

# CUYAHOGA FALLS CITY COUNCIL

## Minutes of the Council Meeting

June 22, 2020

**Call to Order:** Mr. Brillhart at 6:30 p.m.

**Roll Call:** Mr. Balthis, present; Mr. Brillhart, present; Mr. Gorbach, present; Mr. Iula, present; Mr. James, present; Mr. Miller, present; Ms. Nichols-Rhodes, present; Mrs. Penta, present; Mr. Reilly, present; Mrs. Spinner, present; Mr. Stams, present.

**Invocation:** Mrs. Spinner

**Approval of Minutes:** The minutes of the June 8, 2020 Council meeting were approved as written.

**Reports and Communications:** A letter from Mayor Walters, dated June 19, 2020, regarding the appointment of Amanda Kephart to the Board of Zoning Appeals.

A letter from Janet Ciotola, Law Director, dated June 19, 2020, regarding proposed changes to the City's Charter.

A letter from the Cuyahoga Falls Charter Review Commission regarding changes to Charter Review Commission appointments.

Council recessed into a Committee-of-the-Whole at 6:32 p.m. and reconvened at 6:36 p.m.

### New Legislation (First Reading)

#### **Temp. Ord. A-37 (Planning & Zoning)**

An ordinance authorizing the Director of Public Service to enter into an option and ground lease agreement with Tower Co 2013, LLC for the lease of property for the future construction of wireless communication facilities and equipment and declaring an emergency.

#### **Temp. Res. A-38 (Finance)**

A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council concerning Enterprise Zone and Community Reinvestment Area tax exemption agreements within the City of Cuyahoga Falls, and declaring an emergency.

**Temp. Ord. A-39 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the repair and resurfacing of Steels Corners Road from State Road to Northampton Road, in the City of Cuyahoga Falls, and declaring an emergency.

**Temp. Ord. A-40 (Public Affairs)**

An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, which amendment will remove obsolete language in Article VII, Section 5, and declaring an emergency.

**Temp. Ord. A-41 (Public Affairs)**

An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 3, 2020, which amendment will revise Planning Commission membership contained in Article VIII, Section 1.1, and declaring an emergency.

**Temp. Ord. A-42 (Community Development)**

An ordinance approving and authorizing the Mayor to execute a Community Development Block Grant economic development agreement with the Farmer's Rail, LLC, in an amount not to exceed \$100,000.00 and appropriating the aforementioned funds for the Community Development Block Grant fund, and declaring an emergency.

**Reports of Council's Standing Committees**

(Third Reading)

**Planning & Zoning**

No Report.

**Finance & Appropriations:**

**Temp. Ord. A-32**

An ordinance amending Ordinance 92-2019 to authorize the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain materials and supplies for use by the Division of Sanitation during 2020, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. A-32, second by Mr. Reilly. Motion passed, voice vote (11-0).

**Temp. Ord. A-33**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for overhead line clearance services including tree maintenance, tree and brush removal services, and mowing, for a period not to exceed three years, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. A-33, second by Mr. Iula. Motion passed, voice vote (11-0).

**Temp. Ord. A-34**

An ordinance authorizing the Director of Law to enter into a settlement agreement and release in the case of City of Cuyahoga Falls v. Johnson Controls, Inc., et al; authorizing the Director Of Public Services to enter into contracts, without competitive bidding with Aclara Technologies LLC, as successor to Aclara RF Systems Inc., Badger Meter, Inc. and Conxxx, Inc. in connection with the settlement agreement to provide the City with an upgraded automated meter reading system, and declaring an emergency.

Mr. Gorbach stated that he would like to thank Ms. Janet Ciotola for her hard work and the team she put together. He would also like to thank Mr. Balthis, who sits at the rail now, for beginning this process. It was not an easy one to decide to litigate and, as the years have passed, he can only imagine the difficulty and the anxiety that was created in doing so. This is a tremendous win for the City today and, with this new technology, in years to come.

Mr. Reilly stated that he would like to thank Mr. Mark Young, from Roetzel & Address, for his work on this.

Ms. Ciotola stated that she would like to thank everybody involved, especially the City's Service Director and Deputy Service Director, Anthony Zumbo and Teresa Hazlett, who put in a lot of hours on this case, as did many people in the Water Department, Electric Department and the people that held these positions prior to handling this case. She would also like to thank Mr. Young, Mr. Mitchell, Mr. Balthis and Mayor Walters. It was truly a team effort for the city.

Mr. Balthis stated that he thinks this is a great day for the residents of Cuyahoga Falls and the rate payers. The City entered into this agreement. Six years ago, when he reviewed it, he did not think the City got the benefit of its bargain. With the leadership of Mayor Walters and this Council, they have reached a result that is very fair and good for the residents. There are lower rates in the City of Cuyahoga Falls, and part of it is because of the active leadership. This is a big win for the City.

Mayor Walters stated that he and Mr. James were the only ones on Council at the time this all came to be, so it was quite a while ago. A lot of work went into this, so he would like to thank everyone who played a part. This is going to set the City up for better technology and better capabilities in the future.

Mr. Brillhart stated that he had a lot of questions, and Ms. Ciotola and Mr. Zumbo took the time to answer all of them. The bottom line is this is a tremendous win for the residents and City of Cuyahoga Falls. It is going to play forward for many years, and he is grateful.

Mr. Gorbach moved to adopt Temp. Ord. A-34, second by Mr. Reilly. Motion passed, voice vote (11-0).

**Public & Industrial Improvements:**

**Temp. Ord. A-35**

An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, according to law, for the Water Works Family Aquatic Center Phase I pool surface refinish project, and declaring an emergency.

Ms. Nichols-Rhodes moved to adopt Temp. Ord. A-35 second by Mr. Iula. Motion passed, voice vote (11-0).

**Public Affairs:**

No Report.

**Community Development:**

No Report.

**Schedule of Committee Meetings**

Planning & Zoning:	July 6, 2020, 6:35 p.m.
Finance:	July 6, 2020, 6:40 p.m.
Public Improvements:	July 6, 2020, 6:45 p.m.
Public Affairs:	July 6, 2020, 6:50 p.m.
Community Development:	July 6, 2020, 6:55 p.m.

Ms. Ciotola stated that, upon further review of Council's vote to appoint Amanda Kephart to the Board of Zoning Appeals, they had initially voted as a favorable recommendation to bring it out of the Committee-on-Committees. For point of clarification, to make sure all procedures are followed, it should be brought for a vote of Council as a whole.

**Report of Special Committees**

Mr. Brillhart moved to approve the appointment of Amanda Kephart to the Board of Zoning Appeals, second by Mr. Balthis. Motion passed, voice vote (11-0).

**Miscellaneous Business**

Mr. Bryan Hoffman, Finance Director, stated income tax is still a little bit above what it was in 2019. There was a significant drop last month in the profit tax and a drop in the individual tax. A part of that is because of the delay of payment of income taxes to July 15. W-2 income is still going strong. It is the highest W-2 income they have seen in the City of Cuyahoga Falls at approximately 3.2 percent above 2019 for the month of May. They are right on pace with projections. The rest of the line items are similar to what was reported in the past. There will probably not be any shows at Blossom Music Center this year, but that was anticipated, so that is not a worry at this point in time. They will have the \$1.5 million that Council graciously approved last week. He received an e-mail that the State will be releasing those funds tomorrow. The City did receive an amount of money from the CARES Act, and the County is planning on matching or almost matching the funds that the State has provided. They look forward to that legislation coming before Council next month. They have yet to see a drop in delinquency rates in the Enterprise Funds, electric, sewer, water and storm water. They are coming in a little bit less than budget, but that was anticipated because of the shutdown of commercial businesses, and their being one of largest revenue sources. They do anticipate having a drop in health insurance claims, mostly due to no elective surgeries and individuals not going to the doctor because of COVID, but they anticipate picking up in the second half of the year as those types of activities continue to come in line.

Mr. James moved to adjourn, second by Mr. Iula. Motion passed, voice vote (11-0). Meeting adjourned at 6:56 p.m.

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Michael Brillhart, Council President

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Dana M. Capriulo, Clerk of Council