

**MINUTES
LEGISLATIVE CAUCUS**

7:35 p.m.

July 13, 2010

Pursuant to Codified Ordinance Section 111.01 (17) and ORC Section 121.22, notice of the following meeting was given on July 9, 2010:

Council Members Present: Mr. Ranally, Mr. Harrold, Mrs. Manning, Mr. Carr, Mr. Black, Mr. Fiala

Absent: Mr. Woodin

Others Present: Mayor Anderson, Law Director Wiles, City Engineer Sayles, Service Director Tomaselli, Fire Chief Zwegat, Police Chief Straube, Chief Building and Zoning Inspector Smith, Parks and Recreation Director Katz, Finance Director Rogowski, Community Development Manager Lipscomb, Lake County Gazette Reporter Borstnik, Clerk Radebaugh

The Legislative Caucus Meeting was held at the Fire Station, 37000 Euclid Avenue.

NEW BUSINESS

Council President Ranally announced that there will be two public hearings tonight: the 2011 Tax Budget and the Rezoning at 38809 Mentor Avenue and Pelton Road from Commercial Manufacturing to General Business.

RESOLUTION NO. 2010-78

A Resolution amending Resolution No. 2010-39 to provide for current expenses and other expenditures of the City of Willoughby, Ohio, during the period ending December 31, 2010, and declaring an emergency.

Mr. Rogowski explained that this amendment adjusts the appropriations for the Edward Byrne Grant which are Resolution Nos. 2010-79 and 80 on tonight's agenda.

RESOLUTION NO. 2010-79

A Resolution authorizing the Mayor to accept a one- (1-) year "Community Safety Officer Overtime Project" Grant from the Bureau of Justice Assistance to reimburse the Willoughby Police Department for up to 191 hours of overtime, and declaring an emergency.

Mr. Ranally said that this legislation is related to Resolution Nos. 2010-78 and 80.

RESOLUTION NO. 2010-80

A Resolution establishing a Special Revenue Fund titled, Edward Byrne Justice Assistance Fund, Fund No. 2213, and declaring an emergency.

There were no questions or comments.

ORDINANCE NO. 2010-81

An Ordinance amending Chapter 115 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Affirmative Action", specifically, Section 115.03, "titled, "Policy".

Law Director Wiles said that the courts have criticized cities because they do not specifically state in their policy that they do not discriminate against gender identity or sexual orientation. This will now be stated in our policy.

ORDINANCE NO. 2010-82

An Ordinance amending Chapter 195 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Transient Guest Tax"; specifically, Section 195.99, titled, "Penalty".

Mr. Wiles explained that he is adding a criminal penalty to this chapter because one motel owner in the city refuses to pay the transient guest tax. The city sued him and received a judgment for \$21,000. The city is now suing him again for another \$25,000 because he still refuses to pay. Mr. Wiles said he hopes that a criminal penalty will encourage him to pay.

RESOLUTION NO. 2010-83

A Resolution authorizing an expenditure in the amount of \$33,095.76 for the purchase of two (2) dump bodies for use by the Service Department from Concord Road Equipment Mfg., Inc. through the State of Ohio Cooperative Purchasing Program.

Mr. Tomaselli said that this company finally was given the State bid. The price is \$1500 less than when he previously tried to purchase the dump bodies earlier this year.

ORDINANCE NO. 2010-84

An Ordinance amending Chapter 521 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Health, Safety and Sanitation", specifically, Section 521.05, titled, "Trimming of Trees, Shrubs and Weeds Required".

Law Director Wiles said that the next three ordinances (2010-84, 85 and 86) are related. Mr. Ranally said that these ordinances are the result of the coordination between Mr. Tomaselli and Mr. Smith. Mayor Anderson said that the penalty is another tool to be used when the notices do not work.

ORDINANCE NO. 2010-85

An Ordinance amending Chapter 521 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Health, Safety and Sanitation"; specifically, establishing Section 521.051 titled "Noxious Weeds, Uncontrolled Growth, and Accumulation of Certain Materials Prohibited".

Mr. Ranally said this ordinance contains penalties and enforcement powers for the city.

ORDINANCE NO. 2010-86

An Ordinance amending Chapter 521 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Health, Safety and Sanitation"; specifically, establishing Section 521.052 titled, "Nuisance Abatement".

Mr. Ranally said that the Service Director and Chief Building Inspector will be working together to handle the nuisance issues.

RESOLUTION NO. 2010-87

A Resolution authorizing the Mayor to enter into a Municipal Tax Incentive Agreement with Signature Health, pursuant to R.C. Chapter 718, and declaring an emergency.

There were no questions or comments.

RESOLUTION NO. 2010-88

A Resolution authorizing the Mayor to enter into a Municipal Tax Incentive Agreement with Marketing Communication Resource, Inc., pursuant to R.C. Chapter 718, and declaring an emergency.

There were no questions or comments.

RESOLUTION NO. 2010-89

A Resolution authorizing the Mayor to enter into a Municipal Tax Incentive Agreement with Cast Nylons Limited, pursuant to R.C. Chapter 718, and declaring an emergency.

There were no questions or comments.

ORDINANCE NO. 2010-90

An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,135,000 for the purpose of refunding at a lower interest cost a portion of the City's outstanding Various Purpose Improvement Bonds, dated as of December 1, 1996, and declaring an emergency.

Mr. Rogowski said that this is a refinancing. Between this ordinance and 2010-91, the city will save between \$25,000 to \$30,000 a year on the debt service for these projects.

ORDINANCE NO. 2010-91

An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$4,160,000 for the purpose of refunding at a lower interest cost a portion of the City's outstanding Fire Station Improvement Bonds, Series 1999, and declaring an emergency.

Mr. Rogowski said these bonds were issued for both Fire Stations #1 and #2. He expects to sell the bonds around September 2nd.

ORDINANCE NO. 2010-92

An Ordinance amending Chapter 432 of the Codified ordinances of the City of Willoughby, Ohio, titled, "Operations Generally", to establish Section 432.43 titled, "Text Messaging While Driving", and declaring an emergency,

Council President Ranally said there should be more discussion on this ordinance. He asked Mr. Wiles if any other Lake County community had a similar ordinance. Mr. Wiles said that Willoughby would be "the leader". Chief Straube said he doesn't think the ordinance is enforceable. The majority of Council agreed there should be further discussion. This ordinance will be tabled tonight.

RESOLUTION NO. 2010-93

A Resolution authorizing the Mayor to enter into a contract with Interstate Gas Supply, Inc. for the purchase of natural gas and related services for the City of Willoughby's public buildings for a period of two (2) years, effective November 1, 2010.

Mr. Tomaselli explained that the city has a contract with Hess until this November.

Section 1 of this resolution will be amended to change General Fund to Various Funds.

RESOLUTION NO. 2010-94

A Resolution approving EAS#8-5-10 for the rezoning of real property located at 38809 Mentor Avenue from Commercial Manufacturing (C-M) to General Business (G-B). (Former Glavic Automobile Dealership).

The Environmental Planning Committee recommended that this EAS be permanently tabled.

ORDINANCE NO. 2010-95

An Ordinance amending the zone map of the City of Willoughby, Ohio, to reclassify 9.213 acres of certain real property located at 38809 Mentor Avenue and Pelton Road and further identified as Permanent Parcel Nos. 27B-039-00-022 and 27B-029-00-023 from Commercial Manufacturing (C-M) to General Business (G-B).

There will be a public hearing this evening on this rezoning request.

RESOLUTION NO. 2010-96

A Resolution authorizing the mayor to enter into a contract with Sudsina & Associates, LLC in the amount of \$30,000 to assist the city with financial advisory services relating to bond and note issues, and declaring an emergency.

Mr. Rogowski said that Mr. Santos with Sudsina & Associates has worked with the city for the last 25 years.

RESOLUTION NO. 2010-97

A Resolution approving Change Order No. 2 in the Lost Nation Airport Building Exterior Improvements Contract with Kempel Industries, Inc., and declaring an emergency.

Mr. Sayles said that the contractor decided on a different method to replace the siding, but did this without prior authorization. He said it is definitely an enhancement and it is his opinion the contractor should be compensated in some fashion. They have agreed to a \$2000 lump sum payment.

RESOLUTION NO. 2010-98

A Resolution approving Change Order No. 2-final in the Final Clarifier Rehabilitation Project Contract with Nerone & Sons, Inc.

Mr. Tomaselli said this is a deduct from the original contract.

RESOLUTION NO. 2010-99

A Resolution adopting the Tax Budget of the City of Willoughby, Ohio, for the fiscal year beginning January 1, 2011; submitting same to the Lake County Auditor; and declaring an emergency.

Mr. Rogowski said the Tax Budget is a guide for next year, it is not a plan. He said they are making adjustments already going into next year. Mayor Anderson said this is a technical thing we have to do by July 31st of every year for the following year so the auditor can make sure the city is on track. He commented that it is usually our worst case scenario, although we will still finish the year in the black.

RESOLUTION NO. 2010-100

A Resolution authorizing the Mayor to enter into a contract with Dura-Mark Inc. in the amount of \$45,741.68 for the 2010 Highway Pavement Lane Marking Project.

Mr. Tomaselli said this was the lowest bid of four bidders. Dura-Mark has been doing the city lane marking for the last 3 years.

The Legislative Caucus meeting adjourned at 8:20 p.m.

Date approved _____

Jerome P. Ranally, Chairman

Clerk of Council