

**ORDINANCE NO. 2014-25  
INTRODUCED BY: ALL MEMBERS OF COUNCIL**

**AN ORDINANCE AMENDING CHAPTER 791 OF THE CODIFIED ORDINANCES OF THE CITY OF LYNDHURST ENTITLED "EARNED INCOME TAX" BY INCREASING THE RATE OF MUNICIPAL INCOME TAX SET IN SECTION 791.03 THEREOF FROM ONE AND ONE HALF PERCENT (1 1/2%) PER YEAR TO TWO PERCENT (2%) PER YEAR, PROVIDING FOR SUBMISSION OF THE AMENDMENT TO THE ELECTORS OF THE CITY, AND DECLARING AN EMERGENCY**

**WHEREAS**, it is Council's determination, upon recommendation by the Mayor, to update Chapter 791 of the Codified Ordinances of the City to provide additional revenue. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

**SECTION 1.** It has been determined by the Council of the City of Lyndhurst that it is necessary that the Income Tax be increased from one and one-half percent to two percent, and by reason thereof, in accordance with Section 718.01 of the Ohio Revised Code, said issue shall be placed on the ballot at the election on August 5, 2014.

**SECTION 2.** Chapter 791 of the Codified Ordinances is hereby amended by amending the first sentence of Section 791.03 to read as follows: (new material appears like THIS: deleted material appears like this):

**791.03 RATE AND INCOME TAXABLE**

An annual tax for the purpose specified in Section 791.01 hereof shall be imposed on and after January 1, 2015, at the rate of ~~one and one-half~~ two percent (1½%) (2%) per annum upon the following:

The balance of Section 791.03 shall remain in full force and effect without further modification at this time.

**SECTION 3.** As required by Section 718.01 of the Ohio Revised Code, the amendment specified in Section 2 of this Ordinance shall take effect only if approved by the affirmative vote of the electors of the City of Lyndhurst who vote on the question at the election on August 5, 2014.

**SECTION 4.** The form of ballot to be given at the election on the question of this municipal income tax levy shall be substantially as follows:

A MAJORITY AFFRIMATIVE VOTE IS NECESSARY  
FOR PASSAGE:

"SHALL ORDINANCE NO. 2014-25 PROVIDING  
FOR AN INCREASE OF ONE-HALF PERCENT (1/2%)  
FROM ONE AND ONE HALF PERCENT (1 ½%) TO  
TWO PERCENT (2%) TAX ON INCOME FOR  
GENERAL OPERATING EXPENSES AND FOR SUCH  
OTHER PURPOSES AS ARE AUTHORIZED BY  
ORDINANCE BE PASSED?"

|   |   |                                 |
|---|---|---------------------------------|
| : | : | :                               |
| : | : | FOR THE INCOME TAX INCREASE     |
| : | : | :                               |
| : | : | :                               |
| : | : | AGAINST THE INCOME TAX INCREASE |
| : | : | :                               |

**SECTION 5.** The Clerk of Council be and is hereby directed and authorized to give notice and advertise the proposed ballot issue and election in a newspaper of general circulation as required by law.

**SECTION 6.** The Clerk of Council is hereby authorized and directed to certify a copy of this Ordinance immediately after its adoption and prior to May 7, 2014 to the Board of Elections of Cuyahoga County, Ohio for the purpose of having the question set forth in Section 4, above, placed on the ballot in order to submit the proposed tax levy to the electors of the City of Lyndhurst, Ohio, at the election to be held on August 5, 2014.

**SECTION 7.** The amendment to Section 791.03 shall be effective on and after January 1, 2015 but only upon passage by electors as set forth in this Ordinance.

**SECTION 8.** No part of this Ordinance upon passage and approval shall be deemed to impair in any way or affect or release any obligation or liability to pay, declare or withhold taxes or file returns by virtue of Income Tax Provisions enacted or in effect prior to October 1, 2014, in the City of Lyndhurst, Ohio.

**SECTION 9.** Any and all provisions of Chapter 791 of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other sections of Chapter 791 not inconsistent herewith shall remain in full force and effect.

**SECTION 10.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 11.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that this Ordinance must be adopted and certified to the Board of Elections of Cuyahoga County, Ohio on or before May 7, 2014 in order to submit the proposed income tax increase to the voters at an election to be held on August 5, 2014. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council and signature by the Mayor or otherwise at the earliest time allowed by law and its provisions shall be effective as stated herein.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**VICE-MAYOR**

ATTEST: \_\_\_\_\_  
**Clerk of Council**

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
*Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Proposed

**ORDINANCE NO. 2014-26  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE TO LEVY ASSESSMENTS FOR THE CONSTRUCTION  
OR REPAIR OF SIDEWALKS ON CERTAIN STREETS IN THE CITY OF  
LYNDHURST, AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,  
CUYAHOGA COUNTY, STATE OF OHIO:**

**SECTION 1.** This Council finds that it has heretofore, by Resolution, declared that sidewalks be constructed or repaired in accordance with plans and specifications therefore on file and that written notice of the passage of such Resolution was served upon the owner or agent of the owner of each parcel of land abutting on such sidewalks in the manner provided by law. This Council further finds that the sidewalks hereinafter referred to were not constructed within the required period after the receipt of such notice, that the same have now been constructed by the City, and that the cost thereof should be assessed against the lots and lands abutting on such sidewalks.

**SECTION 2.** There is hereby levied and assessed upon the lots and lands abutting such sidewalks the several amounts as follows, to wit:

| <u>NAME</u> | <u>ADDRESS</u> | <u>P.P. #</u> | <u>AMOUNT</u> |
|-------------|----------------|---------------|---------------|
|-------------|----------------|---------------|---------------|

*(See attached Exhibit A which is fully incorporated herein as if fully rewritten herein)*

**SECTION 3.** That the total assessments against each lot or parcel of land shall be certified by the Director of Finance to the County Fiscal Officer, as provided by law, to be placed by him on the tax duplicate and collected as other taxes are collected.

**SECTION 4.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 5.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to approve the aforesaid charges to preserve the credit of the City. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**VICE MAYOR**

ATTEST: \_\_\_\_\_  
*Clerk of Council*

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
*Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Proposed

**RESOLUTION NO. 2014-27  
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION URGING OHIO VOTERS TO SUPPORT STATE  
ISSUE 1, RENEWAL OF THE STATE CAPITAL IMPROVEMENTS  
PROGRAM, ON THE MAY 6, 2014 BALLOT**

**WHEREAS**, Ohio local communities are in continuing need of support for vital road, bridge, sewer, water and other infrastructure projects; and

**WHEREAS**, Ohio has in place a state program of support for local communities which not only helps to fund infrastructure projects, but also creates large numbers of construction and allied jobs; and

**WHEREAS**, the Ohio State Capital Improvements Program has successfully provided support for more than 11,500 such projects and resulting job creation since its inception in 1987; and

**WHEREAS**, Issue 1 on the May 6, 2014 statewide ballot provides Ohio voters with the opportunity to renew the program by authorizing issues of \$1.875 billion in capital improvement bonds; and

**WHEREAS**, no new taxes are required to fund repayment of the bonds. Now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNDHURST,  
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

**SECTION 1.** This Council declares its support for State Issue 1, and urges Ohio voters to cast their votes in support of continuing the infrastructure improvement and job creation Issue 1 will foster.

**SECTION 2.** Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This Resolution shall hereby be declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst in order that the City's support for State Issue 1 be evidenced as soon as possible. It shall therefore take effect immediately upon the affirmative vote of not less than five members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

*PASSED:* \_\_\_\_\_

\_\_\_\_\_  
*MAYOR*

\_\_\_\_\_  
*VICE-MAYOR*

*ATTEST:* \_\_\_\_\_  
*Clerk of Council*

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
*Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Proposed