

**REVISED AGENDA FOR THE REGULAR COUNCIL MEETING**

**MONDAY, SEPTEMBER 28, 2015 at 7:30 p.m.**

**ROLL CALL**

- Council Clerk

**APPROVAL OF MINUTES**

- Council Members

**REPORTS AND COMMUNICATIONS**

- City Officials

**COMMITTEE REPORTS**

- Council Members

**CITIZEN COMMENTS**

- Citizens of Bellevue

**PRESIDENT'S REPORT**

- President Smith

**LEGISLATION**

- Law Director

**3<sup>rd</sup> READING OF RESOLUTION R-5-15:**

President Smith

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

**1<sup>ST</sup> READING OF ORDINANCE 15-15:**

Budget & Finance Committee

**AN ORDINANCE AUTHORIZING A PAY RAISE FOR THE APPOINTED POSITION OF BELLEVUE ASSISTANT LAW DIRECTOR (CITY PROSECUTING ATTORNEY).**

**1<sup>ST</sup> READING OF ORDINANCE 16-15:**

Budget & Finance Committee

**AN ORDINANCE AUTHORIZING PAY RAISES FOR ELECTED OFFICIALS OF THE CITY OF BELLEVUE, THEREBY AMENDING SECTION 157.04 OF THE CITY OF BELLEVUE CODIFIED ORDINANCES.**

**1<sup>ST</sup> READING OF ORDINANCE 17-15:**

Budget & Finance Committee

**AN ORDINANCE TO AMEND CHAPTER 193 OF THE CODIFIED ORDINANCES OF THE CITY OF BELLEVUE MUNICIPAL INCOME TAX**

**CLOSING COMMENTS**

**ADJOURNMENT**

**NOTE: There will be an open house at the new Goodwill facility (formerly Pamida) on Monday, September 28, 2015 at 6:30 p.m.**

**RESOLUTION NO. R-5-15**

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY  
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY AUDITOR  
(CITY COUNCIL)**

The Council of the City of Bellevue, Sandusky, County, Ohio, met in regular session on the 21<sup>st</sup> day of September, 2015, at the City Council Chambers with the following members present:

Mr. Baker	<input type="checkbox"/>
Mr. Feuerstein	<input type="checkbox"/>
Mrs. Henry	<input type="checkbox"/>
Mr. Hill	<input type="checkbox"/>
Mr. Miller	<input type="checkbox"/>
Mrs. Missler	<input type="checkbox"/>
Miss Nascone	<input type="checkbox"/>

\_\_\_\_\_ moved the adoption of the following  
Resolution:

Whereas, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2016; and

WHEREAS, The Budget Commission of Sandusky County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill limitation; therefore, be it

RESOLVED, By the Council of the City of Bellevue, Sandusky, County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That here be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**Schedule A**

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX  
APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED  
TAX RATES**

Fund	Approved by Amount Budget Commission Inside 10 M. Limitation	Amount to be derived from Levies outside 10 M. Limitation	County Auditor Estimate of tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M Limit
General Fund	\$253,750.00		2.00	
Police Pension Fund	\$ 38,063.00		0.30	
Firemen Pension Fund	\$ 38,063.00		0.30	
EMS Fund		\$175,029.00		2.00
Recreation Fund		\$253,580.00		2.00
<b>TOTAL</b>	<b>\$329,876.00</b>	<b>\$428,609.00</b>	<b>2.60</b>	<b>4.00</b>

**Schedule B**

**Levies Outside 10 Mill Limitation, Exclusive of Debt Levies**

	Maximum Rate Authorized To be levied	Co. Auditor's Est. Of Yield of Levy (Carry to Schedule A)
EMS Levy authorized by voters on Nov. 5, 2013 For a period not to exceed 5 years	2.00	\$175,029.00
Recreation Levy authorized by voters on Nov 5, 2013 For a period not to exceed 5 years	1.00	\$126,790.00
Recreation Levy authorized by voters on Nov. 6, 2012 For a period not to exceed 5 years	1.00	\$126,790.00

And be it further

RESOLVED, that the Clerk of this Council be, and is hereby directed to certify a copy of this Resolution to the County Auditor of Sandusky County.

\_\_\_\_\_ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. Baker \_\_\_\_\_  
 Mr. Feuerstein \_\_\_\_\_  
 Mrs. Henry \_\_\_\_\_  
 Mr. Hill \_\_\_\_\_

Mr. Miller \_\_\_\_\_  
 Mrs. Missler \_\_\_\_\_  
 Miss Nascone \_\_\_\_\_

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

DATED: \_\_\_\_\_

\_\_\_\_\_  
**RONALD SMITH**  
**President of Council**

ATTEST:

APPROVED:

\_\_\_\_\_  
**RHONDA R. SOPER**  
**Clerk of Council**

\_\_\_\_\_  
**DONALD R. BERKEY**  
**Mayor**

**CERTIFICATE OF COPY  
ORIGINAL ON FILE**

STATE OF OHIO                    )  
  : ss  
COUNTY OF SANDUSKY )

I, Rhonda R. Soper, Clerk of the Council of the City of Bellevue in said County, and in whose custody the files and records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution No. R-5-15 now on file with said Board, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Rhonda R. Soper  
Bellevue City Council Clerk

**ORDINANCE NO. 15-15**

**AN ORDINANCE AUTHORIZING A PAY RAISE FOR THE APPOINTED POSITION OF BELLEVUE ASSISTANT LAW DIRECTOR (CITY PROSECUTING ATTORNEY).**

**WHEREAS**, the City Council of the City of Bellevue desires to set compensation for this position effective January 1, 2016 and to implement annual increases for this position as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bellevue, Huron, Sandusky, and Erie Counties, Ohio:

**SECTION 1:** That the annual compensation of the following appointed official shall be set as follows effective January 1, 2016:

Bellevue Assistant Law Director  
(City Prosecuting Attorney)            \$27,000.00 annually.

**SECTION 2:** That the amount of the annual compensation of the above appointed official shall be further increased on January 1, 2017 and on January 1 of each subsequent year, by way of a Cost of Living Adjustment (COLA) to be determined according to the Social Security Administration annual Cost of Living Adjustment in effect on January 1, 2017, and on January 1, 2018, and on January 1, 2019, and continuing each January 1 thereafter, unless and until further adjusted by this Council. Notwithstanding the foregoing, no annual adjustment shall be in excess of 2% for that year. The determination of any increases shall be ascertained and calculated by the City Auditor, with the review and input of the City Treasurer as may be necessary.

**SECTION 3:** That the Auditor of the City of Bellevue is hereby authorized and directed to draw his warrant or warrants in payment of the above amount payable in equal instalments according to past practice.

**SECTION 4:** All other benefits payable for said position shall remain in full force and effect.

**SECTION 5:** If the provisions of this ordinance conflict with any previously passed ordinance or resolution or any portion of any ordinance or resolution, said previously enacted ordinance or resolution is repealed to the extent of any conflict. This ordinance specifically amends the ordinance previously setting forth the compensation for this position provided by Ordinance No. 13-07 and other previous ordinances.

**SECTION 6:** That this ordinance shall go into full force and effect from the earliest period allowed by law, subject to the effective date of January 1, 2016, as set forth herein.

DATE: \_\_\_\_\_

\_\_\_\_\_  
RONALD SMITH  
PRESIDENT OF COUNCIL

ATTEST:

APPROVED:

\_\_\_\_\_  
RHONDA R. SOPER  
CLERK OF COUNCIL

\_\_\_\_\_  
DONALD R. BERKEY  
MAYOR

**ORDINANCE NO. 16-15**

**AN ORDINANCE AUTHORIZING PAY RAISES FOR ELECTED OFFICIALS OF THE CITY OF BELLEVUE, THEREBY AMENDING SECTION 157.04 OF THE CITY OF BELLEVUE CODIFIED ORDINANCES.**

**WHEREAS**, the City Council of the City of Bellevue desires to establish compensation for these positions effective January 1, 2016 and to implement annual increases for these positions as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bellevue, Huron, Sandusky, and Erie Counties, Ohio:

**SECTION 1:** That the annual compensation of the following elected officials shall be set as follows effective January 1, 2016:

- a) Auditor of the City of Bellevue: \$37,000.00 annually
- b) Law Director of the City of Bellevue: \$33,000.00 annually
- c) Mayor of the City of Bellevue: \$32,000.00 annually.

**SECTION 2:** That the amount of the annual compensation of the above elected officials shall be further increased on January 1, 2017 and on January 1 of each subsequent year, by way of a Cost of Living Adjustment (COLA) to be determined according to the Social Security Administration annual Cost of Living Adjustment in effect on January 1, 2017, and on January 1, 2018, and on January 1, 2019, and continuing each January 1 thereafter, unless and until further adjusted by this Council. Notwithstanding the foregoing, no annual adjustment shall be in excess of 2% for that year. The determination of any increases shall be ascertained and calculated by the City Auditor, with the review and input of the City Treasurer as may be necessary.

**SECTION 3:** That the Auditor of the City of Bellevue is hereby authorized and directed to draw his warrant or warrants in payment of the above amounts payable in equal instalments according to past practice.

**SECTION 4:** All other benefits payable for said positions shall remain in full force and effect.

**SECTION 5:** If the provisions of this ordinance conflict with any previously passed ordinance or resolution or any portion of any ordinance or resolution, said previously enacted ordinance or resolution is repealed to the extent of any conflict. This ordinance specifically amends the ordinances previously setting forth the compensation for these positions provided by Ordinance No. 12-07 and other previous ordinances.

**SECTION 6:** That this ordinance shall go into full force and effect from the earliest period allowed by law, subject to the effective date of January 1, 2016, as set forth herein.

DATE: \_\_\_\_\_

\_\_\_\_\_  
RONALD SMITH  
PRESIDENT OF COUNCIL

ATTEST:

APPROVED:

\_\_\_\_\_  
RHONDA R. SOPER  
CLERK OF COUNCIL

\_\_\_\_\_  
DONALD R. BERKEY  
MAYOR

## **ORDINANCE NO. 17-15**

### **AN ORDINANCE TO AMEND CHAPTER 193 OF THE CODIFIED ORDINANCES OF THE CITY OF BELLEVUE REGARDING MUNICIPAL INCOME TAX.**

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

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

**WHEREAS**, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

**WHEREAS**, more specifically, the general Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is “levied in accordance with the provisions and limitations specified in [Chapter 718];” and

**WHEREAS**, upon a detailed review of H.B. 5 and the Codified Ordinances of the City of Bellevue, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

**WHEREAS**, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be “levied in accordance with the provisions and limitations specified in [Chapter 718]” and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bellevue, Erie, Huron and Sandusky Counties, Ohio:

**SECTION 1:** That Chapter 193 of the Codified Ordinances be amended to read as set forth in the document entitled "Chapter 193, Income Tax" attached hereto as Exhibit "A" and incorporated herein by reference.

**SECTION 2:** That this Ordinance shall take effect and be in force from and after January 1, 2016.

**WHEREFORE,** this ordinance shall go into full force and effect from the earliest period allowed by law, subject to the effective date of January 1, 2016, as set forth herein.

DATED: \_\_\_\_\_, 2015

\_\_\_\_\_  
**RONALD SMITH**  
President of Council

ATTEST:

APPROVED:

\_\_\_\_\_  
**RHONDA R. SOPER**  
Clerk of Council

\_\_\_\_\_  
**DONALD R. BERKEY**  
Mayor