

OCTOBER 13, 2015  
COMMITTEE OF THE WHOLE MEETING  
FOLLOWING THE PUBLIC MEETING AT 6 P.M.

- A. Call to Order
- B. Roll Call
- C. Persons having business before Council (2 minute limit)
- D. Council Comments
- E. Discussion on House Bill 5
- F. Resolution for shared services agreement between Parma Heights and Walton Hills
- G. Resolution for a settlement with Marie Santoli
- H. Ordinance to regulate scavenging
- I. Revised Ordinance 260
- J. Resolution to apply for a Community Development Block Grant for \$150,000
- K. Motion to go into Executive Session to discuss personnel (if needed)
- L. Motion to reconvene after Executive Session
- M. Other business
- N. Adjournment

**VILLAGE OF WALTON HILLS, OHIO**

**ORDINANCE NO. 2015-6**

**INTRODUCED BY: COUNCILPERSON**

**AN ORDINANCE TO AMEND CHAPTER 890 AND CREATE CHAPTER 891 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WALTON HILLS 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 hasdetermined 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 Village of Walton Hills, 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 thatthe 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 VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:**

**SECTION 1.** Chapter 890 of the Codified Ordinances is amended and Chapter 891 is created to read as set forth in the documents titled “Chapter 890, Municipal Income Tax (Pre 2016)” and Chapter 891 titled “Municipal Income Tax (2016 and thereafter) attached hereto as Exhibit A and Exhibit B and incorporated herein by reference.

**SECTION 2.** The Village Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Ordinance was 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 and in compliance with the law.

**SECTION 3.** This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare for the reason for the reason stated in the preamble hereof, and provided it receives the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor; otherwise it shall take effect and be in force from and after January 1, 2016.

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KEVIN HURST, MAYOR

PASSED: \_\_\_\_\_, 2015

ATTEST: \_\_\_\_\_

KATIE IACONIS, ASSISTANT FISCAL OFFICER

SHARED SERVICES AGREEMENT  
BETWEEN  
THE CITY OF PARMA HEIGHTS  
AND  
THE VILLAGE OF WALTON HILLS

This Agreement is entered into between the City of Parma Heights [City], the Village of Walton Hills [Village] and Vic Nogalo [Nogalo] this \_\_\_\_ day of \_\_\_\_\_, 2015 to define the shared services Vic Nogalo [Nogalo].

WHEREAS, Nogalo is a full time employee of the Village, and;

WHEREAS, the City wishes to utilize the services of Nogalo on a part time basis to administer its tax department, and;

WHEREAS, the Village is aware of the City's desire to utilize the services of Nogalo on a part time basis and is willing to permit a shared services arrangement, and;

WHEREAS, the City and the Village agree as follows;

1. This shared services agreement shall commence on November 1, 2015 and shall terminate on January 31, 2017. The City and/or the Village may cancel this Agreement, for cause, with thirty (30) days written notice to the other party of such intent when either the progress or results achieved under this Agreement is unacceptable to either party.
2. Nogalo shall at all times remain an employee of the Village during the term of this Agreement.
3. During the term of this Agreement Nogalo shall work ~~forty [40] hours per week~~, as follows; sixteen [16] hours shall be devoted to work on behalf of the City and twenty four [24] hours per week shall be devoted to work on behalf of the Village.
4. In consideration of the service provided to the City by Nogalo the City shall reimburse the Village in the sum of Seven Thousand Five Hundred Dollars [\$7,500.00] per quarter during the term of this Agreement.
5. The City shall have no further financial responsibility and shall not be responsible for any benefits under the terms of this Agreement.
6. Nogalo shall manage, supervise and be responsible for the administrative procedures in the Income Tax Department. The Tax Administrator shall also manage and supervise all income tax collections and perform any and all other duties delegated by the Director of Finance.
7. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Ohio.
8. This Agreement shall be binding upon and shall inure to the benefit of, and be enforceable by and against, the respective successors and assigns of each party hereto.

9. Nothing herein shall be construed to give any rights or benefits in this Agreement to anyone other than the City and the Village and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of the City and the Village and not for the benefit of any other party.

**IN WITNESS WHEREOF**, the City and the Village, acting herein by their duly authorized representatives, have hereunto set their hands this day and year first above written.

**CITY OF PARMA HEIGHTS:**

\_\_\_\_\_  
Michael P. Byrne  
Mayor

Date: \_\_\_\_\_

**VILLAGE OF WALTON HILLS:**

\_\_\_\_\_  
Kevin Hurst  
Mayor

Date: \_\_\_\_\_

**VIC NOGALO:**

\_\_\_\_\_  
Vic Nogalo

Date: \_\_\_\_\_

DRAFT 10/5/2015

**VILLAGE OF WALTON HILLS, OHIO**

**RESOLUTION NO. 2015-31**

**INTRODUCED BY COUNCILPERSON**

**A RESOLUTION AUTHORIZING THE MAYOR TO RESOLVE THE  
APPEAL FILED BY MARIE SANTOLI IN RESPONSE TO THE FINDING  
OF THE U.S. DISTRICT COURT IN FAVOR OF THE VILLAGE, AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, Marie Santoli filed suit against the Village and it's Council Members in the Court of Common Pleas of Cuyahoga County and certain claims were transferred to the Federal U.S. District Court; and

**WHEREAS**, the Village, in response to said lawsuit, dutifully notified its general liability insurance carrier who provided legal defense for the Village; and

**WHEREAS**, the Village, by and through its legal counsel, successfully defended certain claims in said lawsuit in the U.S. District Court, having had Summary Judgment granted in favor of the Village and against Marie Santoli; and

**WHEREAS**, having lost in the U.S. District Court, Marie Santoli exercised her right to appeal the matter to the Federal 6<sup>th</sup> Circuit Court of Appeals in Cincinnati, Ohio; and

**WHEREAS**, the Village and Marie Santoli have both participated in the Federal Mediation Program in an effort to resolve the appeal; and

**WHEREAS**, through mediation, Marie Santoli has demanded the sum of Twenty Five Thousand Dollars (\$25,000.00) from the Village to resolve the appeal and remaining State Court claims; and

**WHEREAS**, the Village has been informed by their insurance carrier that the cost of defending this appeal and the remaining State Court claims would, in all likelihood, exceed the cost of settlement; and

**WHEREAS**, the Village insurance carrier has informed the Village that in the event the Village does not agree to accept the settlement offer, the insurance carrier will pay the settlement amount to the Village and the Village will thereafter bear all expenses relating to the defense of these matters; and

**WHEREAS**, the Village Council is cognizant that the cost of the Village General Liability Insurance has been increased due in part, to the expenses incurred in successfully defending this litigation; and

**WHEREAS**, the Council for the Village of Walton Hills is mindful that they are the stewards of the taxpayer’s money, and must covet the path of the least expensive option despite the fact that the Village prevailed against Marie Santoli in the U.S. District Court; and

**WHEREAS**, it is clear to this Council that settlement is less costly than continuing to defend this matter in the State Court and the Federal Circuit Court even though this Council is convinced that the Circuit Court would affirm the lower court decision in favor of the Village; and

**WHEREAS**, the settlement of this matter will be paid by the Village insurance carrier and will not deplete any taxpayer funds accessible to the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:**

SECTION 1. That the Mayor is hereby authorized to agree to the settlement of the Marie Santoli litigation on appeal by Marie Santoli to the U.S. Circuit Court and all State Court claims, in an amount not to exceed Twenty Five Thousand Dollars (\$25,000.00) as a cost effective resolution to said litigation, the same being less than it would cost the Village in pursuing affirmation on appeal of the lower court judgment that was rendered in favor of the Village and defending the State Court claims.

SECTION 2. This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution 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 and in compliance with the law.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the Village of Walton Hills, and to expediently and cost effectively bring an end to this litigation; wherefore this Resolution shall take effect and be in force upon receiving the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
KEVIN HURST, MAYOR

PASSED: \_\_\_\_\_, 2015

ATTEST: \_\_\_\_\_

KATIE IACONIS, ASSISTANT FISCAL OFFICER

**VILLAGE OF WALTON HILLS, OHIO**

**ORDINANCE NO. 2015-5**

**INTRODUCED BY: COUNCILPERSON**

**AN ORDINANCE ADOPTING SECTION 642.15 TO THE CODIFIED ORDINANCES OF THE VILLAGE OF WALTON HILLS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Village has engaged in a recycling program in an effort to reduce the cost of rubbish collection within the Village; and

**WHEREAS**, the Village recycling program's success is directly related to the cost of the collection of solid waste within the Village; and

**WHEREAS**, this Council, in an effort to preserve the success of the Village recycling program and reduce the nuisance created by unregulated scavengers operating within the borders of the Village, deems it appropriate to regulate scavenging within the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:**

Section 1. Section 642.15 shall be and is hereby adopted and shall read as stated in Exhibit "A" attached hereto and incorporated by reference herein.

Section 2. This Council finds and determines that all formal action 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 and in compliance with the law.

Section 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare so as to expedite the regulation of scavenging within the Village and immediately preserve the integrity and success of the Village recycling program, thereby insuring the continuation of cost control for the Village's collection of solid wastes; wherefore this Ordinance shall take effect and be in force upon receiving the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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KEVIN HURST, MAYOR

PASSED: \_\_\_\_\_, 2015

ATTEST: \_\_\_\_\_

KATIE IACONIS, ASSISTANT FISCAL OFFICER

642.15 SCAVENGING PROHIBITED; EXCEPTION.

(a) No person shall scavenge or remove rubbish or recyclables stored and placed for collection from any tree lawn or collection point except from a tree lawn or collection point on his or her property. Charitable organizations such as those sponsoring or overseeing court ordered community service may scavenge such rubbish with the permission of and registration with the Police Chief upon a showing that their scavenging will not disrupt city collections or cause debris from rubbish to be strewn about and that they are bona fide charitable organizations which have programs for scavenging without nuisance. Failure to comply with these requirements shall be cause for revocation of the registration and permission.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

VILLAGE OF WALTON HILLS, OHIO

RESOLUTION NO. 2015-32

INTRODUCED BY COUNCILPERSON

**A RESOLUION AUTHORIZING THE MAYOR AND VILLAGE ENGINEER TO MAKE APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT IN AN AMOUNT NOT TO EXCEED \$150,000, AND DECLARING AN EMERGENCY.**

WHEREAS, the Mayor and Village Engineer have advised Village Council that funds may be available through the 2016 Community Development Block Grant program, in the amount not exceeding \$150,000, to fund the Village of Walton Hills ITA Pavement Reconstruction Project; and

WHEREAS, Village Council wishes to authorize the Mayor and Village Engineer to execute and file an application for a Community Development Block Grant, not to exceed the amount of \$150,000, for the Village of Walton Hills ITA Pavement Reconstruction Project.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:**

SECTION 1. The Council of the Village of Walton Hills hereby authorizes the Mayor and Village Engineer to execute and file any and all documents necessary to apply for funds under the 2016 Community Development Block Grant Program, through the Cuyahoga County Department of Development, in an amount not to exceed \$150,000, for the Village of Walton Hills ITA Pavement Reconstruction Project and declaring an emergency.

SECTION 2. This Council finds and determines that all formal action 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 and in compliance with the law.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare and for the further reason that it is necessary to authorize the Mayor and Village Engineer to make application for funds through the 2016 Community Development Block Grant Program administered by the Cuyahoga County Department of Development; wherefore this Ordinance shall take effect and be in force upon receiving the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

\_\_\_\_\_  
KEVIN HURST, MAYOR

PASSED: \_\_\_\_\_, 2015

ATTEST: \_\_\_\_\_

KATIE IACONIS, ASSISTANT FISCAL OFFICER