

**DOCKET  
OF A MEETING OF  
THE LAKEWOOD CITY COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS  
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE  
NOVEMBER 7, 2016  
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and on the City's website [www.onelakewood.com](http://www.onelakewood.com) as soon after 4 PM on the Friday before a Council meeting as possible.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

**ADDRESSING COUNCIL** – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

**AGENDA ITEMS PROTOCOL:**

The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will be called to address Council by the Chair. A citizen must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

**PUBLIC COMMENT PROTOCOL:**

The Clerk at the end of the meeting will present the PUBLIC COMMENT sign-in sheet to the President of Council. Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A citizen must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

- I. Pledge of Allegiance
- II. Moment of Silence
- III. Roll Call

Reading and disposal of the minutes of the Regular Meeting of Council held October 17, 2016.

Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

\*\*\*\*OLD BUSINESS\*\*\*\*

1. Committee of the Whole Report regarding November 7, 2016 meeting. Mr. O'Leary; Chair. (To Be provided)
2. Public Safety Committee Report regarding Ordinance 37-16 (below) & Ordinance 28-15 (Amending 135.05, Traffic Guards to adapt the Code). Mr. O'Malley; Chair (To Be Provided)
3. **ORDINANCE NO. 37-16** – AN ORDINANCE amending subsection (a) of Section 510.01, Declaration of Nuisances, of the Codified Ordinances of the City of Lakewood by including false alarm calls required to be responded to by the Division of Police as nuisance activity. (1<sup>ST</sup> Reading 10/17/16) (Pg. 6)
4. Housing Committee Report regarding Ordinance 3-16. Mr. Anderson; Chair (To Be Provided)
5. **ORDINANCE 3-16** – AN ORDINANCE amending Section 1306.60 of the Codified Ordinances of the City of Lakewood by expanding on the regulations governing exterior electric and fuel-burning cooking devices. (PLEASE SUBSTITUTE FOR ORDINANCE 3-16 PLACED ON 1<sup>ST</sup> READING & referred to the housing committee 1/19/16; 2<sup>ND</sup> READING 2/1/16. Additional changes recommended by Planning Commission 10/7/16, REFERRED to HOUSING 10/17/16. (Pg. 9)
6. **ORDINANCE NO. 36-16** AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter. (1<sup>ST</sup> READING 10/3/16, 2<sup>ND</sup> 10/17/16) (Pg. 11)
7. **ORDINANCE NO. 38-16** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 128.051, Collection at Source; Withholding From Qualifying Wages, and Section 128.091, Return and Payment of Tax, of the Codified Ordinances of the City of Lakewood, in order to adopt additional changes to the Income Tax Code that were incorporated into the Ohio Revised Code.

(1<sup>st</sup> READING & REFERRED TO FINANCE COMMITTEE 10/17/16) (Pg. 13)

\*\*\*\*NEW BUSINESS\*\*\*\*

8. Communication from Council President O'Leary regarding City Council Boards and Commission appointments. (To Be Provided)
9. **RESOLUTION NO. 8892-16** A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing \_\_\_\_\_ to the **Audit Committee** of a two-year term ending December 31, 2017. (Pg. 25)
10. **RESOLUTION NO. 8893-16** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing \_\_\_\_\_ to the **Audit Committee** of a two-year term ending December 31, 2017. (Pg. 26)
11. **RESOLUTION NO. 8894-16** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing \_\_\_\_\_ to the **Lakewood Heritage Advisory Board** for the balance of a four-year term beginning January 1, 2015. (Pg. 27)
12. **RESOLUTION NO. 8895-16** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing \_\_\_\_\_ to the **Planning Commission** for six-year term beginning January 1, 2017 and ending December 31, 2022. (Pg. 28)
13. Communication from Councilmember O'Malley regarding Resolution to Celebrate 50<sup>th</sup> Anniversary of VMCAD College. (Pg. 29)
14. **RESOLUTION NO. 8896-16** – A RESOLUTION celebrating the 50<sup>th</sup> anniversary of VMCAD, previously known as the Virginia Marti College of Art and Design. (Pg. 30)

15. Communication from Mayor Appointment to Board of Zoning Appeals. (Pg. 31)
16. Communication from Finance Director Pae regarding Authority for Purchasing through Consortiums & Purchasing Organizations. (Pg. 32)
17. **RESOLUTION NO. 8897-16** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance to enter into agreements with various purchasing agencies to continue the efficient purchasing with the City of Lakewood and to permit direct purchasing from said agencies without necessity of advertising and bidding as required in Lakewood Codified Ordinance §111.04, Bidding. (Pg. 33)
18. Communication from Human Services Director Gelsomino regarding Cuyahoga County Community Social Service Program 2017-2018 (CSSP). (Pg. 40)
19. **RESOLUTION NO. 8898-16** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee to enter into an agreement with Cuyahoga County to accept funds estimated to be \$85,000 for the provision of congregate meals and transportation for seniors through the Division of Senior and Adult Services. (Pg. 41)
20. Communication from Public Works Director regarding Purchase of pool deck chairs. (Pg. 42)
21. **RESOLUTION 8899-16** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Purchasing Manager to purchase pool deck chairs without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(10) in accordance with the City of Lakewood standard purchase order terms and conditions. (Pg. 43)

22. Communication from Law Director Butler regarding Amendments to Chapter 1131, Entering Adjoining Property. (Pg. 47)
23. **ORDINANCE NO. 39-16** – AN ORDINANCE amending Chapter 1311, Entering Adjoining Property, of the Codified Ordinances of the City of Lakewood. (Pg. 48)
24. Liquor Permit Notice for C1, C2, and D6 transfers to AB Stores D/b/a Lakewood Convenient, 12901 Detroit Avenue. (Pg. 53)

ORDINANCE NO. 37-16

BY:

AN ORDINANCE amending subsection (a) of Section 510.01, Declaration of Nuisances, of the Codified Ordinances of the City of Lakewood by including false alarm calls required to be responded to by the Division of Police as nuisance activity.

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Subsection (a) of Section 510.01, Declaration of Nuisances, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**SECTION 510.01 DECLARATION OF NUISANCES.**

(a) Definition of Nuisance Activity. The following activities occurring either on residential or commercial property, or within one thousand (1,000) feet of the property line of said residential or commercial property, and engaged in by an owner, or the owner's agent, or the owner's lessee, occupant, invitee or the person or entity in charge of said residential or commercial property (including individual apartment and condominium units) are hereby declared to be public nuisances:

- (1) Any animal violations under Sections 505.02 (dogs running at large), 505.13, 505.15 and 505.20 (animal noise, excrement and biting), 505.18 or Chapter 506 (dangerous or vicious animals), 505.07 (killing or injuring animals), 505.09 (cruelty to animals) of the Codified Ordinances;
- (2) Any disorderly conduct disturbance of the peace or other violation of Chapter 509 of the Codified Ordinances;
- (3) Any drug abuse violation under Chapter 513 of the Codified Ordinances;
- (4) Any noise violation under Chapter 515 of the Codified Ordinances;
- (5) Any gambling violation under Chapter 517 of the Codified Ordinances;
- (6) Any health, safety, or sanitation violation under Chapter 521, 1775 or 1779 of the Codified Ordinances;
- (7) Any littering or deposition of waste under Section 521.08 of the Codified Ordinances;
- (8) Any obstruction of official business violation under Section 525.07 of the Codified Ordinances;
- (9) Any alcohol violations under Chapter 529 of the Codified Ordinances or under Chapter 4301 of the Ohio Revised Code;
- (10) Any sex offenses under Sections 533.07 (public indecency), 533.08 (procuring), 533.09 (soliciting) or 533.10 (prostitution) of the Codified Ordinances;
- (11) Any offenses against persons under Chapter 537 of the Codified Ordinances;

(12) Any offenses against property under Sections 541.03 (criminal damaging or endangering) or 541.04 (criminal mischief) of the Codified Ordinances;

(13) Any theft violation under Sections 545.05 (petty theft), 545.08 (unauthorized use of property), of the Codified Ordinances;

(14) Any weapons, explosives, firearm or handgun violation under Chapters 549 of the Codified Ordinances;

(15) Any fireworks violation under Section 549.10 of the Codified Ordinances;

(16) Any offense that is a felony under the Ohio Revised Code.

is hereby repealed, and new subsection (a) of Section 510.01, Declaration of Nuisances, is hereby enacted to read as follows:

#### **SECTION 510.01 DECLARATION OF NUISANCES.**

(a) Definition of Nuisance Activity. The following activities occurring either on residential or commercial property, or within one thousand (1,000) feet of the property line of said residential or commercial property, and engaged in by an owner, or the owner's agent, or the owner's lessee, occupant, invitee or the person or entity in charge of said residential or commercial property (including individual apartment and condominium units) are hereby declared to be public nuisances:

(1) Any animal violations under Sections 505.02 (dogs running at large), 505.13, 505.15 and 505.20 (animal noise, excrement and biting), 505.18 or Chapter 506 (dangerous or vicious animals), 505.07 (killing or injuring animals), 505.09 (cruelty to animals) of the Codified Ordinances;

(2) Any disorderly conduct disturbance of the peace or other violation of Chapter 509 of the Codified Ordinances;

(3) Any drug abuse violation under Chapter 513 of the Codified Ordinances;

(4) Any noise violation under Chapter 515 of the Codified Ordinances;

(5) Any gambling violation under Chapter 517 of the Codified Ordinances;

(6) Any health, safety, or sanitation violation under Chapter 521, 1775 or 1779 of the Codified Ordinances;

(7) Any littering or deposition of waste under Section 521.08 of the Codified Ordinances;

(8) Any obstruction of official business violation under Section 525.07 of the Codified Ordinances;

(9) Any alcohol violations under Chapter 529 of the Codified Ordinances or under Chapter 4301 of the Ohio Revised Code;

(10) Any sex offenses under Sections 533.07 (public indecency), 533.08 (procuring), 533.09 (soliciting) or 533.10 (prostitution) of the Codified Ordinances;

(11) Any offenses against persons under Chapter 537 of the Codified Ordinances;

(12) Any offenses against property under Sections 541.03 (criminal damaging or endangering) or 541.04 (criminal mischief) of the Codified Ordinances;

(13) Any theft violation under Sections 545.05 (petty theft), 545.08 (unauthorized use of property), of the Codified Ordinances;

(14) Any weapons, explosives, firearm or handgun violation under Chapters 549 of the Codified Ordinances;

(15) Any fireworks violation under Section 549.10 of the Codified Ordinances;

(16) Any false alarm call which is defined for the purposes of this Chapter as being an emergency call by an alarm company triggered by either an automated or manual alarm activation which, after investigation by the Division of Police it is determined that there is no need for criminal investigation and that the alarm activated for some other reason.

(17) Any offense that is a felony under the Ohio Revised Code.

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK OF COUNCIL

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

Placed on first reading and referred to the Housing Committee 1/19/2016; second reading 2/1/2016. Additional changes recommended by Planning Commission 10/7/2016. Please substitute for the original.  
REFERRED TO HOUSING 10/17/16.

ORDINANCE NO. 3-16

BY:

AN ORDINANCE amending Section 1306.60 of the Codified Ordinances of the City of Lakewood by expanding on the regulations governing exterior electric and fuel-burning cooking devices.

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1306.60, Exterior Electric and Fuel Burning Cooking Devices, of the the Codified Ordinances of the City of Lakewood, currently reading as follows:

**SECTION 1306.60. EXTERIOR ELECTRIC AND FUEL BURNING COOKING DEVICES.**

No electric or fuel burning cooking appliance or device shall be permitted to be operated upon any porch, balcony, patio deck, roof or similar structure when such structure is located above the first floor level or if the first floor level is enclosed or covered in whole or in part by awnings, canopies, arbors, roofs and similar roof structures.

is hereby repealed.

Section 2. New Section 1306.60, Exterior Electric and Fuel Burning Cooking Devices, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

**SECTION 1306.60. EXTERIOR ELECTRIC AND FUEL BURNING COOKING DEVICES.**

No portable electric or fuel burning cooking appliance or device shall be permitted to be operated upon any porch, balcony, patio deck, roof or similar structure when such structure is located above the first floor level or if the first floor level is enclosed or covered in whole or in part by awnings, canopies, arbors, roofs and similar roof structures. Permanently installed appliances designed for the cooking of food for human consumption are permitted at a balcony, deck or roof approved for occupancy which does not have a balcony, deck or roof top above; and is not more than three stories above the level of the fire department access. The fuel source shall be electricity or natural gas and the appliance shall be installed per the manufacturer's written requirements; with a manual shutoff within 6-feet of the appliance; and in compliance with applicable state codes.

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK OF COUNCIL

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ORDINANCE NO. 36-16

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, to approve the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances and to provide for the publication of such new matter.

WHEREAS, the Walter H. Drane Company has completed a revision and updating of the Codified Ordinances of the City; and

WHEREAS, various ordinances and resolutions of a general and permanent nature that have been passed by Council but not yet included in the Codified Ordinances of the City have now been made a part thereof; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the publication and distribution of the August 2016 Replacement Pages for the Codified Ordinances of the City of Lakewood should be conducted at the earliest date possible; now therefore,

BE IT ORDAINED BY CITY OF LAKEWOOD, OHIO:

Section 1. The editing, arrangement and numbering and renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
1-16	6-20-16	142.01, 516.01 to 516.21, 516.99, 537.18, 1327.08
23-16	5-2-16	505.18
24-16	5-2-16	1133.09(b)(1)

Section 2. The Second Amended Charter published in the Codified Ordinances is the official Charter of the City of Lakewood.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of 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. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the

Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ORDINANCE NO. 38-16

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 128.051, Collection at Source; Withholding From Qualifying Wages, and Section 128.091, Return and Payment of Tax, of the Codified Ordinances of the City of Lakewood, in order to adopt additional changes to the Income Tax Code that were incorporated into the Ohio Revised Code.

WHEREAS, this Council adopted the changes implemented in HB 5 which standardized municipal income tax codes in December 2015; and

WHEREAS, SB 172 was adopted by the state legislature and became effective on September 12, 2016 and further modified those standardized municipal tax codes; and

WHEREAS, these changes are necessary to keep Lakewood's tax code consistent with the states' code; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that it is in the best interest of the City to permit applicants an opportunity to seek Zoning Code variances during the current construction season; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 128.051, Collection at Source; Withholding From Qualifying Wages, of the Lakewood Codified Ordinances, currently reading as follows:

**128.051 COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES.**

(a) (1) Each employer, agent of an employer, or other payer located or doing business in the Municipality shall withhold from each employee an amount equal to the qualifying wages of the employee earned by the employee in the Municipality multiplied by the applicable rate of the Municipality's income tax, except for qualifying wages for which withholding is not required under section 128.052 of this Chapter or division (d) or (f) of this section. 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) In addition to withholding the amounts required under division (a)(1) of this section, an employer, agent of an employer, or other payer may also deduct and withhold, on the request of an employee, taxes for the municipal corporation in which the employee is a resident.

(b) (1) An employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Municipality 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, along with any report required by the Tax Administrator to accompany such payment, according to the following schedule:

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

(B) 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 municipal corporation in the preceding calendar year exceeded two thousand three hundred ninety-nine dollars, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded two hundred dollars. Payment under division (b)(1)(B) of this section shall be made so that the payment is received by the Tax Administrator not later than fifteen days after the last day of each month.

(C) An employer, agent of an employer or other payer may be required to make payment by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the employee for remittance to the Municipality 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 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. Once the threshold for remitting payment electronically for federal purposes has been met, any accrued municipal income tax withheld from employee qualifying wages earned within the Municipality shall be remitted to the Municipality at the same time that the federal tax withholding payment is due.

(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 qualifying wages of each employee and remitted to the Tax Administrator

(d) An employer, agent of an employer, or other payer is not required to withhold municipal 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 the Municipality 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 any municipal corporation income tax or municipal 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 the Municipality 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 the names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the Municipality during the preceding calendar year, the amount of tax withheld, if any, from each such employee's qualifying wage, the total amount of qualifying wages paid to such employee during the preceding calendar year, 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, 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, and 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 municipal income tax on tips and gratuities received by the employer's employees and constituting qualifying wages 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) A 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. At no time shall an employer withhold at a rate greater than that of the municipality. (ORC 718.03)

(l) No person shall be required to withhold the tax on wages or other compensation paid domestic servants employed by him exclusively in or about such person's residence, even though such residence is in the Municipality, but such employee shall be subject to all of the requirements of this chapter.

shall be and hereby is repealed, and new Section 128.051, Collection at Source; Withholding From Qualifying Wages, of the Lakewood Codified Ordinances is enacted to read as follows:

**128.051 COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES.**

(a) (1) Each employer, agent of an employer, or other payer located or doing business in the Municipality shall withhold from each employee an amount equal to the qualifying wages of the employee earned by the employee in the Municipality multiplied by the applicable rate of the Municipality's income tax, except for qualifying wages for which withholding is not required under section 128.052 of this Chapter or division (d) or (f) of this section. 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) In addition to withholding the amounts required under division (a)(1) of this section, an employer, agent of an employer, or other payer may also deduct and withhold, on the request of an employee, taxes for the municipal corporation in which the employee is a resident.

(b) (1) An employer, agent of an employer, or other payer shall remit to the Tax Administrator of the Municipality 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, along with any report required by the Tax Administrator to accompany such payment, according to the following schedule:

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

(B) 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 municipal corporation in the preceding calendar year exceeded two thousand three hundred ninety-nine dollars, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded two hundred dollars. Payments under division (b)(1)(B) of this section shall be made so that the payment is made to the Tax Administrator not later than fifteen days after the last day of each month.

(C) An employer, agent of an employer or other payer may be required to make payment by electronic funds transfer to the Tax Administrator of all taxes deducted and withheld on behalf of the employee for remittance to the Municipality 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 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. Once the threshold for remitting payment electronically for federal purposes has been met, any accrued municipal income tax withheld from employee qualifying wages earned within the Municipality shall be remitted to the Municipality at the same time that the federal tax withholding payment is due.

(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 qualifying wages of each employee and remitted to the Tax Administrator

(d) An employer, agent of an employer, or other payer is not required to withhold municipal 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 the Municipality 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 any municipal corporation income tax or municipal 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 the Municipality 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 the names, addresses,

and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the Municipality during the preceding calendar year, the amount of tax withheld, if any, from each such employee's qualifying wage, the total amount of qualifying wages paid to such employee during the preceding calendar year, 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, 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, and 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 municipal income tax on tips and gratuities received by the employer's employees and constituting qualifying wages 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) A 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. At no time shall an employer withhold at a rate greater than that of the municipality. (ORC 718.03)

(l) No person shall be required to withhold the tax on wages or other compensation paid domestic servants employed by him exclusively in or about such person's residence, even though such residence is in the Municipality, but such employee shall be subject to all of the requirements of this chapter.

Section 2. Section 128.091, Return and Payment of Tax, of the Lakewood Codified Ordinances, currently reading as follows:

**128.091 RETURN AND PAYMENT OF TAX.**

(a) (1) An annual return with respect to the income tax levied on Municipal Taxable Income by the Municipality shall be completed and filed by every taxpayer for any taxable year for which the taxpayer is subject to the tax, regardless of whether or not income tax is due.

(2) The Tax Administrator shall accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer located in the Municipality under subsection 128.051(c) 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 the Municipality.

(3) All resident individual taxpayers, who attain the age of 18 years within a tax year and older, shall file an annual municipal income tax return with the Municipality, regardless of income or liability.

(b) 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.

(c) If an individual is unable to complete and file a return or notice required by the Municipality in accordance with this chapter, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent, guardian, con-

servator, fiduciary, or other person charged with the care of the person or property of that individual. Such duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual shall provide, with the filing of the return, appropriate documentation to support that they are authorized to file a return or notice on behalf of the taxpayer. This notice shall include any legally binding authorizations, and contact information including name, address, and phone number of the duly authorized agent, guardian, conservator, fiduciary, or other person.

(d) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust. Such fiduciary shall provide, with the filing of the return, appropriate documentation to support that they are authorized to file a return or notice on behalf of the taxpayer. This notice shall include any legally binding authorizations, and contact information including name, address, and phone number of the fiduciary.

(e) Spouses shall be permitted to file a joint return.

(f) (1) Each return required to be filed under this section must contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) A taxpayer who is an individual is required to include, with each annual return, amended return, or request for refund required under this section, copies of only 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; 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. 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.

(3) A taxpayer that is not an individual is required 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.

(4) 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 or a portal provided by Municipality. The department of taxation shall publish a method of electronically submitting the documents required under this division through the Ohio business gateway on or before January 1, 2016. The department shall transmit all documents submitted electronically under this division to the appropriate Tax Administrator.

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

(6) Any other documentation, including schedules, other municipal income tax returns, or other supporting documentation necessary to verify credits, income, losses, or other pertinent factors on the return shall also be included to avoid delay in processing, or disallowance by the Tax Administrator of undocumented credits or losses.

(g) (1) (A) 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 Ohio Revised Code. 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 Municipality.

(B) Except as otherwise provided in this chapter, each annual net profit income tax 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 or period. 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 Municipality.

(C) In the case of individual income tax return required to be filed by an individual, and net profit income tax return required to be filed by a taxpayer who is not an individual, no remittance is required if the amount shown to be due is ten dollars or less.

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

(3) With respect to taxpayers to whom Section 128.092 of this Chapter applies, to the extent that any provision in this division conflicts with any provision in Section 128.092 of this Chapter, the provision in Section 128.092 of this Chapter prevails.

(h) (1) For taxable years beginning after 2015, the Municipality shall not require a taxpayer to remit tax with respect to net profits if the amount due is ten dollars or less.

(2) Any taxpayer not required to remit tax to the Municipality for a taxable year pursuant to division (h)(1) of this section shall file with the Municipality an annual net profit return under division (f)(3) and (4) of this section.

(i) This division shall not apply to payments required to be made under division (b)(1)(B) of Section 128.051 of this Chapter.

(1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that to the Tax Administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of 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.

(2) If a payment is required to be made by electronic funds transfer, the payment is considered to be made 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. For purposes of this section, "submitted the payment" means the date which the taxpayer has designated for the delivery of payment, which may or may not be the same date as the date the payment was initiated by the taxpayer.

(j) The amounts withheld for the Municipality by an employer, the agent of an employer, or other payer as described in Section 128.051 of this Chapter shall be allowed to the recipient of the compensation as credits against payment of the tax imposed on the recipient unless the amounts withheld were not remitted to the Municipality and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(k) Each return required by the Municipality to be filed in accordance with this section 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. The return or instructions accompanying the

return shall indicate that by checking the box the taxpayer authorizes the Tax Administrator to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the Tax Administrator with information that is missing from the return, to contact the Tax Administrator for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the Tax Administrator and has shown to the preparer or other person. Authorization by the taxpayer of another person to communicate with the Tax Administrator about matters pertaining to the return does not preclude the Tax Administrator from contacting the taxpayer regarding such matters.

(l) The Tax Administrator of the Municipality shall accept for filing a generic form of any income tax return, report, or document required by the Municipality in accordance with this Chapter, provided that the generic form, once completed and filed, contains all of the information required by ordinances, resolutions, or rules adopted by the Municipality, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this Chapter and of the Municipality's Ordinance or resolution governing the filing of returns, reports, or documents.

(m) When income tax returns, reports, or other documents require the signature of a tax return preparer, the Tax Administrator shall accept a facsimile of such a signature in lieu of a manual signature.

(n) (1) As used in this division, "worksite location" has the same meaning as in Section 128.052 of this chapter.

(2) A person may notify a tax administrator that the person does not expect to be a taxpayer with respect to the municipal corporation for a taxable year if both of the following conditions apply:

(A) The person was required to file a tax return with the municipal corporation for the immediately preceding taxable year because the person performed services at a worksite location within the municipal corporation, and the person has filed all appropriate and required returns and remitted all applicable income tax and withholding payments as provided by this chapter. The tax administrator is not required to accept an affidavit from a taxpayer who has not complied with the provisions of this chapter.

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

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 the municipal corporation. The affidavit also shall include the following statement: "The affiant has no plans to perform any services within the municipal corporation, make any sales in the municipal corporation, or otherwise become subject to the tax levied by the municipal corporation during the taxable year. If the affiant does become subject to the tax levied by the municipal corporation for the taxable year, the affiant agrees to be considered a taxpayer and to properly register as a taxpayer with the municipal corporation, if such a registration is required by the municipal corporation's resolutions, ordinances, or rules." The person shall sign the affidavit under penalty of perjury.

(C) If a person submits an affidavit described in division (n)(2) of this section, the tax administrator shall not require the person to file any 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, or the taxpayer has engaged in activity which results in work being performed, services provided, sales made, or other activity that results in municipal taxable income reportable to the Municipality in the taxable year. It shall be the responsibility of the tax-payer to comply with the provisions of this chapter relating to the reporting and filing of municipal taxable income on an annual municipal income tax return, even if an affidavit has been filed with the tax administrator for

the taxable year. Nothing in division (n) of this section prohibits the tax administrator from performing an audit of the person.

shall be and hereby is repealed, and new Section 128.091, Return and Payment of Tax, of the Lakewood Codified Ordinances is enacted to read as follows:

**128.091 RETURN AND PAYMENT OF TAX.**

(a) (1) An annual return with respect to the income tax levied on Municipal Taxable Income by the Municipality shall be completed and filed by every taxpayer for any taxable year for which the taxpayer is subject to the tax, regardless of whether or not income tax is due.

(2) The Tax Administrator shall accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer located in the Municipality under subsection 128.051(c) 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 the Municipality.

(3) All resident individual taxpayers, who attain the age of 18 years within a tax year and older, shall file an annual municipal income tax return with the Municipality, regardless of income or liability.

(b) 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.

(c) If an individual is unable to complete and file a return or notice required by the Municipality in accordance with this chapter, 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. Such duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual shall provide, with the filing of the return, appropriate documentation to support that they are authorized to file a return or notice on behalf of the taxpayer. This notice shall include any legally binding authorizations, and contact information including name, address, and phone number of the duly authorized agent, guardian, conservator, fiduciary, or other person.

(d) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust. Such fiduciary shall provide, with the filing of the return, appropriate documentation to support that they are authorized to file a return or notice on behalf of the taxpayer. This notice shall include any legally binding authorizations, and contact information including name, address, and phone number of the fiduciary.

(e) Spouses shall be permitted to file a joint return.

(f) (1) Each return required to be filed under this section must contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) A taxpayer who is an individual is required to include, with each annual return, amended return, or request for refund required under this section, copies of only 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; 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. 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.

(3) A taxpayer that is not an individual is required 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.

(4) 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 or a portal provided by Municipality. The department of taxation shall publish a method of electronically submitting the documents required under this division through the Ohio business gateway on or before January 1, 2016. The department shall transmit all documents submitted electronically under this division to the appropriate Tax Administrator.

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

(6) Any other documentation, including schedules, other municipal income tax returns, or other supporting documentation necessary to verify credits, income, losses, or other pertinent factors on the return shall also be included to avoid delay in processing, or disallowance by the Tax Administrator of undocumented credits or losses.

(g) (1) (A) 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 Ohio Revised Code. 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 Municipality.

(B) Except as otherwise provided in this chapter, each annual net profit income tax 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 or period. 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 Municipality.

(C) In the case of individual income tax return required to be filed by an individual, and net profit income tax return required to be filed by a taxpayer who is not an individual, no remittance is required if the amount shown to be due is ten dollars or less.

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

(3) With respect to taxpayers to whom Section 128.092 of this Chapter applies, to the extent that any provision in this division conflicts with any provision in Section 128.092 of this Chapter, the provision in Section 128.092 of this Chapter prevails.

(h) (1) For taxable years beginning after 2015, the Municipality shall not require a taxpayer to remit tax with respect to net profits if the amount due is ten dollars or less.

(2) Any taxpayer not required to remit tax to the Municipality for a taxable year pursuant to division (h)(1) of this section shall file with the Municipality an annual net profit return under division (f)(3) and (4) of this section.

(1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that to the Tax Administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of 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.

(2) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment.

(j) The amounts withheld for the Municipality by an employer, the agent of an employer, or other payer as described in Section 128.051 of this Chapter shall be allowed to the recipient of the compensation as credits against payment of the tax imposed on the recipient unless the amounts withheld were not remitted to the Municipality and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(k) Each return required by the Municipality to be filed in accordance with this section 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. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the Tax Administrator to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the Tax Administrator with information that is missing from the return, to contact the Tax Administrator for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the Tax Administrator and has shown to the preparer or other person. Authorization by the taxpayer of another person to communicate with the Tax Administrator about matters pertaining to the return does not preclude the Tax Administrator from contacting the taxpayer regarding such matters.

(l) The Tax Administrator of the Municipality shall accept for filing a generic form of any income tax return, report, or document required by the Municipality in accordance with this Chapter, provided that the generic form, once completed and filed, contains all of the information required by ordinances, resolutions, or rules adopted by the Municipality, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this Chapter and of the Municipality's Ordinance or resolution governing the filing of returns, reports, or documents.

(m) When income tax returns, reports, or other documents require the signature of a tax return preparer, the Tax Administrator shall accept a facsimile of such a signature in lieu of a manual signature.

(n) (1) As used in this division, "worksite location" has the same meaning as in Section 128.052 of this chapter.

(2) A person may notify a tax administrator that the person does not expect to be a taxpayer with respect to the municipal corporation for a taxable year if both of the following conditions apply:

(A) The person was required to file a tax return with the municipal corporation for the immediately preceding taxable year because the person performed services at a worksite location within the municipal corporation, and the person has filed all appropriate and required returns and remitted all applicable income tax and withholding payments as provided by this chapter. The tax administrator is not required to accept an affidavit from a taxpayer who has not complied with the provisions of this chapter.

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

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 the municipal corporation. The affidavit also shall include the following statement: "The affiant has no plans to perform any services within the municipal corporation, make any sales in the municipal corporation, or otherwise become subject to the tax levied by the municipal corporation during the taxable year. If the affiant does become subject to the tax levied by the municipal corporation for the taxable year, the affiant agrees to be considered a taxpayer and to properly register as a taxpayer with the municipal corporation, if such a registration is required by the municipal corporation's resolutions, ordinances, or rules." The person shall sign the affidavit under penalty of perjury.

(C) If a person submits an affidavit described in division (n)(2) of this section, the tax administrator shall not require the person to file any 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, or the taxpayer has engaged in activity which results in work being performed, services provided, sales made, or other activity that results in municipal taxable income reportable to the Municipality in the taxable year. It shall be the responsibility of the tax-payer to comply with the provisions of this chapter relating to the reporting and filing of municipal taxable income on an annual municipal income tax return, even if an affidavit has been filed with the tax administrator for the taxable year. Nothing in division (n) of this section prohibits the tax administrator from performing an audit of the person.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of 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. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five members of Council this ordinance shall take effect and be in force immediately, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing \_\_\_\_\_ (first appointee) to the Audit Committee for a two-year term ending December 31, 2017.

WHEREAS, the end of a term has caused a vacancy on the Audit Committee beginning January 1, 2016, in a seat occupied by a Council appointee, thus requiring an appointment to the committee; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints \_\_\_\_\_ (first appointee) to the Audit Committee for a two-year term beginning January 1, 2016 and ending December 31, 2017.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing \_\_\_\_\_ (second appointee) to the Audit Committee for a two-year term ending December 31, 2017.

WHEREAS, the end of a term has caused a vacancy on the Audit Committee beginning January 1, 2016, in a seat occupied by a Council appointee, thus requiring an appointment to the committee; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints \_\_\_\_\_ (second appointee) to the Audit Committee for a two-year term beginning January 1, 2016 and ending December 31, 2017.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing \_\_\_\_\_ to the Lakewood Heritage Advisory Board for the balance of a four-year term beginning January 1, 2015 and ending December 31, 2018.

WHEREAS, a resignation has caused a vacancy on the Lakewood Heritage Advisory Board beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints \_\_\_\_\_ to the Lakewood Heritage Advisory Board for the balance of a four-year term beginning January 1, 2015 and ending December 31, 2018.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing \_\_\_\_\_ to the Planning Commission for the six-year term beginning January 1, 2017 and ending December 31, 2022.

WHEREAS, the end of a term has caused a vacancy on the Planning Commission beginning January 1, 2017, in a seat occupied by a Council appointee, thus requiring an appointment to the commission; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints \_\_\_\_\_ to the Planning Commission for the six-year term beginning January 1, 2017 and ending December 31, 2022.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

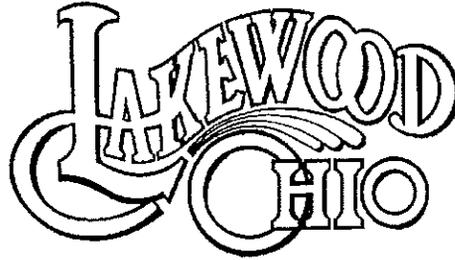
Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650  
[www.onelakewood.com](http://www.onelakewood.com)  
Lakewood City Council  
SAMUEL T. O'LEARY, PRESIDENT  
DAVID ANDERSON, VICE PRESIDENT

Council at Large  
RYAN P. NOWLIN  
THOMAS R. BULLOCK III  
CINDY MARX

Ward Council  
DAVID W. ANDERSON, WARD 1  
SAM O'LEARY, WARD 2  
JOHN LITTEN, WARD 3  
DANIEL O'MALLEY, WARD 4

November 7, 2016

Lakewood City Council  
Lakewood, OH 44107

**Re: Resolution to Celebrate 50<sup>th</sup> Anniversary of VMCAD College**

Dear Members of Council:

VMCAD College – formerly known as Virginia Marti College of Art and Design – is celebrating its 50<sup>th</sup> anniversary this year, and I am pleased to introduce the following resolution to recognize this important milestone.

For the past half century, VMCAD's traditional role in education has produced successful graduates who have become leaders in the design industry. Now, the college is reimagining and recreating itself to accommodate the needs of our macro-digital world and to become innovative, educational leaders in a world where technological advancements have changed the way we live and learn.

As VMCAD's identity as an academic institution is evolving, so too is their footprint in Lakewood as they seek to expand their campus in Ward 4. We are honored to have this college call our city its home.

Please join me in congratulating VMCAD College as they inaugurate their next fifty years as a competitive academic institution of higher learning for 21st century design and business students.

Sincerely,

Daniel J. O'Malley  
Councilmember, Ward 4

RESOLUTION NO.

BY:

A RESOLUTION celebrating the 50<sup>th</sup> anniversary of VMCAD, previously known as the Virginia Marti College of Art & Design.

WHEREAS, VMCAD is locally, regionally, and nationally recognized as the college where design and business converge, offering aspiring designers the ideal environment in which to thrive, and;

WHEREAS, VMCAD offers associate and bachelor degrees that prepare students for success in the fields of fashion, design, and interior design through a hands-on curriculum, and;

WHEREAS, VMCAD's personalized instruction and small school atmosphere nurture students' creative growth and entrepreneurial spirit, giving them an advantage in the competitive field of design, and;

WHEREAS, this Council and the City of Lakewood have derived great honor and esteem by VMCAD's various contributions and the vibrancy it adds to our community, now, therefore;

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That this Council hereby acknowledges VMCAD's milestone anniversary and celebrates its 50-year presence in our community.

Section 2. That the Clerk of Council be, and is hereby authorized to ensure that a copy of this resolution be spread upon the minutes of this meeting.

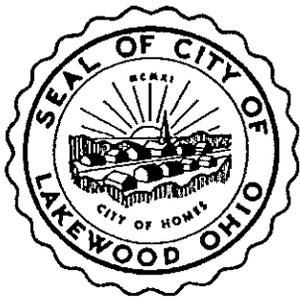
Adopted: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor



12650 DETROIT AVENUE • 44107 • 216/521-7580 • fax 216/521-1379  
Website: [www.onelakewood.com](http://www.onelakewood.com)

MICHAEL SUMMERS  
MAYOR

November 7, 2016

Lakewood City Council  
12650 Detroit Avenue  
Lakewood, Ohio 44107

Re: Mayor Appointment to Board of Zoning Appeals

Dear Members of Council:

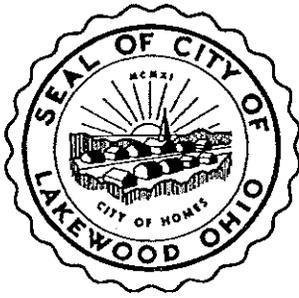
I would like to announce the appointment of LaTrese Yelder to the Board of Zoning Appeals. LaTrese will be replacing Cynthia Bender and her term will begin immediately and expire on December 31, 2016, at which time LaTrese can be re-appointed.

LaTrese is a sales associate with Howard Hanna, an active and engaged member of the community and will bring with her a wealth of experience to the Board.

I am grateful to LaTrese for being willing to volunteer her time, energy and knowledge to improve the quality of Lakewood. Her qualifications, know-how and dedication to our city will be an asset to the Board of Zoning Appeals.

Sincerely,

Michael P. Summers



Jennifer R. Pae  
Director of Finance

12650 DETROIT AVENUE • 44107 • 216/529-6092 • FAX 216/529-6806

November 7, 2016

Lakewood City Council

Re: Authority for Purchasing through Consortiums & Purchasing Organizations

Dear Members of Council:

Attached please find a resolution authorizing the purchase of goods and services through various organizations established for the sole purpose of obtaining cost-effective and efficient acquisition of quality products and services by pooling buying power. The organizations strive to make the procurement process more efficient by establishing competitively priced contracts for goods and services, and provide customer service necessary to assist members achieve their procurement goals.

Please refer to the finance committee for additional review.

Respectfully,

Jennifer R. Pae  
Director of Finance

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Director of Finance to enter into agreements with various purchasing agencies to continue the efficient purchasing with the City of Lakewood and to permit direct purchasing from said agencies without necessity of advertising and bidding as required in Lakewood Codified Ordinance §111.04, Bidding.

WHEREAS, Lakewood currently participates in various purchasing consortiums and is able to obtain competitive pricing through these consortiums that have established purchasing procedures in place; and

WHEREAS, participation in purchasing consortiums has opened purchasing options up to Lakewood without the need for bidding when necessary equipment with certain specifications is not available through the ODOT or State Purchasing Programs when items are often available at very competitive pricing through other purchasing agencies; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in order to allow Lakewood to realize the advantages of the membership in these additional purchasing consortiums; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby authorizes the Director of Finance to participate in purchasing through NASPO Value Point (no master agreement required) and The Interlocal Purchasing System (agreement attached as Exhibit A) to continue the efficient purchasing with the City of Lakewood and to permit direct purchasing from said agencies without necessity of advertising and bidding as required in Lakewood Codified Ordinance §111.04, Bidding.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all such deliberation of the Council and of 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. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of

Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

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

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

**INTERLOCAL AGREEMENT**  
**Region VIII Education Service Center**  
**OHIO PUBLIC AGENCY**  
**(School, College, University, State, City or County Office)**

\_\_\_\_\_  
OHIO  
EDUCATIONAL OR GOVERNMENT ENTITY

\_\_\_\_\_  
Control Number (TIPS will Assign)  
Schools enter County-District Number

and

Region VIII Education Service Center  
Pittsburg, Texas

225 - 950  
Region 8 County-District Number

The Texas Education Code §8.002 permits Regional Education Service Centers, at the direction of the Commissioner of Education, to provide services to assist school districts, colleges and universities in improving student performance and increasing the efficiency and effectiveness of school, college and university financial operations.

**Government Authority:**

Authority for such services in Ohio is granted under Ohio law. OHIO. REV. CODE ANN. § 9.48. These competitively bid cooperative purchasing services are extended to all Ohio State, City and County Government Agencies.

TICA also expressly states that a party to an interlocal contract may contract with a similar agency of another state. TEX. GOV'T CODE § 791.011 (b)(2). A school district is a local government in Ohio. Therefore, an interlocal purchasing cooperative in Texas has statutory authority to contract or agree with an Ohio public school district or other local government of Ohio.

Ohio law also permits participation in a joint purchasing program. OHIO. REV. CODE. ANN. § 9.48. Ohio law provides that a political subdivision may participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership. *Id* at § 9.48 (B)(2). Section 9.48 (A), Ohio Revised Code, provides that the term "political subdivision" has the same meaning as section 2744.01, Ohio Revised Code. *Id* at § 9.48 (A). Section 2744.01 states that a "political subdivision" means, among other entities, a school district. OHIO REV. CODE ANN. § 2744.01 (F). A Texas regional service center is a political subdivision of Texas. TEX. EDUC. CODE § 8.001, *et seq.* Therefore, Ohio public school districts, or other political subdivisions of the state of Ohio, have statutory authority to contract or agree with a Texas regional education service center to participate in a joint purchasing program operated by or through a state association of political subdivisions of Texas.

**Vision:**

TIPS will become the premier purchasing cooperative in North America through developing partnerships with quality vendors, school districts, universities, colleges, all governmental entities, and public and private industry.

**Mission:**

Our mission is to provide a proven purchasing process through quality customer service including timely response, legal support and effective recruitment by providing sufficient resources to include personnel.

**Purpose:**

The purpose of the TIPS program shall be to continue providing substantial savings and best value for participating educational entities or public agencies through cooperative purchasing.

**Effective:**

This Interlocal Agreement (hereinafter referred to as the "Agreement") is effective \_\_\_\_\_ and shall be automatically renewed annually unless either party gives sixty (60) days prior written notice of non-renewal. This Agreement may be terminated without cause by either party upon (60) days prior written notice, or may also be determined for cause at anytime upon written notice stating the reason for and effective date of such terminations and after giving the affected party a thirty (30) day period to cure any breach.

**Statement of Services to be Performed:**

Region VIII Education Service Center, by this *Agreement*, agrees to provide competitively bid cooperative purchasing services to the above-named public entity through a Program known as The Interlocal Purchasing System (TIPS) Program.

**Role of the TIPS Purchasing Cooperative:**

1. Provide organizational and administrative structure of the TIPS Program.
2. Provide Administrative and Support Staff necessary for efficient operation of the TIPS Program.
3. Provide marketing of the TIPS program to expand membership, awarded contracts and commodity categories.
4. Initiate and implement activities required for competitive bidding and vendor award process including posting, advertising, collecting proposals, scoring proposals, and awarding of vendor contracts.
5. Provide members with current awarded vendor contracts, instructions for obtaining quotes and ordering procedures.
6. Maintain filing system for all competitive bidding procedure requirements.
7. Provide Reports as requested.
8. Maintain active membership database for awarded vendors.
9. Provide TIPS training to members and vendors upon request.

**Role of the Education or Government Entity:**

1. Commit to participate in the TIPS Program.
2. Designate a Primary and Technology Contact for the entity to be responsible for promoting TIPS within the organization.
3. Commit to purchase products and services from TIPS Vendor Awarded Contracts when in the best interest of the entity. **PURCHASE ORDER MUST ALWAYS BE MARKED TIPS and EMAILED to TIPSPO@TIPS-USA.COM for processing.**
4. Accept shipments of products ordered from Awarded Vendors in accordance with standard purchasing procedures.
6. Pay Awarded Vendors in a timely manner for all goods and services received.
7. Report any vendor issues that may arise to the TIPS Cooperative Coordinator.

**General Provisions:**

Both Parties agree to comply fully with all applicable federal, state, and local statutes, ordinances, rules, and regulations in connection with the programs contemplated under this Agreement. This Agreement is subject to all applicable present and future valid laws governing such programs.

This Agreement shall be governed by the laws of the State of Texas and venue shall be in the county in which the administrative offices of RESC VIII are located which is Camp County, Texas.

It is the responsibility of the Entity purchasing from TIPS to insure that the respective State purchasing laws are being followed.

This Agreement contains the entire agreement of the Parties hereto with respect to the matters covered by its terms, and it may not be modified in any manner without the express written consent of the Parties.

If any term(s) or provision(s) of this Agreement are held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect

Before any party may resort to litigation, any claims, disputes or other matters in question between the Parties to this Agreement shall be submitted to nonbinding mediation

No Party to this Agreement waives or relinquishes any immunity or defense on behalf of themselves, their directors, officers, employees, and agents as a result of its execution of this Agreement and performance of the functions and obligations described herein.

This Agreement may be negotiated and transmitted between the Parties by means of a facsimile machine and the terms and conditions agreed to are binding upon the Parties.

**Authorization:**

Region VIII Education Service Center and The Interlocal Purchasing System (TIPS) Program have entered into an Agreement to provide competitively bid cooperative purchasing opportunities to entities as outlined above.

This Interlocal Agreement process was approved by the governing boards of the respective parties at meetings that were posted and held in accordance with the respective STATE Open Meetings Act, for Texas it was Government Code Ch. 551.

The individuals signing below are authorized to do so by the respective parties to this Agreement.

**Membership Entity-**

**Region 8 Education Service Center**

\_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signature

By: \_\_\_\_\_  
Authorized Signature

Title: \_\_\_\_\_

Title: Executive Director Region VIII ESC

\_\_\_\_\_ Date

\_\_\_\_\_ Date

\_\_\_\_\_



## Ohio Authority

### Government Authority:

Authority for such services in Ohio is granted under Ohio law. OHIO. REV. CODE ANN. § 9.48. These competitively bid cooperative purchasing services are extended to all Ohio State, City and County Government Agencies.

TICA also expressly states that a party to an interlocal contract may contract with a similar agency of another state. TEX. GOV'T CODE § 791.011 (b)(2). A school district is a local government in Ohio. Therefore, an interlocal purchasing cooperative in Texas has statutory authority to contract or agree with an Ohio public school district or other local government of Ohio.

Ohio law also permits participation in a joint purchasing program. OHIO. REV. CODE. ANN. § 9.48. Ohio law provides that a political subdivision may participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership. Id at § 9.48 (B)(2). Section 9.48 (A), Ohio Revised Code, provides that the term "political subdivision" has the same meaning as section 2744.01, Ohio Revised Code. Id at § 9.48 (A). Section 2744.01 states that a "political subdivision" means, among other entities, a school district. OHIO REV. CODE ANN. § 2744.01 (F). A Texas regional service center is a political subdivision of Texas. TEX. EDUC. CODE § 8.001, et seq. Therefore, Ohio public school districts, or other political subdivisions of the state of Ohio, have statutory authority to contract or agree with a Texas regional education service center to participate in a joint purchasing program operated by or through a state association of political subdivisions of Texas.



DEPARTMENT OF HUMAN SERVICES  
16024 MADISON AVENUE • 44107  
Telephone: (216) 529-6685  
Facsimile: (216) 529-5937

ANTOINETTE B. GELSOMINO  
DIRECTOR OF HUMAN SERVICES

November 7, 2016

Lakewood City Council  
Lakewood, OH 44107

RE: Cuyahoga County Community Social Service Program 2017-2018 (CSSP)

Dear Members of Council:

Attached for your approval is an Emergency Resolution authorizing the Mayor or his designee to enter into a contract with Cuyahoga County on behalf of the City of Lakewood, Department of Human Services, Division of Aging, to support current congregate meal and transportation services through funding provided under the Community Social Service Program (CSSP) for the contract period January 1, 2017 through December 31, 2018. I am requesting Council to waive the three reading requirement and approve this emergency resolution tonight to adhere to the County's deadline to enter into an agreement effective January 1<sup>st</sup>.

CSSP services are provided on a reimbursement basis with revenue estimated at \$85,000 over the two year contract period. Your passage of this resolution will support the continuation of services for Lakewood's vulnerable senior residents.

Sincerely,

Antoinette B. Gelsomino  
Director

ABG:is  
Attachment

The City of Lakewood, Department of Human Services, provides a continuum of responsive programs and services that enhance and promote the health and well-being of individuals, families and the community.



RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor or his designee to enter into an agreement with Cuyahoga County to accept funds estimated to be \$85,000 for the provision of congregate meals and transportation for seniors through the Division of Senior and Adult Services.

WHEREAS, the City of Lakewood has been awarded a grant in an amount estimated at \$85,000 for the provision of congregate meals and transportation for seniors served by the City of Lakewood from Cuyahoga County; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that this grant agreement is due to Cuyahoga County no later than November 8, 2016; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The Mayor or his designee is hereby authorized to enter into an agreement with Cuyahoga County to accept funds in an amount estimated to be \$85,000 through the Division of Senior and Adults Services for the provision of congregate meals and transportation for seniors served by the City of Lakewood.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

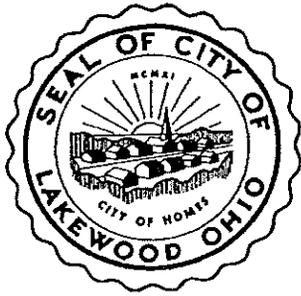
Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

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

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor



JOSEPH J. BENO, PE  
DIRECTOR OF PUBLIC WORKS

DEPARTMENT OF PUBLIC WORKS  
DIVISION OF ENGINEERING AND CONSTRUCTION  
12650 DETROIT AVENUE X 44107 X (216) 521-6692

November 7, 2016

RE: Purchase of pool deck chairs

Dear Members of Council,

The city advertised bid 16-029 to purchase new pool deck chairs and we did not receive any submissions for it. I am requesting to purchase 60 new pool deck chairs for Becks Pool at Madison Park based off quotes we received from 3 separate vendors. The vendors all received the bid information but would not submit required bid bond so I am asking for your approval of this purchase without a public bid. The total cost of the chairs is approximately \$30,000 and will be paid for with CDBG funds. These purchases will approximately double the amount of deck chairs at both pools.

After reviewing the cost, quality, and practicality of the quotes we received, I am recommending purchasing the chairs from Tailwind Furniture. The cost of this chair is less or comparable to other quotes. The reduced cost is allowing us to purchase 60 chairs rather than 40 with the funds that are available. Though the warranty is only 3 years, we currently have some of their products already and they have held up very well beyond 3 years. Lastly, their chairs have wheels on them that will make moving them around the deck easy.

Thank you for your consideration.

Sincerely,

Joseph J. Beno P.E.

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Purchasing Manager to purchase pool deck chairs without the necessity of bidding in accordance with Lakewood Codified Ordinance §111.04(a)(10) in accordance with the City of Lakewood standard purchase order terms and conditions.

WHEREAS, the City of Lakewood issued and advertised a bid for the purchase of pool deck chairs to increase the number of chairs available at each pool and didn't receive any responses; and

WHEREAS, pool deck chairs are not available for purchase through any state purchasing programs or through any purchasing consortiums of which the city is a member; and

WHEREAS, initially quotes were requested from multiple vendors for the purchase of 40 chairs; and

WHEREAS, competitive pricing has been obtained and at a lower cost than anticipated allowing the city to increase the quantity to 60 chairs; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in order to take advantage of this competitive pricing before the quote expires; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council hereby determines that it is impractical to award the purchase of pool deck chairs under competitive bidding procedures, and that it is more cost-effective and in the best interests of the City to award the contract without competitive bidding, and thus authorizes the Purchasing Manager to award a contract to Tailwind Furniture for the purchase of pool deck chairs.

Section 2. Council specifically approves the quote provided by Tailwind Furniture, attached as Exhibit A, together with the City of Lakewood's standard purchase order, as the contract for this matter.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council,

and that all such deliberation of the Council and of 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. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

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

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor



P. O. Box 129 Maple Park, IL 60151  
 (815) 8756-3638 (815) 756-3632 FAX

**QUOTE - 40 Chaise Lounges**

November 2, 2016  
 QUOTE#110216-cn11

Kurt Matej  
 (216) 529-6075  
 Kurt.Matej@lakewoodoh.net

**BILL TO:**

**PREPAID**  
 City of Lakewood  
 Kurt Matej  
 12650 Detroit Avenue  
 Lakewood, OH 44107

**SHIP TO:**

City of Lakewood  
 Kurt Matej  
 12650 Detroit Avenue  
 Lakewood, OH 44107

Qty.	Item #	Description	Color	Unit Price	Ext. Price
60		Tailwind CL600AR Chaise Lounge	Cedar	598.00	35,880.00
					-
					-
					-

<b>Total</b>				\$	35,880.00
<b>Discount</b>	20.00%				(\$7,176.00)
<b>Tax</b>		no tax		\$	-
<b>Sub Total</b>				\$	28,704.00
<b>Shipping &amp; Handling</b>				\$	587.00
<b>Grand Total</b>				\$	29,291.00

**Notes:**  
 All pricing is valid for 30 days from today's date. After 30 days, all pricing will require reviewing and re quoting.  
 Standard shipping is quoted to one business address only. Customer's personnel to meet driver of truck during regular business hours and promptly remove pallets from the truck.  
 Delivery fees are based on fuel prices today. Because of uncertain fuel costs in the future, we reserve the right to add or subtract any change in fuel charges in effect on the day of delivery.  
 Pallet dimensions & weights (approx.): 7@ 60"L x 30"W x 70"H 720 lbs. & 1@ 60"L x 30"W x 70"H 380 lbs. Total weight 5420 lbs.  
 Any variation to this quote will require re quoting.  
 A purchase order with an authorized signature and all specifications listed is required.  
 Due to the quantity & custom nature of the order, a deposit of 50% of the subtotal is required to begin manufacturing.  
 The remainder of the balance will be due prior to shipping.  
 All sales are considered final sales, with returns or exchanges not allowed.  
 Please allow approximately 8 to 10 days for manufacturing. Transit time is approximately 2 business days.

Thank you for your interest in Tailwind Furniture. Please contact me if I can be of further assistance.

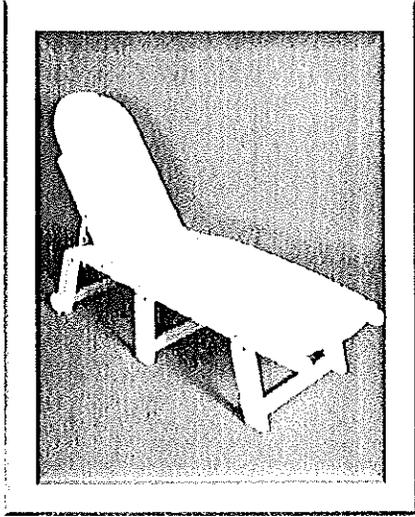
Sincerely,  
 Crystal N. Oksas

*Crystal N. Oksas*

11/2/2016

signature

date



**CL600AR** Chaise Lounge with arms- shown in white  
shown in white for quoting, customer to receive color requested





KEVIN M. BUTLER  
DIRECTOR OF LAW

PAMELA L. ROESSNER  
CHIEF PROSECUTOR

JENNIFER L. SWALLOW  
CHIEF ASSISTANT  
LAW DIRECTOR

ANDREW N. FLECK  
ASSISTANT PROSECUTOR/  
ASSISTANT LAW DIRECTOR

**LAW DEPARTMENT  
OFFICE OF PROSECUTION**  
12650 Detroit Avenue, Lakewood, Ohio 44107  
(216) 529-6030 | Fax (216) 228-2514  
[www.onelakewood.com](http://www.onelakewood.com)  
[law@lakewoodoh.net](mailto:law@lakewoodoh.net)

Direct dial: (216) 529-6034  
[kevin.butler@lakewoodoh.net](mailto:kevin.butler@lakewoodoh.net)

November 7, 2016

Lakewood City Council  
12650 Detroit Avenue  
Lakewood, Ohio 44107

**Re: Amendments to Chapter 1311, Entering Adjoining Property**

Dear Members of Council:

Following this letter is an ordinance that, if adopted, would make significant procedural revisions to a chapter of our code that is seldom invoked but nevertheless important in our tightly-packed community. The chapter involves adjoining property permits, which are issued when a person needing to do work on his or her property cannot do so without first going onto his or her neighbor's property, and when the neighbor has for whatever reason not granted consent.

Last updated in the 1960s, the chapter demands some attention in order to give all parties to these permits the due process protections they deserve and to provide the clarity that any codified law should provide those to be governed by it.

I request that the proposed legislation be referred to a committee of your choosing for further review.

Very truly yours,

Kevin M. Butler

ORDINANCE NO.

BY:

AN ORDINANCE amending Chapter 1311, Entering Adjoining Property, of the Codified Ordinances of the City of Lakewood.

WHEREAS, Chapter 1311 of the Codified Ordinances, enacted in 1964, stands to be updated in order to provide additional due process protections and regulations for both applicants for adjoining-property permits and their neighbors; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Chapter 1311, Entering Adjoining Property, of the Lakewood Codified Ordinances, currently reading as follows:

CHAPTER 1311  
Entering Adjoining Property

- 1311.01 Definitions.
- 1311.02 Consent or permit required.
- 1311.03 Application for permit.
- 1311.04 Permit fee; renewal.
- 1311.99 Penalty.

1311.01 DEFINITION.

As used in this chapter, "person" means any individual, firm, partnership, association, corporation or company.

1311.02 CONSENT OR PERMIT REQUIRED.

No person, being the owner of any real property in the City, or his lessee, tenant or manager, or any person acting for or on his or their behalf, shall prohibit, prevent, hinder or obstruct the owner of any adjoining real property, or his lessee, tenant or manager, or any person acting for or on his or their behalf, from entering upon such real property between the hours of 9:00 a.m. and 5:00 p.m. to work therefrom and/or to erect ladders, scaffolding or other similar equipment for the purpose of providing maintenance and/or repairs to such adjoining real property, provided, however, that consent is first obtained by the owner of such

adjoining real property, or his representative, from the owner of the premises to be entered upon, or his representative, or in lieu of such consent, a permit is first obtained from the Director of Public Safety as hereinafter provided. All ladders, scaffolding and all equipment of every kind and nature shall be removed from the property entered upon between the hours of 5:00 p.m. and 9:00 a.m. of each day such maintenance or repair work is being performed.

#### 1311.03 APPLICATION FOR PERMIT.

Any person desiring to enter upon another person's real property for the purpose of providing maintenance and/or repairs to his own adjoining real property, and not being able to obtain consent to so enter, shall make a written application to the Director of Public Safety setting forth and containing the following information:

- (a) The true name and address of the owner of the real property upon which the maintenance and/or repairs are to be performed.
- (b) The true name and address of the owner of the real property to be entered upon.
- (c) The nature and scope of the maintenance and/or repairs to be performed.
- (d) The nature and scope of any equipment to be used in performing such maintenance and/or repairs.
- (e) The dates of the period of time in which such maintenance and/or repairs are to be performed, which period of time shall not exceed three days. However, additional periods of time may be granted upon the filing of a renewal application in the event the proposed maintenance and/or repairs cannot be completed within three days.
- (f) A statement by the applicant that he will assume any and all liability for physical damages to the real property entered upon, to any personal property or fixtures located thereon, including trees, shrubbery, flowers, grass or other vegetation and for any personal injuries suffered by any one as the result of entering upon such property and performing the maintenance and/or repairs, and that he will indemnify and hold harmless the City, its officers and employees from any and all damage to person or property or from cost that may in any manner arise through the granting of this permit or the performance of any work done under it.

#### 1311.04 PERMIT FEE; RENEWAL.

Every applicant for a license hereunder shall submit to the Director of Public Safety with his application a permit fee of three dollars (\$3.00). Every applicant for a renewal permit hereunder shall submit to the Director of Public Safety with his renewal application a renewal fee of three dollars (\$3.00).

#### 1311.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Each day that an offense continues shall be considered a separate offense and shall be punishable as such.

shall be and hereby is repealed, and new Chapter 1311, Entering Adjoining Property, is enacted to read as follows:

CHAPTER 1311  
Entering Adjoining Property

- 1311.01 Definitions.
- 1311.02 Consent or permit required.
- 1311.03 Application for permit.
- 1311.04 Permit fee; issuance; contents; renewal.
- 1311.05 Appeal.
- 1311.99 Penalty.

1311.01 DEFINITION.

As used in this chapter, "person" means any individual, firm, partnership, association, corporation or company.

1311.02 CONSENT OR PERMIT REQUIRED.

No person, being the owner of any real property in the City, or his or her lessee, tenant or manager, or any person acting for or on his, her or their behalf, shall prohibit, prevent, hinder or obstruct the owner of any adjoining real property, or his or her lessee, tenant or manager, or any person acting for or on his, her or their behalf, from entering upon such real property between the hours of 9:00 a.m. and 5:00 p.m. Monday through Saturday, excluding federal holidays and Saturdays in weekends immediately preceding or following federal holidays, to work therefrom and/or to erect ladders, scaffolding or other similar equipment for the purpose of performing construction upon or providing maintenance and/or repairs to such adjoining real property, provided, however, that consent is first obtained by the owner of such adjoining real property, or his or her representative, from the owner of the premises to be entered upon, or his or her representative, or in lieu of such consent, a permit is first obtained from the Director of Public Safety-Building Commissioner as hereinafter provided in this chapter. All ladders, scaffolding and all equipment of every kind and nature shall be removed from the property entered upon between the hours of 5:00 p.m. and 9:00 a.m. of each day such maintenance or repair work is being performed.

1311.03 APPLICATION FOR PERMIT.

Any person desiring to enter upon another person's real property for the purpose of performing work upon providing maintenance and/or repairs to his or her own adjoining real property, and not being able to obtain consent to so enter, shall make a written application to the Director of Public Safety-Building Commissioner setting forth and containing the following information:

- (a) The true name and address of the owner of the real property upon which the maintenance and/or repairs are work is to be performed.
- (b) The true name and address of the owner of the real property to be entered upon.
- (c) The nature and scope of the work maintenance and/or repairs to be performed.

- (d) The nature and scope of any equipment to be used in performing such ~~maintenance and/or repairs~~work.
- (e) The dates of the period of time in which such ~~maintenance and/or repairs~~are work is to be performed, which period of time shall not exceed three days. ~~However, additional periods of time may be granted upon the filing of a renewal application in the event the proposed maintenance and/or repairs cannot be completed within three days.~~
- (f) A statement by the applicant that he will assume any and all liability for physical damages to the real property entered upon, to any personal property or fixtures located thereon, including trees, shrubbery, flowers, grass or other vegetation and for any personal injuries suffered by any one as the result of entering upon such property and performing the maintenance and/or repairs, and that he will indemnify and hold harmless the City, its officers and employees from any and all damage to person or property or from cost that may in any manner arise through the granting of this permit or the performance of any work done under it.
- (g) A sworn affidavit, on a form promulgated by the director of law, averring that the applicant has attempted to obtain the consent of the owner of the premises to be entered upon, or his or her representative; and that such consent has not been obtained despite the applicant's reasonable efforts. The affidavit must contain both a description of the efforts undertaken by the applicant to obtain consent; a statement explaining why the permit is necessary in order for the work to be performed; and, if a renewal permit is being sought, a statement explaining the efforts undertaken by the applicant to complete the work within the original permit period.

1311.04 PERMIT FEE; ISSUANCE; CONTENTS; RENEWAL.

- (a) Every applicant for a license permit hereunder shall submit to the Director of Public Safety-Building Commissioner with his application a permit fee of three dollars (\$3.00) in an amount established by Council. Every applicant for a renewal permit hereunder shall submit to the Director of Public Safety-Building Commissioner with his renewal application a renewal fee of three dollars (\$3.00) in an amount established by Council.
- (b) No permit shall become effective before the expiration of 10 days from the date the completed application is filed. The Building Commissioner may have up to 72 hours within which to evaluate an application before deciding whether to issue a permit. Upon the issuance of the permit to an applicant, the Building Commissioner shall make reasonable efforts notify the owner of the premises to be entered upon, or his or her representative, which may include residence service at the premises to be entered upon.
- (c) Each permit shall expire upon the earlier of the completion of the work to be performed or 5 p.m. on the third day after its effective date. Renewal permits may be granted upon the filing of a renewal application in the event the work has not been completed within three days and the Building Commissioner, in his or her discretion, finds the renewal permit to be necessary. No more than three permits affecting the same premises to be entered upon may be issued in favor of a property owner in any calendar year.

1311.05 APPEAL.

Any person aggrieved by a decision of the Building Commissioner to grant or deny a permit provided for under this chapter may, within 10 days of the date of the issuance or denial of the permit, file a written notice of appeal with the Building Commissioner. The appeal shall be heard by the Board of Building Standards and Building Appeals in accordance with Chapter 156 and applicable law, except that the hearing may be expedited by the secretary to the board notwithstanding any applicable filing deadlines. Except where the Building Commissioner has determined that the permit is required because of an emergency that could affect public health and safety, an appeal shall act as an automatic stay of the decision from which appeal has been made. A final decision of the Board of Building Standards and Building Appeals shall operate as the final decision of the City and may be appealed to a court of competent jurisdiction.

1311.99 PENALTY.

Whoever violates any of the provisions of ~~this chapter~~ Section 1311.02 shall be ~~fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) guilty of a minor misdemeanor.~~ Each day that an offense continues shall be considered a separate offense and shall be punishable as such.

Section 2. The fee for both an original permit and a renewal permit established pursuant to Section 1311.04 shall be \$25.00.

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

0007781		TRFO	AB STORES INC	
PERMIT NUMBER		TYPE	DBA LAKEWOOD CONVENIENT	
10	01	12 2016		
ISSUE DATE				
10	12	2016		
FILING DATE				
C1	C2	D6		
PERMIT CLASSES				
18	286	C	F17222	
TAX DISTRICT		RECEIPT NO.		

FROM 10/14/2016

3025379			GANESHA TRADING INC	
PERMIT NUMBER		TYPE	DBA LAKEWOOD CONVENIENT	
10	01	12 2016		
ISSUE DATE				
10	12	2016		
FILING DATE				
C1	C2	D6		
PERMIT CLASSES				
18	286			
TAX DISTRICT		RECEIPT NO.		



MAILED 10/14/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN. 11/14/2016

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.  
REFER TO THIS NUMBER IN ALL INQUIRIES C TRFO 0007781

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF LAKEWOOD CITY COUNCIL  
12650 DETROIT AV  
LAKEWOOD OHIO 44107