

**ORDINANCE NO. 2017-86
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO AN AGREEMENT WITH THE ARNOLD
FELTOON, M.D., INC., PROVIDING FOR MEDICAL
CONTROL FOR THE LYNDHURST CITY JAIL
FACILITY.**

WHEREAS, on occasion there is a need for medical attention and advice regarding inmates at the Lyndhurst City Jail Facility; and

WHEREAS, Arnold Feltoon, M.D., has provided such medical attention and advice for several years; and

WHEREAS, the City desires to continue the services of Dr. Feltoon. 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 to enter into an Agreement with Arnold Feltoon, M.D., Inc. providing for medical control for the Lyndhurst City Jail Facility.

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 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. 2017-87
Introduced By: Administration

**TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES
AND OTHER EXPENDITURES OF THE CITY OF LYNDHURST
FOR THE PERIOD ENDING DECEMBER 31, 2017
REPEALING ORDINANCE NO. 2017-81
AND DECLARING AN EMERGENCY**

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

Section 1. That to provide for the current expenses and other expenditures of the City of Lyndhurst for the period beginning January 1, 2017 and ending December 31, 2017, the following sums be appropriated as set forth in the following sections.

Section 2. That there be appropriated from the **General Fund** the following:

SECURITY OF PERSONS AND PROPERTY

1111 POLICE

Salaries & Wages	\$3,011,756	
Other Expenses	\$801,301	\$3,813,057

1114 ANIMAL CONTROL

Salaries & Wages	\$0	
Other Expenses	\$35,000	\$35,000

1116 SPO & AUXILIARY

Salaries & Wages	\$89,063	
Other Expenses	\$19,605	\$108,668

1118 PARKS & SCHOOL SECURITY

Salaries & Wages	\$8,085	
Other Expenses	\$1,499	\$9,584

1121 COMMUNICATIONS

Salaries & Wages	\$452,134	
Other Expenses	\$154,521	\$606,655

1131 FIRE DEPARTMENT

Salaries & Wages	\$2,513,323	
Other Expenses	\$815,405	\$3,328,728

<i>TOTAL SECURITY OF PERSONS AND PROPERTY</i>		<i>\$7,901,692</i>
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PUBLIC HEALTH AND WELFARE

2211 COUNTY HEALTH DEPARTMENT

Other Expenses	\$57,684	\$57,684
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<i>TOTAL PUBLIC HEALTH AND WELFARE</i>		<i>\$57,684</i>
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COMMUNITY ENVIRONMENT

3311 PLANNING COMMISSION

Salaries & Wages	\$7,200	
Other Expenses	\$5,262	\$12,462

3313 BOARD OF ZONING APPEALS

Salaries & Wages	\$10,750	
Other Expenses	\$1,986	\$12,736

3315 ARCHITECTURAL BOARD OF REVIEW

Salaries & Wages	\$6,450	
Other Expenses	\$1,072	\$7,522

3323 BUILDING DEPARTMENT

Salaries & Wages	\$289,270	
Other Expenses	\$233,193	<u>\$522,463</u>

TOTAL COMMUNITY ENVIRONMENT \$555,183

LEISURE TIME ACTIVITIES

4419 PARKS

Salaries & Wages	\$175,290	
Other Expenses	\$73,116	\$248,406

4421 BRAINARD SPRAYGROUND

Salaries & Wages	\$42,350	
Other Expenses	\$36,756	\$79,106

4422 LYNDHURST POOL

Salaries & Wages	\$167,000	
Other Expenses	\$128,752	\$295,752

4433 HOME DAYS

Other Expenses	\$15,000	\$15,000
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4435 HOLIDAY LIGHTING

Other Expenses	\$2,000	\$2,000
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4437 COMMUNITY PARTNERSHIP ON AGING

Other Expenses	\$156,070	<u>\$156,070</u>
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TOTAL LEISURE TIME ACTIVITIES \$796,334

BASIC UTILITIES

5561 REFUSE COLLECTION AND DISPOSAL

Salaries & Wages	\$219,375	
Other Expenses	\$495,886	\$715,261

5563 RECYCLING

Salaries & Wages	\$169,033	
Other Expenses	\$89,755	\$258,788

5565 LEAVES

Salaries & Wages	\$96,450	
Other Expenses	\$58,577	\$155,027

5567 TREES

Salaries & Wages	\$74,251	
Other Expenses	\$74,519	<u>\$148,770</u>

TOTAL BASIC UTILITIES \$1,277,846

GENERAL GOVERNMENT

7711 MAYOR

Salaries & Wages	\$151,833	
Other Expenses	\$84,568	\$236,401

7712 INCOME TAX ADMINISTRATION

Other Expenses	\$410,833	\$410,833
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7713 FINANCE DEPARTMENT

Salaries & Wages	\$365,590	
Other Expenses	\$162,279	\$527,869

7714 LAW DEPARTMENT

Salaries & Wages	\$85,375	
Other Expenses	\$123,440	\$208,815

7715 SERVICE DEPARTMENT

Salaries & Wages	\$386,852	
Other Expenses	\$197,906	\$584,758

7717 CIVIL SERVICE COMMISSION

Salaries & Wages	\$7,500	
Other Expenses	\$29,434	\$36,934

7721 COUNCIL

Salaries & Wages	\$92,248	
Other Expenses	\$45,852	\$138,100

7731 MUNICIPAL COURT

Salaries & Wages	\$807,953	
Other Expenses	\$437,029	\$1,244,982

7741 GENERAL ADMINISTRATION

Other Expenses	\$376,028	\$376,028
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7742 PUBLIC LANDS & BUILDINGS

Salaries & Wages	\$87,710	
Other Expenses	\$409,713	\$497,423

7744 STATUTORY

Other Expenses	\$385,250	\$385,250
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7746 ENGINEERING

Salaries & Wages	\$18,900	
Other Expenses	\$22,920	\$41,820

7761 UNCLAIMED

Other Expenses	\$5,000	<u>\$5,000</u>
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TOTAL GENERAL GOVERNMENT *\$4,694,213*

TOTAL OPERATIONS *\$15,282,952*

INTERFUND TRANSFERS & ADVANCES

to Police Pension Fund	\$396,214	
to Fire Pension Fund	\$445,448	
to LV Perm Improv Tax Inc Fund	\$847,588	
to Permanent Improv Fund	\$615,000	
to Sewer Maintenance Fund	\$0	
to Sewer Construction Fund	\$0	
to Community Center Fund	\$238,000	
to Petty Cash Fund	<u>\$0</u>	

TOTAL INTERFUND TRANSFERS AND ADVANCES *\$2,542,250*

GRAND TOTAL GENERAL FUND *\$17,825,202*

Section 3. That there be appropriated from the **Special Revenue Fund Class** the following:

<u>210 STATE HIGHWAY FUND</u>			
Other Expenses	\$50,000	\$50,000	
TOTAL STATE HIGHWAY FUND			\$50,000
<u>220 COURT PROBATION SERVICES</u>			
Salaries & Wages	\$23,000		
Other Expenses	\$9,900	\$32,900	
TOTAL COURT PROBATION SERVICES			\$32,900
<u>230 COURT SPECIAL PROJECTS FUND</u>			
Salaries & Wages	\$128,500		
Other Expenses	\$102,566	\$231,066	
<u>231 COURT SPECIAL PROJECTS IDIAM FUND</u>			
Other Expenses	\$13,500	\$13,500	
TOTAL COURT SPECIAL PROJECTS FUND			\$244,566
<u>240 STREET CONSTRUCTION, MAINT. & REPAIR FUND</u>			
<u>1141 TRAFFIC SAFETY</u>			
Salaries & Wages	\$56,785		
Other Expenses	\$116,768	\$173,553	
<u>5552 STORM SEWERS</u>			
Salaries & Wages	\$46,500		
Other Expenses	\$29,967	\$76,467	
<u>6611 STREETS</u>			
Salaries & Wages	\$196,450		
Other Expenses	\$148,673	\$345,123	
<u>6621 SNOW REMOVAL</u>			
Salaries & Wages	\$122,500		
Other Expenses	\$271,971	\$394,471	
TOTAL STREET CONSTRUCTION, MAINT & REPAIR FUND			\$989,614
<u>250 COMMUNITY CENTER FUND</u>			
Salaries & Wages	\$154,289		
Other Expenses	\$134,674	\$288,963	
TOTAL COMMUNITY CENTER FUND			\$288,963
<u>260 COURT EDP FUND</u>			
Salaries & Wages	\$15,600		
Other Expenses	\$210,675	\$226,275	
TOTAL COURT EDP FUND			\$226,275
<u>280 DUI/INDIGENT FUND</u>			
Other Expenses	\$50,000	\$50,000	
TOTAL DUI/INDIGENT FUND			\$50,000
<u>290 LAW ENFORCEMENT FUND</u>			
Other Expenses	\$14,960	\$14,960	
TOTAL LAW ENFORCEMENT FUND			\$14,960
<u>291 LAW ENFORCEMENT ESA FUND</u>			
Other Expenses	\$22,380	\$22,380	
TOTAL LAW ENFORCEMENT ESA FUND			\$22,380
<i>TOTAL SPECIAL REVENUE FUNDS</i>			<i>\$1,919,658</i>

Section 4. That there be appropriated from the **Debt Service Fund Class** the following:

310 GENERAL BOND RETIREMENT FUND

Other Expenses	\$1,128,500	\$1,128,500	
TOTAL GENERAL BOND RETIREMENT FUND			\$1,128,500

320 LV PUBLIC IMPROVEMENT FUND

Other Expenses	\$136,146	\$136,146	
TOTAL GENERAL LV PUBLIC IMPROV FUND			\$136,146

TOTAL DEBT SERVICE FUNDS **\$1,264,646**

Section 5. That there be appropriated from the **Capital Projects Fund Class** the following:

410 PERMANENT IMPROVEMENT FUND

Capital Outlay	\$1,327,043	\$1,327,043	
TOTAL PERMANENT IMPROVEMENT FUND			\$1,327,043

440 PARKS & RECREATION EQUIPMENT

Capital Outlay	\$5,000	\$5,000	
TOTAL PARKS & RECREATION EQUIPMENT FUND			\$5,000

450 STREET IMPROVEMENT FUND

Capital Outlay	\$1,189,168	\$1,189,168	
TOTAL STREET IMPROVEMENT FUND			\$1,189,168

470 CAPITAL RESERVE FUND

Capital Outlay	\$510,000	\$510,000	
TOTAL CAPITAL RESERVE FUND			\$510,000

TOTAL CAPITAL PROJECTS FUNDS **\$3,031,211**

Section 6. That there be appropriated from the **Special Assessment Fund Class** the following:

810 STREET LIGHTING FUND

Other Expenses	\$227,750	\$227,750	
TOTAL STREET LIGHTING FUND			\$227,750

820 SEWER MAINTENANCE & REPAIR FUND

Salaries & Wages	\$257,952		
Other Expenses	\$114,102		
Capital Outlay	\$300,008	\$672,062	
TOTAL SEWER MAINTENANCE & REPAIR FUND			\$672,062

830 SIDEWALK FUND

Other Expenses	\$149,750	\$149,750	
TOTAL SIDEWALK FUND			\$149,750

840 SEWER CONSTRUCTION FUND

Other Expenses	\$38,500		
Capital Outlay	\$748,012	\$786,512	
TOTAL SEWER CONSTRUCTION FUND			\$786,512

850 SHADE TREE FUND

Salaries & Wages	\$96,577		
Other Expenses	\$128,660	\$225,237	
TOTAL SEWER MAINTENANCE & REPAIR FUND			\$225,237

TOTAL SPECIAL ASSESSMENT FUNDS **\$2,061,311**

Section 7. That there be appropriated from the **Trust & Agency Fund Class** the following:

710 OTHER TRUST & AGENCY

Other Expenses	\$149,500	\$149,500	
TOTAL OTHER TRUST & AGENCY FUND			\$149,500

720 POLICE PENSION FUND

Other Expenses	\$521,537	\$521,537	
TOTAL POLICE PENSION FUND			\$521,537

730 FIRE PENSION FUND

Other Expenses	\$586,943	\$586,943	
TOTAL FIRE PENSION FUND			\$586,943

790 PETTY CASH FUND

Other Expenses	\$0	\$0	
TOTAL PETTY CASH FUND			<u>\$0</u>

TOTAL TRUST & AGENCY FUNDS **\$1,257,980**

GRAND TOTAL ALL FUNDS **\$27,360,008**

Section 8. The Director of Finance is hereby authorized to draw her warrant for payment of any of the foregoing appropriations upon receiving the proper certifications and voucher thereof, approved by the Council of the City of Lyndhurst, Ohio or officers authorized by law to approve the same, or by ordinance or resolution of Council to make expenditures, provided that no warrant be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

Section 9. REPEAL OF PRIOR ORDINANCES: Any and all ordinances, or parts thereof, inconsistent herewith, and specifically Ordinance No. 2017-81 to the extent it is inconsistent herewith, are hereby repealed; otherwise, any provisions of such Ordinance not inconsistent herewith shall remain in full force and effect.

Section 10. 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 public peace, health and safety, for further reason that it is necessary to immediately make the appropriations herein in order that the City can properly function and meet its obligations currently. Wherefore, this Ordinance shall take effect immediately upon its passage by the affirmative vote of not less than five (5) members elected to council and approval by the Mayor; otherwise, from and after the earliest time allowed by law.

PASSED: _____

Mayor

ATTEST: _____

Vice- Mayor

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. 2017-88
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1
WITH TC CONSTRUCTION CO., INC., FOR THE 2017
CONCRETE PROGRAM, AND DECLARING AN
EMERGENCY**

WHEREAS, the City has previously entered into a Contract with TC Construction Co., Inc. for the 2017 Concrete Program; and

WHEREAS, is it necessary to enter into a Change Order as set forth herein due to needed additions and deletions to the Project. Now, therefore,

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

SECTION 1. The Mayor be and he is hereby authorized to enter into a Change Order Contract with TC Construction Co., Inc. for the amount of Nine Thousand Four Hundred Twenty-Five Dollars and 22/100 (\$9,425.22), in addition to the Contract heretofore authorized by the Board of Control of this Council, for the performance of additional concrete repair work to the Commodore Road box culvert not included in the original Contract scope of work, all as more fully set forth in Change Order No. 1, dated November 28, 2017, which is fully incorporated herein. The City Engineer has approved the aforesaid Change Order.

SECTION 2. The Director of Finance be and is hereby authorized and directed to pay the amount provided for in Section 1 of this Ordinance upon passage hereof and execution of the Change Order authorized herein and completion of the work.

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 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 changes so as to not unnecessarily delay the completion of the aforesaid Project. 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. 2017-89
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2
WITH TC CONSTRUCTION CO., INC. FOR THE 2017
CONCRETE PROGRAM, AND DECLARING AN
EMERGENCY**

WHEREAS, the City has previously entered into a Contract with TC Construction Co., Inc. for the 2017 Concrete Program; and

WHEREAS, TC Construction Co., Inc. has successfully completed the Contract; and

WHEREAS, it is necessary to enter into a Change Order as set forth herein due to needed additions to the Program or unforeseen circumstances associated with the Program. Now, therefore,

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

SECTION 1. The Mayor be and he is hereby authorized to enter into a Change Order Contract with TC Construction Co., Inc. for the credit amount of Eighteen Thousand Five Hundred Eighty-Three Dollars and 25/100 (\$18,583.25), in addition to the Contract heretofore authorized by the Board of Control of this Council, as and for final reconciliation of contract quantities for said Contract, all as more fully set forth in Change Order No. 2, dated November 28, 2017, which is fully incorporated herein. The City Engineer has approved the aforesaid Change Order.

SECTION 2. The Director of Finance be and is hereby authorized and directed to credit the amount provided for in Section 1 of this Ordinance upon passage hereof and execution of the Change Order authorized herein and completion of the work.

SECTION 3. This Council determines that the work included in the Contract with TC Construction Co., Inc. has been completed, and the Contract may be closed out, and the retainage released, pursuant to the application and certificate for final payment, the final Contract price, including additions and deletions, being Two Hundred Ten Thousand Five Hundred Sixteen Dollars and 97/100 (\$210,516.97). This final payment amount has been approved by the City Engineer.

SECTION 4. The Mayor be and he is hereby authorized to execute all documents necessary to complete the closeout of this Contract in accordance with this Ordinance.

SECTION 5. 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 6. 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 changes so as to not unnecessarily delay the completion of the aforesaid Project. 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: 2017-90
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO ADVERTISE FOR BIDS FOR THE SALE BY NEWSPAPER PUBLICATION OR BY INTERNET AUCTION OF THREE SURPLUS MOTOR VEHICLES, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE HIGHEST BIDDER FOR SUCH MOTOR VEHICLES AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Section 721.15 of the Ohio Revised Code, personal property not needed for municipal purposes, the estimated value of which exceeds One Thousand Dollars (\$1,000.00), shall be sold by the City pursuant to Ordinance, and with approval of the Director having supervision or management of such property, by written contract with the highest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the municipal corporation; and

WHEREAS, that Section also provides that such personal property may, at the discretion of the legislative authority, be sold by internet auction; and

WHEREAS, Council is desirous of selling three surplus vehicles to the highest and best bidder. Now, therefore,

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

SECTION 1. That the Clerk of Council is hereby authorized to advertise for bid for the sale of the following vehicles:

#	YEAR	Description	VIN	Reserve Bid
1	2002	VW Beetle	3VWCK21CX2M461098	\$1,025.00
2	1999	Sterling LT9501	2FZNNWEB4XAB91527	\$12,500.00
3	2001	Sterling Condor	49HHBVAN71RJ18093	\$12,500.00

for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the City, and all actions taken by the Clerk of Council to so advertise are hereby ratified.

SECTION 2. That the Clerk may, at her discretion, sell the vehicles described in Section 1 hereof by internet auction by permitting bidding for not less than ten (10) consecutive calendar days, provided notice of this procedure is published in a newspaper of general circulation within the City in accordance with Section 721.15 and 7.16 of the Ohio Revised Code. The minimum bid for each shall be as stated in Section 1, above.

SECTION 3. That notice of this sale and the required procedure shall be published in a designated place in the City as well as on the City's website.

SECTION 4. That the Mayor is hereby authorized to enter into a written contract with the highest and best bidder for the items of personal property set forth in Section 1 after approval by the Director having supervision or management of such personal property, provided the minimum bid amounts specified in Section 1, above, have been reached.

SECTION 5. That 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 6. That 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 for the efficient operation of the City's business to advertise for the sale of the aforesaid property according to law and to consummate such sale as soon as possible and without delay. 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 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: _____

**ORDINANCE NO. 2017-91
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENGAGE THE LAW FIRM OF WALTER/HAVERFIELD LLP JOINTLY WITH THE REGIONAL INCOME TAX AGENCY AND OTHER MUNICIPALITIES FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY

WHEREAS, the City of Lyndhurst recognizes, as a home rule power of local self-government, that municipal income tax administration and collection is vital to the health, safety and welfare of the municipality; and

WHEREAS, the City of Lyndhurst relies on the revenue from effective municipal income tax administration and collection to provide the services that maintain the health, safety and welfare of the municipality; and

WHEREAS, the Ohio General Assembly has attempted to assert control over the administration and collection of municipal income taxes by claiming that a municipality has no authority to impose an income tax unless it adopts a code in strict compliance with R.C. Chapter 718; and

WHEREAS, the established law of Ohio is clear that any such preemption of municipal income tax codes by the State of Ohio violates the Ohio Constitution and home rule provisions that allow a municipal corporation the right to administer and enforce its own municipal income tax; and

WHEREAS, more specifically, the State of Ohio has enacted HB 5 in 2014 comprehensively rewriting the entire municipal income tax law and HB 49 in 2017 authorizing centralized collection by the State of Ohio of municipalities' net profits taxes; and

WHEREAS, the City of Lyndhurst desires to assert its home rule authority to control the administration and collection of the municipal income tax, in order to provide for the health, safety and welfare of the municipality. Now, therefore,

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

SECTION 1. The Mayor is authorized to engage Walter/Haverfield LLP jointly with the Regional Income Tax Agency and other municipalities for the purpose of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code, and that the legal services of Walter/Haverfield LLP are hereby retained, those services to be in connection with the legal challenge(s) to H.B. 49 regulating the collection, administration and enforcement of net profits taxes all of which is as further described in Exhibit A.

SECTION 2. 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 of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Lyndhurst, the immediate emergency being the necessity to commence judicial proceedings to challenge H.B. 49 given that the effective date of said legislation is January 1, 2018; therefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of not less than five (5) members of 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 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. 2017-92
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING DECLARATIONS OF OFFICIAL INTENT UNDER U.S. TREASURY REGULATIONS WITH RESPECT TO REIMBURSEMENTS FROM NOTE AND BOND PROCEEDS OF TEMPORARY ADVANCES MADE FOR PAYMENTS PRIOR TO ISSUANCE, AND RELATED MATTERS, AND DECLARING AN EMERGENCY

WHEREAS, United States Treasury Regulations § 1.150-2 (the Reimbursement Regulations) prescribe conditions under which proceeds of bonds, notes or other obligations (Bonds) used to reimburse advances made for capital and certain expenditures (Original Expenditures) paid before the issuance of such Bonds will be deemed to be expended (or properly allocated to expenditures) for purposes of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the Code), upon such reimbursement so that the proceeds so used will no longer be subject to requirements or restrictions under those sections of the Code; and

WHEREAS, certain provisions of the Reimbursement Regulations require that there be a Declaration of Official Intent not later than 60 days following payment of the Original Expenditures expected to be reimbursed from proceeds of Bonds, and that the reimbursement occur within certain prescribed time periods after an Original Expenditure is paid or after the property resulting from that Original Expenditure is placed in service; and

WHEREAS, this Council wishes to take steps to comply with the Reimbursement Regulations;

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

Section 1. Definitions. The following definitions apply to the terms used herein:

"Authorized Officer" means the Mayor, the Director of Finance, or any person designated for the purpose by those officers.

"Declaration of Official Intent" means a declaration of intent, in the form and manner and time contemplated in the Reimbursement Regulations, that the advances for Original Expenditures referred to therein are reasonably expected to be reimbursed from the proceeds of Bonds to be issued after those Original Expenditures are paid.

"Reimbursement" or "reimburse" means the restoration to the Issuer of money temporarily advanced from its other funds and spent for Original Expenditures before the issuance of the Bonds, evidenced in writing by an allocation on the books and records of the Issuer that shows the use of the proceeds of the Bonds to restore the money advanced for the Original Expenditures. "Reimbursement" or "reimburse" generally does not include the refunding or retiring of Bonds previously issued and sold to, or borrowings from, unrelated entities.

Section 2. Authorization and Requirement of Declarations of Official Intent. Each Authorized Officer is authorized to prepare and sign Declarations of Official Intent in substantially the form attached with respect to Original Expenditures to which the Reimbursement Regulations apply to be made from money temporarily advanced and that is reasonably expected to be reimbursed (in accordance with applicable authorizations, policies and practices) from the proceeds of Bonds, to make appropriate reimbursement and timely allocations from the proceeds of the Bonds to reimburse such Original Expenditures, and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations in order for the reimbursement to be treated as an expenditure of such proceeds for purposes of Sections 103 and 141 to 150 of the Code. No advance from any fund or account or order for payment may be made for Original Expenditures (other than expenditures excepted from such requirement under the Regulations) that are to be reimbursed subsequently from proceeds of Bonds unless a Declaration of Official Intent with respect thereto is made within the time required by the Reimbursement Regulations.

Section 3. Prior Acts Ratified and Confirmed. Any actions previously taken by City officials or agents of the City in furtherance of the matters set forth in this Ordinance are hereby approved, ratified and confirmed.

Section 4. Compliance with Open Meeting Requirements. This 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 in an open meeting of this Council or committees, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 6. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that such Original Expenditures to be reimbursed are immediately necessary for such preservation and the Reimbursement Regulations require timely Declaration of Official Intent in order to qualify such Original Expenditures for reimbursement from the proceeds of Reimbursement Bonds; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of not less than five (5) 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 Ordinance by advertising the same by title on one day in each of two consecutive weeks in the Sun Messenger, a newspaper of general circulation in said City, on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

**ORDINANCE 2017-93
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HENDERSON, SCHMIDLIN & MCGARRY CO., L.P.A. TO PROVIDE LEGAL SERVICES FROM JANUARY 1, 2018, THROUGH DECEMBER 31, 2018, AND DECLARING AN EMERGENCY

WHEREAS, the Mayor of the City of Lyndhurst has appointed Paul T. Murphy as the Director of Law for the City; and

WHEREAS, Paul T. Murphy is a partner at the law firm of Henderson, Schmidlin & McGarry Co., L.P.A.; and

WHEREAS, the City of Lyndhurst wishes to continue to engage Paul T. Murphy and the law firm of Henderson, Schmidlin & McGarry Co., L.P.A. to perform legal services beginning January 1, 2018, and ending December 31, 2018. Now therefore,

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

SECTION 1. Paul T. Murphy shall continue to be employed as the Director of Law for the City for the period beginning January 1, 2018, and ending December 31, 2018, at a salary to be determined annually by Council. The Director of Law shall perform the duties imposed by Charter and Ordinances of the City of Lyndhurst, and by State law.

SECTION 2. The Mayor be and is hereby authorized to enter into an agreement to engage the law firm of Henderson, Schmidlin & McGarry Co., L.P.A. to represent the City in connection with various matters at an hourly rate to be determined annually by Council beginning January 1, 2018, and ending December 31, 2018. Council hereby ratifies any work that has been performed by Henderson, Schmidlin & McGarry Co., L.P.A., prior to and up to the date of this Ordinance in accordance herewith.

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 is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and for the further reason that it is immediately necessary in order to provided continued legal services for the City. Therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise from and after the earliest period 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