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ORDINANCE NO. 2009-63

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A RENEWAL OF AN EXISTING 2.5 MILL LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 3, 2009 FOR THE CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS, BRIDGES AND THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT & MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR & FACILITIES IN THE CITY AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willoughby Hills has for many years been engaged in a program involving the resurfacing of the streets within the City as a part of its street maintenance program and providing for other necessary repairs to the street system of the City; and

WHEREAS, the Council of the City of Willoughby Hills is of the opinion that such program should be continued so that the streets within the City shall not suffer from lack of proper maintenance due to a shortage of funds but nor shall the residents of the City suffer the financial burden of such a program; and

WHEREAS, the cost of such road maintenance cannot be paid from the ordinary revenues of the City and it is necessary that the levy for road and street requirements be replaced every five years; the year 2010 is the last year that the current (2.5) mill five (5) year levy is to be collected; and

WHEREAS, pursuant to Section 7.2 of the Charter of the City of Willoughby Hills, the Council of the City of Willoughby Hills has determined the need to authorize and direct the submission to the electors of the City a renewal of an existing levy for the general construction, reconstruction, resurfacing and repair of streets, roads, bridges, and the replacement and repair of necessary road equipment & machinery including but not limited to materials, labor and facilities in the City in the amount of two and fifty one-hundredths (2.50) mills for five (5) years to be collected commencing with the tax year of 2010.

WHEREAS, Resolution No. 2009-13, adopted on June 25, 2009, by the Council of the City of Willoughby Hills pursuant to Section 5705.03 of the Ohio Revised Code declared it necessary to renew an existing 2.5 mill levy for (5) years and requested the Lake County Auditor to certify the total current tax valuation of the City and the dollar amount of revenue that would be generated by said levy; and

WHEREAS, on July 14, 2009, the Lake County Auditor certified that the total current tax valuation of the City is \$315,545,140 and the dollar amount of revenue that would be generated by said levy would be \$772,814 annually during the life of the levy assuming that the total current tax valuation remains the same throughout the life of the levy.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. It is hereby determined and declared that the amount of taxes which may be raised within the ten (10) mill limitation, and the rate authorized by Ohio Revised Code 5705.02 for the tax duplicate years 2010 through 2014 inclusive will be insufficient to provide for the necessary requirements of the of the City of Willoughby Hills, and that it is necessary, for the purpose of providing additional funds for the construction, reconstruction, repair and resurfacing of City streets, to levy a tax in the amount of two and fifty one-hundredths (2.50) mills for five (5) years in excess of such limitations and rate for such purposes.

SECTION 2. The proposed levy will be a renewal of the existing two and five-tenths (2.5) mill levy outside of the ten (10) mill limitation; the renewal levy will constitute a tax of two and fifty one-hundredths (2.50) mills for each one dollar (\$1.00) of the valuation which amounts to twenty-five cents for each one hundred dollars (\$100.00) valuation of each year.

SECTION 3. The levy shall remain in effect for five (5) years and shall be effective for the tax years of 2010, 2011, 2012, 2013, and 2014; and shall be collected in the calendar years of 2011, 2012, 2013, 2014, and 2015.

SECTION 4. The form of ballot to be cast at the election for the proposal contained herein shall read and provide as follows:

**“PROPOSED TAX LEVY - A RENEWAL
(Section 7.4 “Approval by a majority of those voting thereon in any general or
primary election or approval by fifty-five percent (55%) of those voting in any
special election shall be sufficient for its passage”)**

A renewal of an existing levy to constitute a tax for the benefit of the City of Willoughby Hills for the purpose of providing funds for general construction, reconstruction, resurfacing and repair of streets, roads, bridges and the replacement and repair of necessary road equipment & machinery including but not limited to materials, labor & facilities at a rate not to exceed 2.5 mills for each one dollar of valuation, which amounts to 25 cents for each one hundred dollars of valuation, for five years, commencing in 2010, first due in calendar year 2011”.

FOR THE LEVY

AGAINST THE TAX LEVY

SECTION 5. The Clerk of Council be and is hereby directed to deliver a certified copy of this Ordinance along with Resolution No. 2009-13 and the related Lake County Auditor’s Certificate, to the Lake County Board of Elections, not later than September 4, 2009.

SECTION 6. The Board of Elections of Lake County shall cause an appropriate notice to be duly given of the General Election to be held November 3, 2009 on the foregoing Tax Levy – Renewal for the City of Willoughby Hills and otherwise provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 7. The Clerk of Council is hereby authorized and directed to cause copies of said proposed Tax Levy – renewal to be mailed at least thirty (30) days prior to said election to each elector of the City whose name appears upon the registration book of the last regular or general election held in the City; provided, however, that in lieu of such mailing and to the extent provided by law, the Clerk of Council is hereby authorized to cause a copy of the proposed Tax Levy – renewal to be published in such manner as may be authorized by law.

SECTION 8. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

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SECTION 9. 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 Willoughby Hills, insofar as it further provides for the usual daily operation of a Municipal Department, to wit: the City must file a certified copy of this Ordinance and the proposed form of the ballot question with the Lake County Board of Elections on or before (60) days prior to the General Election scheduled for Tuesday, November 3, 2009, as provided herein; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor.

PASSED: July 23, 2009

Submitted to the Mayor for his approval
on this 23 day of July, 2009

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Kevin D. Malecek
Kevin D. Malecek
President of Council

Approved by the Mayor

July 23, 2009

Robert M. Weger
Robert M. Weger
Mayor

ORDINANCE NO. 2009-63

I, Victoria Ann Savage, Clerk of Council for the City of Willoughby Hills, Lake County, Ohio do hereby certify that the foregoing **Ordinance No. 2009-63** was duly and regularly passed by the Council of the City of Willoughby Hills, Lake County, Ohio at a meeting held on **July 23, 2009**.

That this legislation was posted according to law and duly advertised pursuant to Ordinance No. 2003-19 in the Lake County News-Herald on July 29, 2009. Effective date of Legislation: July 23, 2009.

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council