



City of Strongsville

16099 Foltz Parkway
Strongsville, Ohio 44149-5598
Phone: 440-580-3110
Council Office Fax: 440-572-1648
www.strongsville.org



City Council

Michael J. Daymut
Ward 1

Matthew A. Schonhut
Ward 2

James E. Carbone
Ward 3

Gordon C. Short
Ward 4

Joseph C. DeMio
At-Large

Kenneth M. Dooner
At-Large

Duke Southworth
At-Large

Aimee Pientka, MMC
Clerk of Council

Tiffany Mekeel, CMC
Assistant Clerk of Council

December 14, 2017

MEETING NOTICE

City Council has scheduled the following meetings for **Monday, December 18, 2017**, to be held in the Caucus Room and the Council Chamber at the **Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road**:

Caucus will begin at 7:15 p.m. *All committees listed will meet immediately following the previous committee:*

7:15 P.M.

Finance Committee will meet to discuss Ordinance Nos. 2017-213, 2017-214, 2017-215 and 2017-216.

Planning, Zoning and Engineering Committee will meet to discuss Ordinance Nos. 2017-211, 2017-217, 2017-218, 2017-219, and Resolution Nos. 2017-220 and 2017-221.

Public Service and Conservation Committee will meet to discuss Ordinance No. 2017-222.

Economic Development will meet to discuss items pertinent to the committee.

Committee of the Whole will consider a motion to adjourn into **Executive Session** with the Law Director and other members of the Administration for the purpose of discussing legal matters.

8:00 P.M.

Regular Council Meeting

Any other matters that may properly come before this Council may also be discussed.

BY ORDER OF THE COUNCIL:

Aimee Pientka, MMC
Clerk of Council



STRONGSVILLE CITY COUNCIL REGULAR MEETING
MONDAY, DECEMBER 18, 2017 AT 8:00 P.M.
Mike Kalinich Sr. City Council Chamber
18688 Royalton Road, Strongsville, Ohio



AGENDA

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. CERTIFICATION OF POSTING:
4. ROLL CALL:
5. COMMENTS ON MINUTES:
 - *Council Meeting – December 4, 2017*
6. APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:
 - Administration of Ceremonial Oath of Office to newly-appointed Fire Captain David L. Haffner.
7. REPORTS OF COUNCIL COMMITTEE:
 - SCHOOL BOARD – Mr. Dooner:
 - SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Carbone:
 - BUILDING AND UTILITIES – Mr. Schonhut:
 - COMMUNICATIONS AND TECHNOLOGY – Mr. Schonhut:
 - ECONOMIC DEVELOPMENT – Mr. Daymut:
 - FINANCE – Mr. Short:
 - PLANNING, ZONING AND ENGINEERING – Mr. Daymut:
 - PUBLIC SAFETY AND HEALTH – Mr. DeMio:
 - PUBLIC SERVICE AND CONSERVATION – Mr. Carbone:
 - RECREATION AND COMMUNITY SERVICES – Mr. Southworth:
 - COMMITTEE-OF-THE-WHOLE – Mr. Dooner:
8. REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS OF DEPARTMENTS AND OTHER OFFICERS:
 - MAYOR PERCIAK:
 - FINANCE DEPARTMENT:
 - LAW DEPARTMENT:

9. AUDIENCE PARTICIPATION:

10. ORDINANCES AND RESOLUTIONS:

- Ordinance No. 2017-111 by Mr. Daymut. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT 17800 ROYALTON ROAD (A PORTION OF PPN 396-12-002) IN THE CITY OF STRONGSVILLE, FROM OB (OFFICE BUILDING) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION AND R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY. *First reading and referred to Planning Commission 07-03-17. Tabled by Planning Commission 07-13-17. Second reading, amended and referred to Planning Commission as amended 07-17-17. Favorable recommendation by Planning Commission 08-24-17. Third reading 09-05-17. Public hearing 10-16-17. Fourth reading 11-20-17.*
- Ordinance No. 2017-213 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING SECTIONS 881.02, 881.04, 881.05, 881.07 AND 881.18 OF CHAPTER 881 OF TITLE FOUR OF PART EIGHT OF THE CITY'S CODIFIED ORDINANCES PROVIDING FOR IMPOSITION AND REGULATION OF THE MUNICIPAL INCOME TAX COMMENCING JANUARY 1, 2018, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-214 by Mayor Perciak and All Members of Council. AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO AMEND SECTIONS 5-001, 5-060, 5-282, 5-283, 6-003, 9-002, 9-004, 9-007, 9-008, 9-009 AND 9-010, IN ORDER TO ADJUST CERTAIN PROVISIONS CONCERNING SALARY AND HOURLY PAY RANGE SCHEDULES; TO FIX THE COMPENSATION OF CERTAIN SALARIED AND HOURLY EMPLOYEES; AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-215 by Mayor Perciak. AN ORDINANCE MAKING APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2017 AND REPEALING ORDINANCE NUMBER 2017-137.
- Ordinance No. 2017-216 by Mayor Perciak. AN ORDINANCE MAKING APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2018.
- Ordinance No. 2017-217 by Mayor Perciak and All Members of Council. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING CO., INC., IN CONNECTION WITH THE BOWMAN DRIVE, DRAKE ROAD AND FETZER DRIVE SANITARY SEWER PROJECT, AND DECLARING AN EMERGENCY.

- Ordinance No. 2017-218 by Mr. Daymut. AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES THE LOT SPLIT PLAT FOR KATHERINE HOSTERMAN AND KARL HOSTERMAN, FOR PERMANENT PARCEL NO. 397-31-006, LOCATED AT 19074 HOWE ROAD, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-219 by Mr. Daymut. AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT FOR SANITARY SEWER SYSTEM PURPOSES FROM D & K DEVELOPMENT, LLC, AND DECLARING AN EMERGENCY.
- Resolution No. 2017-220 by Mr. Daymut. A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN FOR A PARKING LOT AT THE CITY OF STRONGSVILLE CITY HALL, LOCATED AT 18688 ROYALTON ROAD.
- Resolution No. 2017-221 by Mayor Perciak and Mr. Daymut. A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR IMPROVEMENTS TO THE CITY OF STRONGSVILLE COMMONS PARKING LOT, AND DECLARING AN EMERGENCY.
- Ordinance No. 2017-222 by Mayor Perciak and Mr. Carbone. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR EMERGENCY REPAIRS AT THE CITY'S WASTEWATER TREATMENT PLANT "C", WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

11. COMMUNICATIONS, PETITIONS AND CLAIMS:

12. MISCELLANEOUS BUSINESS:

13. ADJOURNMENT:

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 111

By: Mr. Daymut

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT 17800 ROYALTON ROAD (A PORTION OF PPN 396-12-002) IN THE CITY OF STRONGSVILLE, FROM OB (OFFICE BUILDING) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION AND R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION, AND DECLARING AN EMERGENCY, **AS AMENDED.**

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

Section 1. That the Zoning Map of the City of Strongsville, adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville, be amended to change the zoning classification of certain property located at 17800 Royalton Road (a portion of PPN 396-12-002), from OB (Office Building) classification to GB (General Business) classification **and R-RS (Restaurant-Recreational Services) classification**, which property is more fully described and depicted in Exhibits "A", **and "B" and "C"**, attached hereto and incorporated herein as if fully rewritten.

Section 2. That the Clerk of Council is hereby authorized to cause the necessary change on the Zoning Map to be made in order to reflect the zoning change in classification as provided in this Ordinance.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to rezone such property in order to provide for the orderly development of lots and lands within the City, to enhance economic development within the City, and to conserve

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2017 - 111
Page 2

public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First Reading: July 3, 2017

Second Reading: July 17, 2017

Third Reading: September 5, 2017

Public Hearing: October 16, 2017

Fourth Reading: November 20, 2017

Referred to Planning Commission
July 5, 2017; Tabled by PC July 13, 2017;
Referred back to PC as Amended July 17, 2017
Favorable recommendation by PC
 Approved: August 24, 2017

 President of Council

Approved: _____
 Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2017-111 Amended: 07-17-17
 1st Rdg. 07/03/17 Ref: PC/P2E
 2nd Rdg. 07/17/17 Ref: PC/P2E
 3rd Rdg. 09-05-17 Ref: P2E
 4th Rdg. 11/20/17

Pub Hrg. 10-16-17 Ref: _____
 Adopted: _____ Defeated: _____



**LEGAL DESCRIPTION FOR THE RE-ZONING OF THE SOUTHWESTERLY
PORTION OF PERMANENT PARCEL NUMBER 396-12-002
FROM OB-OFFICE BUILDING TO GB-GENERAL BUSINESS**

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio, and known as being a single consolidated parcel of land as shown on the Lot Consolidation, recorded in Volume 298 of Maps, Page 86 of Cuyahoga County Records, being part of Original Strongsville Township Lot Number 46, bounded and described as follows:

Beginning at a point in the original centerline of Royalton Road, State Route 82, (60 feet wide, now 80 feet wide) at the southwesterly corner of land conveyed to Ledgehill Office Building LTD by deed recorded in Volume 15645, page 341 of Cuyahoga County Records, said point being South 88°47'04" West, 457.43 feet from a 1" iron pin monument found at the southeasterly corner of Original Strongsville Lot Number 46;

Thence along the original centerline of Royalton Road, South 88°47'04" West, passing through a 1" iron pin monument at 121.00 feet, a total distance of 405.96 feet to an angle point in the original centerline of Royalton Road;

Thence continuing along the original centerline of Royalton Road, North 74°14'09" West, 389.57 feet to the southeasterly corner of land conveyed to Howard Hirt and Maude C. Hirt by deed dated November 1, 1943 and recorded in Volume 5639, page 370 of Cuyahoga County Records, said point being South 74°14'09" East, 1507.84 feet from a 1" iron pin monument found at the intersection of the centerline of Royalton Road and the easterly line of Strongsville Public Square;

Thence along the easterly line of land so conveyed to Howard Hirt and Maude C. Hirt, North 02°09'10" East, 41.16 feet to a point witnessed by 1/2 inch iron pin found 0.18' west and 0.03 feet north therefrom and the principal place of beginning of the parcel described herein:

Course 1) Thence continuing along the easterly line and the extension thereof of land so conveyed to Howard Hirt and Maude C. Hirt North 02°09'10" East, 420.50 feet to a point;

Course 2) Thence South 88 degrees 36 minutes 20 seconds East, a distance of 256.02 feet to a point;

Course 3) Thence North 76 degrees 26 minutes 43 seconds East, a distance of 183.60 feet to a point;

Course 4) Thence South 18 degrees 06 minutes 43 seconds East, a distance of 305.94 feet to a point;

EXHIBIT A


Course 5) Thence along a curve to the right with an arc length of 54.43 feet, with a radius of 229.61 feet, with a chord bearing of South 05 degrees 45 minutes 21 seconds East, and a chord length of 54.30 feet to a point;

Course 6) Thence South 01 degrees 02 minutes 05 seconds West, a distance of 56.14 feet to a point;

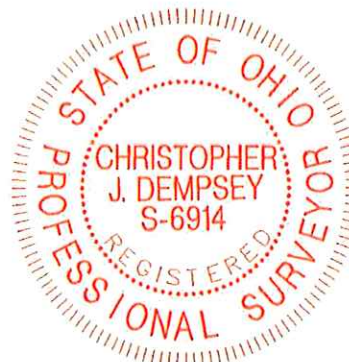
Course 7) Thence South 00 degrees 39 minutes 27 seconds West, a distance of 156.12 feet to a point on the northerly line of Royalton Road;

Course 8) Thence along the northerly line of Royalton Road, along a curve to the right with an arc length of 444.42 feet, with a radius of 1869.18 feet, with a chord bearing of North 81 degrees 02 minutes 53 seconds West, and a chord length of 443.38 feet to a point;

Course 9) Thence continuing along the northerly line of Royalton Road, North 74 degrees 14 minutes 02 seconds West, a distance of 114.30 feet to the principal place of beginning containing 5.7972 acres (252,528 square feet) of land as described by Christopher J. Dempsey, Professional Surveyor No. 6914, Dempsey Surveying Company on July 10, 2017.



Christopher J. Dempsey, PS
Professional Surveyor No. 6914





**LEGAL DESCRIPTION FOR THE RE-ZONING OF THE SOUTHEASTERLY
PORTION OF PERMANENT PARCEL NUMBER 396-12-002
FROM OB-OFFICE BUILDING TO R-RS RESTAURANT AND RECREATIONAL
SERVICES**

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio, and known as being a single consolidated parcel of land as shown on the Lot Consolidation, recorded in Volume 298 of Maps, Page 86 of Cuyahoga County Records, being part of Original Strongsville Township Lot Number 46, bounded and described as follows:

Beginning at a point in the original centerline of Royalton Road, State Route 82, (60 feet wide, now 80 feet wide) at the southwesterly corner of land conveyed to Ledgehill Office Building LTD by deed recorded in Volume 15645, page 341 of Cuyahoga County Records, said point being South 88°47'04" West, 457.43 feet from a 1" iron pin monument found at the southeasterly corner of Original Strongsville Lot Number 46;

Thence North 00 degrees 52 minutes 27 seconds East, 40.03 feet to a point on the northerly line of Royalton Road, said point being the southwesterly corner of land conveyed to Alessio Properties, LLC by deed recorded in AFN #201108250220 of Cuyahoga County Records and the principal place of beginning of the parcel described herein:

Course 1) Thence along the northerly line of Royalton Road, South 88 degrees 47 minutes 06 seconds West, a distance of 122.47 feet to a point of curvature;

Course 2) Thence continuing along the northerly line of Royalton Road, along a curve to the right with an arc length of 109.46 feet, with a radius of 1869.18 feet, with a chord bearing of North 89 degrees 32 minutes 14 seconds West, and a chord length of 109.45 feet to a point;

Course 3) Thence North 00 degrees 39 minutes 27 seconds East, a distance of 156.12 feet to a point;

Course 4) Thence North 01 degrees 02 minutes 05 seconds East, a distance of 56.14 feet to a point of curvature;

Course 5) Thence along a curve to the left with an arc length of 54.43 feet, with a radius of 229.61 feet, with a chord bearing of North 05 degrees 45 minutes 21 seconds West, and a chord length of 54.30 feet to a point;


Course 6) Thence North 18 degrees 06 minutes 43 seconds West, a distance of 305.94 feet to a point;

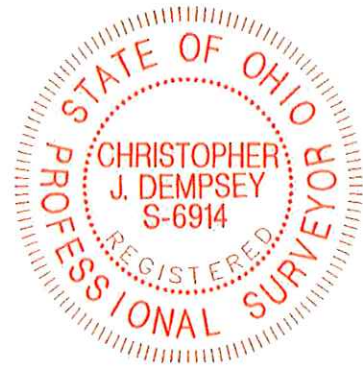


EXHIBIT B

Course 7) Thence North 76 degrees 26 minutes 43 seconds East, a distance of 349.08 feet to a point on the point on the westerly line of land conveyed to Iyami Condominium Association, Inc. by deed recorded in AFN #201611160425 of Cuyahoga County Records;

Course 8) Thence along the said westerly line of Iyami Condominium Association, Inc. lands and the westerly line of lands conveyed to HS Acquisition LLC by deed recorded in AFN #201610170579 of Cuyahoga County Records and Alessio Properties, LLC by deed recorded in AFN #201108250220 of Cuyahoga County Records, South 00 degrees 52 minutes 27 seconds West, a distance of 637.23 feet to the principal place of beginning containing 3.6657 acres (159,677 square feet) of land as described by Christopher J. Dempsey, Professional Surveyor No. 6914, Dempsey Surveying Company on July 10, 2017.


Christopher J. Dempsey, PS
Professional Surveyor No. 6914



MAP TO ACCOMPANY LEGAL DESCRIPTION FOR
RE-ZONING OF THE SOUTHERLY PORTION OF PPN
396-12-002

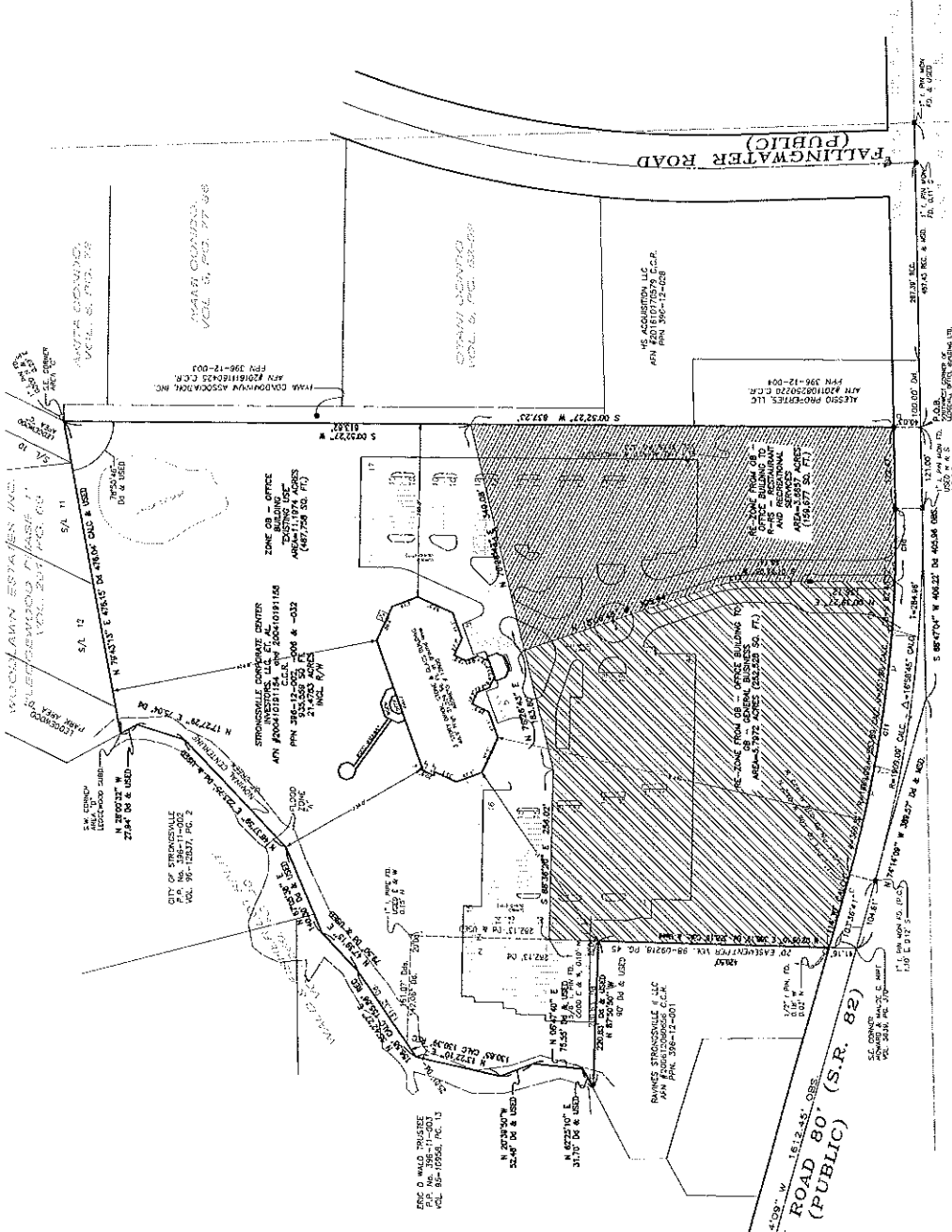
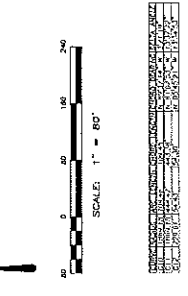
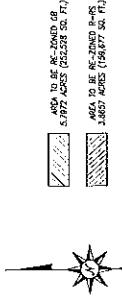


EXHIBIT C

AMENDED **PETITION FOR ZONING CHANGE**

Ordinance Number: 2017-111

To the Council of the City of Strongsville, County of Cuyahoga, State of Ohio:

I/We, the undersigned owner(s) of the property set above our names on the Property Description Form attached to this document, hereby petition your Honorable Body that said property be changed from a class OB use to a class GB and R-RS use.

Such change is necessary for the preservation and enjoyment of a substantial property right because: _____

the entire property is only financially feasible with a retail and restaurant component

Such change will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity because: _____

the current use is commercial and owners are not changing the commercial use; the owner will take steps to minimize impact on the vicinity; and others have GB and R-RS in the area.

Please list other supporting documents (if any) which accompany this petition:

1. Property Survey
2. Legal Description
3. Renderings

THE PROPOSED USE OF THE PROPERTY IS: Retail and stand-alone restaurant(s)

Name, address and **telephone number** of applicant or applicant's agent:

Name: Somera Road - 17800 Royalton, LLC - Ian Ross

Address: c/o Somera Road Inc., 115 East 34th Street, #1569, New York, New York 10156

Telephone Number: 646-766-8181

Signature of Owner(s) [Handwritten Signature]

State of ~~Ohio~~ ^{New York}
County of ~~Cuyahoga~~ ^{New York}

Sworn to and subscribed in my presence this 10 day of July, 2017.



[Handwritten Signature]
Notary Public
My commission expires: 04/07/2019

* Please pay particular attention to the details in item number 4 on page one. The certified list of property owners **must** be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.

AMENDED **PROPERTY DESCRIPTION FORM**

Ordinance Number: 2017-111

The following described property is that property for which a change is being requested in the attached Petition for Zoning Change and which is hereby incorporated into and made part of said petition:

Address of Property: 17800 Royalton Road

Permanent Parcel No.: 396-12-002

The property is bounded by the following streets: (indicate direction; i.e., north, south, etc.) Royalton Road

Number and type of buildings which now occupy property (if any): One (1) Office Building

Acreage: Total Acreage of Property is 21.478 acres (5.792 to be rezoned GB & 3.6657 to be rezoned R-RS)

Said property (has) (had) the following deed restrictions affecting the use thereof (attach copy): _____

Said deed restrictions (will) (have) expire(d) on: _____

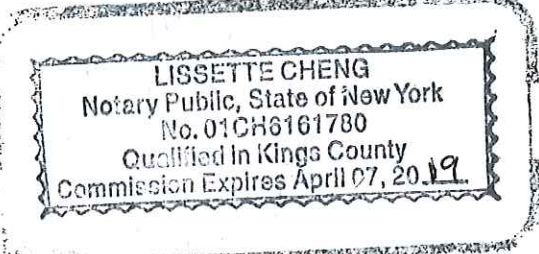
Said property is presently under lease or otherwise encumbered as follows: Mortgage from SV Royalton Funding LLC to Somera Road - 17800 Royalton, LLC

Owner(s)	Percent of Ownership:
1. <u>Somera Road - 17800 Royalton, LLC</u>	<u>100</u> %
2. _____	_____ %
3. _____	_____ %

[Signature]
Signature of Owner(s)

State of ~~Ohio~~ New York
County of ~~Cuyahoga~~ New York

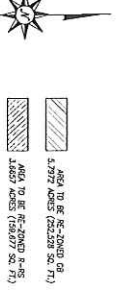
Sworn to and subscribed to in my presence this 10 day of July, 2017.



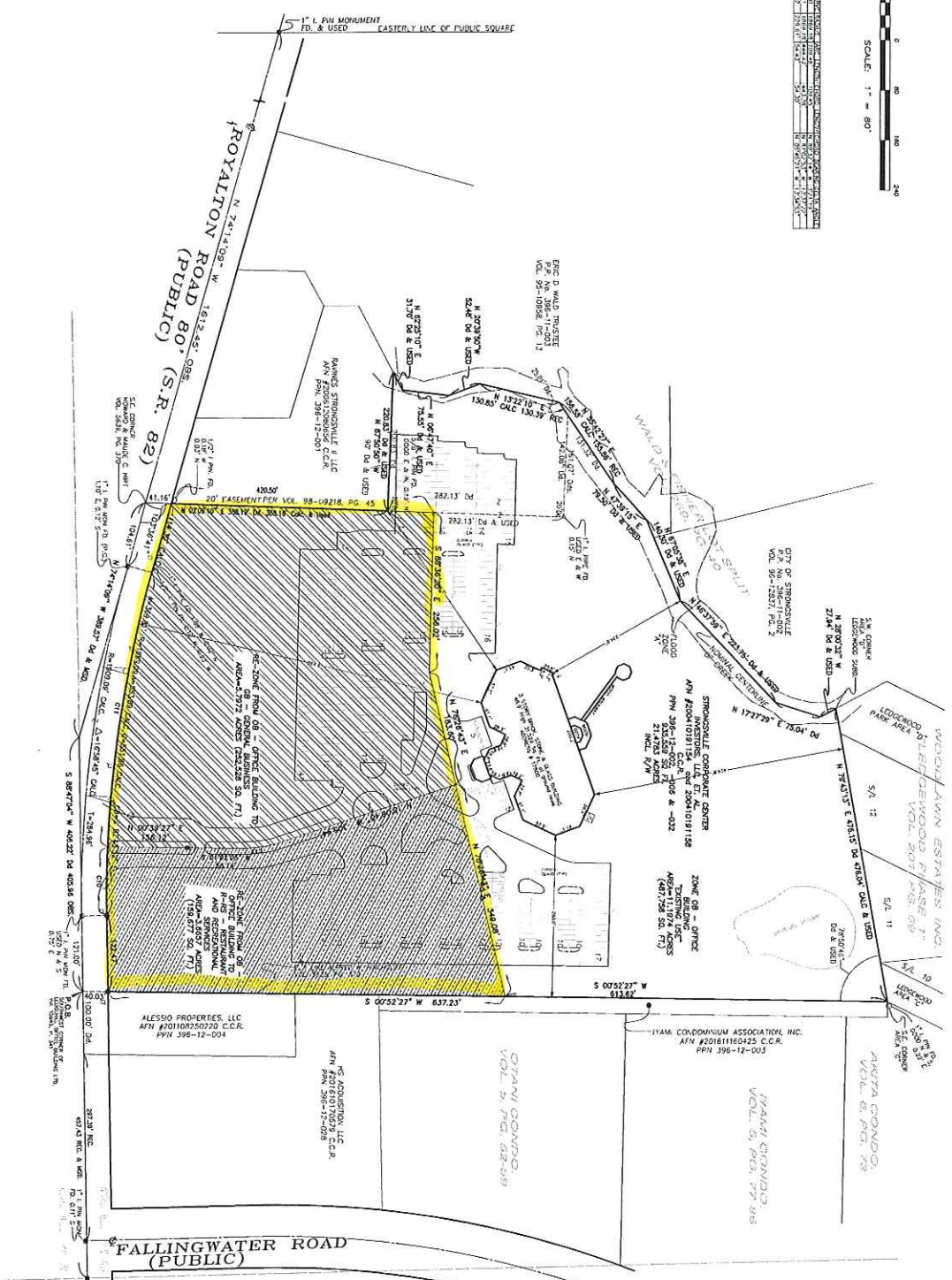
[Signature]
Notary Public

My commission expires 04/07/2019

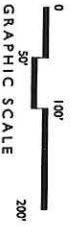
* Please pay particular attention to the details in item number 4 on page one. The certified list of property owners must be prepared by a title insurance company. Please provide a cover letter from the title insurance company verifying that said list was prepared by them.



AREA TO BE RE-ZONED (S. 82)	AREA TO BE RE-ZONED (S. 82)
4,297 ACRES (25,200 S.F.)	4,297 ACRES (25,200 S.F.)
1,850 ACRES (11,947 S.F.)	1,850 ACRES (11,947 S.F.)



MAP TO ACCOMPANY LEGAL DESCRIPTION FOR
RE-ZONING OF THE SOUTHERLY PORTION OF PPN
396-12-002



THE DEVELOPMENT STRONGSVILLE | STRONGSVILLE, OHIO | SITE PLAN CONCEPT

07.10.2017 ROLA-16247

SUMMARY		20acres
GLA SUMMARY		
OFFICE		-120,000SF
RETAIL		
RETAIL A		4,500SF
RETAIL B		4,500SF
RETAIL C		3,800SF
RETAIL D		3,600SF
RETAIL E		3,600SF
RETAIL F		3,600SF
RETAIL G		3,600SF
RETAIL H		30,600SF
RETAIL I		5,000SF
RETAIL J		5,000SF
RETAIL K		8,000SF
TOTAL		75,800SF





07-10-2017 ROLA 16247
THE DEVELOPMENT STRONGSVILLE | STRONGSVILLE, OHIO | SITE PLAN CONCEPT





STRONGSVILLE MIXED USE | STRONGSVILLE, OHIO | AERIAL CONCEPT
05/04/2017 RIDLA 16247

City of Strongsville

Memorandum

To: Neal Jamison, Law Director

CC: Mayor Perciak
Ken Mikula, City Engineer
Aimee Pientka
George Smerigan, City Planner
Brent Painter, Economic Development Director
Dan Kolick, Assistant Law Director
Carol Oprea, Planning Commission Secretary

From: Lori Daley, Assistant City Engineer

Date: July 11, 2017

Re: Rezoning Application
Somera Road – 17800 Royalton Road, LLC; Owner
Part of PPN 396-12-002
17800 Royalton Road
From OB to GB and R-RS

Neal,

The legal descriptions included in the Clerk of Council's July 11, 2017 memo regarding the above referenced amended application accurately depict the portions of the parcel to be rezoned.

Please feel free to contact me with any questions.

Thank you.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Ken Mikula, City Engineer

FROM: Aimee Pientka, Clerk of Council

DATE: June 21, 2017

SUBJECT: Rezoning Application
Somera Road Inc.; Owner
PPN: 396-12-002
Address: 17800 Royalton Road
From Office Building (OB) to General Business (GB)

Please check the legal description on the attached application for rezoning and, if correct, please forward to the Law Director so he may prepare legislation for Council to consider.

Thank you.

AKP
Attachments

cc: Thomas P. Perciak, Mayor
Neal Jamison, Law Director
Daniel J. Kolick, Assistant Law Director
George Smerigan, City Planner
Brent Painter, Economic Development Director
All Members of Council
Carol Opera, Planning Commission Secretary

City of Strongsville

Memorandum

To: Neal Jamison, Law Director

CC: Mayor Perciak
Ken Mikula, City Engineer
Aimee Pientka
George Smerigan, City Planner
Brent Painter, Economic Development Director
Dan Kolick, Assistant Law Director
Carol Oprea, Planning Commission Secretary

From: Lori Daley, Assistant City Engineer

Date: June 22, 2017

Re: Rezoning Application
Somera Road Inc., Owner
Part of PPN 396-12-002
17800 Royalton Road
From OB to GB

Neal,

The legal description included in the Clerk of Council's June 21, 2017 memo regarding the above referenced application accurately depicts the area to be rezoned.

Please feel free to contact me with any questions.

Thank you.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Tiffany Mekeel, Assistant Clerk of Council
DATE: July 5, 2017
SUBJECT: Referral from Council: Ordinance No. 2017-111

At its regular meeting of July 3, 2017, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2017-111 by Mr. Daymut. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT 17800 ROYALTON ROAD (A PORTION OF PPN 396-12-002) IN THE CITY OF STRONGSVILLE, FROM OB (OFFICE BUILDING) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION, AND DECLARING AN EMERGENCY.

A copy of the ordinance is attached for Planning Commission review.

TAM
Attachment

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Ken Mikula, City Engineer

FROM: Tiffany Mekeel, Assistant Clerk of Council

DATE: July 11, 2017

SUBJECT: Rezoning Application
Somera Road – 17800 Royalton, LLC; Owner
PPN: 396-12-002
Address: 17800 Royalton Road
From Office Building (OB) to **Restaurant Service (RS) General Business (GB) & Restaurant and Recreation Services (R-RS)**

I have received an amended Petition for Zoning Change for the property referenced above. The petition has been amended to change the zoning classification from Office Building (OB) to **General Business (GB) and Restaurant and Recreation Services (R-RS)**, and not GB as previous submitted. The additional attachments also reference this change.

Please check the legal description on the attached amended application for rezoning and, if correct, please forward to the Law Director so he may prepare legislation for Council to consider.

Thank you.

TAM
Attachments

cc: Thomas P. Perciak, Mayor
Neal Jamison, Law Director
Daniel J. Kolick, Assistant Law Director
George Smerigan, City Planner
Brent Painter, Economic Development Director
All Members of Council
Carol Opera, Planning Commission Secretary

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: July 14, 2017

Please be advised that at its meeting of July 13, 2017, the Strongsville Planning Commission Tabled the following;

ORDINANCE NO. 2017-111:

An Ordinance Amending the Zoning Map of the City of Strongsville Adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain property located at 17800 Royalton Road (A portion of PPN 396-12-002) in the City of Strongsville, from OB (Office Building) Classification to GB (General Business) Classification.

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: July 28, 2017

Please be advised that at its meeting of July 27, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ALTENHEIM REHAB & MEMORY CARE/ Brandon Rouhier, Agent

Site Plan approval of two parking lot additions for property located at 18627 Shurmer Road, PPN 397-01-092 zoned SR-1 and Public Facility.

ORDINANCE NO. 2017-123:

An Ordinance Amending the Zoning Map of the City of Strongsville Adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain property located at 14356 Pearl Road (PPN 393-19-033) in the City of Strongsville from GB (General Business) Classification to R-RS (Restaurant-Recreational Services) Classification and Declaring an Emergency.

Also at that meeting the Strongsville Planning Commission Tabled the following;

ORDINANCE NO. 2017-111:

An Ordinance Amending the Zoning Map of the City of Strongsville Adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain property located at 17800 Royalton Road (A portion of PPN 396-12-002) in the City of Strongsville, from OB (Office Building) Classification to GB (General Business) Classification.

ORDINANCE NO. 2017-122:

An Ordinance Amending the Zoning Map of the City of Strongsville Adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain property located 14092 Pearl Road, in the City of Strongsville from GB (General Business) Classification to MS (Motorist Service) Classification (PPN 393-18-014), and Declaring an Emergency.

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Aimee Pientka, Clerk of Council
DATE: July 18, 2017
SUBJECT: Referral from Council: Ordinance No. 2017-111 **AS AMENDED**

At its regular meeting of July 17, 2017, City Council amended and referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2017-111 by Mr. Daymut. AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT 17800 ROYALTON ROAD (A PORTION OF PPN 396-12-002) IN THE CITY OF STRONGSVILLE, FROM OB (OFFICE BUILDING) CLASSIFICATION TO GB (GENERAL BUSINESS) CLASSIFICATION **AND R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION**, AND DECLARING AN EMERGENCY, **AS AMENDED**

A copy of the ordinance is attached for Planning Commission review.

AKP
Attachment

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: August 25, 2017

Please be advised that at its meeting of August 24, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2017-111 AS AMENDED:

An Ordinance Amending the Zoning Map of the City of Strongsville Adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain property located at 17800 Royalton Road (A portion of PPN 396-12-002) in the City of Strongsville, from OB (Office Building) Classification to GB (General Business) Classification and R-RS (Restaurant-Recreational Services) Classification and Declaring an Emergency, As Amended.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 213

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING SECTIONS 881.02, 881.04, 881.05, 881.07 AND 881.18 OF CHAPTER 881 OF TITLE FOUR OF PART EIGHT OF THE CITY'S CODIFIED ORDINANCES PROVIDING FOR IMPOSITION AND REGULATION OF THE MUNICIPAL INCOME TAX COMMENCING JANUARY 1, 2018, AND DECLARING AN EMERGENCY.

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government . . .", and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the citizens of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict municipalities' power of taxation to the extent necessary to prevent abuse of such power; and Article XVIII, Section 13 of the Ohio Constitution states that "Laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes . . ."; and

WHEREAS, the General Assembly this year enacted House Bill 49 (HB 49), which mandates that certain sections of the municipal income tax codes be amended by January 1, 2018; and

WHEREAS, upon a detailed review of HB 49 and the Codified Ordinances of the City of Strongsville, this Ordinance is found and determined by this Council to properly enact the new provisions and/or amendments in the City's Codified Ordinances required prior to the January 1, 2018 deadline to be in accord with the new provisions and limitations specified in the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Sections 881.02, 881.04, 881.05, 881.07 and 881.18 of Chapter 881 of Title Four of Part Eight of the Codified Ordinances of the City of Strongsville be and are hereby amended in order that Sections 881.02, 881.04, 881.05, 881.07 and 881.18 shall read in their entirety as follows:

CHAPTER 881

* * *

881.02 DEFINITIONS.

1. Any term, phrase or word used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the ORC, unless a different meaning is clearly required. If a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax

CITY OF STRONGSVILLE, OHIO
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and in Title LVII of the ORC and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the ORC. The singular shall include the plural, and the masculine shall include the feminine and be gender-neutral.

2. As used in this chapter:

(a) **"Adjusted federal taxable income,"** for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under 2(x)(45) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five percent (5%) of intangible income deducted under division 2(a)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code;

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(4) (i) Except as provided in 2(a)(4)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code

(ii) Division 2(a)(4)(i) of this section does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Internal Revenue Code.

(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under Section 4313.02 of the ORC;

~~(8) (i) Except as limited by divisions 2(a)(8)(ii), (iii), and (iv) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.~~

~~The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.~~

~~(ii) No person shall use the deduction allowed by division 2(a)(8) of this section to offset qualifying wages.~~

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~~(iii) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct more than fifty percent (50%) of the amount of the deduction otherwise allowed by division 2(a)(8)(i) of this section.~~

~~For taxable years beginning in 2023 or thereafter, a person may deduct the full amount allowed by 2(a)(8)(i) of this section.~~

~~(iv) Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to 2(a)(8) of this section.~~

~~(v) Nothing in division 2(a)(8)(iii) of this section precludes a person from carrying forward for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division 2(a)(8)(iii) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division 2(a)(8)(iii) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the fifty percent (50%) limitation described in division 2(a)(8)(iii) of this section shall apply to the amount carried forward.~~

(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.

(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division 22(c)(2) of Section 5.

(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division 22(c)(2) of Section 5.

If the taxpayer is not a C corporation, is not a disregarded entity that has made an election described in division 2(vv)(2) of this section, is not a publicly traded partnership that has made the election described in division 2(x)(45) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under Section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division 2(a) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(b) (1) **"Assessment"** means a written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the City that commences the person's time limitation for making an appeal to the Board of Tax Review pursuant to Section 881.21, and has "ASSESSMENT" written in all capital letters at the top of such finding.

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(2) "Assessment" does not include a notice denying a request for refund issued under division (3)(c) of Section 881.09, a billing statement notifying a taxpayer of current or past-due balances owed to the City, the Tax Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or the Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division 2(b)(1) of this section.

(c) "**Audit**" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax.

(d) "**Board of Tax Review**" or "Board of Review" or "Board of Tax Appeals", or other named local board constituted to hear appeals of municipal income tax matters, means the entity created under Section 881.21.

(e) "**Calendar quarter**" means the three-month period ending on the last day of March, June, September, or December.

(f) "**Casino operator**" and "**casino facility**" have the same meanings as in Section 3772.01 of the ORC.

(g) "**Certified mail**," "**express mail**," "**United States mail**," "**postal service**," and similar terms include any delivery service authorized pursuant to Section 5703.056 of the ORC.

(h) "**Disregarded entity**" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(i) "**Domicile**" means the true, fixed, and permanent home of a taxpayer and to which, whenever absent, the taxpayer intends to return. A taxpayer may have more than one residence but not more than one domicile.

(j) "**Employee**" means an individual who is an employee for federal income tax purposes.

(k) "**Employer**" means a person that is an employer for federal income tax purposes.

(l) "**Exempt income**" means all of the following:

(1) The military pay or allowances of members of the Armed Forces of the United States or members of their reserve components, including the National Guard of any state.

(2) Intangible income.

(3) Social Security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division 2(l)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in Section 3402(o)(2) of the Internal Revenue Code.

(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(5) Compensation paid under Section 3501.28 or 3501.36 of the ORC to a person serving as a precinct election official to the extent that such compensation does not exceed \$1,000 for the taxable year. Such compensation in excess of \$1,000 for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

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(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(7) Alimony and child support received.

(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages.

(9) Income of a public utility when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the ORC. Division 2(l)(9) of this section does not apply for purposes of Chapter 5745 of the ORC.

(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business.

(11) Compensation or allowances excluded from federal gross income under Section 107 of the Internal Revenue Code.

(12) Employee compensation that is not qualifying wages as defined in division 2(ii) of this section.

(13) Compensation paid to a person employed within the boundaries of a United States Air Force base under the jurisdiction of the United States Air Force that is used for the housing of members of the United States Air Force and is a center for Air Force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.

(14) An S corporation shareholder's share of net profits of the S corporation, other than any part of the share of net profits that represents wages as defined in Section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in Section 1402(a) of the Internal Revenue Code.

(15) All of the income of individuals under 18 years of age.

(16) (i) Except as provided in divisions 2(l)(16)(ii), (iii), and (iv) of this section, qualifying wages described in division 3(b) or (e) of Section 881.04 to the extent the qualifying wages are not subject to withholding for Strongsville under either of those divisions.

(ii) The exemption provided in division 2(l)(16)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(iii) The exemption provided in division 2(l)(16)(i) of this section does not apply to qualifying wages that an employer elects to withhold under division 3(d)(2) of Section 881.04.

(iv) The exemption provided in division 2(l)(16)(i) of this section does not apply to qualifying wages if both of the following conditions apply:

(aaa) For qualifying wages described in division 3(b) of Section 881.04, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division 3(e) of Section 881.04, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(bbb) The employee receives a refund of the tax described in division 2(l)(16)(iv)(aaa) of this section on the basis of the employee not performing services in that municipal corporation.

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(17) (i) Except as provided in division 2(l)(17)(ii) or (iii) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in Strongsville on not more than 20 days in a taxable year.

(ii) The exemption provided in division 2(l)(17)(ii) of this section does not apply under either of the following circumstances:

(aaa) The individual's base of operation is located in the municipal corporation.

(bbb) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division 2(l)(17)(ii)(bbb) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section 881.04, subdivision 3.

(iii) Compensation to which division 2(l)(17) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(iv) For purposes of division 2(l)(17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to Section 709.023 of the ORC on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(19) Income the taxation of which is prohibited by the Constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division 2 of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(m) **"Form 2106"** means Internal Revenue Service Form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(n) **"Generic form"** means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

(o) **"Gross receipts"** means the total revenue derived from sales, work done, or service rendered.

(p) **"Income"** means the following:

(1) (i) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in 2(x)(45) of this division.

(ii) For the purposes of division 2(p)(1)(i) of this section:

(aaa) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the

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same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division 2(p)(1)(iv) of this section;

(bbb) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.

(iii) Division 2(p)(1)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' shares of net profits from S corporations are subject to tax in the City of Strongsville as provided in division 2(l)(14) or 2(p)(5) of this section.

(iv) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.

(2) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the City of Strongsville, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(3) For taxpayers that are not individuals, net profit of the taxpayer;

(4) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

(5) Intentionally left blank.

(q) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the ORC, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(r) "Internal Revenue Code" has the same meaning as in Section 5747.01 of the ORC.

(s) "Limited liability company" means a limited liability company formed under Chapter 1705 of the ORC or under the laws of another state.

(t) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under Section 715.691, 715.70, 715.71, or 715.74 of the ORC.

(u) (1) "Municipal taxable income" means the following:

(i) For a person other than an individual, income ~~reduced by exempt income to the extent otherwise included in income and then, as applicable,~~ apportioned or situated to the City of Strongsville under Section 881.03, ~~and further reduced as applicable,~~

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reduced by any pre-2017 net operating loss carryforward available to the person for City of Strongsville.

(ii) (aaa) For an individual who is a resident of Strongsville, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division 2(u)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.

(bbb) For an individual who is a nonresident of Strongsville, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or situated to the municipal corporation under Section 881.03, then reduced as provided in division 2(u)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the City of Strongsville.

(2) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division 2(u)(1)(ii)(aaa) or 2(u)(2) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by Section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes, but to the extent the expenses do not relate to exempt income. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation and are not related to exempt income.

(v) **"Municipality" or "City" or "Strongsville"** means the same as City of Strongsville. If the terms are capitalized in the Ordinance they are referring to Strongsville. If not capitalized, they refer to a municipal corporation other than Strongsville.

(w) **"Net operating loss"** means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(x) ~~(1) "Net profit" for a person other than an individual means adjusted federal taxable income.~~ (21) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division 2(x)(21) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division 2(ax)(83) of this section.

~~(3) For the purposes of this chapter, and notwithstanding division 2(x)(1) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.~~

~~(4) A publicly traded partnership that is treated as a partnership for federal income tax purposes, and that is subject to tax on its net profits by Strongsville, may elect to be treated as a C corporation by Strongsville. The election shall be made on the annual return for Strongsville. The City of Strongsville will treat the publicly traded partnership as a C corporation if the election is so made.~~

(2) **"Net profit" for a person other than an individual means adjusted federal taxable income reduced by any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, subject to the limitations of division (2)(x)(3) of this section.**

(3) (i) **The amount of such operating loss shall be deducted from net profit to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five**

(5) consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(ii) No person shall use the deduction allowed by division (2)(x)(3) of this section to offset qualifying wages.

(iii) (a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct more than fifty percent (50%) of the amount of the deduction otherwise allowed by division (2)(x)(3) of this section.

(b) For taxable years beginning in 2023 or thereafter, a person may deduct the full amount allowed by (2)(x)(3) of this section without regard to the limitation of division (2)(x)(3)(iii)(a) of this section.

(iv) Any pre-2017 net operating loss carryforward deduction that is available may be utilized before a taxpayer may deduct any amount pursuant to (2)(x)(3) of this section.

(v) Nothing in division (2)(x)(3)(iii)(a) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (2)(x)(3)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (2)(x)(3)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (2)(x)(3)(iii)(a) of this section shall apply to the amount carried forward.

(4) For the purposes of this chapter/ordinance, and notwithstanding division (2)(x)(1) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(5) A publicly traded partnership that is treated as a partnership for federal income tax purposes, and that is subject to tax on its net profits by Strongsville, may elect to be treated as a C corporation for Strongsville, and shall not be treated as the net profit or income of any owner of the partnership. The election shall be made on the annual return for Strongsville. Strongsville will treat the publicly traded partnership as a C corporation if the election is so made.

(y) **"Nonresident"** means an individual that is not a resident.

(z) **"Ohio Business Gateway"** means the online computer network system, created under Section 125.30 of the ORC, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(aa) **"Other payer"** means any person, other than an individual's employer or the employer's agent that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

(bb) **"Pass-through entity"** means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(cc) **"Pension"** means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.

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(dd) **"Person"** includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(ee) **"Postal service"** means the United States Postal Service.

(ff) **"Postmark date," "date of postmark,"** and similar terms include the date recorded and marked in the manner described in division (B)(3) of Section 5703.056 of the ORC.

(gg) (1) **"Pre-2017 net operating loss carryforward"** means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of Strongsville that was adopted by Strongsville before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in Strongsville in future taxable years.

(2) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(hh) **"Publicly traded partnership"** means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(ii) **"Qualifying wages"** means wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(1) Deduct the following amounts:

(i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in Section 125 of the Internal Revenue Code.

(ii) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(iii) Intentionally left blank.

(iv) Intentionally left blank.

(v) Any amount included in wages that is exempt income.

(2) Add the following amounts:

(i) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. Division 2(ii)(2)(ii) of this section applies only to those amounts constituting ordinary income.

(iii) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (2)(iii) of this section applies only to employee contributions and employee deferrals.

(iv) Any amount that is supplemental unemployment compensation benefits described in Section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(v) Any amount received that is treated as self-employment income for federal tax purposes in accordance with Section 1402(a)(8) of the Internal Revenue Code.

(vi) Any amount not included in wages if all of the following apply:

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(aaa) For the taxable year the amount is employee compensation that is earned outside the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under Section 911 of the Internal Revenue Code;

(bbb) For no preceding taxable year did the amount constitute wages as defined in Section 3121(a) of the Internal Revenue Code;

(ccc) For no succeeding taxable year will the amount constitute wages; and

(ddd) For any taxable year the amount has not otherwise been added to wages pursuant to either division 2(ii)(2) of this section or ORC Section 718.03, as that section existed before the effective date of H.B. 5 of the 130th General Assembly, March 23, 2015.

(jj) "Related entity" means any of the following:

(1) An individual stockholder, or a member of the stockholder's family enumerated in Section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(3) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division 2(jj)(4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty percent of the value of the corporation's outstanding stock;

(4) The attribution rules described in Section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions 2(jj)(1) to (3) of this section have been met.

(kk) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in Section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty percent (20%)" shall be substituted for "five percent (5%)" wherever "five percent (5%)" appears in Section 1563(e) of the Internal Revenue Code.

(ll) "Resident" means an individual who is domiciled in the municipal corporation as determined under Section 881.03(5).

(mm) "S corporation" means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(nn) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(oo) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(pp) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(qq) "Single member limited liability company" means a limited liability company that has one direct member.

(rr) **"Small employer"** means any employer that had total revenue of less than \$500,000 during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(ss) (1) **"Tax Administrator"** means the individual charged with direct responsibility for administration of ~~the~~**an** income tax levied by the City of Strongsville in accordance with this chapter of the City's Codified Ordinances, who shall be the City's Director of Finance. **Tax Administrator does not include the State Tax Commissioner.**

(2) **"Tax Commissioner" means the Tax Commissioner appointed under Section 121.03 of the Revised Code.**

(tt) **"Tax return preparer"** means any individual described in Section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15 .

(uu) **"Taxable year"** means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(vv) (1) **"Taxpayer"** means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division 2(vv)(2)(i) of this section, a disregarded entity.

(2) (i) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(aaa) The limited liability company's single member is also a limited liability company.

(bbb) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(ccc) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of ORC Section 718.01 as the section existed on December 31, 2004.

(ddd) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(eee) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(ii) For purposes of division 2(vv)(1)(ii) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least \$400,000.

(ww) **"Taxpayers' rights and responsibilities"** means the rights provided to taxpayers in Sections 881.09, 881.12, 881.13, 881.19.2, 881.20 and 881.21 of this Chapter, and Sections 5717.011 and 5717.03 of the ORC, and the responsibilities of taxpayers to file, report,

withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718 of the ORC and resolutions, ordinances, and rules and regulations adopted by the City of Strongsville for the imposition and administration of a municipal income tax.

(xx) **"Video lottery terminal"** has the same meaning as in Section 3770.21 of the ORC.

(yy) **"Video lottery terminal sales agent"** means a lottery sales agent licensed under Chapter 3770 of the ORC to conduct video lottery terminals on behalf of the state pursuant to Section 3770.21 of the ORC.

* * *

881.04 COLLECTION AT SOURCE.

Withholding provisions.

1. Each employer, agent of an employer, or other payer located or doing business in the City of Strongsville shall withhold an income tax from the qualifying wages earned and/or received by each employee in the City of Strongsville. Except for qualifying wages for which withholding is not required under Section 881.03 or division 2(d) or (f) of this section, the tax shall be withheld at the rate, specified in Section 881.01 division 2(a) of this chapter, of two percent (2%). An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

2. (a) Except as provided in division (2)(b) of this section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of Strongsville the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

(1) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the City of Strongsville in the preceding calendar year exceeded \$2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the City of Strongsville in any month of the preceding calendar quarter exceeded \$200.

Payments under division 2(a)(1) of this section shall be made ~~so that the payment is received by~~ to the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

(2) Any employer, agent of an employer, or other payer not required to make payments under division 2(a)(1) of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the ~~45th last~~ day of the month following the ~~end last day~~ of each calendar quarter.

(3) Intentionally left blank.

(b) If the employer, agent of an employer, or other payer is required to make payments electronically for the purpose of paying federal taxes withheld on payments to employees under Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of Strongsville. The payment of tax by electronic funds transfer under this division does not affect an employer's, agent's, or other payer's obligation to file any return as required under this section.

(c) An employer, agent of an employer, or other payer shall make and file a return showing the amount of tax withheld by the employer, agent, or other payer from the

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qualifying wages of each employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other payer under this division shall be accepted by Tax Administrator and Strongsville as the return required of a non-resident employee whose sole income subject to the tax under this chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.

(d) An employer, agent of an employer, or other payer is not required to withhold Strongsville income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.

(e) (1) An employee is not relieved from liability for a tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this chapter or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.

(2) The failure of an employer, agent of an employer, or other payer to remit to Strongsville the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(f) Compensation deferred before June 26, 2003, is not subject to Strongsville income tax or income tax withholding requirement to the extent the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

(g) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for Strongsville until such time as the withheld amount is remitted to the Tax Administrator.

(h) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(1) The names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for Strongsville during the preceding calendar year;

(2) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(3) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(4) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(5) Other information as may be required by the Tax Administrator.

(i) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this section, shall be personally liable for a failure to file a report or pay the tax due as required by this section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(j) An employer is required to deduct and withhold Strongsville income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is

paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(k) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this chapter, to be tax required to be withheld and remitted for the purposes of this section

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3. (a) As used in this division:
(1) "Employer" includes a person that is a related member to or of an employer.

(2) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.

(3) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division 3(b)(1)(i) of this section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division 3(b)(2) of this section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(4) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(5) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(6) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(7) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

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(b) (1) Subject to divisions 3(c), (e) and (f) of this section, an employer is not required to withhold Strongsville income tax on qualifying wages paid to an employee for the performance of personal services in the City of Strongsville if the employee performed such services in Strongsville on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in Strongsville.

(ii) The employee performed services at one or more presumed worksite locations in Strongsville. For the purposes of this division, "presumed worksite location" means a construction site or other temporary worksite in Strongsville at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(aaa) The nature of the services are such that it will require more than 20 days of the services to complete the services;

(bbb) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of Strongsville and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 881.04.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(2) For the purposes of division 3(b)(1) of this section, an employee shall be considered to have spent a day performing services in Strongsville only if the employee spent more time performing services for or on behalf of the employer in Strongsville than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer for the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division 3(b)(2)(iii) of this section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.

(c) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division 3(b)(1) of this section shall apply only if, with respect to the employee's

qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.

(d) (1) Except as provided in division 3(d)(2) of this section, if, during a calendar year, the number of days an employee spends performing personal services in Strongsville exceeds the 20-day threshold, the employer shall withhold and remit tax to Strongsville for any subsequent days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in Strongsville.

(2) An employer required to begin withholding tax for the City of Strongsville under division 3(d)(1) of this section may elect to withhold tax for Strongsville for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in Strongsville.

(e) If an employer's fixed location is in Strongsville and the employer qualifies as a small employer as defined in Section 881.02, the employer shall withhold municipal income tax on all of the employee's qualifying wages for a taxable year and remit that tax only to Strongsville, regardless of the number of days which the employee worked outside the corporate boundaries of Strongsville.

To determine whether an employer qualifies as a small employer for a taxable year, the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(f) Divisions 3(b)(1) and (d) of this section shall not apply to the extent that a Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 881.04.

881.05 ANNUAL RETURN; FILING.

1. An annual City of Strongsville income tax return shall be completed and filed by every individual taxpayer eighteen (18) years of age or older and any taxpayer that is not an individual for each taxable year for which the taxpayer is subject to the tax, whether or not a tax is due thereon.

(a) The Tax Administrator may accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer under Section 881.04 of this chapter when the nonresident individual taxpayer's sole income subject to the tax is the qualifying wages reported by the employer, agent of an employer, or other payer, and no additional tax is due to Strongsville.

(b) Retirees having no Municipal Taxable Income for Strongsville income tax purposes may file with the Tax Administrator a written exemption from these filing requirements on a form prescribed by the Tax Administrator. The written exemption shall indicate the date of retirement and the entity from which retired. The exemption shall be in effect until such time as the retiree receives Municipal Taxable Income taxable to the City of Strongsville, at which time the retiree shall be required to comply with all applicable provisions of this chapter.

2. If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

3. If an individual is unable to complete and file a return or notice required by Strongsville, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

4. Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust.

5. Strongsville shall permit spouses to file a joint return.

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6. (a) Each return required to be filed under this division shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer. The return shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(b) The Tax Administrator shall require a taxpayer who is an individual to include, with each annual return, and amended return, copies of the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040, **or in the case of a return or request required by a qualified municipal corporation, Ohio Form IT-1040**; and, with respect to an amended tax return, any other documentation necessary to support the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the Tax Administrator unless the Tax Administrator requests such copies after the return has been filed.

(c) The Tax Administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio Business Gateway or in some other manner shall either mail the documents required under this division to the Tax Administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio Business Gateway.

(d) After a taxpayer files a tax return, the Tax Administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the City to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division 6 of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the Tax Administrator.

7. (a) (1) Except as otherwise provided in this chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the ORC. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City of Strongsville. No remittance is required if the net amount due is ten dollars (\$10.00) or less.

(2) Except as otherwise provided in this chapter, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the Tax Administrator on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City of Strongsville. No remittance is required if the net amount due is ten dollars (\$10.00) or less.

(b) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of Strongsville's income tax return. The extended due date of Strongsville's income tax return shall be the 15th day of the tenth month after the last day of the taxable year to which the

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return relates. An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(1) A copy of the federal extension request shall be included with the filing of Strongsville's income tax return.

(2) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may **submit a written** request that the Tax Administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's Strongsville income tax return. If the request is received by the Tax Administrator on or before the date the Strongsville income tax return is due, the Tax Administrator shall grant the taxpayer's requested extension.

(c) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the ORC, a taxpayer shall automatically receive an extension for the filing of Strongsville's income tax return. The extended due date of Strongsville's income tax return shall be the same as the extended due date of the state income tax return.

(d) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by Strongsville, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this division, including taxpayers not otherwise required to file annual returns.

(e) To the extent that any provision in this division 7 of this section conflicts with any provision in divisions 14, 15, 16 or 17 of this section, the provisions in divisions 14, 15, 16 or 17 prevail.

8. (a) For taxable years beginning after 2015, Strongsville shall not require a taxpayer to remit tax with respect to net profits if the net amount due is ten dollars (\$10.00) or less.

(b) Any taxpayer not required to remit tax to Strongsville for a taxable year pursuant to division 8(a) of this section shall file with Strongsville an annual net profit return under division 6(c) of this section, **unless the provisions of division (8)(c) apply.**

(c) (1) A person may notify the Tax Administrator that the person does not expect to be a taxpayer subject to Strongsville's income tax ordinance for a taxable year if both the following apply:

(i) The person was required to file a tax return with Strongsville for the immediately preceding taxable year because the person performed services at a worksite location [as defined in Section 881.04 (3)(a)(7)] within Strongsville.

(ii) The person no longer provides services in Strongsville and does not expect to be subject to Strongsville's income tax for the taxable year.

(2) The person shall provide the notice in a signed affidavit that briefly explains the person's circumstances, including the location of the previous worksite location and the last date on which the person performed services or made any sales within Strongsville. The affidavit shall also include the following statement: "The affiant has no plans to perform any services within Strongsville, make any sales in Strongsville, or otherwise become subject to the tax levied by Strongsville during the taxable year. If the affiant does become subject to the tax levied by Strongsville for the taxable year, the affiant agrees to be considered a taxpayer and to properly comply as a taxpayer with Strongsville income tax ordinance and rules and regulations." The person shall sign the affidavit under penalty of perjury.

(3) If a person submits an affidavit described in Section 881.05 (8)(c)(2), the Tax Administrator shall not require the person to file a tax return for the taxable year unless the Tax Administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change.

(4) Nothing in Section 881.05 (8)(c) of this section prohibits the Tax Administrator from performing an audit of the person.

~~9. If a payment is required to be under this Chapter is made by electronic funds transfer, the payment is shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment when the payment is credited to an account designated by the Tax Administrator for the receipt of tax payments, except that, when a payment made by electronic funds transfer is delayed due to circumstances not under the control of the taxpayer, the payment is considered to be made when the taxpayer submitted the payment. This division shall not apply to payments required to be made under division 2(a)(1) of Section 881.04 or provisions for semi-monthly withholding.~~

10. Taxes withheld for the City of Strongsville by an employer, the agent of an employer, or other payer as described in Section 881.04 shall be allowed to the taxpayer as credits against payment of the tax imposed on the taxpayer by Strongsville, unless the amounts withheld were not remitted to Strongsville and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

11. Each return required by Strongsville to be filed in accordance with this division shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the Tax Administrator about matters pertaining to the return.

12. The Tax Administrator shall accept for filing a generic form of any income tax return, report, or document required by Strongsville, provided that the generic form, once completed and filed, contains all of the information required by ordinance, resolution, or rules and regulations adopted by Strongsville or the Tax Administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this chapter and of Strongsville's ordinance, resolution, or rules and regulations governing the filing of returns, reports, or documents.

Filing via Ohio Business Gateway.

13. (a) Any taxpayer subject to municipal income taxation with respect to the taxpayer's net profit from a business or profession may file Strongsville's income tax return, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio Business Gateway.

(b) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio Business Gateway.

(c) Nothing in this section affects the due dates for filing employer withholding tax returns.

Extension for service in or for the Armed Forces.

14. Each member of the National Guard of any state and each member of a reserve component of the Armed Forces of the United States called to active duty pursuant to an executive order issued by the President of the United States or an act of the Congress of the United States, and each civilian serving as support personnel in a combat zone or contingency operation in support of the Armed Forces, may apply to the Tax Administrator of Strongsville for both an extension of time for filing of the return and an extension of time for payment of taxes required by Strongsville during the period of the member's or civilian's duty service, and for 180 days thereafter. The application shall be filed on or before the one hundred eightieth day after

the member's or civilian's duty terminates. An applicant shall provide such evidence as the Tax Administrator considers necessary to demonstrate eligibility for the extension.

15. (a) If the Tax Administrator ascertains that an applicant is qualified for an extension under this section, the Tax Administrator shall enter into a contract with the applicant for the payment of the tax in installments that begin on the 181st day after the applicant's active duty or service terminates. The Tax Administrator may prescribe such contract terms as the Tax Administrator considers appropriate. However, taxes pursuant to a contract entered into under this division are not delinquent, and the Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(b) If the Tax Administrator determines that an applicant is qualified for an extension under this section, the applicant shall neither be required to file any return, report, or other tax document nor be required to pay any tax otherwise due to the municipal corporation before the 181st day after the applicant's active duty or service terminates.

(c) Taxes paid pursuant to a contract entered into under 15(a) of this division are not delinquent. The Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

16. (a) Nothing in this division denies to any person described in this division the application of divisions 14 and 15 of this section.

(b) (1) A qualifying taxpayer who is eligible for an extension under the Internal Revenue Code shall receive both an extension of time in which to file any return, report, or other tax document and an extension of time in which to make any payment of taxes required by a municipal corporation in accordance with this chapter. The length of any extension granted under division 16(b)(1) of this section shall be equal to the length of the corresponding extension that the taxpayer receives under the Internal Revenue Code. As used in this division, "qualifying taxpayer" means a member of the national guard or a member of a reserve component of the armed forces of the United States called to active duty pursuant to either an executive order issued by the President of the United States or an act of the Congress of the United States, or a civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces.

(2) Taxes whose payment is extended in accordance with division 16(b)(1) of this section are not delinquent during the extension period. Such taxes become delinquent on the first day after the expiration of the extension period if the taxes are not paid prior to that date. The Tax Administrator shall not require any payment of penalties or interest in connection with those taxes for the extension period. The Tax Administrator shall not include any period of extension granted under division 16(b)(1) of this section in calculating the penalty or interest due on any unpaid tax.

17. For each taxable year to which division 14, 15, or 16 of this section applies to a taxpayer, the provisions of divisions 15(b) and (c) of this section, as applicable, apply to the spouse of that taxpayer if the filing status of the spouse and the taxpayer is married filing jointly for that year.

Consolidated municipal income tax return.

18. As used in this section:

(a) "Affiliated group of corporations" means an affiliated group as defined in Section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

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(b) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code.

(c) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division 18(a) of this section.

(d) "Incumbent local exchange carrier" has the same meaning as in Section 4927.01 of the ORC.

(e) "Local exchange telephone service" has the same meaning as in Section 5727.01 of the ORC.

19. (a) For taxable years beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated municipal income tax return for a taxable year if at least one member of the affiliated group of corporations is subject to Strongsville's income tax in that taxable year, and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated municipal income tax returns under division 19(b) of this section or a taxpayer receives permission from the Tax Administrator. The Tax Administrator shall approve such a request for good cause shown.

(b) An election to discontinue filing consolidated municipal income tax returns under this section must be made in the first year following the last year of a five-year consolidated municipal income tax return election period in effect under division 19(a) of this section. The election to discontinue filing a consolidated municipal income tax return is binding for a five-year period beginning with the first taxable year of the election.

(c) An election made under division 19(a) or (b) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

20. A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated Strongsville income tax return for that taxable year if the Tax Administrator determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to Strongsville. A taxpayer that is required to file a consolidated Strongsville income tax return for a taxable year shall file a consolidated Strongsville income tax return for all subsequent taxable years, unless the taxpayer requests and receives written permission from the Tax Administrator to file a separate return or a taxpayer has experienced a change in circumstances.

21. A taxpayer shall prepare a consolidated Strongsville income tax return in the same manner as is required under the United States Department of Treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

22. (a) Except as otherwise provided in divisions 22(b), (c) and (d) of this section, corporations that file a consolidated municipal income tax return shall compute adjusted federal taxable income, as defined in Section 881.02, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

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(b) No corporation filing a consolidated Strongsville income tax return shall make any adjustment otherwise required under Section 881.02/division 2(a) to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(c) If the net profit or loss of a pass-through entity having at least eighty percent (80%) of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated Strongsville income tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(1) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions 18 through 25 of Section 881.05, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to Strongsville. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(2) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions 18 through 25 of Section 881.05, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to Strongsville. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(d) If the net profit or loss of a pass-through entity having less than eighty percent (80%) of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(1) The corporation filing the consolidated municipal income tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in divisions 18 through 25 of Section 881.05, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to Strongsville;

(2) The pass-through entity shall be subject to Strongsville income taxation as a separate taxpayer in accordance with this chapter on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

23. Corporations filing a consolidated Strongsville income tax return shall make the computations required under divisions 18 through 25 of Section 881.05 by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

24. Each corporation filing a consolidated Strongsville income tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts imposed by Strongsville in accordance with this chapter on the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

25. Corporations and their affiliates that made an election or entered into an agreement with Strongsville before January 1, 2016, to file a consolidated or combined tax

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return with Strongsville may continue to file consolidated or combined tax returns in accordance with such election or agreement for taxable years beginning on and after January 1, 2016.

* * *

881.07 ESTIMATED TAXES.

1. As used in this section:

(a) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for Strongsville's income tax for the current taxable year.

(b) "Tax liability" means the total taxes due to Strongsville for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

2. (a) Every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the Tax Administrator, if the amount payable as estimated taxes is at least \$200. For the purposes of this section:

(1) Taxes withheld for Strongsville from qualifying wages shall be considered as paid to Strongsville in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case they shall be considered as paid on the dates on which the amounts were actually withheld.

(2) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(b) Taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the Tax Administrator. A taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the Tax Administrator.

(c) The declaration of estimated taxes shall be filed on or before the date prescribed for the filing of municipal income tax returns under division 7 of Section 881.05 or on or before the fifteenth (15th) day of the fourth month after the taxpayer becomes subject to tax for the first time.

(d) Taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth (15th) day of the fourth month after the beginning of each fiscal year or period.

(e) The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

3. (a) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to Strongsville, including the application of tax refunds to estimated taxes and withholding on or before the applicable payment date, shall be as follows:

(1) On or before the fifteenth (15th) day of the fourth month after the beginning of the taxable year, twenty-two and one-half (22.5) percent of the tax liability for the taxable year;

(2) On or before the fifteenth (15th) day of the sixth month after the beginning of the taxable year, forty-five (45) percent of the tax liability for the taxable year;

(3) On or before the fifteenth (15th) day of the ninth month after the beginning of the taxable year, sixty-seven and one-half (67.5) percent of the tax liability for the taxable year;

(4) **For an individual, on or before the fifteenth (15th) day of the first month of the following taxable year, ninety percent (90%) of the tax liability for the taxable year. For a person other than an individual, on or before the fifteenth (15th) day of the twelfth month of the taxable year, ninety percent (90%) of the tax liability for the taxable year.**

(b) When an amended declaration has been filed, the unpaid balance shown due on the amended declaration shall be paid in equal installments on or before the remaining payment dates.

(c) On or before the fifteenth (15th) day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in accordance with Section 881.05.

4. (a) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to Section 881.18 upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division 5 of this section. The amount of the underpayment shall be determined as follows:

(1) For the first payment of estimated taxes each year, twenty-two and one-half percent (22.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(2) For the second payment of estimated taxes each year, forty-five percent (45%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(3) For the third payment of estimated taxes each year, sixty-seven and one-half percent (67.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(4) For the fourth payment of estimated taxes each year, ninety percent (90%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment.

(b) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

5. An underpayment of any portion of tax liability determined under division 4 of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(a) The amount of estimated taxes that were paid equals at least ninety percent (90%) of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(b) The amount of estimated taxes that were paid equals at least one hundred percent (100%) of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with Strongsville under Section 881.05 for that year.

(c) The taxpayer is an individual who resides in Strongsville but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

* * *

881.18 INTEREST AND PENALTIES.

1. As used in this section:

(a) "Applicable law" means this chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the City of Strongsville provided they impose or directly or indirectly address the levy, payment, remittance, or filing requirements of Strongsville.

(b) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under Section 1274 of the Internal Revenue Code, for July of the current year.

(c) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by Strongsville pursuant to applicable law, including at any time before January 1, 2016.

(d) "Interest rate as described in division 1 of this section" means the federal short-term rate, rounded to the nearest whole number percent, plus five percent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division 1(b) of this section.

(e) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with the Tax Administrator or Strongsville by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(f) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(g) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(h) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(i) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

2. (a) This section applies to the following:

(1) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(2) Income tax, estimated income tax, and withholding tax required to be paid or remitted to Strongsville on or after January 1, 2016.

(b) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules and regulations, as adopted before January 1, 2016, of Strongsville to which the return is to be filed or the payment is to be made, including but not limited to Chapter 880 of Strongsville's Codified Ordinances.

3. Should any taxpayer, employer, agent of the employer, or other payer for any reason fail, in whole or in part, to make timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the City of Strongsville any return required to be filed, the following penalties and interest shall apply:

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(a) Interest shall be imposed at the rate described in division 1 of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(b) (1) With respect to unpaid income tax and unpaid estimated income tax, Strongsville may impose a penalty equal to fifteen percent (15%) of the amount not timely paid.

(2) With respect to any unpaid withholding tax, Strongsville may impose a penalty ~~equal to~~ **not exceeding** fifty percent (50%) of the amount not timely paid.

(c) With respect to returns other than estimated income tax returns, Strongsville may impose a penalty of \$25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed \$150 for each failure.

4. Nothing in this section requires Strongsville to refund or credit any penalty, amount of interest, charges, or additional fees that Strongsville has properly imposed or collected before January 1, 2016.

5. Nothing in this section limits the authority of Strongsville to abate or partially abate penalties or interest imposed under this section when the Tax Administrator determines, in the Tax Administrator's sole discretion, that such abatement is appropriate.

6. By the 31st day of October of each year Strongsville or its authorized agent shall publish the rate described in division 1 of this section applicable to the next succeeding calendar year.

7. Strongsville may impose on the taxpayer, employer, any agent of the employer, or any other payer Strongsville's post-judgment collection costs and fees, including attorney's fees.

* * *

Section 2. That any ordinances or resolutions, or parts thereof, in conflict with these amendments to Chapter 881, except for current Chapter 880 where it remains applicable, are hereby superseded and repealed.

Section 3. That the provisions of this Ordinance shall take effect and be in force from and after January 1, 2018, presuming it is approved in accordance with law.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to update the City's municipal Code in order to provide for consistency in law due to the passage of House Bill 49. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

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President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2017-213 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

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By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING THE GENERAL SALARY ORDINANCE TO AMEND SECTIONS 5-001, 5-060, 5-282, 5-283, 6-003, 9-002, 9-004, 9-007, 9-008, 9-009 AND 9-010, IN ORDER TO ADJUST CERTAIN PROVISIONS CONCERNING SALARY AND HOURLY PAY RANGE SCHEDULES; TO FIX THE COMPENSATION OF CERTAIN SALARIED AND HOURLY EMPLOYEES; AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, this Council has determined to amend certain provisions concerning salary and hourly pay range schedules; adjust the compensation of certain elected and appointed officials; and increase the compensation of certain full-time employees by 2.00%, all effective January 1, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1. That the General Salary Ordinance be and is hereby amended in order that it shall read in its entirety as follows:

ARTICLE 1
General Provisions

1-001 SHORT TITLE.

This Ordinance shall be known as "The General Salary Ordinance".

1-002 PERSONNEL PLAN.

This Ordinance, the position specifications developed pursuant to Article 3, and Administrative Rules and Regulations prescribed by the Mayor shall constitute the Personnel Plan which, together with the Rules and Regulations of the Civil Service Commission and duly authorized collective bargaining agreements in full force and effect, shall govern the personnel management functions of the City.

The Personnel Plan may be separately bound in bulk form under that Title for convenience in administration.

ARTICLE 2
Definitions

As used in, or in conjunction with, this General Salary Ordinance, unless otherwise specified herein or in the Codified Ordinances of the City or the context otherwise requires, the following words and phrases shall mean:

Abolishment - an action taken resulting in the elimination of a particular job or position.

Active Service - being present and able to perform the duties to which an employee of the City has been assigned and actually performing such duties.

Appointing Authority - an individual, officer, commissioner, agency, board, or body having the authority to appoint or remove a person from a position in the service of the City according to provisions contained in the law.

Appointment - the designation of a person to become an employee in a position, and his/her induction into employment in such position according to law.

Calendar Month - from the first day to and including the last day of any one of the twelve calendar months.

Calendar Week - seven consecutive calendar days, starting at 12:01 a.m. on Sunday and ending at Midnight the following Saturday.

Continuous Service - service in a position with the City without any interruption after an appointment or reinstatement. Continuous service shall not be deemed to be interrupted by absence on authorized and approved sick leave or other authorized and approved leave, provided the employee returns to active employment with the City on or before the expiration of such leave.

Demotion - the change of an employee from a position in one pay range to a position in a different pay range having a lower maximum rate of pay.

Downgrading - the opposite of upgrading. An action taken by the Council causing a position to be reassigned from one pay range to a different pay range having a lower maximum rate of pay; or to a lower rate of pay if single rates are used to compensate workers.

Employee - means any incumbent of a position.

Intermittent Employment - an irregular work schedule that cannot be accurately predicted beyond the immediate future.

Officer - elected officials, department heads, and members of boards and commissions who receive their authority from provisions of the law.

Original Appointment - initial appointment of a person to a position in the municipal service, or appointment after service has been interrupted by resignation, retirement or discharge.

Overtime - time at work which has been authorized by a competent authority during which an employee is on duty or on authorized vacation leave, holiday leave, personal leave, or serving jury duty, working for the City in excess of the standard work week of forty (40) hours, except in the Division of Fire.

Paid Status - time in a position for which compensation is due for actual work performed plus time away from work for an authorized leave for which compensation is due.

Pay Period - that period of time for which an employee regularly receives compensation.

Pay Range - a division of a pay schedule, or compensation plan having a minimum rate, a maximum rate, and one or more intermediate steps.

Position - any office, employment, or job, calling for the performance of specific duties, and the exercise of specific responsibilities as determined by competent authority.

Probationary Period - an established period of time after appointment during which an employee is required to demonstrate his/her ability to perform the duties of a position to which the employee has been appointed in order to retain appointment to such position.

Promotion - the change of an employee from a position in one pay range to a position in a different pay range having a higher maximum rate of pay.

Regular Full-time - means an employee who is employed on a regular and continuing basis and for whom there is a reasonable expectancy that such employment will continue in excess of six (6) months and, excluding overtime, is in employment 1,560 or more hours per calendar year or an average of 35 or more hours per week.

Regular Part-time - means an employee who is employed on a regular and continuing basis and for whom there is a reasonable expectancy that such employment will continue in excess of six (6) months and, excluding overtime, is in employment less than 1,560 hours per calendar year.

Reinstatement - the return of a person to a position in the same position from which he/she resigned, or to a position in a lower pay range in the same occupational group providing such action is approved by the appointing authority within one year from the date of resignation.

Resignation - the voluntary termination of employment by an employee.

Seasonal – means an employee who is employed on a regular or part-time basis but limited to a specific season or per the stipulations of an applicable collective bargaining agreement.

Scheduled Working Time - regularly scheduled working time assigned by the appointing authority or an authorized designee.

Temporary Appointment - the appointment of a person selected by the appointing authority (without regard to the existence of an eligible list if the appointment is in the classified service) for a period not to exceed ninety (90) work days.

Upgrading - the opposite of downgrading. An action taken by Council raising a position to a higher rate or a range of pay by amending the General Salary Ordinance. Upgrading does not constitute a promotion.

Workday - a workday consists of a regularly scheduled work period assigned by the appointing authority in any twenty-four (24) hour period, except as otherwise specifically provided by ordinance.

Workweek - a regularly recurring period of seven (7) twenty-four (24) hour days consisting of five (5) workdays and two (2) days off, except as specifically otherwise provided by ordinance.

ARTICLE 3
Development and Maintenance of Position Plan

Article No.	Title
3-001	Objectives.

3-003	Composition of the Position Plan.
3-005	Position Specifications.
3-007	Use of the Plan.
3-009	Maintenance of the Plan.
3-011	Amendments to Position Plan.

3-001 OBJECTIVES.

The development of the employee position plan is for the purposes of establishing descriptive guides for positions in the City service; and, except where otherwise provided by a duly authorized collective bargaining agreement in full force and effect, to allocate positions to ranges of pay which are equitable in relation to all positions under the plan, and to otherwise allow for and promote an orderly and efficient administration of the personnel matters of the City.

It is not the purpose of this Ordinance or the establishment of the positions therein to determine the practicability of appointment or promotion to a position through competitive examination, or to otherwise regulate matters within the jurisdiction of the Civil Service Commission. The employee position plan shall include (a) the position schedule set forth in Article 5 of this Ordinance and (b) a complete inventory of all positions in the City service and accurate descriptions and specifications for each. In the plan, position titles shall be standardized and each of them shall be indicative of a definite range of duties and responsibilities and shall have the same meanings throughout the City service. Positions in the city service shall be reviewed to determine those which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be compensated equitably within the same range of pay under similar working conditions.

3-003 COMPOSITION OF THE POSITION PLAN.

The position plan shall consist of:

(a) Position titles, descriptive of the work of the position, which will identify each position, and which may be designated by a numerical code.

(b) Written specifications for each position containing a description of the nature of work and relative responsibility; illustrative examples of work performed in the position; requirements in terms of knowledge, abilities, the type of experience and training generally providing these knowledge, abilities, and skills.

(c) A list showing the pay range to which each position in the City service is allocated, set forth in Article 5, except where otherwise provided by collective bargaining agreement.

3-005 POSITION SPECIFICATIONS.

The specifications of the positions in the employee position plan and their various parts shall be used as a guide and have the following force and effect:

(a) The specifications are descriptive and not restrictive. They shall not be construed as declaring to any extent, or in any way, what the minimum or maximum duties or responsibilities of any position shall be, or as limiting or in any way modifying the power of any appointing authority or administrative officer to assign, direct and

control the work of employees under his supervision. The use of a particular expression or illustration shall not be held to exclude others not mentioned that are of similar kind or quality.

(b) The written position specifications shall be on file with the Human Resources Director to serve as a manual of position specifications for convenience in administering the compensation plan and other personnel matters in the City.

3-007 USE OF THE PLAN.

The employee position plan may be used:

- (a) In preparing public announcements of examinations or vacancies;
- (b) As a guide in preparing examinations which may be used to appraise the qualifications of applicants for work in specific positions.
- (c) In determining promotional sequence and developing employee training programs.
- (d) In determining compensation to be paid for various types of work and establishing and maintaining an equitable compensation plan.
- (e) In determining personal service items in the budgets for the various organizational units of the City government.
- (f) In providing uniform job terminology.
- (g) In establishing appropriate employment lists from which personnel may be certified to fill vacancies.

3-009 MAINTENANCE OF THE PLAN.

The directors of the various departments, together with the Mayor, shall be responsible for the proper maintenance of the employee position plan so that it will reflect continuously the duties currently being performed by each employee in the City and the pay range to which the position is allocated. Each director shall propose to the Mayor necessary amendments to the employee position plan, including additions, revisions, deletions, and changes in position specifications, as follows:

(a) *Allocation of new positions.* The director of a department shall, within sixty days of the creation of a new position in his department, complete or approve a written position description covering the duties and responsibilities of such position, to be forwarded to the office of the Mayor. The Mayor, subject to the approval of Council, shall allocate the position to one of the pay ranges in the compensation plan. If a pay range does not exist, he shall recommend the establishment of a new one and after the adoption of the new position pay range by Council, he shall allocate the position to it.

(b) Changes in the duties and responsibilities of a position involving either the addition, reduction or modification of assignments shall be reported to the Mayor by the director of the department concerned if the changes are determined to be permanent and are sufficiently significant to justify reallocation to a different pay range, the Mayor, with the approval of Council, shall assign the position to the pay range which is appropriate under the modified circumstances.

(c) The director of each department shall periodically review, or cause to be reviewed, the positions and shall audit duties and responsibilities for each change in the position specifications as required and shall recommend to the Mayor such changes as are necessary to keep the employee position plan up to date.

(d) The Mayor may require departments or employees to submit position descriptions on a periodic basis, or any time he has reason to believe there has been a change in the duties and responsibilities of any position. The Mayor may direct the review of all positions in the City service at least once every five years on a cyclical basis.

(e) The assignment of duties to a position, whether the duties are temporary or permanent, incidental or essential, the location of work, the type of equipment and tools to be used, and the scheduling of shift assignments, shall be wholly the responsibility of the director and the Police or Fire Chief in the case of those divisions. The position plan shall in no way operate or be construed to operate to limit or interfere with his or her responsibility for the assignment of duties.

3-011 AMENDMENTS TO POSITION PLAN.

The establishment of a new position or the abolishment of a current position shall be made by amendment to Article 5. When a filled position is reallocated, the action shall be administered as though the original position was abolished and a new position with a different pay range allocation established.

ARTICLE 4

Development and Maintenance of Compensation Plan

Article No.	Title
4-001	Applicability and Composition of the Compensation Plan.
4-003	Development and Maintenance of Compensation Ranges.
4-005	Appointment Rate.
4-007	Within-Range Pay Adjustments.
4-009	Pay Rates in Transfer, Promotion, or Demotion.
4-011	Reinstated Employees.
4-013	Permitting Overrun or Underrun on Salaries as Required for Computer Payroll Methods.

4-001 APPLICABILITY AND COMPOSITION OF THE COMPENSATION PLAN.

The provisions of the Compensation Plan shall be applicable only to those officers and employees of the City who are not beneficiaries of collective bargaining agreements executed by the City and the various bargaining units, except for Section 4-013 of this Article, which shall apply to all officers and employees.

The Compensation Plan shall consist of and include this Article 4, the pay range allocations of Article 5 and the basic compensation schedules set forth in Articles 6 and 9.

4-003 DEVELOPMENT AND MAINTENANCE OF COMPENSATION RANGES.

The compensation range or rate for each position shall be determined by Council with due regard for ranges and rates of pay of other positions, relative difficulty and responsibility of position in each range or rate of pay, availability of employees in

particular occupational categories, prevailing rates of compensation for similar employment in private establishments in the Strongsville area and the municipal service of other public jurisdictions in the general area, cost-of-living factors, the financial policies and the financial position of the City, and other economic considerations.

The Mayor may make comparative studies of factors affecting the level of ranges and rates of compensation as often as necessary, and shall submit his recommendations to the City Council for its action.

4-005 APPOINTMENT RATE.

Where a pay range is established for a position, the minimum rate established for that position shall be paid upon appointment, except that appointment rates above or below the minimum rate may be authorized by the Mayor upon the request of the director of a department.

(a) *Appointments Above the Minimum Rate.* Appointments above the minimum rate may be authorized based upon exceptional qualifications and experience of the appointee or inability to employ eligible candidates at the minimum rate.

(b) *Appointments Below the Minimum Rate.* Appointments below the minimum rate may be authorized where the candidate possesses less than the minimum acceptable qualifications for a position. Such an appointment shall be made on a trainee basis.

4-007 WITHIN-RANGE PAY ADJUSTMENTS.

Pay adjustments within an established range or rate of pay shall be administered in accordance with the subsequent Articles of this Ordinance applicable to the particular position.

4-009 PAY RATES IN TRANSFER, PROMOTION, OR DEMOTION.

If an employee is transferred, promoted, or demoted, upon the recommendation of the director and approval of the Mayor, the employee's pay for the new position shall be determined as follows:

(a) If the employee's rate of pay in the former position is less than the minimum rate established for the new position, such employee's rate of pay shall be advanced to at least the minimum for the new position.

(b) If the employee's rate of pay in the former position is more than the maximum rate established for the new position, such employee's rate of pay shall be reduced to the maximum rate or an intermediate step of the new pay range.

(c) If the employee's rate of pay in the former position falls within the range of pay of the new position, such employee's rate of pay shall remain the same or be increased in the case of transfer; and shall be increased at least 5 per cent (5%) in the case of a promotion; and shall remain the same or lowered in case of demotion.

4-011 REINSTATED EMPLOYEES.

(a) A person seeking employment with the City who was previously employed by the City in any capacity during the immediately preceding twelve-month period shall, if rehired, be considered a reinstated employee for the purposes of this Article, upon such re-employment.

(b) Reinstated employees whose previous employment with the City was terminated may be reinstated at a compensation rate within the pay range for the position to which the employee is reinstated as determined by the director of the department in which such employee is reinstated, subject to the approval of the Mayor, without regard to the compensation rate previously received.

(c) This Article does not apply to employees absent from their positions on authorized leaves of absence.

4-013 PERMITTING OVERRUN OR UNDERRUN ON SALARIES AS REQUIRED FOR COMPUTER PAYROLL METHODS.

In order to facilitate the handling of entries for computer payroll methods and to eliminate the necessity for adjustments of overruns or underruns which may occur through this method; and to take care of overruns or underruns resulting from bi-weekly pay periods, the Director of Finance is authorized to adjust and pay overruns and underruns not to exceed \$10.00 per salaried employee per year.

**ARTICLE 5
Position Plan**

Article No.	Title
5-001	Schedule of Positions and Pay Range Allocations.
5-005 thru 355	Position and Allocation Schedule.

5-001 SCHEDULE OF POSITIONS AND PAY RANGE ALLOCATIONS.

The meanings of the position titles used herein are as defined by specifications contained in the Position Plan, of which an official copy shall be maintained in the offices of the ~~Director of Finance and/or~~ Human Resources Director, and be available to all concerned persons during regular business hours.

5-005 thru 5-355 POSITION AND ALLOCATION SCHEDULE

Ord. Sec.No.	Pay Range Allocations
FINANCE	
5-005 Accounting Assistant II	10
5-006 Accountant	11
5-007 Accounting Supervisor	12
5-010 Assistant Director of Finance	14
5-011 Supervisor of Budget & Management	17
5-015 Director of Finance	18

GENERAL ADMINISTRATION

5-023 Administrative Assistant	12
5-025 Clerical Assistant	5
5-030 Clerk of Mayor's Court	10
5-032 Program Coordinator	9
5-038 Benefits/Project Coordinator	8
5-039 Payroll/Personnel Supervisor	15
5-040 Receptionist	5
5-045 Casual and Temporary Laborer/Seasonal	1 through 5
5-049 Secretary I	7
5-050 Secretary II	8
5-051 Secretary III	9
5-052 Boards & Commissions Secretary	9

BUILDING

5-055 Building Commissioner/ADA Coordinator (State Certified)	17
5-056 Assistant Building Commissioner (State Certified)	14
5-058 Residential Code Official/Plans Examiner (State Certified)	13
5-060 Building Inspector (State Certified)*	14

*NOTE: The pay range allocation for members of collective bargaining units in the pay range allocation 5-060 is established by collective bargaining agreement.

COMMUNICATION & TECHNOLOGY

5-070 Director of Communication & Technology	17
5-071 Assistant Director of Communication & Technology	14
5-073 Information Technologist	12
5-074 Part-time Senior Communication & Technology Coordinator	12 (part-time only)

DEPARTMENT OF ECONOMIC DEVELOPMENT

5-075 Director of Economic Development	16
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*NOTE: Other positions in the Economic Development Department are established and allocated to pay ranges in Article 9 of the General Salary Ordinance.

ENGINEERING

5-080 City Engineer	17
5-083 Assistant City Engineer	13
5-084 Design Engineer	12
5-085 Engineering Technician	11
5-088 Engineering Inspector	10
5-089 Engineering Trainee	8

HUMAN RESOURCES

5-093 Human Resources Director 17

PUBLIC SAFETY

Administrative

5-095 Public Safety Director 15

Fire

5-100 Firefighter*

5-105 Firefighter-Paramedic*

5-110 Fire Lieutenant*

5-115 Fire Lieutenant-Paramedic*

5-117 Fire Captain*

5-119 Assistant Fire Chief 15

5-120 Fire Chief 18

*NOTE: The pay range allocations for members of collective bargaining units in the pay range allocations 5-100 through 5-117 are established by collective bargaining agreement.

Police

5-125 Police Officer* See Article 8

5-130 Police Sergeant*

5-135 Police Lieutenant*

5-138 Assistant (Deputy) Chief 15

5-140 Police Chief 18

*NOTE: The pay range allocations for members of collective bargaining units in the pay range allocations 5-125 through 5-135 are established by collective bargaining agreement.

Other

5-141 Clerk Dispatcher* 6 (part-time only)

5-142 Radio Dispatcher* 6 (part-time only)

5-143 Communications and Records Supervisor 10

5-144 Communications and Records Assistant Supervisor 9

5-149 School Guard See 9-008

5-150 Youth Programs Coordinator 7

5-151 Corrections Officer Coordinator*

5-152 Victims Witness Advocate 8

5-153 Corrections Officer*

5-154 Quartermaster 9

5-155 Maintenance Assistant** 8

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*NOTE: The pay range allocations for members of collective bargaining units in the pay range allocations 5-141, 5-142, 5-151 and 5-153 are established by collective bargaining agreement.

**NOTE: This position is equivalent to the position 5-334 Maintenance Assistant in the Recreation Department.

PUBLIC SERVICE

General Supervision, Labor & Trades

5-160 Animal Control Officer*	
5-163 Bus Driver*	
5-169 Sewer Crew Leader*	
5-171 Sewer Tech I*	
5-175 Laborer*	
5-181 Sewer Tech II*	
5-182 Sewer Tech III*	
5-185 Public Service Director	18
5-186 Assistant Public Service Director	14
5-187 Service Supervisor	14
5-190 Service/Budgetary Assistant	12
5-195 Sexton*	
5-197 Sign Maker/Repairperson III*	
5-203 Tractor Trailer Driver*	
5-205 Utility Repairperson*	
5-210 Vehicle Maintenance Crew Leader*	
5-215 Vehicle Mechanic I*	
5-220 Vehicle Mechanic II*	
5-225 Vehicle Operator I*	
5-230 Vehicle Operator II*	
5-235 Arborist I*	
5-236 Arborist II*	
5-237 Tree Care Technician*	
5-250 Coordinator of City Natural Resources	12
5-252 Groundskeeper	7

*NOTE: The pay range allocations for members of collective bargaining units in the pay range allocations 5-160 through 5-182, 5-195 through 5-237 are established by collective bargaining agreement.

LAW DEPARTMENT

5-275 Law Director	18
5-280 Assistant Law Director (Civil)	14
5-282 Assistant Law Director (Criminal)	14 10
5-283 Staff Attorney Assistant Law Director (Criminal-2)	13 4
5-290 Legal Intern	6

RECREATION*

5-314 Aquatics/Pool Assistant Manager	9
5-315 Director of Recreation & Senior Services	15
5-317 Aquatics/Pool Manager	12
5-318 Recreation/Program Supervisor	11
5-319 Fitness Room Supervisor	10
5-320 Assistant Recreation Supervisor	7
5-322 Recreation Maintenance Foreman	11
5-323 Maintenance Assistant Part-Time	2
5-324 Recreation Marketing & Promotions Supervisor	11
5-325 Recreation Facility Manager	13
5-326 Parks and Outdoor Recreation Superintendent	13
5-327 Assistant Maintenance Foreman	9
5-328 Natatorium Maintenance Leader	9
5-329 Day Time Cleaning Crew Leader	7
5-330 Night Time Cleaning Crew Leader	7
5-331 Cleaning Assistant	7
5-334 Maintenance Assistant	8

*NOTE: Other positions in the Recreation Department are established and allocated to pay ranges in Article 9 of the General Salary Ordinance.

SENIOR SERVICES*

5-335 Senior Program Supervisor	10
5-345 Family Preservation Coordinator	9
5-350 Senior Support Staff	1 through 7
5-355 Senior Center Services Coordinator	13

*NOTE: Other positions in the Senior Services Department are established and allocated to pay ranges in Article 9 of the General Salary Ordinance.

ARTICLE 6
General Pay Plan

Article No.	Title
6-001	General Pay Ranges.
6-003	General Pay Range Schedules.
6-005	Within-Range Pay Adjustments.
6-007	Range Adjustments.

6-001 GENERAL PAY RANGES.

(a) The following salary pay ranges (S) and hourly pay ranges (H) set forth in Article 6-003 are hereby established as the "General Pay Range Schedules" and are

to be applied to the several positions included in Article 5 of this Ordinance, except as otherwise set forth in this Ordinance. Said ranges shall apply and shall be in effect until changed by Council.

(b) The annual salary rates set forth in Article 6-003 are based on forty (40) hours of paid status time in each work week, *as rounded to the nearest cent*, and such annual salary shall be divided by 2080 hours to obtain the equivalent hourly rate rounded to the nearest cent where hourly rates need to be determined and applied.

(c) Where a position is filled by an employee, who regularly works less than forty (40) hours per week the Mayor is authorized to establish the rate of compensation of the employee. The rate of compensation of such employee may be determined as follows: (1) an annual salary may be established based upon the multiple of the estimated hours to be worked times an hourly rate within the pay range for the position to which the employee is allocated; (2) an hourly rate of compensation may be set within the pay range established for the position to which the employee is allocated; (3) an annual salary may be established based upon the employee's regular work week, and the hourly rate for that salary established as the rate of compensation for time worked in excess of such regular work week, or (4) an annual salary may be determined within the pay range by the Mayor based on the work entailed with the position.

(d) All employees shall be paid on an hourly or salaried basis as determined by the director, with the approval of the Mayor. Employees paid by the hour shall be paid only for hours in paid status. All employees whether paid on a salaried basis or paid by the hour, including elected officials and department heads, shall be paid by direct deposit on a bi-weekly basis.

(e) The minimum salary and hourly rates of a pay range shall be payable upon appointment for positions allocated to such pay range, except where modified pursuant to Article 4-005 of the General Salary Ordinance, and the maximum salary and hourly rate of a pay range shall be the highest salary or hourly rate payable for positions allocated to such pay range.

6-003 GENERAL PAY RANGE SCHEDULES

GENERAL SALARY PAY RANGE SCHEDULE

Level	Minimum	Maximum
1S	-\$18,551.24	\$27,391.70
2S	-\$19,261.23	\$30,414.87
3S	-\$20,520.88	\$33,850.29
4S	\$22,788.25	\$37,583.44
5S	\$25,353.36	\$41,774.64
6S	\$28,147.49	\$46,446.80

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7S	-\$31,285.17	\$51,554.12
8S	-\$34,720.60	\$57,325.62
9S	-\$38,957.60	-\$63,669.70
10S	\$42,851.08	-\$70,746.64
11S	-\$47,637.75	-\$78,556.48
12S	-\$52,905.39	\$87,305.34
13S	-\$59,112.04	-\$96,993.21
14S	-\$65,249.98	\$107,757.51
15S	-\$72,578.87	-\$119,712.75
16S	-\$76,197.50	-\$125,736.18
17S	\$83,824.12	\$141,928.43
18S	\$92,183.62	\$152,120.17

<u>Level</u>	<u>Minimum</u>	<u>Maximum</u>
1S	\$18,922.26	\$27,939.53
2S	\$19,646.45	\$31,023.17
3S	\$20,931.30	\$34,527.30
4S	\$23,244.02	\$38,335.11
5S	\$25,860.43	\$42,610.13
6S	\$28,710.44	\$47,375.74
7S	\$31,910.87	\$52,585.20
8S	\$35,415.01	\$58,472.13
9S	\$39,736.75	\$64,943.09
10S	\$43,708.10	\$72,161.57
11S	\$48,590.51	\$80,127.61
12S	\$53,963.50	\$89,051.45
13S	\$60,294.28	\$98,933.07

14S	\$66,554.98	\$109,912.66
15S	\$74,030.45	\$122,107.01
16S	\$77,721.45	\$128,250.90
17S	\$85,500.60	\$144,767.00
18S	\$94,027.29	\$155,162.57

GENERAL HOURLY PAY RANGE SCHEDULE

<u>Level</u>	<u>Minimum</u>	<u>Maximum</u>
1H	\$8.92	\$13.17
2H	\$9.26	\$14.62
3H	\$9.87	\$16.27
4H	\$10.96	\$18.07
5H	\$12.19	\$20.08
6H	\$13.53	\$22.33
7H	\$15.04	\$24.79
8H	\$16.69	\$27.56
9H	\$18.73	\$30.61
10H	\$20.60	\$34.01
11H	\$22.90	\$37.77
12H	\$25.44	\$41.97
13H	\$28.42	\$46.63
14H	\$31.37	\$51.81
15H	\$34.89	\$57.55
16H	\$36.63	\$60.45
17H	\$40.30	\$68.23
18H	\$44.32	\$73.13

<u>Level</u>	<u>Minimum</u>	<u>Maximum</u>
1H	\$9.10	\$13.43
2H	\$9.45	\$14.91
3H	\$10.06	\$16.60
4H	\$11.18	\$18.43
5H	\$12.43	\$20.49
6H	\$13.80	\$22.78
7H	\$15.34	\$25.28
8H	\$17.03	\$28.11
9H	\$19.10	\$31.22
10H	\$21.01	\$34.69
11H	\$23.36	\$38.52
12H	\$25.94	\$42.81
13H	\$28.99	\$47.56
14H	\$32.00	\$52.84
15H	\$35.59	\$58.71
16H	\$37.37	\$61.66
17H	\$41.11	\$69.60
18H	\$45.21	\$74.59

6-005 WITHIN-RANGE PAY ADJUSTMENTS.

Salary or hourly adjustments within an established range shall not be automatic but shall be dependent upon recommendation of the director to the Mayor. The decision to award or withhold an increase shall be the Mayor's and shall be based on performance and time in service. The employee shall be informed of the reasons for withholding an increase and the improvement in performance required to obtain an increase.

6-007 RANGE ADJUSTMENTS.

When the Council adjusts one or more of the ranges of pay established by this Ordinance due to changes in the cost of living or other reasons set forth in Article 4, the Council may elect to apply increases to the rates of pay for each employee within those ranges. When Council so elects, such increases shall be applied to each employee within the range or ranges adjusted without regard to performance or time in service.

ARTICLE 9*
Compensation for Specific Positions

Article No.	Title
9-001	Purpose.
9-002	Mayor.
9-003	Members of Council.
9-004	Clerk of Council and Assistant Clerk of Council.
9-005	Boards, Commissions and Committees.
9-006	Law Department.
9-007	Recreation Department.
9-008	School Guards.
9-009	Senior Services Department.
9-010	Economic Development Department.

9-001 PURPOSE.

This Article 9 provides for the compensation of specific employee positions which are not included within other provisions of the General Salary Ordinance. Each official or employee elected or assigned to one of the positions provided in this Article shall receive compensation at the rate or within the pay range for each officer or position herein, and shall be paid by direct deposit on a bi-weekly basis except for those in 9-005(a) and 9-006(B).

9-002 MAYOR.

The Mayor shall be compensated at the ~~maximum compensation annual salary rate of \$150,000.00~~, in pay range 18S of the General Salary Pay Range Schedule in Article 6 of this General Salary Ordinance. Said compensation shall be paid in equal installments in the same manner and form as established for other salaried employees of the City.

9-003 MEMBERS OF COUNCIL.

Members of Council shall be compensated at the following annual salary rates:

President of Council	\$20,091.18
President of Council Pro Tem	\$19,467.00
Councilpersons	\$18,841.79

* Note – Articles 7 and 8 were intentionally deleted through previous Ordinances of Council.

9-004 CLERK OF COUNCIL AND ASSISTANT CLERK OF COUNCIL.

A. The Clerk of Council shall be compensated at the rate of ~~\$68,000.00~~**\$69,360.00** per annum.

B. The Assistant Clerk of Council shall be compensated at the rate of ~~\$56,051.19~~**\$57,172.21** per annum.

C. The aforesaid per annum compensation shall be paid in equal installments in the same manner and form as established for other salaried employees of the City.

D. The Clerk and Assistant Clerk of Council when serving as Acting Clerk of Council shall be compensated at the rate of \$75.00 per meeting for attendance at each official meeting of Council.

9-005 BOARDS, COMMISSIONS AND COMMITTEES.

(a) **Non-City Employees.** Each member of the Planning Commission, Board of Zoning Appeals, Civil Service Commission, Architectural Review Board, Property Maintenance Board of Appeals, Charter Review Committee, Board of Tax Review, and any Assessment Equalization Board of the City of Strongsville who is not an employee of the City shall serve without compensation; but may be reimbursed for actual expenses in accordance with C.O. Section 266.14 or may elect to be reimbursed for such expenses in the sum of \$75.00 per meeting. Such election shall be made on or before January 31 in each calendar year or within 30 days from the member's date of appointment.

(b) **City Employees.** Each member of the Planning Commission, Board of Zoning Appeals, Civil Service Commission, Architectural Review Board, Property Maintenance Board of Appeals, Charter Review Committee, and the Shade Tree Commission of the City of Strongsville who is a City employee and required to attend a meeting of any of the aforesaid Boards, Commissions or Committee beyond such employee's regularly scheduled work hours shall be compensated in accordance with law plus reimbursable expenses in accordance with C.O. Section 266.14 if any, or \$75.00 per meeting, whichever amount is greater. Such payments shall be processed, and treated, as compensation for payroll reporting purposes.

9-006 LAW DEPARTMENT.

A. The position of the Law Director shall be a full-time position, and the employee assigned to that position shall be compensated at a rate within the pay range to which the position has been allocated. The compensation for that position shall be administered in accordance with Article 6 of the General Salary Ordinance.

B. In the event that the Assistant Law Director (Civil) represents the City, its officers, employees, or agents before any court or administrative agency other than the Council or a Board of the City; or is assigned a special project by the Mayor outside of his/her normal duties, the Assistant Law Director (Civil), for such preparation and appearance, shall be paid additional compensation in addition to the basic compensation established in Articles 4 through 6 hereof. In these matters the Assistant

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2017 – 214
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Law Director (Civil) is authorized in case or project preparation and appearance to utilize the services of law clerks, legal assistants/paralegals, and other attorneys associated with the Assistant Law Director (Civil) or in his/her employ. For rendering the services set out herein, the Assistant Law Director (Civil) shall receive compensation in addition to the basic compensation established in Articles 4 through 6 hereof as follows:

Assistant Law Director	\$180.00 per hour
Other Attorneys	\$162.00 per hour
Legal Assistant/Paralegal	\$ 66.00 per hour
Law Clerk	\$ 42.00 per hour

The Assistant Law Director (Civil) shall provide the private facilities, equipment and support services of a secretarial nature required to carry out such attorney's responsibilities as set out in this Section 9-006 for court matters, administrative matters, or special projects at no additional cost to the City.

In the event that the Assistant Law Director (Criminal) represents the City, its officers, employees, or agents before any court or administrative agency other than the Strongsville Mayor's Court or the Berea Municipal Court; or is assigned a special project by the Mayor outside of his/her normal duties, the Assistant Law Director (Criminal) shall be paid for such preparation and appearance additional compensation in addition to the basic compensation established in Articles 4 through 6 hereof as follows:

A.	Assistant Law Director (Criminal)	\$140.00 per hour
B.	Other Attorneys	\$135.00 per hour
C.	Legal Assistant/Paralegal	\$ 55.00 per hour
D.	Law Clerk	\$ 35.00 per hour

The Assistant Law Director (Criminal) shall provide the private facilities, equipment and support services of a secretarial nature required to carry out such attorney's responsibilities as set out in this Section 9-006 for court matters, administrative matters, or special projects at no additional cost to the City.

C. The City shall provide the Law Director and all Assistant Law Directors medical and hospital benefits, insurance, holiday leave, sick leave, vacation leave and contributions to the Public Employees Retirement System; however such benefits are based solely upon their respective rates of compensation established pursuant to Articles 4 through 6 of this Ordinance.

The Law Director and the Assistant Law Directors shall not be required to represent the Strongsville City School District or its Board. The Law Director or Assistant Law Directors may represent the Strongsville City School District or its Board if he/she elects to do so by separate agreement with the School District or its Board.

9-007 RECREATION DEPARTMENT.

A. The compensation for Recreation Department employees other than those set forth in Article 5 are established at the following hourly pay ranges (H) and fixed rates (F):

Pay Range

<u>Position</u>		<u>Minimum</u>		<u>Maximum</u>
Game Official	F	8. 45 30/game	F	45.00/game
Recreation Assistant	H	8. 45 30	H	18.00
Recreation Center Staff	H	8. 45 30	H	20.00
Recreation Facility & Groundskeeper	H	8. 45 30	H	18.00
Recreation Instructor	H	8. 45 30	H	55.00
Personal Trainer	H	8. 45 30	H	55.00
Swim Instructor/Private Lessons	H	8. 45 30	H	55.00
Building Superintendent	H	8. 45 30	H	18.00
Front Desk Attendant	H	8. 45 30	H	18.00
Sports Intern	H	8. 45 30	H	18.00
Fitness Attendant	H	8. 45 30	H	18.00
Head Lifeguard	H	8. 45 30	H	18.00
Lifeguard	H	8. 45 30	H	18.00
Swim Coaches	H	8. 45 30	H	18.00
Lifeguard Instructors	H	8. 45 30	H	18.00
Water Safety Instructors	H	8. 45 30	H	18.00
Pool Scoreboard Operator	H	8. 45 30	H	18.00
Head Camp Counselors	H	8. 45 30	H	18.00
Camp Counselors	H	8. 45 30	H	18.00
Lead Pre-School Instructor	H	8. 45 30	H	18.00
Assistant Pre-School Instructor	H	8. 45 30	H	18.00
Lead Club Rec. Instructor	H	8. 45 30	H	18.00
Assistant Lead Club Rec. Instructor	H	8. 45 30	H	18.00
Tot Room Attendant	H	8. 45 30	H	18.00

B. The rate of compensation of a salaried employee in the Recreation Department shall be determined based upon the estimated hours to be worked in any calendar year and shall be paid by prorating the salary over the period of the program in which an employee works in such calendar year.

9-008 SCHOOL GUARDS.

Each school guard employed by the City in locations on school grounds or at points immediately adjacent thereto shall be paid Eleven and ~~56~~79/100 Dollars (\$11.~~56~~79) for each session actually worked each school day. "Session" shall mean the time of day for school guard service before schools open, during the lunch period, or after schools close.

9-009 SENIOR SERVICES DEPARTMENT.

A. The compensation for the Senior Services Department employees other than those set forth in Article 5 are established at the following hourly pay ranges (H):

<u>Position</u>	<u>Minimum</u>	<u>Maximum</u>
Van Driver	H 8. 45 30	H 18.00
Senior Front Desk Attendant	H 8. 45 30	H 18.00
Kitchen Assistant	H 8. 45 30	H 18.00
Senior Instructor	H 8. 45 30	H 55.00

9-010 ECONOMIC DEVELOPMENT DEPARTMENT.

A. The compensation for Economic Development Department employees other than those set forth in Article 5 are established at the following salaried pay ranges (S):

<u>Position</u>	<u>Minimum</u>	<u>Maximum</u>
TIF Incentive/ TIF Specialist (Part-Time)	S \$15,000.00 (annually)	S \$10,300.00 20,100.00

B. The rate of compensation of the above salaried employees of the Economic Development Department shall be paid by prorating the salary over the period of a year.

9-011 MAGISTRATE OF MAYOR’S COURT.

A. The compensation for the Magistrate of Mayor’s Court, a part-time City employee, is established at the following annual salary (S):

<u>Position</u>	<u>Salary</u>
Magistrate of Mayor’s Court	\$50,000.00

B. Annual compensation is to be pro-rated based on date of appointment in the calendar year.

ARTICLE 10
Administration

This General Salary Ordinance and the Personnel Plan shall be administered by the Director of Finance and the Human Resources Director, except as otherwise provided in this Ordinance, the Codified Ordinances of the City, and the Rules and Regulations of the Civil Service Commission. Controversies over the administration of this Ordinance may be submitted to the Mayor for his review and final determination.

Section 2. That the amendments to Article 5, Sections 5-001, 5-060, 5-282 and 5-283 shall be effective January 1, 2018.

Section 3. That pursuant to Section 6-007 of Article 6 of this Ordinance, effective January 1, 2018, the General Salary Pay Range Schedule and General Hourly Pay Range Schedule from Levels 1S and 1H through 18S and 18H respectively, are hereby increased by 2.00% over the current rate of pay with such 2.00% increase to be applied to each full-time employee who is not a member of a collective bargaining unit and who is employed within those ranges on January 1, 2018.

Section 4. That pursuant to Section 6-007 of Article 6 of this Ordinance, the provisions of Sections 6-003, 9-002, 9-004, 9-007, 9-008, 9-009 and 9-010 shall be and are hereby operative from and after January 1, 2018.

Section 5. That all other Ordinances or parts of Ordinances in conflict with provisions herewith as they become operative, be and the same are hereby repealed.

Section 6. That the funds for the purposes of this Ordinance shall be appropriated and paid from the General Fund; Police Pension Fund; Street, Construction, Maintenance & Repair Fund; Fire Levy Fund; Fire Pension Fund; Multi-Purpose Complex Fund; Community Diversion Fund; Earned Benefits Fund, Sanitary Sewer Fund, and from any federal, state or county grant funding which may become available for such purposes.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 8. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to maintain the orderly and efficient operation of various departments of the City, provide fair compensation for all employees, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2017 - 214
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	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2017-214 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2017 - 215
BY: MAYOR THOMAS P. PERCIAK

AN ORDINANCE MAKING APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2017 AND REPEALING ORDINANCE NUMBER 2017- 137.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1: THAT THERE BE APPROPRIATED FROM THE FOLLOWING FUNDS AND AS FURTHER DETAILED IN THE SCHEDULE ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN:

<u>General Fund - 101</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
101 Total General Fund		\$ 17,117,800.00	\$ 8,101,800.00	\$ 14,918,000.00	\$ 40,137,600.00
<u>Special Revenue Funds - 200</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
203	Police Pension	\$ 1,323,400.00	\$ -	\$ -	\$ 1,323,400.00
204	Street Construction & Maintenance	5,325,700.00	6,336,400.00	-	11,662,100.00
205	State Highway Maintenance	-	140,000.00	-	140,000.00
206	Motor Vehicle License Tax	-	1,080,000.00	-	1,080,000.00
207	Emergency Vehicle Fund	-	1,319,000.00	-	1,319,000.00
208	Fire Levy	7,652,500.00	977,900.00	-	8,630,400.00
209	Fire Pension	1,457,300.00	-	-	1,457,300.00
211	Clerk of Court	-	40,000.00	-	40,000.00
212	Drainage Levy	-	2,673,000.00	-	2,673,000.00
214	Multi-Purpose Complex	3,171,600.00	2,091,600.00	-	5,263,200.00
215	Southwest General Hospital	-	350,000.00	-	350,000.00
216	Law Enforcement Federal Seizures	-	7,000.00	-	7,000.00
217	Law Enforcement State Seizures	-	32,000.00	-	32,000.00
218	Law Enforcement Drug Fine	-	400.00	-	400.00
219	Law Enforcement DWI/DUI	-	10,000.00	-	10,000.00
220	Tree Fund	-	191,500.00	-	191,500.00
222	Community Diversion	11,300.00	2,900.00	-	14,200.00
224	Earned Benefits	527,500.00	-	-	527,500.00
200 Total Special Revenue Funds		\$ 19,469,300.00	\$ 15,251,700.00	\$ -	\$ 34,721,000.00
<u>Debt Service Funds - 300</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
331	General Bond Retirement	\$ -	\$ 4,679,707.00	\$ -	\$ 4,679,707.00
333	Pearl Road TIF # 1 Fund	-	930,180.00	-	930,180.00
334	Royalton Road TIF Fund	-	207,000.00	-	207,000.00
335	Pearl Road TIF # 2 Fund	-	-	-	-
336	Pearl Road TIF # 3 Fund	-	51,000.00	-	51,000.00
338	Giant Eagle TIF	-	102,000.00	-	102,000.00
300 Total Debt Service Funds		\$ -	\$ 5,969,887.00	\$ -	\$ 5,969,887.00
<u>Capital Improvement Capital Project Funds - 400</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
441	Recreation Capital Improvement	\$ -	\$ 962,000.00	\$ -	\$ 962,000.00
442	General Capital Improvement	-	1,903,000.00	-	1,903,000.00
447	TIF Capital Improvements Fund	-	211,000.00	-	211,000.00
400 Total Capital Project Funds		\$ -	\$ 3,076,000.00	\$ -	\$ 3,076,000.00

Enterprise Funds - 500					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
551	Sanitary Sewer	\$ 1,437,100.00	\$ 6,346,958.00	\$ -	\$ 7,784,058.00

Internal Service Fund - 600					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
661	Health Insurance Reserve	\$ -	\$ 5,142,700.00	\$ 300,000.00	\$ 5,442,700.00
664	Worker's Compensation Reserve	-	620,000.00	-	620,000.00
600	Total Internal Service Funds	\$ -	\$ 5,762,700.00	\$ 300,000.00	\$ 6,062,700.00

Grand Total All Funds		\$ 38,024,200.00	\$ 44,509,045.00	\$ 15,218,000.00	\$ 97,751,245.00
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Itemized list of Transfers and Advances by Fund		Amount
General Fund to Street Construction Fund		\$ 3,700,000.00
General Fund to Fire Levy Fund		3,000,000.00
General Fund to Multi-Complex Fund		2,100,000.00
General Fund to Police Pension Fund		840,000.00
General Fund to Fire Pension Fund		972,000.00
General Fund to Drainage Levy Fund		300,000.00
General Fund to Earned Benefits Fund		800,000.00
General Fund to General Bond Retirement Fund		500,000.00
General Fund to Recreation Capital Improvement Fund		550,000.00
General Fund to General Capital Improvement Fund		2,000,000.00
Total Transfers		\$ 14,762,000.00
General Fund to Prospect/Albion TIF		\$ 50,000.00
General Fund to 42/82 TIF		106,000.00
Health Insurance Reserve to General Fund		300,000.00
Total Advances and Advance Repayments		\$ 456,000.00
Total Transfers, Advances and Advance Repayments		\$ 15,218,000.00

Section 2: That all expenditures within the fiscal year ending December 31, 2017 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4: AS AN ORDINANCE providing for the appropriation of monies and consistent with the City's Charter Article III, Section 13, this Ordinance shall take effect immediately upon its passage and approval by the Mayor, or otherwise at the earliest time allowed by law.

 President of Council

Approved: _____
 Mayor

 Date Passed

 Date Approved

Attest: _____
 Clerk of Council

	Yea	Nay
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

ORD. No. 2017-215 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

EXHIBIT "A"
SCHEDULE OF BUDGETS BY DEPARTMENT - page 1 of 2

Dept #	Department	Personal Services	Other	Transfers & Advances	Total
011410	Council	\$ 330,600.00	\$ 96,700.00	\$ -	\$ 427,300.00
011411	Mayors Office	347,000.00	15,300.00	-	362,300.00
015412	Police Department	9,430,900.00	1,546,700.00	-	10,977,600.00
011413	Human Resources	231,000.00	94,900.00	-	325,900.00
011414	Finance Department	512,500.00	21,600.00	-	534,100.00
011415	Legal Department	437,500.00	125,900.00	-	563,400.00
011416	Communication & Technology	638,800.00	812,000.00	-	1,450,800.00
011417	Building Department	1,048,200.00	206,300.00	-	1,254,500.00
011418	Mayors Court	185,700.00	28,100.00	-	213,800.00
011420	Rubbish Department	-	2,500,500.00	-	2,500,500.00
011421	Cemetery Department	121,900.00	227,100.00	-	349,000.00
011422	Architectural Board of Review	-	6,000.00	-	6,000.00
011423	Planning Commission	104,900.00	67,000.00	-	171,900.00
011424	Civil Service	-	21,800.00	-	21,800.00
011425	Board of Appeals	-	11,000.00	-	11,000.00
011428	Parks Department	107,600.00	200,000.00	-	307,600.00
011430	General Miscellaneous	-	1,643,600.00	-	1,643,600.00
011435	Economic Development	153,100.00	144,600.00	-	297,700.00
015415	OPIOD Grant	28,500.00	-	-	28,500.00
015414	Corrections Officers	829,200.00	155,000.00	-	984,200.00
011435	Joint Dispatch Center	2,610,400.00	77,700.00	-	2,688,100.00
011452	Ohio Turnpike Commission	-	100,000.00	-	100,000.00
011468	Non Government Transfers	-	-	14,918,000.00	14,918,000.00
Total General Fund		\$ 17,117,800.00	\$ 8,101,800.00	\$ 14,918,000.00	\$ 40,137,600.00
031000	Police Pension	1,323,400.00	-	-	1,323,400.00
046419	Street Repairs	4,585,400.00	4,570,900.00	-	9,156,300.00
046426	Traffic Signal Maintenance	104,000.00	230,500.00	-	334,500.00
046427	Snow Removal	-	700,000.00	-	700,000.00
046433	Municipal Garage	636,300.00	835,000.00	-	1,471,300.00
056000	State Highway Maintenance	-	140,000.00	-	140,000.00
066000	Motor Vehicle License Tax	-	1,080,000.00	-	1,080,000.00
075000	Emergency Vehicle Fund	-	1,319,000.00	-	1,319,000.00
085000	Fire Levy	7,652,500.00	706,700.00	-	8,359,200.00
085001	Fire Station Ward 1	-	69,200.00	-	69,200.00
085002	Fire Station Ward 2	-	47,500.00	-	47,500.00
085003	Fire Station Ward 3	-	35,500.00	-	35,500.00
085004	Fire Station Ward 4	-	119,000.00	-	119,000.00
095000	Fire Pension	1,457,300.00	-	-	1,457,300.00
111000	Clerk of Court	-	40,000.00	-	40,000.00
121000	Drainage Levy	-	2,673,000.00	-	2,673,000.00
143304	Sports Programs	273,900.00	221,000.00	-	494,900.00
143305	Recreation Administration	459,000.00	677,400.00	-	1,136,400.00
143306	Fitness	411,500.00	148,900.00	-	560,400.00
143309	Ice Rink	-	209,500.00	-	209,500.00
143310	Aquatics	710,400.00	128,100.00	-	838,500.00
143311	Recreation Programs	244,700.00	30,200.00	-	274,900.00
143430	Special Events	-	15,200.00	-	15,200.00
143431	Old Town Hall	10,500.00	16,100.00	-	26,600.00
143439	Senior Services	576,600.00	374,000.00	-	950,600.00
143451	Recreation Maintenance	485,000.00	232,000.00	-	717,000.00
143500	Program Refunds	-	39,200.00	-	39,200.00
152000	Southwest General Hospital	-	350,000.00	-	350,000.00
165000	Law Enforcement Federal Seizures	-	7,000.00	-	7,000.00
175000	Law Enforcement State Seizures	-	32,000.00	-	32,000.00
185000	Law Enforcement Drug Fine	-	400.00	-	400.00
195000	Law Enforcement DWI/DUI	-	10,000.00	-	10,000.00
204000	Tree Maintenance	-	191,500.00	-	191,500.00
225000	Community Diversion	11,300.00	2,900.00	-	14,200.00
224000	Earned Benefits	527,500.00	-	-	527,500.00
Total Special Revenue Funds		\$ 19,469,300.00	\$ 15,251,700.00	\$ -	\$ 34,721,000.00

EXHIBIT "A"
SCHEDULE OF BUDGETS BY DEPARTMENT - page 2 of 2

Dept #	Department	Personal Service	Other	Transfers & Advances	Total
311000	General Bond Retirement	-	4,679,707.00	-	4,679,707.00
333000	Pearl Road TIF # 1	-	930,180.00	-	930,180.00
334000	Royalton Road TIF	-	207,000.00	-	207,000.00
335000	Pearl Road TIF # 2	-	-	-	-
336000	Pearl Road TIF # 3	-	51,000.00	-	51,000.00
338000	Giant Eagle TIF	-	102,000.00	-	102,000.00
	Total Debt Service	\$ -	\$ 5,969,887.00	\$ -	\$ 5,969,887.00
413000	Recreation Capital Improvement	-	962,000.00	-	962,000.00
421000	General Capital Improvement	-	1,903,000.00	-	1,903,000.00
447100	Pearl & Whitney TIF	-	40,000.00	-	40,000.00
447102	Prospect/Alblon TIF	-	50,000.00	-	50,000.00
447104	42/82 TIF	-	121,000.00	-	121,000.00
	Total Capital Projects	\$ -	\$ 3,076,000.00	\$ -	\$ 3,076,000.00
512501	Engineering and Administration	676,400.00	920,400.00	-	1,596,800.00
512502	Plant Expenditures	-	3,238,500.00	-	3,238,500.00
512503	Line Expenditures	760,700.00	841,000.00	-	1,601,700.00
512504	Sewer Capital Improvements	-	1,025,000.00	-	1,025,000.00
512505	Sewer Debt Payments	-	322,058.00	-	322,058.00
	Total Sanitary Sewer	\$ 1,437,100.00	\$ 6,346,958.00	\$ -	\$ 7,784,058.00
661000	Health Insurance Reserve	-	5,142,700.00	300,000.00	5,442,700.00
664000	Workers Compensation Reserve	-	620,000.00	-	620,000.00
	Total Internal Service	\$ -	\$ 5,762,700.00	\$ 300,000.00	\$ 6,062,700.00
	GRAND TOTAL	\$ 38,024,200.00	\$ 44,509,045.00	\$ 15,218,000.00	\$ 97,751,245.00

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2017 - 216
BY: MAYOR THOMAS P. PERCIAK

AN ORDINANCE MAKING APPROPRIATIONS FOR THE ANNUAL EXPENSES AND OTHER
EXPENDITURES OF THE CITY OF STRONGSVILLE, OHIO, FOR THE YEAR 2018.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE,
COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1: THAT THERE BE APPROPRIATED FROM THE FOLLOWING FUNDS AND AS FURTHER DETAILED IN
THE SCHEDULE ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN:

<u>General Fund - 101</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
101 Total General Fund		\$ 17,592,200.00	\$ 8,211,800.00	\$ 12,212,000.00	\$ 38,016,000.00
<u>Special Revenue Funds - 200</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
203	Police Pension	\$ 1,349,500.00	\$ -	\$ -	\$ 1,349,500.00
204	Street Construction & Maintenance	5,411,300.00	7,851,300.00	-	13,262,600.00
205	State Highway Maintenance	-	140,000.00	-	140,000.00
206	Motor Vehicle License Tax	-	400,000.00	-	400,000.00
207	Emergency Vehicle Fund	-	1,081,000.00	-	1,081,000.00
208	Fire Levy	7,618,000.00	711,900.00	-	8,329,900.00
209	Fire Pension	1,486,700.00	-	-	1,486,700.00
211	Clerk of Court	-	40,000.00	-	40,000.00
212	Drainage Levy	-	1,052,500.00	-	1,052,500.00
214	Multi-Purpose Complex	3,276,900.00	1,885,000.00	-	5,161,900.00
215	Southwest General Hospital	-	350,000.00	-	350,000.00
216	Law Enforcement Federal Seizures	-	7,000.00	-	7,000.00
217	Law Enforcement State Seizures	-	12,000.00	-	12,000.00
218	Law Enforcement Drug Fine	-	400.00	-	400.00
219	Law Enforcement DWI/DUI	-	10,000.00	-	10,000.00
220	Tree Fund	-	150,000.00	-	150,000.00
222	Community Diversion	11,300.00	1,100.00	-	12,400.00
224	Earned Benefits	505,800.00	-	-	505,800.00
200 Total Special Revenue Funds		\$ 19,659,500.00	\$ 13,692,200.00	\$ -	\$ 33,351,700.00
<u>Debt Service Funds - 300</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
331	General Bond Retirement	\$ -	\$ 3,471,275.00	\$ -	\$ 3,471,275.00
333	Pearl Road TIF # 1 Fund	-	572,300.00	-	572,300.00
334	Royalton Road TIF Fund	-	3,000.00	-	3,000.00
335	Pearl Road TIF # 2 Fund	-	-	-	-
336	Pearl Road TIF # 3 Fund	-	51,000.00	-	51,000.00
338	Giant Eagle TIF	-	102,000.00	-	102,000.00
300 Total Debt Service Funds		\$ -	\$ 4,199,575.00	\$ -	\$ 4,199,575.00
<u>Capital Improvement Capital Project Funds - 400</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
441	Recreation Capital Improvement	\$ -	\$ 590,000.00	\$ -	\$ 590,000.00
442	General Capital Improvement	-	2,153,000.00	-	2,153,000.00
447	TIF Capital Improvements Fund	-	-	-	-
400 Total Capital Project Funds		\$ -	\$ 2,743,000.00	\$ -	\$ 2,743,000.00

<u>Enterprise Funds - 500</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
551	Sanitary Sewer	\$ 1,407,300.00	\$ 8,392,634.00	\$ -	\$ 9,799,934.00
<u>Internal Service Fund - 600</u>					
Fund #	Fund Activity	Personal Service	Other	Transfers & Advances	Total
661	Health Insurance Reserve	\$ -	\$ 5,142,700.00	\$ -	\$ 5,142,700.00
664	Worker's Compensation Reserve	-	620,000.00	-	620,000.00
600	Total Internal Service Funds	\$ -	\$ 5,762,700.00	\$ -	\$ 5,762,700.00
Grand Total All Funds		\$ 38,659,000.00	\$ 43,001,909.00	\$ 12,212,000.00	\$ 93,872,909.00

<u>Itemized list of Transfers and Advances by Fund</u>	
Description	Amount
General Fund to Street Construction Fund	\$ 4,300,000.00
General Fund to Fire Levy Fund	3,000,000.00
General Fund to Multi-Complex Fund	1,600,000.00
General Fund to Police Pension Fund	840,000.00
General Fund to Fire Pension Fund	972,000.00
General Fund to Drainage Levy Fund	200,000.00
General Fund to Earned Benefits Fund	500,000.00
General Fund to General Bond Retirement	300,000.00
General Fund to General Capital Improvement Fund	500,000.00
Total Transfers	\$ 12,212,000.00

Section 2: That all expenditures within the fiscal year ending December 31, 2018 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4: AS AN ORDINANCE providing for the appropriation of monies and consistent with the City's Charter Article III, Section 13, this Ordinance shall take effect immediately upon its passage and approval by the Mayor, or otherwise at the earliest time allowed by law.

President of Council

Approved: _____
Mayor

Date Passed

Date Approved

Attest: _____
Clerk of Council

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

ORD. No. 2017-214 Amended: _____

1st Rdg. _____ Ref: _____

2nd Rdg. _____ Ref: _____

3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____

Adopted: _____ Defeated: _____

EXHIBIT "A"
SCHEDULE OF BUDGETS BY DEPARTMENT - page 1 of 2

Dept #	Department	Personal Services	Other	Transfers & Advances	Total
011410	Council	\$ 333,500.00	\$ 26,000.00	\$ -	\$ 359,500.00
011411	Mayors Office	346,800.00	15,300.00	-	362,100.00
015412	Police Department	9,612,000.00	1,450,300.00	-	11,062,300.00
011413	Human Resources	235,600.00	94,900.00	-	330,500.00
011414	Finance Department	521,600.00	21,600.00	-	543,200.00
011415	Legal Department	444,100.00	100,900.00	-	545,000.00
011416	Communication & Technology	645,800.00	812,000.00	-	1,457,800.00
011417	Building Department	1,046,800.00	206,300.00	-	1,253,100.00
011418	Mayors Court	191,000.00	28,100.00	-	219,100.00
011420	Rubbish Department	-	2,500,500.00	-	2,500,500.00
011421	Cemetery Department	123,600.00	247,100.00	-	370,700.00
011422	Architectural Board of Review	-	6,000.00	-	6,000.00
011423	Planning Commission	106,600.00	59,000.00	-	165,600.00
011424	Civil Service	-	31,000.00	-	31,000.00
011425	Board of Appeals	-	11,000.00	-	11,000.00
011428	Parks Department	107,200.00	346,100.00	-	453,300.00
011429	Public Safety	163,800.00	-	-	163,800.00
011430	General Miscellaneous	-	1,619,600.00	-	1,619,600.00
011435	Economic Development	154,700.00	144,600.00	-	299,300.00
015415	OPID Grant	43,500.00	-	-	43,500.00
015414	Corrections Officers	843,500.00	167,000.00	-	1,010,500.00
015413	Joint Dispatch Center	2,622,100.00	77,700.00	-	2,699,800.00
011452	Ohio Turnpike Commission	50,000.00	246,800.00	-	296,800.00
011468	Non Government Transfers	-	-	12,212,000.00	12,212,000.00
	Total General Fund	\$ 17,592,200.00	\$ 8,211,800.00	\$ 12,212,000.00	\$ 38,016,000.00
031000	Police Pension	1,349,500.00	-	-	1,349,500.00
046419	Street Repairs	4,684,700.00	6,073,800.00	-	10,758,500.00
046426	Traffic Signal Maintenance	105,500.00	230,500.00	-	336,000.00
046427	Snow Removal	-	700,000.00	-	700,000.00
046433	Municipal Garage	621,100.00	847,000.00	-	1,468,100.00
056000	State Highway Maintenance	-	140,000.00	-	140,000.00
066000	Motor Vehicle License Tax	-	400,000.00	-	400,000.00
075000	Emergency Vehicle Fund	-	1,081,000.00	-	1,081,000.00
085000	Fire Levy	7,618,000.00	440,700.00	-	8,058,700.00
085001	Fire Station Ward 1	-	69,200.00	-	69,200.00
085002	Fire Station Ward 2	-	47,500.00	-	47,500.00
085003	Fire Station Ward 3	-	35,500.00	-	35,500.00
085004	Fire Station Ward 4	-	119,000.00	-	119,000.00
095000	Fire Pension	1,486,700.00	-	-	1,486,700.00
111000	Clerk of Court	-	40,000.00	-	40,000.00
121000	Drainage Levy	-	1,052,500.00	-	1,052,500.00
143304	Sports Programs	321,700.00	297,700.00	-	619,400.00
143305	Recreation Administration	468,000.00	679,700.00	-	1,147,700.00
143306	Fitness	420,100.00	168,900.00	-	589,000.00
143310	Aquatics	724,300.00	98,100.00	-	822,400.00
143311	Recreation Programs	249,500.00	30,200.00	-	279,700.00
143430	Special Events	-	15,200.00	-	15,200.00
143431	Old Town Hall	10,800.00	16,100.00	-	26,900.00
143439	Senior Services	590,600.00	303,900.00	-	894,500.00
143451	Recreation Maintenance	491,900.00	232,000.00	-	723,900.00
143500	Program Refunds	-	43,200.00	-	43,200.00
152000	Southwest General Hospital	-	350,000.00	-	350,000.00
165000	Law Enforcement Federal Seizures	-	7,000.00	-	7,000.00
175000	Law Enforcement State Seizures	-	12,000.00	-	12,000.00
185000	Law Enforcement Drug Fine	-	400.00	-	400.00
195000	Law Enforcement DWI/DUI	-	10,000.00	-	10,000.00
204000	Tree Maintenance	-	150,000.00	-	150,000.00
225000	Community Diversion	11,300.00	1,100.00	-	12,400.00
224000	Earned Benefits	505,800.00	-	-	505,800.00
	Total Special Revenue Funds	\$ 19,659,500.00	\$ 13,692,200.00	\$ -	\$ 33,351,700.00

EXHIBIT "A"
SCHEDULE OF BUDGETS BY DEPARTMENT - page 2 of 2

Dept #	Department	Personal Service	Other	Transfers & Advances	Total
311000	General Bond Retirement	-	3,471,275.00	-	3,471,275.00
333000	Pearl Road TIF # 1	-	572,300.00	-	572,300.00
334000	Royalton Road TIF	-	3,000.00	-	3,000.00
335000	Pearl Road TIF # 2	-	-	-	-
336000	Pearl Road TIF # 3	-	51,000.00	-	51,000.00
338000	Giant Eagle TIF	-	102,000.00	-	102,000.00
	Total Debt Service	\$ -	\$ 4,199,575.00	\$ -	\$ 4,199,575.00
413000	Recreation Capital Improvement	-	590,000.00	-	590,000.00
421000	General Capital Improvement	-	2,153,000.00	-	2,153,000.00
447100	Pearl & Whitney TIF	-	-	-	-
447102	Prospect/Albion TIF	-	-	-	-
447104	42/82 TIF	-	-	-	-
	Total Capital Projects	\$ -	\$ 2,743,000.00	\$ -	\$ 2,743,000.00
512501	Engineering and Administration	687,200.00	940,400.00	-	1,627,600.00
512502	Plant Expenditures	-	3,826,500.00	-	3,826,500.00
512503	Line Expenditures	720,100.00	430,000.00	-	1,150,100.00
512504	Sewer Capital Improvements	-	2,870,000.00	-	2,870,000.00
512505	Sewer Debt Payments	-	325,734.00	-	325,734.00
	Total Sanitary Sewer	\$ 1,407,300.00	\$ 8,392,634.00	\$ -	\$ 9,799,934.00
661000	Health Insurance Reserve	-	5,142,700.00	-	5,142,700.00
664000	Workers Compensation Reserve	-	620,000.00	-	620,000.00
	Total Internal Service	\$ -	\$ 5,762,700.00	\$ -	\$ 5,762,700.00
	GRAND TOTAL	\$ 38,659,000.00	\$ 43,001,909.00	\$ 12,212,000.00	\$ 93,872,909.00

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 217

By: Mayor Perciak and All Members of Council

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ISSUE AND APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE IN THE CONTRACT PRICE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT BETWEEN THE CITY OF STRONGSVILLE AND FABRIZI TRUCKING & PAVING CO., INC., IN CONNECTION WITH THE BOWMAN DRIVE, DRAKE ROAD AND FETZER DRIVE SANITARY SEWER PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 2017-125, Council authorized the Mayor to enter into a contract with Fabrizi Trucking & Paving Co., Inc., for improvements to the sanitary sewers on Bowman Drive, Drake Road and Fetzer Drive in the City of Strongsville, in connection with the Bowman Drive, Drake Road and Fetzer Drive Sanitary Sewer Project (the "Project"), in an amount not to exceed \$2,229,125.50; and

WHEREAS, the City's Engineer has now recommended that it would be in the best interests of the City to include changes in the work performed or to be performed on the Project by Fabrizi Trucking & Paving Co., Inc., generally being additional work required and requested by the City due to unforeseen conditions encountered, including additional clearing and grubbing pursuant to the City Arborist; removal and replacement of existing 12" storm sewer not shown on the plans; removal of steel casing on an existing 8" sewer that needed to be removed in order to install the sanitary manhole; field adjustment of the gas main on Fetzer Drive; installation and removal of temporary concrete cap in road opening areas; and various reconciliation of plan quantities to field quantities, and to provide additional payment for such changes in the work in the amount of \$29,843.70 for a new total Project cost of \$2,258,969.20.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That the Mayor be and is hereby authorized and directed to issue and approve Change Order No. 1 to the contract in the amount of \$29,843.70, as recommended by the City Engineer, and reflected in Exhibit A; and after the issuance and approval of said Change Order No. 1, and completion of such work, to direct the Director of Finance to make payment to **FABRIZI TRUCKING & PAVING CO., INC.**, in the additional amount of \$29,843.70, thereby increasing the total Project cost to \$2,258,969.20.

Section 2. That the funds for the purposes of this Project have been appropriated and shall be paid from the General Capital Improvement Fund, Sanitary Sewer Fund, from the collection of special assessments to be levied by the City, from Ohio Public Works Commission grant funding, and additional grant funds made available for the Project through the Northeast Ohio Regional Sewer District.

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2017 – 217
Page 2

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to provide for changes in the work in order to properly and timely complete the Project, to facilitate payment to the contractor for unanticipated changes in the work, to avoid potential legal problems, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

 President of Council

Approved: _____
 Mayor

Date Passed: _____ Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2017-217 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

CHANGE ORDER

Order No. # 1
Date: **December 18, 2017**
Agreement Date: **August 10, 2017**

Name of PROJECT: **Bowman, Fetzer, & Drake Road Sanitary Sewer**

CONTRACTOR: **Fabrizi Trucking and Paving, Co.**

The following changes are hereby made to the CONTRACTOR DOCUMENTS:

Justification: Project close out to actual quantities

Change to CONTRACT PRICE

Original CONTRACT PRICE: **\$2,229,125.50**

Current CONTRACT PRICE adjusted by Previous CHANGE ORDER: **N/A**

The CONTRACT PRICE due to this CHANGE ORDER will be **increased** by: **29,843.70**

The new CONTRACT PRICE including this CHANGE ORDER will be: **\$2,258,969.20**

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (decreased) by
 N/A calendar day(s).

The date for completion of all WORK will be (Date):

Requested by: _____
Fabrizi Trucking and Paving, Co.

Recommended by: _____
Ken Mikula, P. E., City Engineer

Accepted by: _____
Mayor Thomas P. Perciak

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 218

By: Mr. Daymut

AN ORDINANCE ACCEPTING FOR RECORDING PURPOSES THE LOT SPLIT PLAT FOR KATHERINE HOSTERMAN AND KARL HOSTERMAN, FOR PERMANENT PARCEL NO. 397-31-006, LOCATED AT 19074 HOWE ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the lot split plat of Permanent Parcel No. 397-31-006, located at 19074 Howe Road, is being submitted to this Council for review pursuant to Title Four of Part Twelve of the Codified Ordinances of the City of Strongsville; and

WHEREAS, the Codified Ordinances of the City and the minimum standards for improvements required for the subdivision of land adopted therein require the installation of sanitary sewers to certain specifications unless a deviation from those standards is approved by the Planning Commission pursuant to C.O. Section 1228.01(i); and

WHEREAS, Katherine Hosterman and Karl Hosterman, owners of Permanent Parcel No. 397-31-006, located at 19074 Howe Road, and zoned R1-75, submitted the lot split plat to the Planning Commission of the City of Strongsville, a copy of which is attached hereto as Exhibit A, and requested a deviation to permit the lot split without sanitary sewers; and the Planning Commission approved the lot split and the requested deviation on December 7, 2017, subject to certain conditions; said owners also submitted an Affidavit Reciting Facts Relating to Title to Real Property and Relating to a Preservation of Interest to the City of Strongsville, together with a Septic System Easement, both attached hereto as Exhibits B and C, respectively; and

WHEREAS, the Engineer of the City of Strongsville has reviewed the plat and documents, and finds them in good order and has approved them, and, therefore, has recommended to the Planning Commission and this Council that this lot split be approved for recording purposes, and that the deviation from minimum standards requested be given favorable consideration; and

WHEREAS, this Council desires to approve the deviation and the aforesaid lot split plat for recording purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1. That this Council hereby finds and determines that the lot split of Permanent Parcel No. 397-31-006, located at 19074 Howe Road, and owned by Katherine Hosterman and Karl Hosterman, without sanitary sewers, as shown on Exhibit A attached hereto and incorporated herein as if fully rewritten, will be equally as effective, safe, adequate and desirable as the improvement would be under such standards, and that the improvement under the proposed deviation will perform the same function as and have a life of usefulness equal to the improvement made pursuant to such standards; the strict application of the minimum standards to improvements which are under construction or which have been fully planned and contracted for at the time this section became effective would cause extreme undue hardship or

practical difficulty; and that such deviation will be in harmony with the general purpose and intent of the minimum standards and will not interfere with the public health, safety or general welfare.

Section 2. That a deviation in minimum standards for the purposes of subdividing Permanent Parcel No. 397-31-006, without sanitary sewers, as shown on Exhibit A, be and is hereby approved.

Section 3. That, pursuant to the provisions of C.O. Section 1228.01(j), this Council hereby confirms the deviation from the minimum standards for improvements required for the subdivision of these lands approved by the Planning Commission on December 7, 2017, subject to certain conditions ordered by the Planning Commission.

Section 4. That the Council of the City of Strongsville does hereby approve the lot split plat submitted by Katherine Hosterman and Karl Hosterman, owners of the property, for Permanent Parcel No. 397-31-006, as set out in attached Exhibit A, for recording purposes.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to assure proper development of all lots and land within the City of Strongsville. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

_____ Approved: _____
 President of Council Mayor

Date Passed: _____ Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2017-218 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____



SCALE 1" = 50'

FALMOUTH DRIVE 80FT.

LOT SPLIT

FOR
KATHERINE HOSTERMAN
SHEWER IN THE CITY OF SPRINGFIELD, COUNTY OF SPRINGFIELD
AND STATE OF OHIO, AND TO HER AND TO HER HEIRS, ASSIGNS,
LEGAL SUCCESSORS, EXECUTORS, ADMINISTRATORS, AND
ASSIGNMENTS.

APPROVALS
THE PLAN OF A LOT SPLIT HAS BEEN ACCEPTED AND APPROVED
BY THE BOARD OF ZONING AND PLANNING OF THE CITY OF SPRINGFIELD, OHIO
ON THE _____ DAY OF _____, 2017.

CITY ENGINEER _____

THE PLAN OF A LOT SPLIT HAS BEEN ACCEPTED AND APPROVED BY
THE CITY ENGINEER OF THE CITY OF SPRINGFIELD, OHIO
ON THE _____ DAY OF _____, 2017.

CITY ENGINEER _____

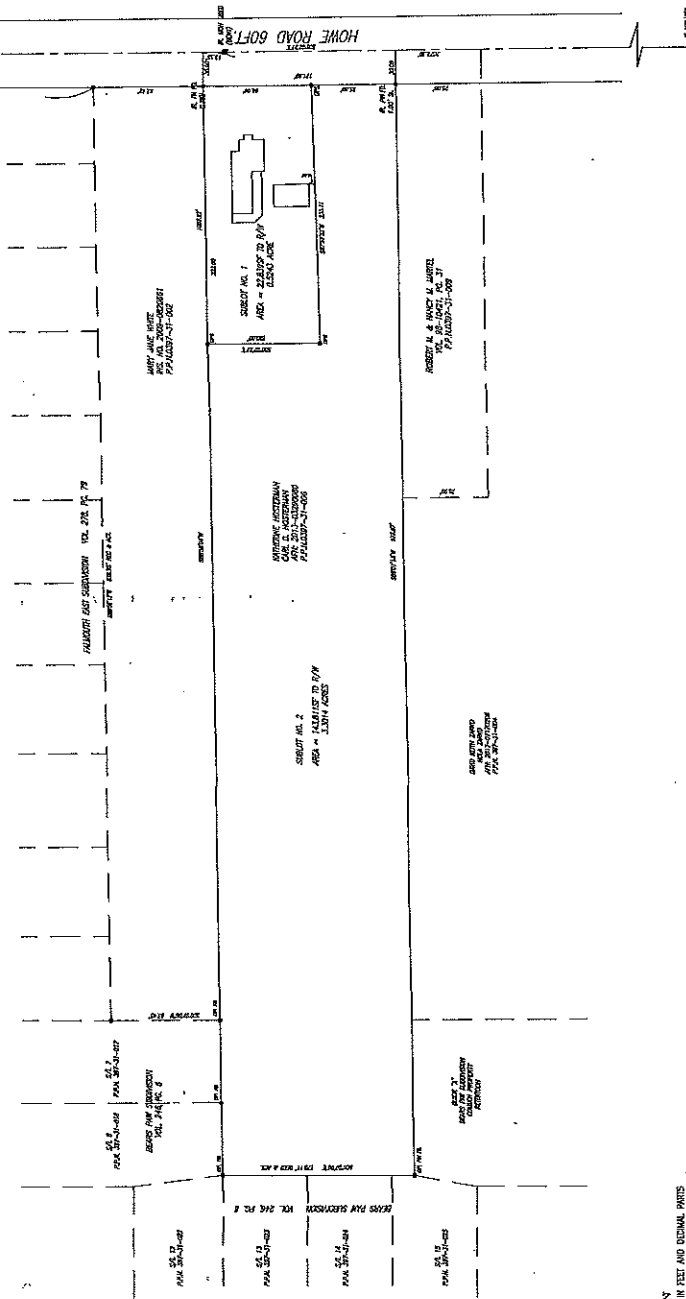
THE PLAN OF A LOT SPLIT HAS BEEN ACCEPTED AND APPROVED BY
THE CITY ENGINEER OF THE CITY OF SPRINGFIELD, OHIO
ON THE _____ DAY OF _____, 2017.

CITY ENGINEER _____

ACCEPTANCE
I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAN,
HEREBY ACCEPTS THE CITY OF SPRINGFIELD, OHIO, AND TO HER
HEIRS, ASSIGNS, LEGAL SUCCESSORS, EXECUTORS, ADMINISTRATORS,
AND ASSIGNMENTS.

IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND SEAL
AT SPRINGFIELD, OHIO, THIS _____ DAY OF _____, 2017.

BY _____
OWNER



KATHERINE HOSTERMAN
 KATHERINE HOSTERMAN
 10000 BROADVIEW
 SPRINGFIELD, OHIO 45502
 (937) 233-1111

J.A.R. Engineering & Surveying
 P.O. BOX 50688
 Westlake, Ohio 44145
 (440) 971-8345
 jara@jar-engineering.com

CERTIFICATION
 I, THE UNDERSIGNED, A LICENSED SURVEYOR IN THE STATE OF OHIO, HAVE
 PREPARED THIS PLAN AND THE ACCOMPANYING INSTRUMENTS AND
 HAVE BEEN DULY SWORN TO AND ARE USING THE BEST OF MY SKILL AND
 KNOWLEDGE TO PREPARE THE SAME. ALL POINTS SHOWN ON THIS PLAN
 HAVE BEEN MEASURED AND FOUND TO BE CORRECT.

DATE: NOVEMBER 16, 2017

 JAMES A. WESMAY, P.E., P.S.



STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

AFFIDAVIT, Pursuant to Ohio Revised Code
§5301.252 Reciting Facts Relating to Title to Real
Property, and Pursuant to Ohio Revised Code
§5301.51 and §5301.52 Relating to a Preservation
of Interest to the City of Strongsville

The Affiants, KATHERINE HOSTERMAN and KARL HOSTERMAN, having first been duly sworn, depose and state as follows:

1. This Affidavit is made pursuant to the provisions of Ohio Revised Code §5301.252, §5301.51 and §5301.52.
2. The Affiants, KATHERINE HOSTERMAN and KARL HOSTERMAN, are the record owners of the real property affected by this Affidavit at the time of the recording of this Affidavit, which real property the Affiants acquired pursuant to a deed filed with the Cuyahoga County Recorder on November 27, 2000 as Instrument No. 200011270657 and on March 29, 2013 as Instrument No. 201303290080.
3. The real property affected by this Affidavit is known as 19074 Howe Road, Strongsville, Ohio, 44136, Permanent Parcel Number 397-31-006 and is more fully described in the attached Exhibit A.
4. The Affiants have presented a plat to the City of Strongsville proposing a lot split of the subject property. The Affiants acknowledge that the City of Strongsville has future plans to construct and install, and/or to have constructed and installed on the City's behalf, sanitary sewer lines and/or storm sewer lines (hereinafter collectively referred to as the "Improvements") immediately abutting and contiguous to and/or across the subject real property.
5. In the event and at the time that the Improvement are constructed, the Affiants or their heirs, successors and assigns, have agreed with the City of Strongsville that the Affiants will install, at Affiant's sole cost, such connections to the Improvement from the Affiants' property to the specifications of the City.
6. This affidavit acknowledges that in order to proceed with the subject lot split, the Affiants, on behalf of all owners and on behalf of their successors, heirs and assigns, have further agreed with the City of Strongsville that when the Improvements are installed by the City of Strongsville or installed on the City's behalf, the Affiants herein agree to pay their proportionate share of any assessment imposed by the City of Strongsville in relations to these Improvements.
7. The Affiants further agree to pay their proportionate share of any such assessment in the amount assessed by the City of Strongsville at the then current assessment rate being imposed by the City of Strongsville at the time of the placement of such assessment in the same rate as is being assessed upon property owners in general.

EXHIBIT B

8. The Affiants further agree and the Affiants do herein waive on behalf of the Affiants, all current owners of the property, and on behalf of their heirs, successors, and assigns any and all objections to such Improvement assessments as set out herein that the owners of the property may have a right to raise before the Board of Equalization on the basis that the subject property is already serviced by certain improvements including a septic system and further agree to pay their proportionate share of such Improvement assessments as set out in this Affidavit.

9. If the Affiants are no longer the owners of this parcel at the time of such assessments, then this Affidavit shall bind the Affiants' heirs, successors, and assigns.

10. The nature of the City of Strongsville's claim on the property is as set out in this Affidavit and the name and address of the person (the Claimant) for whose benefit this notice is being filed is the City of Strongsville, 18688 Royalton Road, Strongsville, Ohio, 44136.

11. The Affiants further acknowledge that this Affidavit and Agreement made with the City of Strongsville relates to the Affiants' rights to continued possession of the real property as residential property.

FURTHER AFFIANTS SAYETH NAUGHT.

Katherine Hosterman
KATHERINE HOSTERMAN

Karl Hosterman
KARL HOSTERMAN

Approved as to legal form only

by the Law Department of the
City of Strongsville

by Paul J. Holit
Assistant Director of Law.

Dated 12-11-17

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above named, KATHERINE HOSTERMAN and KARL HOSTERMAN, who acknowledged that they did sign the foregoing instrument and that it was of their own free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, Ohio, this 21st day of November, 2017.



VENUS M. RHODES
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 7/30/2019

Venus M. Rhodes
Notary Public

EXHIBIT "A"

SITUATED IN THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO: AND BEING KNOWN AS PART OF ORIGINAL STRONGSVILLE TOWNSHIP LOT NO. 40 BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING IN THE CENTER LINE OF HOWE ROAD (60 FEET WIDE) AT THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED TO WILLIAM FIEDLER AND HELEN T. FIEDLER BY DEED DATED NOVEMBER 13, 1959 AND RECORDED IN VOLUME 9780, PAGE 107 OF CUYAHOGA COUNTY RECORDS; THENCE NORTHERLY ALONG THE CENTER LINE HOWE ROAD, 164.70 FEET TO A POINT DISTANT SOUTHERLY MEASURED ALONG SAID CENTER LINE 90 FEET FROM THE NORTHEASTERLY CORNER THEREOF; THENCE WESTERLY AND PARALLEL WITH THE NORTHERLY LINE OF SAID PARCEL SO CONVEYED TO WILLIAM FIEDLER AND HELEN T. FIEDLER ABOUT 1403 FEET TO THE WESTERLY LINE OF SAID PARCEL SO CONVEYED; THENCE SOUTHERLY ALONG SAID WESTERLY LINE ABOUT 164.70 FEET TO THE SOUTHWESTERLY CORNER THEREOF; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID PARCEL SO CONVEYED ABOUT 1403 FEET TO THE PLACE OF BEGINNING, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS.

LESS THE FOLLOWING EXCEPTIONS:

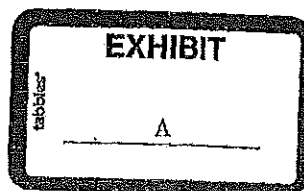
EXCEPTING THEREFROM THE PART OF THE ABOVE DESCRIBED PREMISES CONVEYED TO NOVA DEVELOPMENT COMPANY, INC., BY DEED DATED JUNE 8, 1989, AND RECORDED IN VOLUME 89-2793, PAGE 24 OF CUYAHOGA COUNTY RECORDS AND DESCRIBED AS FOLLOWS:

SITUATED IN THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, AND KNOWN AS BEING PART OF ORIGINAL STRONGSVILLE TOWNSHIP LOT NO. 40 AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF A PARCEL OF LAND CONVEYED TO JOHN LACY AND DONNA LACY BY DEED RECORDED IN VOLUME 15468, PAGE 473 OF CUYAHOGA COUNTY RECORDS; THENCE NORTH 88 DEG. 57' 40", ALONG THE NORTHERLY LINE OF LAND SO CONVEYED TO JOHN AND DONNA LACY, A DISTANCE OF 400.01 FEET; THENCE SOUTH 0 DEG. 07' 00" WEST, PARALLEL WITH THE WESTERLY LINE OF LAND SO CONVEYED TO JOHN AND DONNA LACY, A DISTANCE OF 170.11 FEET TO THE SOUTHERLY LINE THEREOF; THENCE SOUTH 89 DEG 04' 40" WEST, ALONG THE SOUTHERLY LINE OF LAND SO CONVEYED TO JOHN AND DONNA LACY, A DISTANCE OF 400 FEET TO THE SOUTHWESTERLY CORNER THEREOF; THENCE NORTH 0 DEG. 07' 00" EAST, ALONG THE WESTERLY LINE OF LAND SO CONVEYED TO JOHN AND DONNA LACY, A DISTANCE OF 169.30 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THE PART OF THE ABOVE DESCRIBED PREMISES CONVEYED TO JOHN M. WHITE AND MARY JANE WHITE, BY DEED DATED JULY 27, 1983, FILED FOR RECORD FEBRUARY 9, 1984 AND RECORDED IN VOLUME 84-0584, PAGE 27 OF CUYAHOGA COUNTY RECORDS AND DESCRIBED AS FOLLOWS:

SITUATED IN THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, AND KNOWN AS BEING A PART OF ORIGINAL STRONGSVILLE TOWNSHIP LOT NO. 40 AND BOUNDED AND DESCRIBED AS FOLLOWS:



COMMENCING AT AN IRON PIN AT THE INTERSECTION OF THE CENTER LINE OF HOWE ROAD, 60 FEET WIDE, WITH THE CENTER LINE OF BOSTON ROAD, 60 FEET WIDE; THENCE NORTH 0 DEG. 02' 40" WEST ALONG THE CENTER LINE OF HOWE ROAD A DISTANCE OF 2048.72 FEET TO THE PRINCIPAL PLACE OF BEGINNING OF THE LAND HEREIN DESCRIBE, SAID POINT BEING DISTANT SOUTH 0 DEG. 04' 40" EAST 668.03 FEET AS MEASURED ALONG THE CENTER LINE OF HOWE ROAD FROM AN IRON PIN AT ITS INTERSECTION WITH THE NORTHERLY LINE OF ORIGINAL STRONGSVILLE TOWNSHIP LOT NO. 40;

THENCE SOUTH 88 DEG 53' 14" WEST A DISTANCE OF 1406.95 FEET TO THE EASTERLY LINE OF DEERFIELD LAKE SUBDIVISION NO. 4, PHASE I, AS SHOWN BY THE RECORDED PLAT IN VOLUME 223 OF MAPS, PAGE 13 OF CUYAHOGA COUNTY RECORDS; THENCE NORTH 0 DEG 07' 00" EAST ALONG SAID EASTERLY LINE A DISTANCE OF 4.93 FEET TO THE SOUTHERLY LINE OF A PARCEL OF LAND CONVEYED TO JOHN M. AND M.J. WHITE BY DEED RECORDED IN VOLUME 13134, PAGE 413 OF CUYAHOGA COUNTY RECORDS; THENCE NORTH 88 DEG. 47' 08" EAST ALONG SAID SOUTHERLY LINE A DISTANCE OF 1406.98 FEET TO THE CENTER LINE OF HOWE ROAD; THENCE SOUTH 0 DEG. 02' 40" EAST ALONG THE CENTER LINE OF HOWE ROAD A DISTANCE OF 7.42 FEET TO THE PRINCIPAL PLACE OF BEGINNING, ACCORDING TO A SURVEY BY CARL S. ANDREANO AND ASSOC. DATED JUNE, 1981.

Assessor's Parcel No: 39731006

SEPTIC SYSTEM EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT, New Century Builders, Inc. the Grantor, herein, for valuable consideration received to its full satisfaction hereby gives, grants, bargains, and conveys to Katherine and Karl Hosterman, Grantees, of 19074 Howe Road, Strongsville, Ohio, 44136, owners of Sublot 1, an Easement for the Septic System located on S/L 2, for the purpose hereinafter mentioned, in the following described premises, to-wit:

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio, and known as being part of Original Strongsville Township Lot No. 40 and bounded and described as follows:

Beginning at an iron monument in the centerline of Howe Rd., 60 feet wide, which bears North 00 degrees 02 minutes 27 seconds West measured along said centerline a distance of 2027.30 feet from an iron monument at it's intersection with the centerline of Boston Rd., 60 feet wide;

Thence South 00 degrees 02 minutes 27 seconds East along the centerline a distance of 151.48 feet to a point and the Southeasterly corner of a parcel of land conveyed to New Century Builders, Inc., by deed recorded in Instrument No. 20005300435 of Cuyahoga County Records, said point also being the Northeasterly corner of a parcel of land conveyed to Robert H. & Nancy M. Martel by deed recorded in Vol. 98-10421, Pg. 31 of Cuyahoga County Records;

Thence South 89 degrees 01 minutes 13 seconds West a distance of 30.00 feet to a point in the Westerly line of Howe Rd., and the Principal Place of Beginning of the Easement herein described, said point marked by an iron pin found 1.00 feet Southerly;

Thence continuing South 89 degrees 01 minutes 13 seconds West along the Northerly line of said parcel of land conveyed to Robert H. & Nancy Martel, a distance of 60.00 feet to a point therein;

Thence North 15 degrees 01 minutes 58 seconds West a distance of 77.31 feet to a point in the Northerly line of Sublot No. 2 in the Proposed Indian Alley Subdivision;

Thence North 89 degrees 01 minutes 13 seconds East along the Northerly line of Sublot No. 2, a distance of 15.17 feet to a point therein;

Thence South 15 degrees 01 minutes 58 seconds East a distance of 67.00 feet to a point;

Thence North 89 degrees 01 minutes 13 seconds East a distance of 47.50 feet to a point in the Westerly line of Howe Rd.

Thence South 00 degrees 02 minutes 27 seconds East along the Westerly line of Howe Rd. a distance of 10.00 feet to the Principal Place of Beginning and contained 0.0367 acres of land according to the survey of James B. Root, Registered Surveyor No. 5045.

The course given in this description are to an assumed meridian and are used to indicate angles only.

Legal description Septic System Easement, Howe Rd., S/L 2, prepared by James B. Root & Associates, Civil Engineers & Surveyors, James B. Root, Registered Surveyor No. 5045.

New Century Builders, Inc., the owner of the within described land (part of Sublot 2), does hereby grant unto the Grantees and Owners of Sublot 1, Howe Rd., Strongsville, Ohio, and/or their successors and assigns (hereinafter referred to as the Grantees), a sixty foot wide easement in order to use the septic system located on Sublot 2, Howe Rd., Strongsville, Ohio, until such time city and public sewer is made available to the owners of Sublot 1.

The Grantees agree to be responsible for the maintenance, repair, and upkeep of the septic system located within the easement premises, and pursuant to said easement have the right to reconstruct, relocate, operate, repair, and maintain service of the septic system and with the right of access ingress and egress to and from any of the within described premises for exercising any of the purposes of this Easement. Grantees shall also indemnify, defend, and hold harmless the Grantor from and against any liability, loss, damage, injury claim, claim and expense, including reasonable attorneys' fees, which may have resulted and/or relocate and service such septic system within and across the easement premises for said septic system.

The Grantor hereby reserves the right to use said premises within the limits of the above described easement for the passage of personnel, materials or equipment over or across the described easement as are not herein expressly prohibited by and are not inconsistent with the rights and easement hereby granted.

The Grantor does for itself, its successors and assigns covenant with Grantees, and their successors, heirs and assigns, that at and until the sealing of these presents, it is well seized of the above described premises as a good and indefeasible estate in FEE SIMPLE and has good right to bargain and grant the same in manner and forms as above written, and that it will WARRANT AND DEFEND SAID PREMISES with the appurtenances thereunto belonging to the Grantees, their successors, heirs and assigns, against all lawful claims and demands whatsoever for the purpose herein described.

The foregoing restrictions and covenants of this easement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns; and each such restriction and condition shall be deemed to run with the land until said Septic System easement shall not be used due to tie in with the City Sewer being made available to the owners of Sublot 1, Howe Rd., Strongsville, Ohio, at which time said Easement for the use of the Septic System located on Sublot 2, Howe Rd., Strongsville, Ohio, herein set forth will be deemed null and void.

It is agreed that whatever party is named in this instrument there shall be intended and included, in each case, that party, his or her heirs, administrators, its successors, and/or assigns.

TO HAVE AND TO HOLD the above granted easement for the purposes above mentioned unto Grantees and their heirs, successors, and assigns.

IN WITNESS WHEREOF, this instrument is executed on this ____ day of _____, 20____.

GRANTOR:

NEW CENTURY BUILDERS, INC.

By: _____
Patricia Lim, Vice President

GRANTEES:

Katherine Hosterman

Karl Hosterman

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above named, NEW CENTURY BUILDERS, INC. by Patricia Lim, Vice President, who acknowledged that it did sign the foregoing instrument and that it was of its own free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, Ohio, this _____ day of _____, 2017.

Notary Public

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above named, KATHERINE HOSTERMAN and KARL HOSTERMAN, who acknowledged that they did sign the foregoing instrument and that it was of their own free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, Ohio, this _____ day of _____, 2017.

Notary Public

Approved as to legal form only

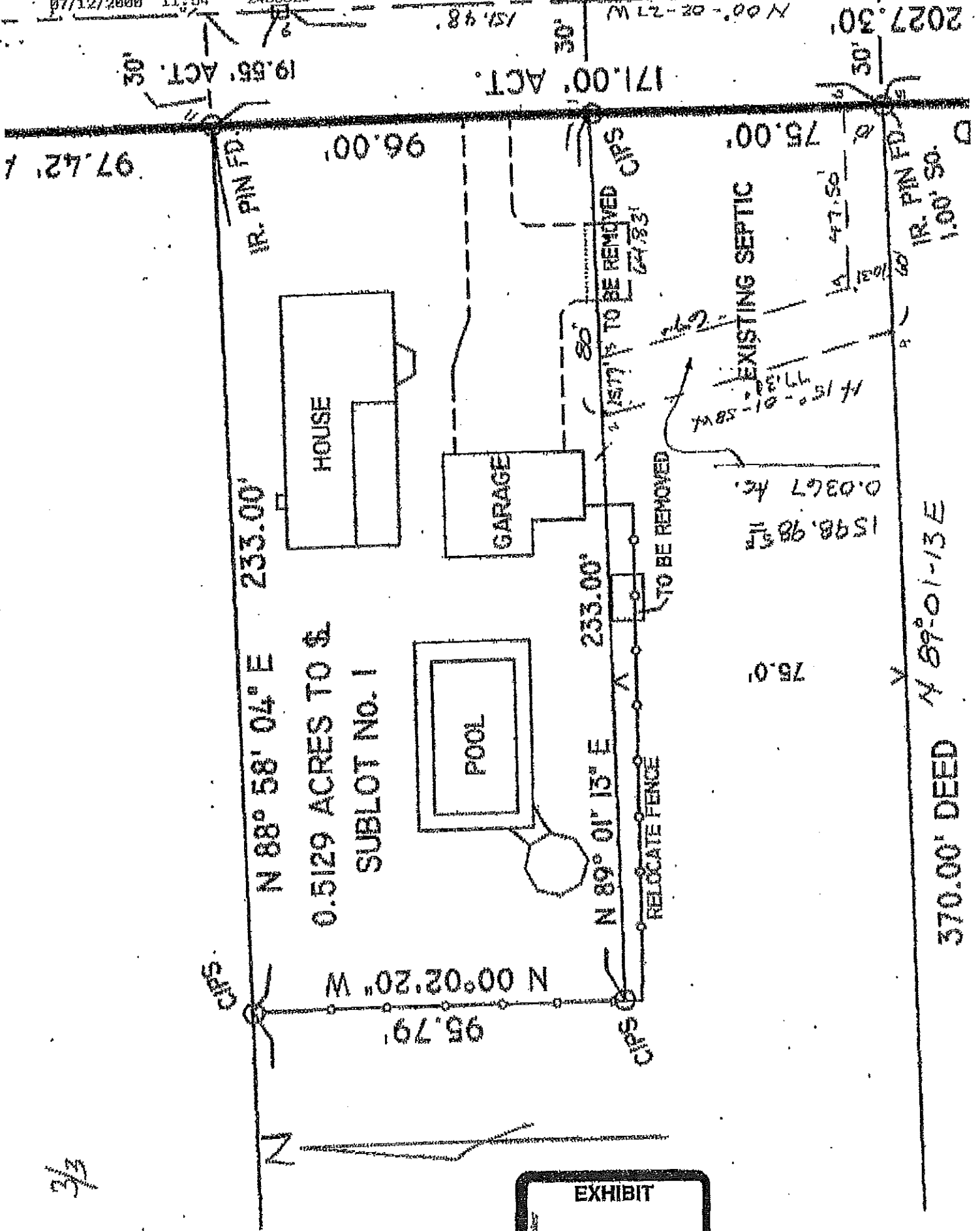
by the Law Department of the

City of Strongsville

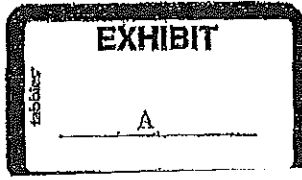
David J. Klein

Assistant Director of Law.

Dated 12-11-17



3/3



MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: December 8, 2017

Please be advised that at its meeting of December 7, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

NEW CENTURY BUILDERS, INC./ Beth Scebbi, Principal

Parcel split of PPN 397-31-006 located at 19074 Howe Road, zoned R1-75, subject to City Councils acceptance of the plat with a deviation for sanitary sewers.

CITY OF STRONGSVILLE/ Lori Daley, Agent

Site Plan approval for a parking lot to provide 21 parking spaces at City Hall located at 18688 Royalton Road, PPN 396-10-009 zoned Public Facility.

D & K DEVELOPMENT LLC/ Bob Kalfas Principal

Parcel split of PPN 393-36-027 located at 19988 Drake Road, zoned R1-75 subject to City Councils acceptance of the sanitary sewer easement.

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017- 219

By: Mr. Daymut

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT FOR SANITARY SEWER SYSTEM PURPOSES FROM D & K DEVELOPMENT, LLC, AND DECLARING AN EMERGENCY.

WHEREAS, D & K Development, LLC is the owner in fee simple of certain real estate located in the City of Strongsville and known as Permanent Parcel No. 393-36-027; and

WHEREAS, due to a lot split approved by the City's Planning Commission on December 7, 2017, it is now necessary for the City to accept a Grant of Easement from D & K Development, LLC for Sanitary Sewer System Purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1. That the Council hereby authorizes the Mayor to accept a Grant of Easement for Sanitary Sewer System Purposes from D & K Development, LLC, for the purposes of constructing, reconstructing, maintaining, operating and repairing a sanitary sewer system and appurtenances on property known as Permanent Parcel No. 393-36-027, and related to a lot split, as more fully set forth in Exhibit 1, attached hereto and made a part hereof by reference.

Section 2. That the Clerk of Council is hereby directed to cause the aforesaid Grant of Easement to be recorded with the Cuyahoga County Fiscal Office after its execution and receipt of evidence of title satisfactory to the Law Director.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to assure proper development of all lots and land within the City of Strongsville, to provide sanitary sewer service to certain lands within the City, and conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2017 - 219
Page 2

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

ORD. No. 2017-219 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

**GRANT OF EASEMENT
FOR
SANITARY SEWER SYSTEM PURPOSES**

This Easement Grant is made between **D & K DEVELOPMENT, LLC** (hereinafter referred to as the "Grantor"), a limited liability corporation, located at 19988 Drake Road, Strongsville, Ohio 44149 (PPN 393-36-027), and the **CITY OF STRONGSVILLE**, a municipal corporation, located at 16099 Foltz Parkway, Strongsville, Ohio 44136 (hereinafter referred to as the "Grantee").

WHEREAS, the Grantor is the owner in fee simple of certain real estate located in the City of Strongsville, Ohio and known as Permanent Parcel No. 393-36-027; and

WHEREAS, the Grantor is proposing to construct a sanitary sewer system and appurtenances consisting of approximately 174 linear feet of sanitary sewer pipe and appurtenances, on land to be dedicated to public use as an easement; and

WHEREAS, the Grantor wishes to grant and the Grantee wishes to accept an easement for the purposes of constructing, reconstructing, maintaining, operating and repairing a sanitary sewer system and appurtenances;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) the receipt of which is hereby acknowledged, the following grants, agreements, and covenants are made:

The Grantor hereby gives, grants, bargains and conveys to the Grantee, its successors and assigns a perpetual easement and right to enter upon the premises described in Exhibits A and B, attached hereto and incorporated herein by reference, and to remove and/or replace trees where necessary for the purposes of constructing, reconstructing, maintaining, operating and repairing a sanitary sewer system, and to make all repairs to such sanitary sewer system connected therewith, that in the opinion of the proper local authorities of the City of Strongsville, its successors or assigns, may be necessary or advisable, in order to maintain or operate said sanitary sewer system in accordance with the ordinances, rules and regulations for the management and protection of such systems of said City of Strongsville, now in force or that may hereafter be adopted.

The Grantor and Grantee further, in consideration of the acceptance of the easement by the City of Strongsville above-mentioned, do hereby agree that Grantor shall initially construct and install said sanitary sewer system in accordance with the plans and specifications to be approved by the City Engineer and in accordance with the provisions, rules, regulations and requirements of the City of Strongsville; and further agree that Grantor shall pay the entire cost of said construction and installation of said sanitary sewer system. Said sanitary sewer system shall become the property of the City of Strongsville, its successors or assigns upon completion and approval by the City of Strongsville, its successors or assigns.

Grantor acknowledges and agrees that Grantee shall not be obligated to maintain landscaping and/or lawn areas within the easement area.

The Grantor hereby restricts said premises within the limits of the above-described easement against the construction thereon of any temporary or permanent structures.

The Grantor agrees to keep the premises free of materials, equipment, vehicles, trees, shrubbery, and any other obstructions which would interfere with Grantee's access to or maintenance of the sanitary sewer system. Grantor further agrees to make no alterations to the premises which would increase or reduce the depth of the sanitary sewer system.

If the Grantor, its successors or assigns desires to alter the premises in any way other than as expressly permitted herein, it must obtain the prior written approval of the Grantee. Upon receipt of such approval, the Grantor shall, at its own expense, relocate or reconstruct all or any portion of the sanitary sewer system which is affected by such alteration and, where necessary, grant a new easement of not less than the width of this easement under the same terms and conditions as herein provided. The relocated or reconstructed sanitary sewer system, upon completion and approval by the Grantee, shall become the property of the City of Strongsville.

The Grantor further agrees that the Grantee shall be relieved of all liability on account of the construction, reconstruction, or relocation of said sanitary sewer system. Grantor hereby indemnifies and guarantees to save harmless the City of Strongsville against any expense or damage to said sanitary sewer system that said Grantor and its successors or assigns may at any time cause by the installation, construction, reconstruction, maintenance, repair, or other use of Premises within the limits of the above-described easement.

If the Grantor violates any of the provisions of this easement, the Grantee, at the expense of the Grantor, may enter upon the premises and make such alterations as are necessary to bring the premises into compliance with the provisions of this Easement.

The Grantor hereby reserves the right to use the premises for such use as is not expressly prohibited by or inconsistent with the terms of this easement.

The Grantor covenants with the Grantee that it is well-seized of the premises as a good and indefeasible estate in fee simple, and has the right to grant and convey the premises in the manner and form above written. The Grantor further covenants that it will warrant and defend the premises with the appurtenances thereunto belonging to the City of Strongsville against all lawful claims and demands whatsoever for the purposes described herein.

This Easement shall inure to the benefit of any person, firm or corporation who the City of Strongsville, its successors and assigns, shall authorize to undertake the performance of work within the purpose of this easement.

The parties hereto agree that this Grant of Easement embodies the complete understanding of the parties, and that no changes in this Agreement shall be made unless such changes are in writing, approved and subscribed by the parties hereto.

This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, legal representatives, successors and assigns.


TO HAVE AND TO HOLD the above granted Easement for the purposes above mentioned unto the City of Strongsville, forever.

IN WITNESS WHEREOF, this instrument is executed this _____ day of _____, 2017.

Signed and acknowledged in the presence:

Loi Deery

"GRANTOR"
D & K DEVELOPMENT, LLC

By: 

Its: 

"GRANTEE"
CITY OF STRONGSVILLE

By: _____
Thomas P. Perciak, Mayor

STATE OF OHIO)
) ss.
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named **D & K DEVELOPMENT, LLC**, by ROBERT KALFAK, its MANAGING PARTNER, who acknowledged that he/she did sign the foregoing instrument, and that the same is the free and voluntary act and deed of said limited liability corporation and his/her voluntary act and deed as such officer.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at STRONGSVILLE, Ohio, this 13th day of DECEMBER, 2017.

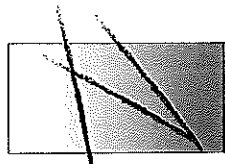
Colleen A. Healey
Notary Public
COLLEEN A. HEALEY
Notary Public, State of Ohio
My Commission Exp. 4-1-2020

STATE OF OHIO)
) ss.
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named **CITY OF STRONGSVILLE**, by Thomas P. Perciak, its Mayor, who acknowledged that he did sign the foregoing instrument, and that the same is the free and voluntary act and deed of said municipal corporation and his free and voluntary act and deed as such officer.

IN TESTIMONY WHEREOF, I hereunto set my hand and official seal at Strongsville, Ohio, this ___ day of _____, 2017.

Notary Public



NEFF
& ASSOCIATES

Civil Engineers + Landscape Architects + Planners + Surveyors

EXHIBIT A

Legal Description
Sanitary Sewer Easement
November 2, 2017
File No. 14072-LD003
Page 1 of 1

Situated in the City of Strongsville, County of Cuyahoga and State of Ohio and known as being Parcel "A" and "B" in the Map of Survey for D & K Development, LLC of part of Original Strongsville Township Lot No. 63 as shown by the recorded plat in A.F.N. _____ of Cuyahoga County Records and further bounded and described as follows:

Beginning at the intersection of the centerline of Drake Road (60 feet wide) and the centerline of Woodlawn Court (60 Feet Wide);

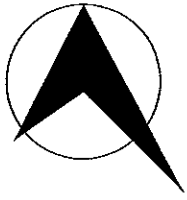
Thence South 89°17'10" West, along the centerline for said Drake Road, a distance of 30.00 feet;

Thence North 00°12'05" East, a distance of 30.00 feet to the intersection of the Northerly right of way for said Drake Road and the Westerly right of way for said Woodlawn Court;

- Course 1 Thence South 89°17'10" West, along the Northerly right of way for said Drake Road, a distance of 20.00 feet;
- Course 2 Thence North 16°00'22" East, a distance of 36.71 feet;
- Course 3 Thence North 00°12'05" East, a distance of 135.00 feet;
- Course 4 Thence South 89°47'55" East, a distance of 10.00 feet to a point on the Westerly right of way for said Woodlawn Court;
- Course 5 Thence South 00°12'05" West, along the Westerly right of way for said Woodlawn Court, a distance of 170.00 feet to the principal place of beginning and containing 0.0431 Acre (1,877 Square Feet) of land as surveyed by Thomas J. Neff, Jr., Registered Surveyor No. 7065-Ohio of Neff and Associates, Dated June, 2017.

Be the same more or less, but subject to all legal highways and easements of record.

N:\LAND DEVELOPMENT\Proj\14072 Drake Road Lot Split\Survey\14072-LS.dwg, 11/2/2017 11:34:03 AM, CutePDF Writer.pcs3



NORTH

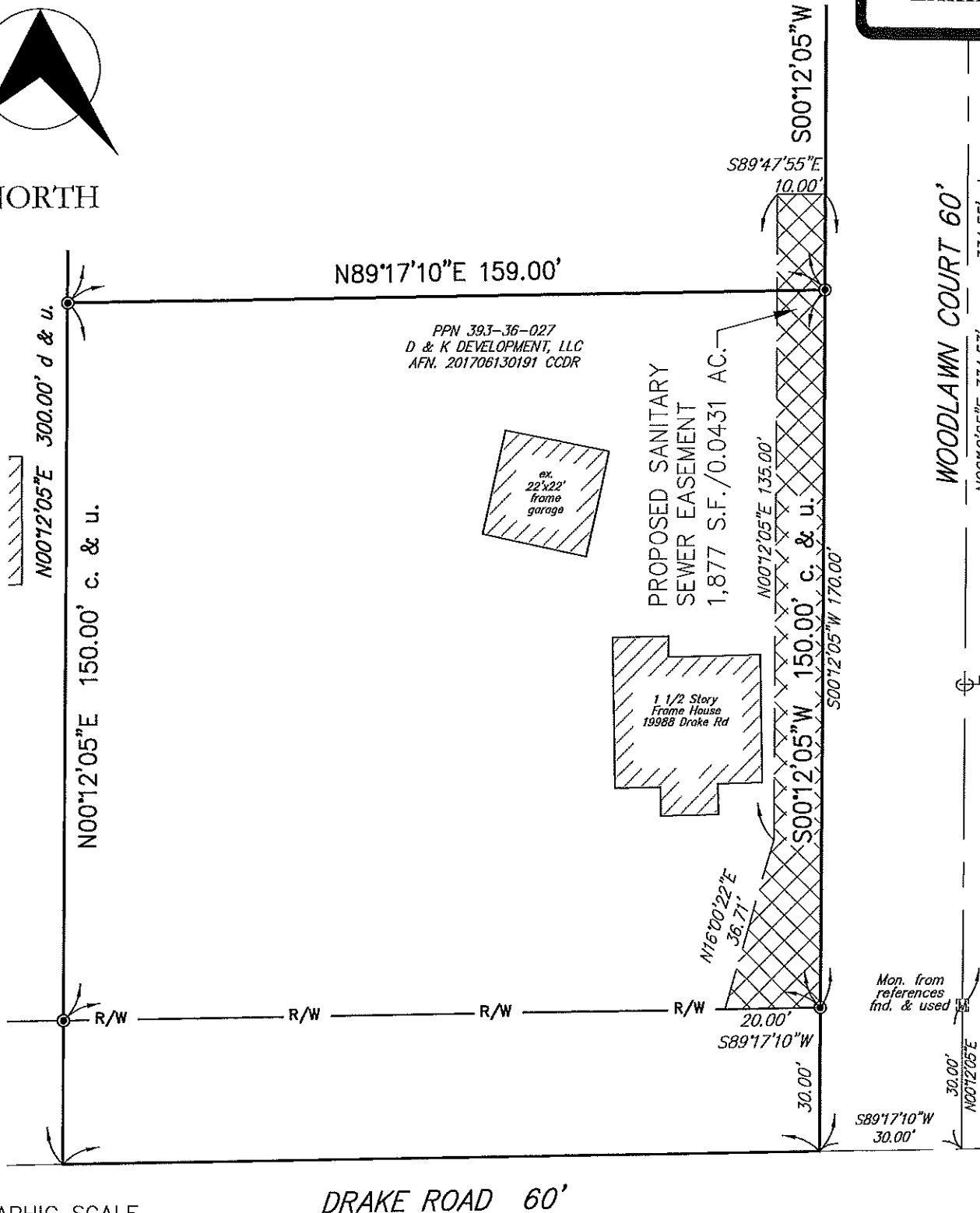
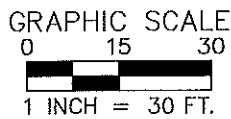


EXHIBIT B



CEM Engineers • Landscape Architects • Planners • Surveyors
6405 York Road | Parma Heights, Ohio 44130
Tel: 440.884.3100 | Fax: 440.884.3104

STRONGSVILLE, OHIO
11/02/2017 JOB# 14072

SANITARY SEWER EASEMENT

PPN 393-36-027

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: December 8, 2017

Please be advised that at its meeting of December 7, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

NEW CENTURY BUILDERS, INC./ Beth Scebbi, Principal

Parcel split of PPN 397-31-006 located at 19074 Howe Road, zoned R1-75, subject to City Councils acceptance of the plat with a deviation for sanitary sewers.

CITY OF STRONGSVILLE/ Lori Daley, Agent

Site Plan approval for a parking lot to provide 21 parking spaces at City Hall located at 18688 Royalton Road, PPN 396-10-009 zoned Public Facility.

D & K DEVELOPMENT LLC/ Bob Kalfas Principal

Parcel split of PPN 393-36-027 located at 19988 Drake Road, zoned R1-75 subject to City Councils acceptance of the sanitary sewer easement.

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2017 - 220

By: Mr. Daymut

A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN FOR A PARKING LOT AT THE CITY OF STRONGSVILLE CITY HALL, LOCATED AT 18688 ROYALTON ROAD.

WHEREAS, the City of Strongsville submitted a site plan to the Planning Commission for approval of a parking lot to provide twenty-one (21) parking spaces at City Hall, located at 18688 Royalton Road, PPN 396-10-009, and zoned Public Facilities; and

WHEREAS, the Planning Commission approved said site plan at its meeting of December 7, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, STATE OF OHIO:

Section 1. That this Council does hereby confirm the approval of the City's Planning Commission of the site plan submitted by the City of Strongsville for approval of a parking lot to provide twenty-one (21) parking spaces at City Hall, located at 18688 Royalton Road, PPN 396-10-009.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

RES
ORD. No. 2017-220
1st Rdg. _____ Amended: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

DRAFT

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2017 – _____

By: Mr. Daymut

A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF THE SITE PLAN FOR A PARKING LOT AT THE CITY OF STRONGSVILLE CITY HALL, LOCATED AT 18688 ROYALTON ROAD.

WHEREAS, the City of Strongsville submitted a site plan to the Planning Commission for approval of a parking lot to provide twenty-one (21) parking spaces at City Hall, located at 18688 Royalton Road, PPN 396-10-009, and zoned Public Facilities; and

WHEREAS, the Planning Commission approved said site plan at its meeting of December 7, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, STATE OF OHIO:

Section 1. That this Council does hereby confirm the approval of the City's Planning Commission of the site plan submitted by the City of Strongsville for approval of a parking lot to provide twenty-one (21) parking spaces at City Hall, located at 18688 Royalton Road, PPN 396-10-009.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: December 8, 2017

Please be advised that at its meeting of December 7, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

NEW CENTURY BUILDERS, INC./ Beth Scebbi, Principal

Parcel split of PPN 397-31-006 located at 19074 Howe Road, zoned R1-75, subject to City Councils acceptance of the plat with a deviation for sanitary sewers.

CITY OF STRONGSVILLE/ Lori Daley, Agent

Site Plan approval for a parking lot to provide 21 parking spaces at City Hall located at 18688 Royalton Road, PPN 396-10-009 zoned Public Facility.

D & K DEVELOPMENT LLC/ Bob Kalfas Principal

Parcel split of PPN 393-36-027 located at 19988 Drake Road, zoned R1-75 subject to City Councils acceptance of the sanitary sewer easement.

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2017 – 221

By: Mayor Perciak and Mr. Daymut

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR IMPROVEMENTS TO THE CITY OF STRONGSVILLE COMMONS PARKING LOT, AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

Section 1. That the Mayor be and is hereby authorized to advertise for bids for improvements to the parking lot at the Commons in the City of Strongsville, at Pearl and Royalton Roads, consisting of installation of a concrete parking lot, catch basin structures and the addition of ADA accessible parking spaces, all in accordance with specifications on file in the office of the City Engineer, which are in all respects hereby approved.

Section 2. That the funds for the purposes of this Resolution have been appropriated and shall be paid from the General Capital Improvement Fund and/or any available TIF funding.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary to authorize advertising for public bidding on this project in order to maintain and improve the City's facilities for the benefit and safety of its patrons, and to conserve public funds. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

President of Council

Approved: _____
Mayor

Date Passed: _____

Date Approved: _____

CITY OF STRONGSVILLE
RESOLUTION NO. 2017 - 221
Page 2

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
Clerk of Council

RES
ORD. No. 2017-221 Amended: _____
1st Rdg. _____ Ref: _____
2nd Rdg. _____ Ref: _____
3rd Rdg. _____ Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: _____ Defeated: _____

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 222

By: Mayor Perciak and Mr. Carbone

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR EMERGENCY REPAIRS AT THE CITY'S WASTEWATER TREATMENT PLANT "C", WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that emergency repairs to certain integral parts and appurtenances at the City's Wastewater Treatment Plant "C" are in need of immediate repair and replacement and which constitute a potential operational and safety hazard; and

WHEREAS, the Director of Public Service, therefore, has recommended that it is immediately necessary to contract for emergency repairs in order to protect the health, safety, welfare and property of the City, its employees, agents, guests and invitees; and

WHEREAS, the City has received a competitive quote from a reliable and readily available City vendor/contractor for such work consisting of repairs to the junction chamber pipes, by-pass pumping and sewer video to determine any other unforeseen problem areas, replacement of a gate valve, cleaning out of pump pits, and repairs to a 4" roof drain; and

WHEREAS, such vendor/contractor is able to promptly provide the necessary equipment and make the emergency repairs and replacement that are necessary at the most advantageous price.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO, BY UNANIMOUS AFFIRMATIVE VOTE:

Section 1. That this Council finds and determines, as set out in Article V, §5 of the Charter, that there is an immediate and present emergency in the operation of the Department of Public Service of the City of Strongsville, in that it is immediately necessary to enter into a contract, without public bidding, with **NERONE & SONS, INC.** for emergency work consisting of repairs to the junction chamber pipes, by-pass pumping and sewer video to determine any other unforeseen problem areas, replacement of a gate valve, cleaning out of pump pits, and repairs to a 4" roof drain, all in connection with continued and efficient operation of the City's Wastewater Treatment Plant C, and for the benefit of the public health, safety and welfare.

Section 2. That for the reasons aforesaid, this Council hereby approves and authorizes the Mayor to enter into a contract with **NERONE & SONS, INC.**, without public bidding, in a total amount not to exceed \$128,400.00 for the equipment and emergency work, as more fully set forth in the quotation attached hereto as Exhibit A, and incorporated herein by reference, and as reflected in a contract to be in a form approved by the Law Director.

Section 3. That the funds for the purpose of the aforesaid expenditure have been appropriated and shall be paid from the Sanitary Sewer Fund.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council; and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary to enter into said contract in order to provide continuity and efficient operation of the City's Wastewater facilities, to repair and protect City-owned utilities and property, and to conserve public funds. Therefore, provided this Ordinance receives the unanimous vote of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

_____ Approved: _____
 President of Council Mayor

Date Passed: _____ Date Approved: _____

	<u>Yea</u>	<u>Nay</u>
Carbone	_____	_____
Daymut	_____	_____
DeMio	_____	_____
Dooner	_____	_____
Schonhut	_____	_____
Short	_____	_____
Southworth	_____	_____

Attest: _____
 Clerk of Council

ORD. No. 2017-222 Amended: _____
 1st Rdg. _____ Ref: _____
 2nd Rdg. _____ Ref: _____
 3rd Rdg. _____ Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: _____ Defeated: _____

Nerone & Sons Inc.

19501 S. Miles Rd., Suite 1 • Warrensville Heights, Ohio 44128

Phone (216) 662-2235 • Fax (216) 662-5522

CITY OF STRONGSVILLE
EMERGENCY REPAIRS AT THE
STRONGSVILLE WASTEWATER TREATMENT PLANT

QUOTATION
12/12/2017

ITEM#	DESCRIPTION	QTY	UNIT	PRICE
1	BY-PASS PUMPING & SEWER VIDEO	1	LS	\$ 49,800.00
2	GATE VALVE CHANGE OUT	1	LS	\$ 50,600.00
3	CLEAN OUT PUMP PITS	1	LS	\$ 3,300.00
4	4" ROOF DRAIN REPAIR	1	LS	\$ 3,300.00
	TOTAL			\$ 107,000.00
5	CONTINGENCY			\$ 21,400.00
	<u>GRAND TOTAL</u>			<u>128,400.00</u>

WORK TO BE PERFORMED ON A TIME AND MATERIAL BASIS
NOT TO EXCEED BID PRICING

EXHIBIT A