

Cuyahoga Falls City Council
Minutes of the Finance Committee Meeting
June 5, 2006

Members: Tim Gorbach, Chair
Jerry James
Carol Klinger

Mr. Gorbach called the meeting to order at 6:20 p.m.

The minutes of May 15, 2006 were approved as submitted.

Legislation Considered:

Temp. Ord. A-64
Temp. Ord. A-65
Temp. Ord. A-66
Temp. Res. A-67

Discussion:

Temp. Ord. A-64

An ordinance authorizing the Mayor to enter into a contract or contracts for the lease and/or purchase of a ladder/quint fire vehicle for use in the Fire Department and declaring an emergency.

Mr. Gorbach read A-64 (second reading). Mr. Brodzinski said this allows for leasing the vehicle previously approved for purchase by Council.

The committee recommended bringing out Temp. Ord. A-64 for approval.

Temp. Ord. A-65

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the transfer of used equipment no longer used by the Street Department, and declaring an emergency.

Mr. Gorbach read A-65 (second reading). Mrs. Carr said this ordinance allows for the transfer of an old patcher (value \$500) to the Cuy. Falls schools for the price of \$1.

The committee recommended bringing out Temp. Ord. A-65 for approval.

Temp. Ord. A-66

An ordinance authorizing the Mayor to enter into an agreement between AFSCME Local 2662 and the City of Cuyahoga Falls, Ohio effective from January 1, 2006 through December 31, 2008, and declaring an emergency.

Mr. Gorbach read A-66 (second reading). Mr. Arrington said the City has completed negotiations with the union. The agreement was overwhelmingly approved by AFSCME members two weeks ago. The administration requests that the ordinance be approved this evening during a Special Council meeting.

The committee recommended bringing out Temp. Ord. A-66 for approval.

Temp. Res. A-67

A resolution supporting the Cuyahoga Falls Municipal Court through construction of a new facility in Cuyahoga Falls, and declaring an emergency.

Mr. Gorbach read A-67 (second reading). He commented that while this resolution is specific in the manner to accomplish more space for the courts, his desire is to use it as a means of ascertaining information, and to discuss as a group the best method to accommodate the needs of the Municipal Court.

Mr. Gorbach said that he has spoken with various members of Council, court officials as well as the Mayor and members of his cabinet regarding this resolution. There has been some anxiety expressed with respect to some of the language contained within the resolution, as well as the omission of some possible ideas. The fourth WHEREAS clause, while true, doesn't necessarily speak to the building size that our court requires – the 7th largest court district by population doesn't translate to mean that our court should be the 7th largest by square footage. He suggested that this clause be removed. One idea that isn't presented is a renovation/addition project that would meet the court's present and future needs. This possibility should be explored.

Mr. Gorbach said that over the years, the judges have adjusted their fee schedules and introduced other revenue-producing programs to enhance their financial position, demonstrating their ability to raise the funds necessary to pay for 100% of the new space. He would like to see a plan of action agreed upon by Council, the courts, and the administration. The first step would be a space feasibility study. If the study is conducted to explore options solely for the court, the court should pay 100% of the cost. If the study includes the entire Municipal Building, the court should pay a percentage. The study should project square footage needs, as well as the most efficient layout for the space if it is determined that renovation/addition is an option. The study should be done expeditiously with due dates for completion. The next step in the plan would be to discuss the findings of the study and various options for implementation. Mr. Gorbach believes it would be more appropriate to discuss the resolution once the study is completed.

Mr. Gorbach referred to information provided by Mr. Klinger (Court Administrator) for Council review.

Mrs. Klinger said that as co-sponsor of the resolution, she strongly supports the municipal court. She referred to a feasibility study promised by the administration several years ago that has not been completed. She is disheartened that the City hasn't acted more quickly to address the court's concerns. It may already be too late for a feasibility study.

Mrs. Truby said that a study was discussed several years ago, but the City and courts couldn't agree on who would control the study and what portion of the cost would be absorbed by the court.

Bernadette Harris (2583 - 16th St., CF) said she supports the resolution. She said the courts are very overcrowded, and the lift often doesn't work forcing handicapped people to crawl up the steps. Why is the City willing to give away 50 well-paying jobs that pay into our income tax system, while welcoming loads of minimum wage jobs into the community? Why do other communities want the courts, yet we don't? She believes the courts should stay in Cuyahoga Falls.

Bill Saus (1525 - 18th St., CF) referred to ORC Title 19 regarding the state's municipal court system, established in 1952. There are 121 city courts in the state. He can't imagine that Cuyahoga Falls would give up its muni court to a smaller community and would like to see it stay here.

Mrs. Hummel said she co-sponsored the legislation because the City has delayed discussion of this issue for several years. She believes Council should have forced the feasibility study. If a study is too late, she would appreciate knowing it tonight. She is concerned about the loss of revenue to the City if the court and its employees leave Cuyahoga Falls. The courts now have the revenue to pay for their own building. She asked if the courts could enter into a contract with the City to arrange payment for a new building.

Mr. Arrington said that in 2003, the 5-year capital plan didn't include monies for the court. In December of that year, the Mayor wrote a letter to the courts stating that the City's capital budget didn't have room for an additional courthouse. Judge Hoover wrote back thanking the Mayor for his response and suggesting the courts would have to look elsewhere. The administration assumed the issue was over at that time, and that's why nothing has happened since 2003. What has changed since then is the amount of money going into the court's Special Funds Project, and the court's willingness to use that money to fully fund the construction of a new building. The Law department has tried to determine a legal mechanism which allows the court to bind itself to spend their money on a building project, but has not been able to find a way to resolve the situation.

Mrs. Hummel said the City needs to explore this issue before letting the courts get away. She would like a representative of the court to advise Council of their intentions.

Judge Kim Hoover said the courts started their Special Projects Fund over 4 years ago, after conversations with the administration regarding a space study analysis. The courts were told to come up with \$10,000 to help pay for the study, so they raised the money. No study was done. Given the Mayor's definitive statement in 2003 that the City didn't have the money, the courts decided to look elsewhere and found a taker. At that time, the courts had already raised \$200,000 in its Special Projects Fund. They decided to wait two more years before committing to another location in hopes that the City would reconsider its position. At the end of the two years (April 2006), the Fund had climbed to over \$700,000 nearly \$25,000 per month.

Currently, the court estimate revenues of \$50,000 per month. In February 2006, I was told that the feasibility study was completed. Yet we have heard nothing from the administration. The City of Stow has completed their analysis, which may prompt a press conference this week.

Mrs. Hummel said she is very disappointed with the possibility that the courts may indeed move to Stow. She asked if a study had been done in February. Mr. Brodzinski said he had looked at the numbers, and they do work out mathematically. The question is how much square footage is actually required, and how to legally bind the courts to an agreement. She asked Judge Hoover how Stow has resolved the issue of commitment to an agreement.

Judge Hoover said the judges have verbally pledged their commitment, both now and in the future.

Mrs. Hummel believes there must be a way to change state law and resolve this issue through the state legislature. Judge Hoover said the court may be able to give the City \$1.5 million on a \$6 million project before groundbreaking takes place. How much more good faith do you need?

Mr. Gorbach said that in the absence of any legal agreement between the courts and the City, he can't imagine the courts would not repay the money for the construction of a new facility. It doesn't seem realistic. The City now charges the courts through internal service accounts for data processing and other activities. Is it possible for the City to charge the courts through some type of special account, thereby insuring payback?

Mr. Arrington said he appreciates the good faith of the current muni court judges, but he questions the commitment of their successors. His concern is the legality, especially with regard to a binding commitment that may last 20-25 years.

Mr. Klinger said that while there is no legal mechanism currently in place to bind the courts, the bottom line is trust. Our two judges gave the City \$60,000 last year, and \$30,000 the year before. The court offers a financial advantage to the City in a number of ways. The court's revenue will cover its payment obligations. He expects that a new building would be paid off in less than 10 years.

Mr. Flinn said that without a space and cost feasibility study, he cannot support the resolution. He questions why the courts haven't provided a feasibility study of their own. He considers it a travesty that Council would be put in the position of having to make such a decision, with the threat of a Stow press conference hanging over its head.

Mrs. Klinger said she's open to changes in the wording of the resolution, provided that Council takes action. Other communities have found the resources to study the issue our City needs to do the same. It's important to the community. We should be doing everything in our power to keep them here.

Mr. James said he wants the court to stay in the City, but he would also like to see a feasibility study done.

Mr. Barnhart asked if the courts had looked at any existing buildings as a possible alternative. Mr. Klinger said that given the special needs of the courts, it might be difficult to find an existing building that doesn't require major renovation. The idea is worth exploring. But since the courts are going to pay for it, they will ultimately decide what is cost effective and appropriate.

Mr. Mader said that since neither party has offered a specific plan, Council can't make a concrete decision. He would like to see a study done.

Mrs. Colavecchio said that as a lawyer who frequents the court on a regular basis, she supports the resolution. She said the courts have a problem with storage space that will only worsen with time since they're now required to keep hard copy files for 50 years. They also have functionality issues including handicap access and rest room placement. No one is in a better position to tell us what the court needs than our judges and clerk, and we should respect their opinions.

Mayor Robart said the administration has almost doubled the court's space since he's been in office. The resolution states that the City should buy the land and build the building, without any feasibility study or plan. This has never been done before. We need to determine whether or not the courts need additional space, and at what cost. The administration will submit an ordinance to Council in the next packet calling for a space feasibility study. The City will absorb the cost and hire a consultant. The results of the study will be presented to Council within the next 60 days. If there are legitimate space needs, and we can afford, we'll proceed with the project.

Mr. Gorbach suggested that committee bring the resolution out for a vote with any amendments Council members recommend.

Mrs. Hummel recommended amending the resolution by deleting the fourth WHEREAS clause. Under Section 1, delete the wording after "proceed" (on line 37) and replace that wording as follows: "with a space and financial feasibility study to be completed in 60 days".

Mr. Arrington asked that the resolution be held in committee tonight, then brought out with appropriate amendments at the next Council meeting. Meanwhile, the administration will introduce the ordinance for the space feasibility study.

The committee recommended bringing out Temp. Ord. A-67 for approval.

The meeting adjourned at 8:12 p.m.