

**ORDINANCE NO. 2015-63
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BROWNING FERRIS INDUSTRIES OF OHIO, INC., FOR THE PROVISION OF SOLID WASTE TRANSFER AND DISPOSAL SERVICES AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 2015-23, the City of Lyndhurst participated in the consortium, organized by the Cuyahoga County Solid Waste District, comprising the City of Beachwood, the City of Highland Hills, the City of Lyndhurst, the City of Pepper Pike, the Village of Moreland Hills, the City of Solon, the City of University Heights, the City of Warrensville Heights and the Village of Woodmere, to solicit bids for the provision of solid waste transfer and disposal services generated within the participating communities; and

WHEREAS, on behalf of the participants in the Consortium, the Cuyahoga County Solid Waste District published, on June 15, 2015, in the Plain Dealer, an invitation to bid for the required solid waste transfer and disposal services; and

WHEREAS, on July 15, 2015, four bids were submitted for the required solid waste transfer and disposal services; and

WHEREAS, on July 28, 2015, staff from the communities participating in the Consortium met to consider bids, and following discussion, unanimously recommended that the communities participating in the Consortium award the contract for the required solid waste transfer and disposal services to Browning Ferris Industries of Ohio, Inc., as the lowest and best bidder. Now, therefore,

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

SECTION 1. This Council hereby approves and accepts the bid of Browning Ferris Industries of Ohio, Inc., as the lowest and best bidder to provide solid waste transfer and disposal services for the City of Lyndhurst.

SECTION 2. This Council hereby authorizes the Mayor by and on behalf of the City of Lyndhurst to execute and deliver to Browning Ferris Industries of Ohio, Inc., the Notice of Award and Agreement for the Transfer and Disposal Services to be completed and returned to the City of Lyndhurst as required by bid documents.

SECTION 3. This Council declares that the Agreement shall be for a three (3) year period, with options by the City to renew for two (2) additional one year periods in accordance with the bid documents.

SECTION 4. The cost of said services shall be Thirty-Seven Dollars and 59/100 (\$37.59) per ton for the first year, Thirty-Eight Dollars and 53/100 (\$38.53) per ton for the second year, and Thirty-Nine Dollars and 49/100 (\$39.49) per ton for the third year, based upon an estimated annual disposal amount of 5,500 tons.

SECTION 5. 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 6. This Ordinance 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 to meet contractual requirements for the City. 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

ORDINANCE NO. 2015 - 64
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH KIMBLE TRANSFER & RECYCLING FOR THE PROVISION OF RECYCLING PROCESSING SERVICES AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 2015-30, the City of Lyndhurst participated in the consortium, organized by the Cuyahoga County Solid Waste District, comprising the City of Beachwood, the City of Cleveland Heights, the City of Highland Hills, the City of Independence, the City of Lyndhurst, the City of Pepper Pike, the Village of Moreland Hills, the City of Shaker Heights, the City of Solon, the City of University Heights, the City of Warrensville Heights and the Village of Woodmere, to solicit bids for the provision of recycling processing services within the participating communities; and

WHEREAS, on behalf of the participants in the Consortium, the Cuyahoga County Solid Waste District published, on June 15, 2015, in the Plain Dealer, a request for proposals for the recycling processing services; and

WHEREAS, on July 15, 2015, two proposals were submitted for the recycling processing services; and

WHEREAS, on July 28, 2015, staff from the communities participating in the Consortium met to consider proposals, and following discussion, unanimously recommended that the communities participating in the Consortium, award the contract for the recycling processing services to Kimble Transfer & Recycling who best demonstrated the capacity to perform all services requested with the RFP and offered the best revenue sharing formula to the cities. Now, therefore,

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

SECTION 1. This Council hereby approves the recommendation of the consortium to select Kimble Transfer & Recycling to provide recycling processing services for the City of Lyndhurst for a five (5) year term.

SECTION 2. This Council hereby authorizes the Mayor by and on behalf of the City of Lyndhurst to execute an Agreement for the recycle processing services to be completed and returned to the City of Lyndhurst as required by bid documents.

SECTION 3. This Council declares that the Agreement shall be for a five (5) year period.

SECTION 4. 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 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 to meet contractual requirements for the City. 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 the News Herald, a newspaper of general circulation in said City, on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

Proposed

ORDINANCE NO. 2015-65
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AUTHORIZING AND DIRECTING THE
MAYOR TO ENTER INTO AGREEMENTS AND CONTRACTS
WITH VARIOUS INSURANCE CARRIERS RECOMMENDED
BY JACKSON, DIEKEN & ASSOCIATES, INC., TO PROVIDE
THE NEEDED INSURANCE COVERAGE REQUIRED BY THE
CITY OF LYNDHURST AND DECLARING AN EMERGENCY**

WHEREAS, Jackson, Dieken & Associates, Inc. have undertaken to place new insurance where needed, replace cancelled or expired insurance where necessary, secure competitive prices and coverage where necessary, and have presented several recommendations for conventional insurance; and

WHEREAS, Jackson, Dieken & Associates, Inc., have advised that all insurance coverages for the City can be obtained for an amount not to exceed One Hundred Thirty Thousand Two Hundred and Fifty Dollars (\$130,250.00), for the period beginning October 1, 2015 and ending October 1, 2016. Now, therefore,

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

SECTION 1. The Mayor be and he is hereby authorized and directed to enter into agreements with insurance carriers recommended by Jackson, Dieken & Associates, Inc., in an amount not to exceed One Hundred Thirty Thousand Two Hundred and Fifty Dollars (\$130,250.00), based generally on the proposal submitted by Jackson, Dieken & Associates, Inc., providing such insurance coverage as needed for the City as of October 1, 2015, and the Finance Director is authorized and directed to make payment therefore on the above insurance.

SECTION 2. 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 3. 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 the seeking, obtaining, and paying for insurance coverage is required to preserve the assets 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

ORDINANCE NO. 2015-66
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE ENACTING SECTION 1150.09(c)(63A) OF
THE ZONING CODE OF THE CITY TITLED “DEFINITIONS”**

WHEREAS, an amendment to the City’s Planning and Zoning Code with regard to Definitions has been referred to the Planning Commission for review; and

WHEREAS, the Planning Commission reviewed the proposed amendment on _____, and unanimously approved this amendment to the City’s Planning and Zoning Code; and

WHEREAS, the same has been submitted to this Council for consideration, and for adoption upon the recommendation of the Lyndhurst Planning Commission; and

WHEREAS, all public hearings have been conducted, and all necessary public notices have been made and copies provided for public review. Now, therefore,

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

SECTION 1. Section 1150.09(c)(63A) of the Zoning Code of the City entitled “Definitions” is hereby enacted to read as follows:

1150.09 DEFINITIONS

(c) (63A) “Gasoline Filling Station” means a building or part of a building, or a structure or space, used for retail sale of gasoline, and which provides no other onsite automotive services except a car wash as a conditional use.

SECTION 2. All other provisions of Sections 1150.09(c) of the Zoning Code of the City not specifically amended or repealed herein shall remain in full force and effect.

SECTION 3. 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 4. This Ordinance shall take effect 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

Proposed

**ORDINANCE NO. 2015-67
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING SECTION 1168.03 OF THE
ZONING CODE OF THE CITY TITLED "SCHEDULE OF
PERMITTED BUILDING AND USES"**

WHEREAS, an amendment to the City's Planning and Zoning Code with regard to permitted buildings has been referred to the Planning Commission for review; and

WHEREAS, the Planning Commission reviewed the proposed amendment on _____, and unanimously approved this amendment to the City's Planning and Zoning Code; and

WHEREAS, the same has been submitted to this Council for consideration, and for adoption upon the recommendation of the Lyndhurst Planning Commission; and

WHEREAS, all public hearings have been conducted, and all necessary public notices have been made and copies provided for public review. Now, therefore,

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

SECTION 1. Section 1168.03, CONDITIONAL USES(a)(1) AND (2), of the Zoning Code of the City entitled "Schedule of Permitted Buildings and Uses" is hereby amended to read as follows: (new material appears like THIS and deleted material appears like ~~this~~):

(1) BANKS, PHARMACIES, dry cleaners and laundries with drive-through facilities.

(2) Gasoline service stations AND GASOLINE FILLING STATIONS WITH OR WITHOUT AN ATTACHED CAR WASH (~~not to exceed eight double pumps, two islands, or three bays~~). Pre-packaged OR PREPARED food items may be sold within a permitted gasoline service station OR GASOLINE FILLING STATION. ~~However, no food is to be prepared on the premises and no alcoholic beverages are to be sold or distributed.~~

SECTION 2. All other provisions of Sections 1168.03 of the Zoning Code of the City not specifically amended or repealed herein shall remain in full force and effect, and only those sections specifically deleted shall be repealed and those sections specifically amended shall be amended without any effect on the other provisions of said sections.

SECTION 3. 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 4. This Ordinance shall take effect 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

Proposed

ORDINANCE NO: 2015-68
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AMENDING SECTION 1176.07(c) OF THE ZONING CODE OF THE CITY ENTITLED “OTHER PROHIBITED USES”

WHEREAS, an amendment to the City’s Planning and Zoning Code with regard to Prohibited Uses has been referred to the Planning Commission for review; and

WHEREAS, the Planning Commission reviewed the proposed amendment on _____, and unanimously approved this amendment to the City’s Planning and Zoning Code; and

WHEREAS, the same has been submitted to this Council for consideration, and for adoption upon the recommendation of the Lyndhurst Planning Commission; and

WHEREAS, all public hearings have been conducted, and all necessary public notices have been made and copies provided for public review. Now, therefore,

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

SECTION 1. Section 1176.07(c) of the Zoning Code of the Zoning Code of the City entitled “Other Prohibited Uses” is hereby amended to read as follows (new material appears like THIS and deleted material appears like this):

1176.07

(c) Other Prohibited Uses. Crematories, tattoo parlors, trailer parks, storage garages, and car washes **NOT ATTACHED TO A GASOLINE FILLING STATION AS A CONDITIONAL USE** are also prohibited in the City. ~~In addition, no alcoholic beverages shall be sold or dispensed on premises of permitted or nonconforming gasoline services stations.~~

SECTION 2. Any and all provisions of Section 1176.07(c) inconsistent herewith are hereby repealed but all other provisions of Section 1176.07 of the Zoning Code of the City shall remain in full force and effect.

SECTION 3. 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 4. This Ordinance shall take effect 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

ORDINANCE NO: 2015-69
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 618.12 OF THE
CODIFIED ORDINANCES OF THE CITY ENTITLED
“HUNTING AND TRAPPING REGULATED”, AND
SECTION 618.125 ENTITLED “SPECIAL PERMITS FOR
REMOVAL OF EXCESSIVE NUISANCE ANIMALS”**

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

SECTION 1. Section 618.12 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

**618.12 HUNTING AND TRAPPING
REGULATED.**

(a) The hunting of animals or birds within the territorial limits of the City is regulated. No person shall hunt, kill or attempt to kill any animals or birds by use of firearms, bow and arrow, cross bow, or any other means that may endanger the life or safety of persons or cause injury or destruction of property, except as follows:

- (1) A law enforcement officer or animal warden in discharge of his or her duties;
- (2) Any person authorized by the Chief of Police while participating in a City authorized animal control program;
- (3) A State of Ohio licensed nuisance animal trapper or property owner operating under the authority of an Ohio Division of Wildlife damage control permit and utilizing methods in accordance with rules and regulations established by the Police Chief; or
- (4) Any person participating in a City approved nuisance animal management program.

(b) No person shall set or maintain any trap within the municipality, except under the authority of the owner or lawful occupant of the premises upon which such trap is set or maintained and with the approval of the ~~Lyndhurst Department of Animal Control~~ CHIEF OF POLICE.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

SECTION 2. Section 618.125 of the Codified Ordinances is hereby amended to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

**618.125 SPECIAL PERMITS FOR REMOVAL OF
EXCESSIVE NUISANCE ANIMALS.**

(a) Notwithstanding Section 618.12, special permits may be issued by the Chief of Police with the approval of the Mayor for removing excessive nuisance animals, as defined below, on ~~private~~ ~~or~~ public property, provided that the ~~public or private~~ property is at least ten (10) acres in size, and further provided that the removal of the nuisance animals is to be done by a City approved agent or by a licensed nuisance animal trapper, and provided further that a necessary and appropriate permit has already been obtained from the State of Ohio, Division of Wildlife, and there is compliance with all federal, state and local regulations.

(B) "Nuisance animal" is an individual animal whose actions create special wildlife management problems, usually on a repetitive basis. Examples of animals from which nuisance cases may arise include deer, raccoons, skunks, coyotes, beavers, bears and poisonous snakes.

(C) Whoever violates this section is guilty of a misdemeanor of the first degree.

SECTION 3. Any and all provisions of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Chapter 618 of the Codified Ordinances shall remain in full force and effect.

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 shall take effect 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: _____

**ORDINANCE NO. 2015-70
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 the City has abated or will abate public nuisances, in accordance with Section 1385.24 of the Codified Ordinances, by repairing broken, uneven or improperly maintained public sidewalks, and that the exact cost thereof should be assessed against the lots and lands abutting on such sidewalks pursuant to that Section.

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

SECTION 3. That the final assessment amounts 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 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. 2015-71
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL OF
THE CUYAHOGA COUNTY BUSINESS RETENTION & ATTRACTION
PROTOCOL, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Resolution No. 2012-10 adopted March 19, 2012, the Mayor entered into a Business Attraction and Anti-Poaching Protocol with Cuyahoga County; and

WHEREAS, the County has requested that said Protocol be renewed; and

WHEREAS, the Council of the City of Lyndhurst has reviewed the Renewal Protocol (copy attached as Exhibit "A"), and believes the City should approve same. Now, therefore,

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

SECTION 1. The Council of the City of Lyndhurst hereby authorizes the Mayor to execute the Cuyahoga County Business Retention & Attraction Protocol, a copy of which is attached hereto and made a part hereof as Exhibit "A".

SECTION 2. 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 3. This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety for the reason that the orderly administration of municipal government can best be served if this Resolution is effective immediately. Wherefore, this Resolution shall take effect and be in force from and after its passage by the affirmative vote of not less than five (5) members of Council and the signature of 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: _____

**RESOLUTION NO. 2015-72
INTRODUCED BY: ADMINISTRATION**

A RESOLUTION EXPRESSING COMMENDATION AND SINCERE APPRECIATION TO PATROLMAN PETER MESSINA FOR SERVICE RENDERED FOR, TO AND ON BEHALF OF THE CITIZENS OF THE CITY OF LYNDHURST, OHIO AS A LAW ENFORCEMENT OFFICER

WHEREAS, Peter Messina started his law enforcement career in East Cleveland in 1985, and was appointed as a Police Officer in the City of Lyndhurst in 1988; and

WHEREAS, he served on the SPAN Regional SWAT Team in 1990 and 1991; and

WHEREAS, during his time as a law enforcement officer Peter Messina has contributed to the safety of motorists and pedestrians in the City, and has received numerous letters of appreciation and commendation; and

WHEREAS, during his time he has diligently worked to solve crimes in the City, and in 2014 received the Department's Meritorious Service Award for his involvement in the apprehension of multiple armed suspects in a home invasion robbery. Now, therefore,

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

SECTION 1. This Council, on behalf of itself, the Mayor and the City administration, the employees and the residents of the City of Lyndhurst, Ohio, impart their sincere gratitude and appreciation to Patrolman Peter Messina for his dedicated and valuable service to the City of Lyndhurst as a law enforcement officer, and wish him good health and Godspeed in his retirement.

SECTION 2. The Clerk of Council is hereby requested to cause a fully executed duplicate of this Resolution to be presented to Patrolman Peter Messina, and the Clerk is hereby authorized and directed to file the original hereof in the Journals of Council.

SECTION 3. This Resolution shall be in full force and effect from and after the earliest time allowed by law.

PASSED: _____

MAYOR JOSEPH M. CICERO, JR.

ATTEST: _____
CLERK OF COUNCIL

VICE-MAYOR LANE A. SCHLESSEL

JOSEPH A. MARKO

JOSEPH A. GAMBATESE

DAVID A. FREY

JEFF PRICE

CHARLES A. LOPRESTI

PATRICK A. WARD

**ORDINANCE NO. 2015-73
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE PROVIDING THE CONSENT OF THE CITY OF LYNDHURST TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE BRAINARD/CEDAR SAFETY UPGRADING PROJECT, EXPRESSING ITS INTENTION TO COOPERATE IN THE DESIGN AND CONSTRUCTION OF SAID PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO ALL AGREEMENTS NECESSARY TO INITIATE AND COMPLETE SAID PROJECT, AND DECLARING AN EMERGENCY

**PRELIMINARY LEGISLATION
RC 5521.01**

The following is an ordinance enacted by the City of Lyndhurst, Cuyahoga County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Widen Brainard Road from the IR-271 northbound exit to Cedar Road/Brainard Road to Falkirk Road and improve the signal capacity at Brainard Road as part of the State project to reduce the queue lengths at the IR-271 northbound exit to Cedar Road/Brainard Road in the Cities of Lyndhurst and Pepper Pike.

NOW THEREFORE, be it ordained by the Council of the City of Lyndhurst, Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The entire cost and expense of this improvement will be provided by the Department. No financial participation will be required by the LPA.

The LPA agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Lyndhurst, Cuyahoga County, Ohio

I, _____, as Clerk of the City of Lyndhurst, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of Lyndhurst on the _____ day of _____, 2015, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2015.

Clerk
City of Lyndhurst, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Lyndhurst, Ohio

Attest: _____, Date: _____

Mayor

For the State of Ohio

Attest: _____, Date: _____

Director, Ohio Department of Transportation

SECTION V - Maintenance

The LPA shall maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The Mayor of said City is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above described project.

Passed: _____, 2015
Date

Attested: _____
Clerk

Mayor

Attested: _____
Title:

Vice Mayor

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Proposed