

**AN ORDINANCE**

**SUBMITTING TO THE ELECTORS OF THE CITY OF PEPPER PIKE THE QUESTION OF WHETHER RECREATIONAL TRAILS (SIDEWALKS) SHOULD BE DESIGNED, CONSTRUCTED, AND MAINTAINED BY THE CITY IN THE RIGHTS-OF-WAY OF SHAKER BOULEVARD, SOUTH WOODLAND ROAD, AND LANDER ROAD, PROVIDED THAT SUCH DESIGN, CONSTRUCTION, AND MAINTENANCE CAN BE FUNDED BY THE CITY WITHOUT ADDITIONAL TAXES OR ASSESSMENTS, AND DECLARING AN EMERGENCY.**

WHEREAS, the Council of the City of Pepper Pike has had several meetings to discuss proposed recreational trails (sidewalks) being constructed within the City of Pepper Pike; and

WHEREAS, at such meetings parties on both sides of the issue, i.e., those who are in favor of such trails and those who are opposed to such trails, have requested the opportunity to hold a public vote on this issue so that Council may be advised of the majority's position; and

WHEREAS, this Council finds and determines that there should be an advisory election on the question of whether there should be recreational trails designed, constructed, and maintained within the rights-of-way of Shaker Boulevard, South Woodland Road, and Lander Road, provided that such design, construction, and maintenance can be funded by the City of Pepper Pike without raising additional taxes or assessments; and

WHEREAS, the Council of the City of Pepper Pike has the authority to call for an advisory election pursuant to Article XVIII, Section 3 and 7 of the Ohio Constitution, Article II and Article III, Section 3 of the Charter of the City of Pepper Pike, and the Ohio Supreme Court's decision in *State, ex rel. Bedford v. Cuyahoga County Board of Elections*, 62 Ohio St.3d 17, 577 N.E. 2d 645 (1991); and

WHEREAS, the proposed plebiscite is consistent with the core values of our democratic republic; and

WHEREAS, this Council finds and determines that November 7, 2023, is an appropriate time for the advisory election.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PEPPER PIKE, COUNTY OF CUYAHOGA, STATE OF OHIO:**

SECTION 1. That the question of whether recreational trails should be designed, constructed, and maintained in the rights-of-way of Shaker Boulevard, South Woodland Road, and Lander Road, provided that such design, construction, and maintenance can be funded without raising additional taxes, shall be presented to the electorate of the City of Pepper Pike at an election held at the time of the November municipal election: November 7, 2023.

SECTION 2. That the form of ballot to be cast at the advisory election identified in Section 1 shall read and provide as follows:

"PROPOSED RECREATIONAL TRAILS (SIDEWALKS)  
A majority affirmative vote is necessary for passage:

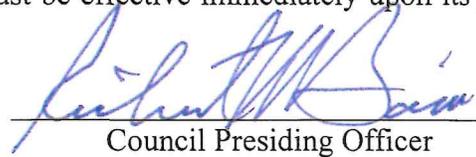
Shall the City of Pepper Pike design, construct, and maintain recreational trails (sidewalks) in the rights-of-way of Shaker Boulevard, South Woodland Road, and Lander Road, provided that such design, construction, and maintenance can be funded by the City without raising additional taxes or assessments?"

SECTION 3. That the Clerk of Council is hereby authorized and directed to cause a copy of this Ordinance to be certified to the Board of Elections for Cuyahoga County, which Board is requested to conduct an election on this issue to be held at the time of the general municipal election on Tuesday, November 7, 2023. The certification and delivery of the Ordinance shall occur not fewer than ninety (90) days prior to November 7, 2023, so that the question identified above may be placed on the ballot and submitted to the electors of Pepper Pike in the manner required by law.

SECTION 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Pepper Pike and, further, for the reason that in order for this matter to be timely placed upon the November 7, 2023, election ballot, the authorization of the Clerk to certify this Ordinance to the Board of Elections must be effective immediately upon its passage and approval by the Mayor.

PASSED: August 7, 2023

  
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Council Presiding Officer

Submitted to the Mayor for approval on this 7<sup>th</sup> day of August, 2023

Approved by the Mayor this  
7<sup>th</sup> day of August, 2023

ATTEST:  
  
\_\_\_\_\_  
Clerk of Council

  
\_\_\_\_\_  
Mayor

**This is to certify that the above is a true correct  
copy of ORDINANCE 2023-06  
passed by the Council of the City of Pepper Pike  
at its meeting on AUGUST 7, 2023**

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