

Lyndhurst, Ohio  
May 6, 2014

The Council of the City of Lyndhurst held an Emergency Meeting on Tuesday, May 6, 2014 at 9:30 P.M., Vice Mayor Joseph A. Marko, presiding.

Members Present: Council Representatives J.A. Gambatese, C.A. LoPresti, P.A. Ward, K.C. Packard, D.A. Frey.

Others Present: P.T. Murphy, Director of Law.

Absent: Council Representative L.A. Schlessel.

Paul T. Murphy was appointed by Vice Mayor Marko as Acting Clerk of Council.

Vice Mayor Marko indicated the purpose of the Emergency Meeting was to discuss legislation that meets the Cuyahoga County Board of Elections current requirements in order to place the income tax issue on the August ballot. To that end, Mr. Marko indicated that Resolution 2014-32 had been prepared and had been distributed to Council for review.

It was moved by Mr. Ward, seconded by Mr. Frey, then Resolution 2014-32 be added to the agenda.

The question was put to a roll call vote and passed unanimously.

**FIRST READING**

**RESOLUTION 2014-32**

**INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION PROVIDING FOR SUBMISSION OF THE AMENDMENT OF SECTION 791.03 OF THE CODIFIED ORDINANCES TO THE ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD ON AUGUST 5, 2014, DIRECTING THE CUYAHOGA COUNTY BOARD OF ELECTIONS TO CONDUCT SUCH ELECTION, AND DECLARING AN EMERGENCY**

It was moved by Mr. Ward, seconded by Mr. Gambatese, that rules set forth under Section 123.01 of the Codified Ordinances be suspended for full reading, that Resolution No. 2014-32 be placed on Third Reading for final passage and that it be highlighted.

Roll Call: Yeas: Ward, Packard, Gambatese, Frey, LoPresti, Marko.  
Nays: None

Motion carried.  
Rules Suspended.

Ordinance No. 2014-32 was highlighted by Mr. Murphy, with Section 8 being read in its entirety.

Mr. Murphy noted that the Assistant Clerk of Council, Melissa Franco, had contacted the Board of Elections today to ensure that all requirements necessary to place the tax issue on the ballot in August had been complied with. The Board of Elections indicated that two pieces of legislation were necessary: an Ordinance amending the Codified Ordinances to provide for the tax increase, and a Resolution directing the Board of Elections to place the issue before the electorate at a certain election. She reported this to Mr. Murphy, who contacted Mr. Milne at the Board of Elections. He confirmed that advice, and indicated that although he believed one piece of legislation had been sufficient in the past, the Ohio Secretary of State has determined that two pieces of legislation are now required.

Mr. Murphy indicated he pulled the Ohio Ballot Questions and Issues Handbook published by the Ohio Secretary of State, and referred to the Chapter regarding Income Taxes for Municipal Corporations. That Handbook states that two pieces of legislation are necessary. Rather than arguing the sufficiency of one piece of legislation, he recommended that Council comply with the direction of the Ohio Secretary of State, and adopt a second piece of legislation directing the Board of Elections to conduct the election. That legislation is Resolution 2014-32.

It was moved by Mr. Frey, seconded by Mr. Gambatese, that Ordinance No. 2014-32 be passed.

Roll Call: Yeas: Ward, Packard, Gambatese, Frey, LoPresti, Marko  
Nays: None

Motion carried.  
Ordinance No. 2014-32 is passed

It was moved by Mr. Ward, seconded by Mr. Gambatese, that the meeting be adjourned.

That question was put to a voice vote and passed unanimously.

Approved: May 19, 2014

Meeting adjourned at 9:45 p.m.

Attest: \_\_\_\_\_  
Clerk of Council

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Vice Mayor