

DEFEATED

RESOLUTION NO.: 2013-R20 (AMENDED APRIL 23, 2013)
SPONSOR: ~~MAYOR NORTON~~
INTRODUCED: MARCH 26, 2013 **ASSIGNED TO:** RULES & PERSONNEL

A RESOLUTION AUTHORIZING THE SUBMISSION OF A PROPOSED CHARTER AMENDMENT TO THE VOTERS TO CREATE A NEW SECTION OF THE CITY OF GREEN CHARTER AUTHORIZING THE EXPENDITURE OF UP TO TEN MILLION DOLLARS (\$10,000,000.00) FOR INFRASTRUCTURE IMPROVEMENTS TO THE CAK INTERNATIONAL BUSINESS PARK PHASE III AND IV; REQUIRING THE INSTALLATION OF STORMWATER, ROAD, WATER, INDUSTRIAL PRETREATMENT AND SANITARY SEWER, GRADING AND LANDSCAPING; AND FURTHER DESIGNATING THE SOURCE OF FUNDS FOR THE PAYMENT FOR THE INFRASTRUCTURE, AND DECLARING AN EMERGENCY.

WHEREAS, Article XVIII, Section 9 of the Ohio Constitution, permits the submission of proposed amendment of the Charter of the City of Green upon petitions signed by ten percent (10%) of the electors of the municipality who voted in the last municipal election; and

WHEREAS, petitions were submitted to the City of Green as follows;

Article XV Development

XV.1 The Citizens of Green hereby authorize the expenditure of up to ten million dollars for infrastructure improvements to the CAK International Business Park Phase III and IV industrial park also known as Port Green.

XV.1(A) Infrastructure shall include storm water, road, water, industrial pretreatment and sanitary sewer, grading, and landscaping.

XV.1(B) Infrastructure shall be paid for: first, by two point three million from the non-appropriated funds carry over balance of 2011; secondarily, by any unused Fire Levy funds three years after its final collection; thirdly, by State developmental grants received; fourth by bond of the balance to be paid off before December 2015, such bond to be paid down from general revenue as guaranteed by outside millage.

XV.1(B)(i) Any non-industrial function (limited to less than 10% of total acreage) utilizing this infrastructure shall pay its share of Infrastructure back over a ten-year period.

XV.1(B)(ii) The City shall own, operate and maintain infrastructure for the life of CAK lease (99yrs)

WHEREAS, petitions were submitted with 1,008 valid signatures as determined by the Summit County Board of Elections; and

WHEREAS, the last municipal election in the City of Green was on November 6, 2012, where the electors of Green voted on seven (7) different Charter Amendments; and

WHEREAS, the total number of individuals who voted in the election on November 6, 2012, was 13,640; and

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WHEREAS, in order to place the Charter Amendment on the ballot the petitioners were required to obtain 1,364 valid signatures; and

WHEREAS, Green City Council must determine whether the amendment shall be submitted to the electors of the City of Green on November 5, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:

SECTION ONE:

The City of Green Charter shall be amended to read as follows:

Article XV Development

XV.1 The Citizens of Green hereby authorize the expenditure of up to ten million dollars for infrastructure improvements to the CAK International Business Park Phase III and IV industrial park also known as Port Green.

XV.1(A) Infrastructure shall include storm water, road, water, industrial pretreatment and sanitary sewer, grading, and landscaping.

XV.1(B) Infrastructure shall be paid for: first, by two point three million from the non-appropriated funds carry over balance of 2011; secondarily, by any unused Fire Levy funds three years after its final collection; thirdly, by State developmental grants received; fourth by bond of the balance to be paid off before December 2015, such bond to be paid down from general revenue as guaranteed by outside millage.

XV.1(B)(i) Any non-industrial function (limited to less than 10% of total acreage) utilizing this infrastructure shall pay its share of Infrastructure back over a ten-year period.

XV.1(B)(ii) The City shall own, operate and maintain infrastructure for the life of CAK lease (99yrs)

SECTION TWO:

The proposed amendment to the Charter of the City of Green shall be placed before the qualified electors of the City for their approval at the November 5, 2013 election.

SECTION THREE:

Green City Council requests the following ballot language:

“Shall the Charter of the City of Green be amended to add a new Article XV to authorize the expenditure of up to ten million dollars for infrastructure improvements to the CAK International Business Park, Phase III and IV, as well as designating the type of infrastructure installed and the source of funds to pay for the installation of the infrastructure.”

_____ **FOR THE AMENDMENT**

_____ **AGAINST THE AMENDMENT**

SECTION FOUR:

The Clerk of Council of the City of Green shall certify a copy of this Resolution to the Board of Elections of Summit County, along with a copy of the proposed ballot language no later than September 5, 2013, as required by law.

SECTION FIVE:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION SIX:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. It is necessary to immediately pass this Resolution to expedite the proposed Project and promote highway safety. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: _____

Molly Kapeluck, Clerk

Dave France

Dave France, Council President

APPROVED: _____, 2013

Richard G. Norton

Richard G. Norton, Mayor

COPIED _____
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: _____, 2013

ON ROLL CALL: Colopy - NAY France - NAY Humphrey - NAY Knodel - NAY
 Neugebauer - NAY Reed - NAY Summerville - NAY Defeated 0-7

Suburbanite publication on April 28 and MAY 5, 2013

Molly Kapeluck

Molly Kapeluck, Clerk

04/18/2013 Approved as to form and content by Stephen J. Pruneski, Law Director *Stephen Pruneski* (S)
4/18/2013

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