



CITY OF NORTH RIDGEVILLE LEGISLATIVE BULLETIN

Publication date: 07.21.2014

The City of North Ridgeville Legislative Bulletin contains Ordinances and Resolutions acted upon by City Council. If noted within Ordinance or Resolution text, supplemental and supporting documents, such as exhibits, are available, upon request, by contacting Tara L. Peet, CMC at the Clerk of Council's office, 7307 Avon Belden Road, North Ridgeville, OH 44039, (440) 353.1508.

ORDINANCES AND RESOLUTIONS

(The following Ordinances and Resolutions were passed by City Council on July 21, 2014)

5155-2014 AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A CONTRACT ACCORDING TO LAW AND IN A MANNER PRESCRIBED BY LAW WITH CT CONSULTANTS FOR PROFESSIONAL ENGINEERING SERVICES, NOT TO EXCEED \$183,500.00, FOR A GRIT REMOVAL SYSTEM AT THE FRENCH CREEK WASTEWATER TREATMENT PLANT.

WHEREAS, the current grit removal system at the French Creek Wastewater Treatment Plant is ineffective and passed 80% of the inorganic grit waste in the influent to the complete mix aeration tanks; and

WHEREAS, the resulting grit sludge accumulates in the bottom of the aeration tanks and is costly to remove, dewater and dispose at a sanitary landfill; and

WHEREAS, CT Consultants will provide plans, bidding documents and construction management for an effective grit removal system.

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

SECTION 1. The Mayor of the City of North Ridgeville, Ohio, is hereby authorized to negotiate and enter into a contract according to law and in a manner prescribed by law with CT Consultants, not to exceed \$183,500.00, for professional engineering consulting services for the French Creek Wastewater Treatment Plant grit removal system.

SECTION 2. The cost of this project shall be charged to and paid from the appropriate fund.

SECTION 3. 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 4. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5156-2014 AN ORDINANCE AMENDING SECTION 880.15 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, IN ORDER TO INCREASE THE CREDIT FOR TAXES PAID TO ANOTHER MUNICIPALITY.

Be It Ordained by the Council of the City of North Ridgeville, County of Lorain, State of Ohio, that:

SECTION 1. Section 880.15 of the Codified Ordinances of the City of North Ridgeville, Ohio, as established by Ordinance No. 2698-92, passed December 21, 1992, and amended by Ordinance No. 4093-2005, passed January 3, 2005, is hereby further amended to read as follows:

“880.15 CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY.

(a) Residents. When a resident of the City is subject to and has paid, or has acknowledged liability for payment of, a municipal income tax to another municipality on the same income taxable under this chapter, and such other municipality does not allow a credit to its nonresidents, the City resident may claim a credit against the City income tax assessed under this chapter equal to one hundred percent (100%) of the amount obtained by multiplying the taxable income taxed by such other municipality by the lower of (i) the tax rate of such other municipality or (ii) ninety-five one hundredths percent (0.95%). In no case shall the credit granted under this Section 880.15(a) exceed ninety-five one hundredths percent (0.95%) of the taxable income of a City resident that is taxed by another municipality.

(b) A resident owner of a pass-through entity that does not conduct business in the City and that has paid, or has acknowledged liability for payment of, a municipal income tax to another municipality may claim a credit against the City income tax assessed under this chapter equal to the lesser of the following amounts:

(1) The resident owner’s proportionate share of the amount, if any, of income tax paid by the pass-through entity to another municipality in the State of Ohio; or

(2) The resident owner’s proportionate share of the amount of tax that would be imposed on the pass-through entity by the City if the pass-through entity conducted business in the City.

Provided, however, that in no case shall the credit authorized by this division (b) exceed the amount obtained by multiplying (i) ninety-five one-hundredths percent (0.95%) by (ii) the resident owner’s proportionate share of the taxable income of the pass-through entity taxed by such other municipality.

(c) Where applicable, the credits provided by Ohio R.C. Sections 718.021 and 718.121 shall be available to residents.

(d) Nonresidents. Except as provided in Section 880.06(k) and in Ohio R.C. Sections 718.021 and 718.121, when a nonresident is subject to the tax imposed by this chapter and is also subject to tax on the same income in the municipal corporation in which the nonresident resides, such nonresident shall not be allowed any credit against or claim of refund for City income tax, and the City will not acknowledge or allow any claim for refund of any portion of the City income tax so levied.

(e) The credits provided for in this section will not be allowed unless the same are claimed in a timely return or form acceptable to, and filed with, the Administrator, unless reasonable cause for late filing and payment of City income tax as acceptable by the Administrator can be shown. In the event a taxpayer fails, neglects or refuses to file such timely return or form, he or she shall not be entitled to such credit and shall be liable for the full amount of tax assessed by this chapter, together with such interest and penalties, both civil and criminal, as prescribed in this chapter.

(f) The credits provided for in this section apply only to individuals and do not apply to corporations or pass-through entities.”

SECTION 2. Effective January 1, 2015, Section 880.15 of the Codified Ordinances of the City of North Ridgeville, Ohio, as it has heretofore existed, is hereby repealed. Provided, however, that no provision of this ordinance, including the repeal of Section 880.15 of the Codified Ordinances of the City of North Ridgeville, Ohio, as it has heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the credit authorized by Section 880.15 of the Codified Ordinances of the City of North Ridgeville, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2015.

SECTION 3. The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This ordinance shall be in full force and effect from and after the latest of (i) the date on which Ordinance No. T73-2014 goes into effect, (ii) January 1, 2015, or (iii) the earliest time permitted by law.

5157-2014 AN ORDINANCE AMENDING N.R.C.O. CHAPTER 1444 BUILDING PERMITS AND FEES AND CHAPTER 1446 REGISTRATION OF CONTRACTORS, BY ADJUSTING VARIOUS FEES TO REFLECT CURRENT COSTS.

WHEREAS, due to increased operating costs, Council needs to adjust the various fees in N.R.C.O. Chapters 1444 and 1446 in order to cover the municipal expenses incurred.

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

SECTION 1. N.R.C.O. Chapter 1444, *Building Permits and Fees*, is hereby amended by adjusting the various fees as proposed in **Exhibit A**, a copy of which is attached hereto and incorporated as if rewritten herein.

SECTION 2. N.R.C.O. Chapter 1446, *Registration of Contractors*, is hereby amended by adjusting the various fees as proposed in **Exhibit B**, a copy of which is attached hereto and incorporated as if rewritten herein.

SECTION 3. 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 4. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

1308-2014 A RESOLUTION APPROVING ADVANCES OF VARIOUS FUNDS, AND TRANSFERS FROM THE GENERAL FUND, OF THE CITY OF NORTH RIDGEVILLE, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, in the City of North Ridgeville, Ohio, it becomes necessary for the City's General Fund to advance payments to other funds from time to time with the expectation of repayment:

WHEREAS, the Council of the City of North Ridgeville, Ohio, deems it appropriate for the City's General Fund to transfer funds to other funds:

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

SECTION 1. That it is hereby approved to advance funds from City's General Fund to the Federal Grant Fund in the amount of approximately One Hundred Thousand Dollars (\$100,000.00) in the year 2014, as needed.

SECTION 2. That it is hereby approved to transfer up to One Hundred Eighty-Five Thousand Dollars (\$185,000.00) from the General Fund to the Streets Construction Maintenance & Repair Fund.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted 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, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared to be an emergency measure, the emergency being the immediate necessity to finance the current operations and to pay the bills already outstanding for our Street Construction and Repair fund. WHEREFORE, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

CITY OF NORTH RIDGEVILLE

1309-2014 A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 880.01 AND 880.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, IN ORDER TO INCREASE THE MUNICIPAL INCOME TAX RATE FROM ONE PERCENT TO ONE AND EIGHTY-FIVE ONE-HUNDREDTHS PERCENT BEGINNING JANUARY 1, 2015, TO PROVIDE FUNDS TO PAY GENERAL MUNICIPAL OPERATING EXPENSES, COSTS OF CAPITAL IMPROVEMENTS AND EQUIPMENT, INCLUDING, WITHOUT LIMITATION, PUBLIC SAFETY FACILITIES AND RELATED IMPROVEMENTS AND EQUIPMENT AND STORM WATER MANAGEMENT AND DRAINAGE IMPROVEMENTS, AND DEBT CHARGES ON SECURITIES AND OTHER OBLIGATIONS OF THE CITY, AND DECLARING AN EMERGENCY.

Be It Resolved 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, Ohio, at an election to be held at the usual places of voting in the City on Tuesday, November 4, 2014, between the hours of 6:30 a.m. and 7:30 p.m. of that day, of the question of approving the passage of an ordinance to amend Sections 880.01 and 880.03 of the Codified Ordinances of the City of North Ridgeville, Ohio, as established by Ordinance No. 2698-92, passed December 21, 1992, and amended by Ordinance No. 4093-2005, passed January 3, 2005, in order to increase the municipal income tax rate from one percent to one and eighty-five one-hundredths percent beginning January 1, 2015, to provide funds to pay general municipal operating expenses, costs of capital improvements and equipment, including, without limitation, public safety facilities and related improvements and equipment and storm water management and drainage improvements, and debt charges on securities and other obligations of the City, which ordinance is set forth in full in Section 2 hereof.

SECTION 2. The proposed ordinance to be submitted to the electors of the City for their approval hereunder shall be as follows:

“CITY OF NORTH RIDGEVILLE”

ORDINANCE NO. T73-2014

AN ORDINANCE AMENDING SECTIONS 880.01 AND 880.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTH RIDGEVILLE, OHIO, IN ORDER TO INCREASE THE MUNICIPAL INCOME TAX RATE FROM ONE PERCENT TO ONE AND EIGHTY-FIVE ONE-HUNDREDTHS PERCENT BEGINNING JANUARY 1,

2015, TO PROVIDE FUNDS TO PAY GENERAL MUNICIPAL OPERATING EXPENSES, COSTS OF CAPITAL IMPROVEMENTS AND EQUIPMENT, INCLUDING, WITHOUT LIMITATION, PUBLIC SAFETY FACILITIES AND RELATED IMPROVEMENTS AND EQUIPMENT AND STORM WATER MANAGEMENT AND DRAINAGE IMPROVEMENTS, AND DEBT CHARGES ON SECURITIES AND OTHER OBLIGATIONS OF THE CITY, AND DECLARING AN EMERGENCY.

Be It Ordained by the Council of the City of North Ridgeville, County of Lorain, State of Ohio, that:

SECTION 1. Section 880.01 of the Codified Ordinances of the City of North Ridgeville, Ohio, as established by Ordinance No. 2698-92, passed December 21, 1992, and amended by Ordinance No. 4093-2005, passed January 3, 2005, is hereby further amended to read as follows:

“880.01 PURPOSE.

To provide funds to pay general municipal operating expenses, costs of capital improvements and equipment, including, without limitation, public safety facilities and related improvements and equipment and storm water management and drainage improvements, and debt charges on securities and other obligations of the City, there is hereby levied a tax on taxable income as hereinafter provided.”

SECTION 2. Section 880.03 of the Codified Ordinances of the City of North Ridgeville, Ohio, as established by Ordinance No. 2698-92, passed December 21, 1992, and amended by Ordinance No. 4093-2005, passed January 3, 2005, is hereby further amended to read as follows:

“880.03 IMPOSITION OF TAX.

(a) Taxable Income. Subject to the provisions of Section 880.16, an annual tax for the purposes specified in Section 880.01 shall be imposed on and after January 1, 2015, at the rate of one and eighty-five one-hundredths percent (1.85%) per annum upon the following:

- (1) On all compensation and on net profits from the operation of a business earned during the effective period of this Chapter by a resident.
- (2) On all qualifying wages earned or received by a nonresident for work done or services performed or rendered in the City, and on net profits earned or received by a nonresident from the operation or conduct of business in the City. Where a nonresident is employed at a place of business in the City, the qualifying wages of such nonresident for the performance of employee services will be treated as earned outside the City only for those services which of necessity, as distinguished from convenience, obligate such nonresident to duties outside the City in the service of the nonresident’s employer.
- (3) On a resident owner’s distributive share of the net profits of a pass-through entity earned during the effective period of this chapter from business conducted by the pass-through entity regardless of where such business is conducted, subject to the relief and reciprocity provisions of Section 880.15.
- (4) On a nonresident owner’s distributive share of the net profits of a pass-through entity attributable to the City and earned during the effective period of this chapter from business conducted in the City,

whether or not such pass-through entity has an office or place of business in the City.

(5) On the portion attributable to the City of the net profits earned during the effective period of this chapter of a corporation derived from business conducted in the City, whether or not such corporation has an office or place of business in the City. The tax imposed by this division (a)(5) on the net profits of an electric company, combined company, or telephone company shall be subject to, and shall be in accordance with, Ohio R.C. Chapter 5745, including any amendments or successor provisions thereto.

(6) On all income in excess of \$25,000 derived anywhere from prizes, awards, gaming, wagering, lotteries, or schemes of chance by a resident, and on all income in excess of \$25,000 derived from prizes, awards, gaming, wagering, lotteries, or schemes of chance by a nonresident when such income is won or received from sources within the City. This division (a)(6) shall apply only to income from prizes, awards, gaming, wagering, lotteries or schemes of chance won by the taxpayer on or after January 1, 2015.

(b) The City income tax imposed by division (a)(4) upon nonresident owners shall be collected and remitted pursuant to Section 880.06(k).

(c) Determination of Portion of Net Profits Attributable to Municipality.

The portion of the net profits attributable to the City of a taxpayer conducting business both within and without the boundaries of the City shall be determined as provided in Ohio R.C. Section 718.02, including any amendments or successor provisions thereto, and in accordance with rules and regulations adopted by the Administrator pursuant to this chapter. Pursuant to Ohio R.C. Section 718.02, net profits from a business or profession conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City in the same proportion as the average ratio of:

(1) The average original cost of the real and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated. Real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight.

(2) Wages, salaries, and other taxable income paid during the taxable period to persons employed in the business or profession for services performed in the City (including all qualifying wages subject to tax under division (a)(2) of this section) to wages, salaries, and other taxable income paid during the same period to persons employed in the business or profession, wherever their services are performed, excluding compensation that is not taxable by the City under Ohio R.C. Section 718.011 and division 880.03(f)(11) of this section.

(3) Gross receipts of the business or profession from sales made and services performed during the taxable period in the City to gross receipts of the business or profession during the same period from sales and services, wherever made or performed. Sales of tangible personal property are considered made in the City when: (i) the tangible personal property is delivered within the City, regardless of where title passes, if such property is shipped or delivered from a stock of goods within the City; (ii) the

tangible personal property is delivered within the City, regardless of where title passes, even though transported from a point outside the City if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion; or (iii) the tangible personal property is shipped from a place within the City to purchasers outside the City, regardless of where title passes, if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

In the event an equitable result cannot be obtained under the apportionment formula provided for in this division (c), the Administrator shall have the authority to substitute other factors or methods of apportionment calculated to produce an equitable result.

(d) Operating Loss Carry-Forward.

- (1) The portion of a net operating loss of a taxpayer sustained in any taxable year allocable to the City may be applied against the portion of the net profit of the taxpayer allocable to the City in succeeding years until exhausted, but in no event for more than five taxable years. No portion of a net operating loss shall be carried back against net profits of any prior year.
- (2) The portion of a net operating loss allocable to the City shall be determined in the same manner as provided herein for allocating net profits to the City.
- (3) Net operating losses may not be combined with qualifying wages.
- (4) The Administrator shall provide, by rules and regulations, the manner in which such net operating loss carry-forward shall be determined.

(e) Filing of Consolidated Returns.

- (1) The Administrator shall accept for filing a consolidated return from an affiliated group of corporations subject to the tax imposed by this Chapter if the affiliated group filed for the same taxable year a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code. If an affiliated group of corporations subject to the tax imposed by this Chapter files a consolidated return in accordance with this Section 880.03(e)(1) for any taxable year, the affiliated group must file a consolidated return for each succeeding taxable year in which it files a consolidated return for federal income tax purposes unless, on or before the due date (taking into account extensions of time properly granted) of the return for a taxable year, the affiliated group obtains the permission of the Administrator to cease filing a consolidated return for that year. If an affiliated group of corporations subject to the tax imposed by this Chapter files a consolidated return in accordance with this Section 880.03(e)(1) for any taxable year, the group must include a copy of its consolidated federal income tax return for the same taxable year with its consolidated City income tax return.
- (2) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the City constituting only a portion of its total business, the Administrator shall require such additional information as the Administrator deems necessary to ascertain whether net profits are properly allocated to the City. If the Administrator finds the net profits are not properly allocated to the City by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates or

transactions with a division, branch, factory, office, laboratory or activity, or by some other method, the Administrator shall make an allocation of net profits to the City in such manner as the Administrator deems fair and reasonable.

(f) Exemptions. The tax provided for herein shall not be levied on the following:

- (1) Pay or allowance of active members of the Armed Forces of the United States or the income of religious, fraternal, charitable, scientific, literary or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property or tax-exempt activities.
- (2) Proceeds from welfare benefits, unemployment insurance benefits, social security benefits, and qualified retirement plans as defined by the Internal Revenue Service.
- (3) Proceeds of insurance, annuities, workers' compensation insurance, permanent disability benefits, compensation for damages for personal injury and like reimbursements, not including damages for loss of profits and wages.
- (4) Receipts from seasonal or casual entertainment, amusements, sports events and health and welfare activities when conducted by bona fide charitable, religious or educational organizations and associations, recognized as such under Section 501(c)(3) of the Internal Revenue Code.
- (5) Alimony received.
- (6) Personal earnings of any natural person under eighteen years of age.
- (7) Compensation for damage to property by way of insurance or otherwise.
- (8) Interest, dividends, gains and other revenue from intangible property, except as defined in the computation of "net profits" under Section 880.02(q). Intangible property includes, but is not limited to, investments, deposits, money or credits, as those terms are defined in Ohio R.C. Chapter 5701, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation.
- (9) Gains from involuntary conversion, cancellation of indebtedness, interest on federal obligations, items of income already taxed by the State from which the City is specifically prohibited from taxing, and income of a decedent's estate during the period of administration, except income from the operation of a business or other activities conducted in the City.
- (10) An S corporation shareholder's distributive share of net profits or losses of the S corporation, except to the extent that the distributive share of net profits represents wages as defined in Section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in Section 1402(a) of the Internal Revenue Code.
- (11) Pursuant to Ohio R.C. Section 718.011, compensation paid to a nonresident individual for personal services performed by the individual in the City on 12 or fewer days in a calendar year, unless:
 - (i) the individual is an employee of another person, such individual's employer has its principal place of

business in another taxing municipality in Ohio, and such individual is not liable to the other taxing municipality for tax on the compensation paid for the services performed in the City; or (ii) the individual receives such compensation as a professional entertainer or professional athlete, the promoter of a professional entertainment of sporting event, or an employee of such a promoter.

(12) Compensation, net profits and other items of income the taxation of which is prohibited by the United States Constitution or any act of Congress limiting the power of the states or their political subdivisions to impose net income taxes on income derived from interstate commerce.

(13) Compensation, net profits and other items of income the taxation of which is prohibited by the Constitution of the State of Ohio or any other act of the Ohio General Assembly limiting the power of a municipality to impose net income taxes.

(14) Generally the above noted items in this division (f) are the only forms of income not subject to the tax imposed by this chapter. Any other income, economic benefit or other form of compensation earned or received by a taxpayer shall be subject to the tax imposed by this chapter.

(g) Deductions of Employee Business Expenses. If a taxpayer's taxable income for a taxable year includes income against which the taxpayer has taken a deduction for federal income tax purposes reported on Form 2106 and attached to the taxpayer's federal income tax return filed for that taxable year, the taxpayer may be allowed to determine his or her taxable income to the City by deducting the same amount deducted for federal income tax purposes. If the taxpayer claims such a deduction, the taxpayer shall attach to his or her City income tax return a copy of Form 2106 and Schedule A as filed with the taxpayer's federal income tax return for that taxable year. The total of such expenses deducted pursuant to this division (g) cannot exceed the employee's related W-2 wage income from the same employer."

SECTION 3. Effective January 1, 2015, Sections 880.01 and 880.03 of the Codified Ordinances of the City of North Ridgeville, Ohio, as they have heretofore existed, are hereby repealed. Provided, however, that no provision of this ordinance, including the repeal of Sections 880.01 and 880.03 of the Codified Ordinances of the City of North Ridgeville, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one percent municipal income tax assessed by Chapter 880 of the Codified Ordinances of the City of North Ridgeville, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2015.

SECTION 4. The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this ordinance is required to be immediately effective in order to enable the City to timely commence collection of the City's income tax at the increased rate provided for in this ordinance commencing January 1, 2015 and thereby to continue to provide services and capital improvements critical to the

safety and well-being of the residents of the City; wherefore, this ordinance shall be in full force and effect immediately upon its passage by the required number of votes and approval by the Mayor, or otherwise at the earliest time permitted by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

SECTION 3. It is the desire of this Council that the ballot language presented to the electors of the City of North Ridgeville shall be in substantially the following form:

A majority affirmative vote is necessary for passage.

Shall the ordinance (Ordinance No. T73-2014) providing for an increase in the municipal levy on income from one percent (1%) to one and eighty-five one-hundredths percent (1.85%) to provide funds to pay general municipal operating expenses, costs of capital improvements and equipment, including, without limitation, public safety facilities and related improvements and equipment and storm water management and drainage improvements, and debt charges on securities and other obligations of the City, be passed?

:	:	:
:	FOR THE INCOME TAX	:
:	:	:
:	:	:
:	AGAINST THE INCOME TAX	:
:	:	:

SECTION 4. The Clerk of Council be and he is hereby directed to file a certified copy of this resolution with the Board of Elections before the close of business on August 6, 2014.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken, and all deliberations of this Council and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this resolution must be effective at once in order to place this question on the ballot at an election on November 4, 2014; wherefore, this resolution shall be in full force and effect immediately upon its

adoption by the required number of votes and approval by the Mayor, or otherwise at the earliest time permitted by law

1310-2014 A RESOLUTION TO APPROVE THE EXPENDITURE OF FUNDS TO CERTAIN PROPERTY OWNERS FOR RIGHT-OF-WAY ACQUISITIONS FOR THE LEAR NAGLE ROAD WIDENING PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, O.R.C. § 5705.41 provides that City Council may authorize the payment of amounts due, wherein legislation shall be passed within thirty days from receipt of a certificate of the fiscal officer in accordance with O.R.C. § 5705.41 (D)(1); and

WHEREAS, the fiscal officer does certify that the expenditure was and is properly appropriated and otherwise lawful, sufficient funds were and are available or in the process of collection to the credit of the proper fund, and the funds were and are free from any previous encumbrance; and

WHEREAS, certain right-of-way acquisitions for perpetual easements for the Lear Nagle Road widening project were acquired and now require payment, and serves a necessary public purpose.

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

SECTION 1. Council hereby authorizes payment to the below listed property owners in exchange for perpetual easements for the Lear Nagle Road widening project:

Jerry F. Tanner, Parcel No. 36-SH,T.....	\$3,600.00
Matthew A. Ouellette, Parcel No. 28-SH,T	\$5,650.00
John Gross, Parcel No. 22-SH,T.....	\$6,225.00
Julia M. Glover, Parcel No. 11-SH,T.....	\$4,850.00

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure, the emergency being the immediate necessity to pay the funds since the offers have already been negotiated. **WHEREFORE**, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

1311-2014 A RESOLUTION DETERMINING TO PROCEED TO SUBMIT TO THE ELECTORS THE QUESTION OF ISSUING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$8,000,000 FOR THE PURPOSE OF IMPROVING CENTER RIDGE ROAD, LEAR NAGLE ROAD AND CERTAIN OTHER DESIGNATED INTERSECTING STREETS, GARDEN STREET AND A NEW SINTA RUN IN THE CITY'S STREET SYSTEM BETWEEN CERTAIN TERMINI,

IN COOPERATION WITH THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF OHIO AND OTHERWISE, BY GRADING, CONSTRUCTING, RECONSTRUCTING AND REHABILITATING THE PAVEMENT BASE, BRIDGES, CULVERTS, CURBS, DRIVEWAY APPROACHES, RETAINING WALLS, SIDEWALKS AND BICYCLE PATHS, SANITARY SEWERS, WATER MAINS AND STORM SEWERS AND OTHER DRAINAGE IMPROVEMENTS, WIDENING AND REALIGNING, ADJUSTING MANHOLES AND CATCH BASINS, PREPARING THE SURFACE AND SURFACING AND RESURFACING, AND ACQUIRING AND INSTALLING STREET LIGHTING AND TRAFFIC SIGNS, SIGNALS AND SIGNALIZATION, WHERE NECESSARY, IN EACH CASE TOGETHER WITH THE NECESSARY APPURTENANCES AND WORK INCIDENTAL THERETO, AND ACQUIRING REAL ESTATE AND INTERESTS IN REAL ESTATE IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, on July 10, 2014, this Council adopted Resolution No. 1307-2014 declaring the necessity of submitting to the electors of this City at an election to be held on November 4, 2014, the question of issuing bonds in the aggregate principal amount of \$8,000,000 for the purpose set forth in Section 1 of this Resolution and levying a tax to provide for the payment of debt charges on those bonds and any anticipatory securities, a copy of which resolution was certified to the Lorain County Auditor; and

WHEREAS, the Lorain County Auditor has certified to this Council that the total current tax valuation of the City is \$700,768,140 and the estimated average annual property tax levy throughout the stated maturity of the bonds that would be required to pay the debt charges on them, calculated in the manner provided in Section 133.18(C) of the Revised Code, is 0.84 mill for each \$1.00 of tax valuation, which amounts to 8.4 cents for each \$100 of tax valuation;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of North Ridgeville, Lorain County, Ohio, that:

SECTION 1. This Council determines to proceed with submitting to the electors pursuant to Section 133.18 of the Revised Code, at an election to be held on November 4, 2014, the question of issuing bonds in the aggregate principal amount of \$8,000,000 for the purpose of improving Center Ridge Road, Lear Nagle Road and certain other designated intersecting streets, Garden Street and a new Sinta Run in the City's street system between certain termini, in cooperation with the Department of Transportation of the State of Ohio and otherwise, by grading, constructing, reconstructing and rehabilitating the pavement base, bridges, culverts, curbs, driveway approaches, retaining walls, sidewalks and bicycle paths, sanitary sewers, water mains and storm sewers and other drainage improvements, widening and realigning, adjusting manholes and catch basins, preparing the surface and surfacing and resurfacing, and acquiring and installing street lighting and traffic signs, signals and signalization, where necessary, in each case together with the necessary appurtenances and work incidental thereto, and acquiring real estate and interests in real estate in connection therewith (the Bonds) and levying a tax to pay the debt charges on the Bonds and on any notes issued in anticipation of the Bonds. The average annual property tax levy required to pay those debt charges has been estimated by the County Auditor to be 0.84 mill for each \$1.00 of valuation, which amounts to 8.4 cents for each \$100 of valuation. The tax to pay the debt charges on the Bonds and any anticipatory notes is expected to levied first on the tax list and duplicate for the year 2014 for first collection in calendar year 2015.

SECTION 2. The Clerk of Council is directed to certify to the Board of Elections not later than Wednesday, August 6, 2014: (i) a copy of Resolution No. 1307-2014 declaring the necessity of the bond issue and providing for the principal of the Bonds to be paid over a maximum of twenty years, which number of years is certified to the Board of Elections; (ii) the certifications of the County Auditor as to the City's total current tax valuation and the estimated average annual property tax levy; and (iii) a copy of this Resolution. This Council requests that the Board of Elections give notice of the election and prepare the necessary ballots and supplies for the election in accordance with law.

SECTION 3. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 4. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of this City and for the further reason that this Resolution is required to be immediately effective to enable the City to proceed timely with the filing of this Resolution and other materials with the Board of Elections in order to submit the bond issue to the electors on November 4, 2014; wherefore, this Resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor.

REMAINING CITY COUNCIL MEETING DATES FOR 2014

August 4, 2014
October 6, 2014
November 17, 2014

August 18, 2014
October 20, 2014
December 1, 2014

September 2, 2014
November 3, 2014
December 15, 2014

www.nridgeville.org