thirds majority.

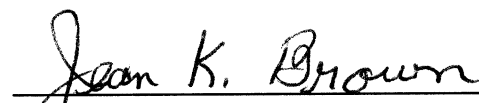
ADJOURNMENT

motion by Swindig to adjourn

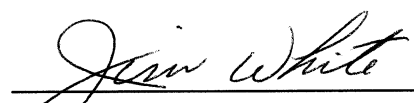
Meeting adjourned at 5:52 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001
(As Corrected)

YES 5 NO 0 ABSTAIN 1 - Gillock



PRESIDENT OF COUNCIL



CLERK OF COUNCIL

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING JULY 31, 2001**

CALL TO ORDER 5:52 P.M.

President Brown: I would like to call this meeting to order please, on T 110-2001. Please read the notice.

READING OF NOTICE

Council Clerk White read the notice of the Special Council Meeting in full as on file in the office of the Clerk of Council as it relates to T 110-2001.

President Brown: Please take roll.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski and Jean Brown.

Absent was Council Member David Gillock.

Also, present was Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.

Absent was Engineer Stewart Lovece.

President Brown: Please read the notice of the new business.

NEW BUSINESS

T 110-2001 An ordinance authorizing and directing the submission to the electors of a proposal to amend Section 3.5(c) of Article III of the Charter of the City of North Ridgeville, Ohio.

 motion to suspend By-Laws to give T 110-2001 a first reading, 2nd by Overby

President Brown: Discussion? Please take roll.

 Yes, 6 No, 0

Clerk of Council White: Motion carries six, zero for T 110-2001 to have first reading.

FIRST READING

T 110-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO AMEND SECTION 3.5(c) OF ARTICLE III OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.

 First Reading

 motion by Swindig to suspend second and third reading, 2nd by Borocz

President Brown: Discussion? Please take roll, Mr. White.

 Yes, 4 No, 2 (Minnick, Butkowski)

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Clerk of Council White: Motion fails four to two.

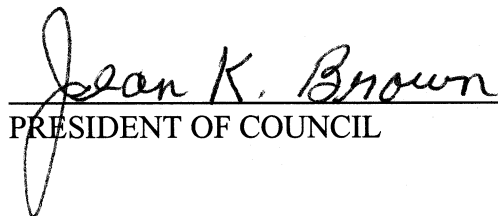
ADJOURNMENT

motion by Swindig to adjourn

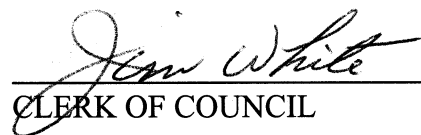
Meeting adjourned at 5:55 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001

YES 5 NO 0 ABSTAIN 1 - Gillock



PRESIDENT OF COUNCIL



CLERK OF COUNCIL



CITY OF NORTH RIDGEVILLE

DEANNA L. HILL, MAYOR



July 30, 2001

Council President Jean Brown and Members
City of North Ridgeville
7307 Avon Belden Road
North Ridgeville, Ohio 44039

RE: Special Council Meeting

Dear Members of Council:

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 Tuesday, July 31, 2001 following the Special Council meeting (T 110-2001), that follows the Special Council meeting (T 109-2001) at 5:30 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 and take any and all necessary actions relating to T 111-2001, an ordinance authorizing and directing the submission to the electors of a proposal to repeal Section 4.5 of Article IV of the Charter of the City of North Ridgeville, Ohio.

Sincerely,

A handwritten signature in cursive script, reading "Deanna L. Hill".

Mayor Deanna L. Hill

cc: Clerk of Council
Safety-Service Director
Engineer

cc: Law Director
Auditor
Treasurer
News Media

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING JULY 31, 2001**

CALL TO ORDER 5:53 P.M.

President Brown: I would like to call this Special Council Meeting to order on T 111-2001.
Please read the notice, Mr. White.

READING OF NOTICE

Council Clerk White read the notice of the Special Council Meeting in full as on file in the office of the Clerk of Council as it relates to T 111-2001.

President Brown: Thank you. Please take roll.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski and Jean Brown.
Absent was Council Member David Gillock.
Also, present was Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.
Absent was Engineer Stewart Lovece.

President Brown: Thank you. Please read the T 111-2001.

NEW BUSINESS

T 111-2001 An ordinance authorizing and directing the submission to the electors of a proposal to repeal Section 4.5 of Article IV of the Charter of the City of North Ridgeville, Ohio.

 motion by Swindig to suspend By-Laws to give T 111-2001 first reading tonight, 2nd by Borocz

President Brown: Discussion? Please take roll on the suspension.

Law Director Zagrans: Mr. Costin. When you said discussion, Mr. Costin raised his hand.

President Brown: Sorry, Mr. Costin.

Auditor Costin: Members of Council, what I'd like to do, if appropriate, before you take this vote, there are two items here that the Auditor's Office requested and it's likely that I'm not going to be able to attend all the following meetings. Would it be appropriate that I discuss those two issues that I request prior to us going on to the next meeting?

President Brown: It's up to Mr. Zagrans. He's the Law Director. What would you suggest?

Law Director Zagrans: If Council suspends By-Laws to allow Mr. Costin to address not only the one that is at issue in this Special Meeting but one that is being proposed for another Special Meeting, then it is permissible.

 so moved by Overby, 2nd by Swindig

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
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JULY 31, 2001

Page 2

President Brown: Take roll please.

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero for Mr. Costin to speak.

Auditor Costin: I appreciate that, Members of Council. T 111-2001 is a Charter change that was requested by our Office because Section 4.5 is now in conflict with the newly revised Ohio Revised Code provision. We looked at 4.3 and 4.4. The language is somewhat different, but it is not in conflict with the Ohio Revised Code as it was recently amended about a year ago. So, what I'd like to do is, I'd like to request that the City follow the Revised Code for purposes of curing situations that we have where we have violations of 4.5. Briefly, what that is, we're already following because if we have an expenditure that's incurred prior to the issuance of purchase order which really contains the essence of the requirement that there be certain language contained therein which is the Auditor's affirmation that monies are available for the incurrence of that expenditure. Currently under the revised code, if we have a problem in that purchase order language, wasn't approved prior to the incurrence of the expenditure, then we can't cure it under our Charter. If we can't cure it under our Charter, we're going to find out that we're not going to be able to operate this City very long if we can't pay our bills because of technicalities. Presently, what we do is we bring those items to Council floor if they're in excess of a thousand dollars and Council approves them by Resolution which we've done numerous times already. If there under a thousand, the Revised Code gives the Auditor the discretion to make that decision and approve those types of expenditures if they are otherwise, lawful expenditures, and the money is otherwise already appropriated and available. What I'd like to do is, I'd like to recommend that the Council pass this ordinance so that it goes to the voters so that we can eliminate Section 4.5 so that our Charter now will follow the Revised Code for curing these technical problems that we run into from time to time. I hope I simplified that explanation. If there are any questions I'd be glad to answer them.

President Brown: Thank you, Mr. Costin.

Mayor Hill: Madam President, just very quickly, again, here are two Charter amendments with the accusation of, one person show, that were submitted by the Auditor's Office. Thank you.

President Brown: Thank you, Mayor Hill. Do we need more discussion?

Law Director Zagrans: You can call for the vote if you wish.

President Brown: Call for the vote.

Law Director Zagrans: This is a vote on suspending By-Laws to give this ordinance a first reading.

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero for T 111-2001 to have first reading.

FIRST READING

T 111-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO

3712-2001 THE ELECTORS OF A PROPOSAL TO REPEAL SECTION 4.5 OF ARTICLE IV OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading In Full

motion by Swindig to suspend second and third readings, 2nd by Borocz

President Brown: Discussion?

Council Member Minnick: President Brown, I would request that Mr. White read the content of the revision.

Council Clerk White: If you so desire.

President Brown: I guess you'd better.

Council Clerk White:

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

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of North Ridgeville at the general election to be held at the usual places of voting in said City on Tuesday, November 6, 2001, between the hours as provided by law, of the following proposal to repeal Section 4.5 of Article IV of the Charter of the City of North Ridgeville, Ohio.

SECTION 2. The foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 6, 2001 general election, shall become effective immediately upon its adoption.

SECTION 3. The ballot submitting the questions of the adoption of the aforesaid amendments shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF NORTH RIDGEVILLE, OHIO**

A majority affirmative vote is necessary for passage.

Shall the following Section 4.5 of Article IV of the Charter of the City of North Ridgeville be repealed, leaving the applicable provisions of the Ohio Revised Code to pertain to situations of non-compliance with certification requirements?

Section 4.5. Failure to Comply with Certification Requirements.

All contracts, agreements or other obligations and all ordinances, resolutions and orders entered into or passed without compliance with the provisions of Sections 4.3 and 4.4 of this Charter shall be void, and no person whomsoever shall have any claim or demand against the Municipality thereunder, nor shall the Council or any officer of the Municipality waive or qualify the limits fixed by such ordinance, resolution or order or fasten upon the Municipality any liability whatever in excess of such limits, or release any party from an exact compliance with the provisions of this Charter under such ordinance, resolution or order.

SECTION 4. The Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Lorain County.

SECTION 5. The Board of Elections of Lorain County shall cause an appropriate notice to be duly given of the general election to be held on November 6, 2001, on the foregoing amendments to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 6. The Clerk of Council is hereby authorized and directed to cause the full text of such proposed charter amendments to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Ridgeville, with the first publication to be made at least fifteen days prior to the general election to be held on November 6, 2001, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio.

SECTION 7. There is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

SECTION 8. 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 9. This Ordinance be and hereby is declared to be an emergency measure, the emergency being the deadline for submitting this ordinance to the Board of Elections in order to place it on the ballot, necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of North Ridgeville, Ohio; WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

President Brown: Thank you, Mr. White. I call for the question. Take roll please.

Clerk of Council White: To suspend second and third reading, roll call.

Yes, 6 No, 0

Clerk of Council White: Motion carries six, zero to suspend second and third reading.
motion by Swindig to adopt, 2nd by Overby

President Brown: Discussion?

motion by Swindig to add the emergency due to the deadline of getting it to the
Board of Elections in time, 2nd by Borocz

President Brown: Discussion? Please take roll.

Clerk of Council White: On the emergency.

Yes, 5 No, 1 (Butkowski)

Clerk of Council White: Motion carries five to one for the emergency. Now, for the adoption.

Yes, 6 No, 0

Clerk of Council White: Motion carries six, zero. T 111-2001 becomes Ordinance Number
3712-2001 with emergency.

Permanent Ordinance No. 3712-2001.

President Brown: I call for an adjournment, please.

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
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ADJOURNMENT

motion by Swindig to adjourn, 2nd by Borocz

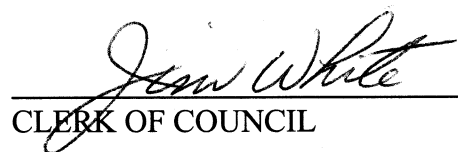
Meeting adjourned at 6:06 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001

YES 5 NO 0 ABSTAIN 1 - Gillock



PRESIDENT OF COUNCIL



CLERK OF COUNCIL

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING JULY 31, 2001**

CALL TO ORDER 6:06 P.M.

President Brown: I would like to call this Special Council meeting to order on T 112-2001. Mr. White, please read the notice.

READING OF NOTICE

Council Clerk White read the notice of the Special Council meeting in full as on file in the office of the Clerk of Council as it relates to T 112-2001.

President Brown: Thank you, Mr. White. Please take roll.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski and Jean Brown.
Absent was Council Member David Gillock.
Also, present was Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.
Absent was Engineer Stewart Lovece.

President Brown: Thank you. Please read the new business.

NEW BUSINESS

T 112-2001 An ordinance authorizing and directing the submission to the electors of a proposal to repeal Section 9.7 of Article IX of the Charter of the City of North Ridgeville, Ohio.

 motion by Swindig to suspend By-Laws to give T 112-2001 first reading tonight, 2nd by Borocz

President Brown: Discussion? Please take roll on the suspension.

 Yes, 6 No, 0

Council Clerk White: Motion carries six, zero for T 112-2001 to have first reading.

FIRST READING

T 112-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS OF A PROPOSAL TO REPEAL SECTION 9.7 OF ARTICLE IX OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.

 First Reading

 motion by Swindig to suspend second and third readings, 2nd by Overby

President Brown: Discussion? Please take roll on the suspension.

 Yes, 4 No, 2 (Minnick, Butkowski)

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
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JULY 31, 2001

Page 2

Clerk of Council White: Motion fails four to two.

ADJOURNMENT

motion by Swindig to adjourn, 2nd by Borocz

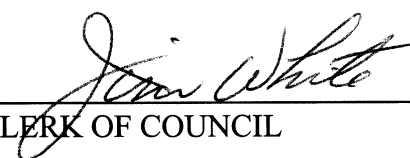
Meeting adjourned at 6:10 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001

YES 5 NO 0 ABSTAIN 1 - Gillock



PRESIDENT OF COUNCIL



CLERK OF COUNCIL

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING JULY 31, 2001**

CALL TO ORDER 6:10 P.M.

President Brown: I would like to call this Special Council Meeting to order on T 113-2001. Mr. White, please read the notice.

READING OF NOTICE

Council Clerk White read the notice of the Special Council Meeting in full as on file in the office of the Clerk of Council as it relates to T 113-2001.

President Brown: Please take roll.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski and Jean Brown.

Absent was Council Member David Gillock.

Also, present was Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.

Absent was Engineer Stewart Lovece.

President Brown: Please, read it.

NEW BUSINESS

T 113-2001 An ordinance authorizing and directing the submission to the electors of a proposal to amend Section 11.9 of Article XI of the Charter of the City of North Ridgeville, Ohio.

 motion by Swindig to suspend By-Laws to give first reading, 2nd by Overby

President Brown: Discussion?

 motion by Swindig to allow Mr. Costin to explain this, 2nd by Borocz

President Brown: Take roll please.

 Yes, 6 No, 0

Clerk of Council White: Motion carries six, zero for Mr. Costin to speak.

Auditor Costin: Thank you. This is the second item that I brought to the attention of the Charter Commission for the following reason and understanding. First of all, we're all ready doing this. The Ohio Revised Code dictates that interest earned on Municipal monies, with certain exceptions, go into the General Fund. Several years ago, I recommended to the Charter Review Committee at that time, to better the finances of the City, that we have a Charter provision that allows us to put interest into various funds. So, if the Water Fund earns money, it collects interest. If Senior Citizens go out there and have a fund raiser and earn some monies, it earns its

own interest and they get to keep that interest. When the Charter proposal was brought to the voters it was actually voted on and passed. Unfortunately, the language is a bit confusing and from time to time the Auditor of State, when they do our annual audit, will go back to this Charter provision and ask me to explain it. The emphasis is on bond interest and other things and then the final sentence says and other interests will go to those funds or however it's now written. So, they've asked me to clarify it, which is what I'm asking you to do. Very simply change the language to very simply say, interest earned on City monies in any fund shall be added to that fund balance and used for the purposes of such fund. It's much simpler in how we're explaining it. But, the impact is really not to change anything. That's how we are operating right now. It just clarifies the language so it's easier for the Auditor of State to interpret when they do our annual audit. Thank you.

President Brown: Thank you, Mr. Costin.

Clerk of Council White: Roll call on the suspension for first reading.

Yes, 6 No, 0

Clerk of Council White: Motion carries six, zero, first reading for T 113-2001.

FIRST READING

T 113-2001 AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO
3713-2001 THE ELECTORS OF A PROPOSAL TO AMEND SECTION 11.9 OF ARTICLE
 XI OF THE CHARTER OF THE CITY OF NORTH RIDGEVILLE, OHIO.

First Reading

motion by Swindig to suspend second and third, 2nd by Overby

President Brown: Discussion?

Council Member Minnick: Madame President, I would like to have Mr. White to read just Section 3. I think that would be sufficient, please.

Clerk of Council White: :

T 113-2001 SECTION 3. The ballot submitting the question of the adoption of the aforesaid amendments shall read substantially as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF NORTH RIDGEVILLE, OHIO**

A majority affirmative vote is necessary for passage.

Shall Section 11.9 of Article XI of the Charter of the City of North Ridgeville be amended to provide as follows:

Section 11.9. Interest Income:

Interest earned of City monies in any fund shall be added to that fund balance and be used for the purposes of such fund.

President Brown: Now, we need a motion to accept.

Clerk of Council White: You have a motion on the floor to suspend second and third readings.

President Brown: Now, we need to vote.

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Yes, 6 No, 0

Clerk of Council White: Motion carries six, zero to suspend second and third readings.
motion by Swindig to adopt, 2nd by Overby
motion by Swindig to add the emergency due to the time constraints on the
deadline to the Board of Elections, 2nd by Overby

President Brown: Discussion? Please take the roll

Council Clerk White: On the emergency.

Yes, 5 No, 1 (Butkowski)

Council Clerk White: Motion carries five, one on the emergency. For the adoption.

Yes, 6 No, 0

Council Clerk White: Motion carries six, zero. T 113-2001 becomes Ordinance 3713-2001 with
emergency.

Permanent Ordinance Number 3713-2001

ADJOURNMENT

President Brown: Adjourn.

Meeting adjourned at 6:18 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001

YES 5 NO 0 ABSTAIN 1 - Gillock



PRESIDENT OF COUNCIL



CLERK OF COUNCIL

**NORTH RIDGEVILLE MUNICIPAL COUNCIL
MINUTES OF
SPECIAL MEETING JULY 31, 2001**

CALL TO ORDER 6:19 P.M.

President Brown: Special Council Meeting for T 114-2001. Please read the notice, Mr. White.

READING OF NOTICE

Council Clerk White read the notice of the Special Council Meeting in full as on file in the office of the Clerk of Council as it relates to T 114-2001.

President Brown: Please take roll.

ROLL CALL

Present were Council Members Larry Overby, Allen Swindig, Karen Borocz, Gail Minnick, Bernadine Butkowski and Jean Brown.

Absent was Council Member David Gillock.

Also, present was Mayor Deanna Hill, Safety-Service Director Jim Johnson, Law Director Eric Zagrans, Auditor Chris Costin and Clerk of Council Jim White.

Absent was Engineer Stewart Lovece.

President Brown: Please read it.

NEW BUSINESS

T 114-2001 An ordinance authorizing and directing the submission to the electors of a proposal to repeal Section 18.5(7) and 18.6 of Article XVIII of the Charter of the City of North Ridgeville, Ohio.

motion by Swindig to suspend By-Laws to give this a first reading, 2nd by Overby

President Brown: Discussion?

Mayor Hill: Madame President, since consideration was given to the Auditor to present background information on these proposed ordinances or amendments, I would like to have the same consideration and I don't remember if he went backwards or not, but I'd like to do that and see if that makes any difference. So, could I have that in the form of a motion.

so moved by Borocz, 2nd by Swindig

President Brown: Is that allowed?

Law Director Zagrans: It's a motion to suspend By-Laws. If Council votes to do so then, yes it is allowed.

President Brown: It is allowed. Take roll. Any discussion before we take roll? Take roll please.

Yes, 6 No, 0

Clerk of Council White: Motion carries six, zero for the Mayor to speak.

Mayor Hill: Thank you. These are two parts of the section on the Parks and Rec Board duties

and responsibilities as well as Director. This would effectively repeal two, two smaller parts. By doing so it would make the Parks and Rec Director the same as every other department head. It would mean that, it would mean approved by elected representatives, the Council, and that's how department heads are appointed. They are recommended by the Mayor and approved by Council. This then, if those two parts were repealed, would do exactly the same thing for Parks and Rec Director as every other department head so that Council, rather than five volunteers who take the heat for work they cannot oversee, would make that decision. It is impossible to administer a department when a board of volunteers, who meet once a month have five votes, the Mayor has one. So, the duly elected representative of the people of the City of North Ridgeville has only one vote among six, five of them volunteers who meet once a month. Although the Charter does say, the Director reports on daily operations to the Mayor, the Mayor essentially has one-sixtieth authority. It does not mean, as some early opponents have said, that the Mayor oversees the budget and can redirect funds. That's absolutely and legally impossible. It's untrue and a way to manipulate voters if they don't fully understand the issue. It is covered by other provisions as far as the funds and how their allocated and so fourth in the Charter and is done by Council who makes for all final budget decisions. So, in case there's a problem calling this Council together again, I would ask, as the Auditor did, that this be passed tonight with the emergency and if Council sees fit, to give me the opportunity to talk about the other provisions because I didn't know it would erupt as it did. I would like to take that opportunity to do so, but it would take a suspension of By-Laws. So, I guess, Madame President, we're back to this issue and must take a vote on this.

President Brown: What do we do Mr. Zagrans?

Law Director Zagrans: There's a pending motion to suspend for first reading.

President Brown: Take roll please.

Yes, 4 No, 2 (Minnick, Butkowski)

Clerk of Council White: Motion fails four to two for first reading.

Law Director Zagrans: Madame President, if I may before we end this Special meeting. I believe this is the last Special meeting on a proposed Charter amendment. Am I correct that this is the only one that did not receive a first reading tonight?

Clerk of Council White: Yes it is.

Mayor Hill: Also, I have a question before we adjourn this one because I don't know when it's appropriate. But, may I go back and explain the other Charter provisions or, how do we do that? Is it possible?

Council Member Butkowski: Madame Chairman, this meeting was just called to discuss that issue.

Law Director Zagrans: That's true and I was about to say that it would take a vote of Council to suspend By-Laws to do. But, actually because Council has already acted on all of those, I would have to rule that out of order.

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ADJOURNMENT

motion to adjourn by Swindig, 2nd by Borocz

Meeting adjourned at 6:25 P.M.

MOTION Borocz 2ND Swindig DATE September 4, 2001

YES 5 NO 0 ABSTAIN 1 - Gillock



PRESIDENT OF COUNCIL



CLERK OF COUNCIL