

**RESOLUTION NO. R-09-18**

**A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF THE RENEWAL OF AN EXISTING 1.90 MILL TAX LEVY FOR THE PURPOSE OF STREET MAINTENANCE AND REPAIRS PURSUANT TO THE OHIO REVISED CODE SECTION 5705.19(G) AND DECLARING AN EMERGENCY**

**WHEREAS**, Council deems it necessary and in the best interest of the health, safety and welfare of the citizens of Avon to provide funds for street maintenance and repairs in the Municipality; and

**WHEREAS**, pursuant to Resolution R-07-13, the question of a 1.90 mill renewal tax levy, which is in excess of the Ten Mill limitation, for the purpose of providing for street maintenance and repairs, was submitted to the electors of the City of Avon at the November 5, 2013 general election and approved; and

**WHEREAS**, this levy will expire in duplicate year 2017, the last collection year being calendar year 2018; and

**WHEREAS**, Section 5705.19(G) of the Ohio Revised Code authorizes the renewal of the existing levy to continue to maintain and repair city streets without interruption, therefore a renewal of this 1.90 mill levy must be placed on the May 8, 2018 primary ballot; and

**WHEREAS**, on January 31, 2018, the Lorain County Auditor certified that the total current tax valuation of the City is \$850,885,190.00 and the dollar amount of revenue that would be generated by a 1.90 mill renewal levy would be \$1,428,477.00 annually during the life of the levy, assuming the total current tax valuation remains constant throughout the life of the levy; and

**WHEREAS**, this renewal of the 1.90 mill levy would be for a period of five (5) years commencing in duplicate year 2018 with first collection year being 2019; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:**

Section 1 - That it is necessary to levy a tax in excess of the ten-mill limitation upon the entire territory of the City of Avon for the benefit of the City of Avon for the purpose of street maintenance and repair at the rate of 1.90 mill for each One Dollar (\$1.00) of valuation, which amounts to nineteen (\$.19) Cents for each One Hundred (\$100.00) Dollars of valuation for a period of Five (5) Years and would generate approximately One Million, Four Hundred Twenty Eight Thousand, Four Hundred and Seventy Seven and 00/100 (\$1,428,477.00) Dollars, commencing with the levy on the 2018 tax list and duplicate.

Section 2 - That the question of the renewal of the existing 1.90 mill levy upon the 2018 tax duplicate shall be submitted to all of the electors of said Avon City at a primary election to be held at the usual voting places on May 8, 2018.

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Section 3 - That the form of ballot to be cast at such election on the question of such tax levy shall be substantially as follows:

“A majority affirmative vote is necessary for passage.

A RENEWAL of an existing 1.90 mill levy to constitute a tax for the benefit of AVON CITY for the purpose of STREET MAINTENANCE AND REPAIRS, at a rate not exceeding 1.90 mill for each one dollar of valuation, which amounts to nineteen cents (\$0.19) for each one hundred dollars of valuation, for five (5) years, commencing in 2018, first due in calendar year 2019.”

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|--|----------------------|
|  | FOR THE TAX LEVY     |
|  | AGAINST THE TAX LEVY |

Section 4 - That this Resolution shall be effective upon its adoption and shall be certified by the Clerk of Council within Five (5) days thereafter to the Board of Elections of Lorain County, which shall place such question upon the ballot at the primary election to be held on May 8, 2018 and shall request the Board to provide for a notice of the election as required by law.

Section 5 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Resolution were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6 - That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity of timely placing a levy on the primary ballot for May 8, 2018 to provide necessary funds for street maintenance and repair for and within the City; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

By: \_\_\_\_\_  
Craig L. Witherspoon, Council President

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DATE APPROVED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasior, Law Director

ATTEST:

\_\_\_\_\_  
Barbara Brooks  
Clerk of Council

Posted: \_\_\_\_\_  
In Five Places as  
Provided by Council

Prepared By:  
John A. Gasior, Esq.  
Law Director