

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

February 12, 2018

- Call to Order:** Ms. Nichols-Rhodes at 6:30 p.m.
- Roll Call:** Mr. Brillhart, present; Mr. Colavecchio, present; Mr. Gorbach, present; Mr. Iona, present; Mr. Iula, present; Mr. James, present; Mr. Miller, present; Ms. Nichols-Rhodes, present; Mr. Pallotta, present; Mrs. Pyke present; Mr. Reilly, present.
- Invocation:** Mr. Brillhart
- Pledge of Allegiance:** Mr. Gorbach
- Approval of Minutes:** The minutes of the December 4, 2017 Public Hearing, January 22, 2018 Council meeting and Committee-of-the-Whole meeting were approved as written.
- Reports and Communications:** A letter dated February 9, 2018 to Council from Mayor Walters regarding his appointments to the Board of Zoning Appeals.
- Ms. Nichols-Rhodes appointed a Committee-of-the-Whole, with herself as Chair, to review the Mayor's appointments.

Reports of Council's Special Committees

Ms. Nichols-Rhodes moved to approve the Mayor's appointments, second by Mr. Gorbach. Motion passed, voice vote (11-0).

Council recessed into a Committee-of-the-Whole at 6:36 p.m. and reconvened at 6:41 p.m.

New Legislation (First Reading)

Temp. Ord. A-9 (Planning & Zoning)

An ordinance authorizing and approving the Dickerson Run Preliminary/Final Subdivision Plat and Improvement Plans on Parcel 35-06570, and declaring an emergency.

Temp. Ord. A-10 (Finance)

An ordinance amending ordinance 114-2017 authorizing the Directors of Safety and Public Service to enter into a contract or contracts, according to law, for the purchase or lease of various vehicles for use by the City, and, and declaring an emergency.

Temp. Ord. A-11 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the Woodward Creek Culvert under the Creekside Trail Improvement Project, and declaring an emergency.

Temp. Ord. A-12 (Public Affairs)

An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

Temp. Ord. A-13 (Public Affairs)

An ordinance amending various sections of the Codified Ordinances to conform to State law, approving the 2017 replacement pages to the Codified Ordinances of the City of Cuyahoga Falls, and declaring an emergency.

Temp. Ord. A-14 (Public Affairs)

An ordinance enacting Section 933.124 of Title Five, Part Nine of the Codified Ordinances, relating to Distributed Generation Service of retail electric customers of the City's Electric Department, making certain findings in connection therewith, and declaring an emergency.

Temp. Ord. A-15 (Community Development)

An ordinance authorizing the Mayor to enter into a Community Reinvestment Area Agreement with River Falls Property IV, LLC, and declaring an emergency.

Temp. Ord. A-16 (Community Development)

An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, providing River Falls Property IV, LLC dba Ohio Brewing Company an economic development loan, and declaring an emergency.

Reports of Council's Standing Committees

(Third Reading)

Planning & Zoning

Temp. Ord. B-111

An ordinance approving a zoning map amendment for Parcels 02-05262, 02-05624, and 02-05625, from R-5 Mixed-Density Residential to C-1 Commercial District, as more fully described and depicted herein, and declaring an emergency.

Mr. Colavecchio moved to adopt Temp. Ord. B-111, second by Mr. Brillhart. Motion passed, voice vote (11-0).

Finance & Appropriations:

Temp. Ord. A-7

An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, with ms consultants for architectural design services for the demolition and replacement of Fire Station 3, and declaring an emergency.

Mr. Gorbach stated that he was surprised to learn that Fire Station 3 is 60 years old, and Council looks forward to seeing the new design and a new station.

Mr. Gorbach moved to adopt Temp. Ord. A-7, second by Mrs. Pyke. Motion passed, voice vote (11-0).

Temp. Ord. A-8

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition and removal of demolition debris from dangerous buildings located at 1555 10th Street and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. A-8, second by Mr. James. Motion passed, voice vote (11-0).

Public & Industrial Improvements:

No Report.

Public Affairs:

No. Report.

Community Development:

No Report.

Schedule of Committee Meetings

Planning & Zoning:	February 20, 2018, 6:30 p.m.
Finance:	February 20, 2018, 6:35 p.m.
Public Improvements:	February 20, 2018, 6:40 p.m.
Public Affairs:	February 20, 2018, 6:45 p.m.
Community Development:	February 20, 2018, 6:50 p.m.
Special Committee:	February 20, 2018, 6:51 p.m.

Miscellaneous Business

Ms. Nichols-Rhodes announced that there are three citizens who wish to speak. She read from Council Rules about speaking and what the process is, "Regarding matters not pending before Council, any person who wishes to address Council must notify the President of Council at least 12 hours prior to the Council meeting at which the citizen wishes to speak, specifying the topic or topics to be discussed." Each of these residents have complied with this rule and each resident is limited to five minutes.

Becky Crookston, 518 Keenan Avenue, stated that it had recently come to her and her husband's attention that the leader of their ward and a Cuyahoga Falls neighbor, Adam Miller, was making rude and belligerent comments about another neighbor on Facebook. She is disheartened by this hateful and unprofessional language. She stated that while Mr. Miller was very adamant that this person he was attacking is dividing their community, unfortunately, his ill-informed opinions make her feel even more divided. Bringing the community together should be the focus of leadership. The schools are struggling, and lifting the people in our community with pride should be a priority; not using demeaning and hurtful words. Mr. Miller stated that he agrees. Ms. Crookston stated that it would be unacceptable if she were to do this to a coworker on social media. It would not be tolerated at her place of employment. She stands here today saying the language and the hate that was spewed into her community this past week will not be tolerated. She stated that she would like to comment that some of the comments community members made because of the stuff that Adam Miller had said was also extremely immature and did not help the situation. She will do her best to support all the walks of life in the city, and she would encourage Mr. Miller to educate himself on the diverse beliefs of the community. Ms. Crookston stated that she would like to read a quote. "I believe life is most worth living when we strive to make the world a better place and because I believe the only possibility for a world in which love, justice, peace and freedom prevail is through human beings working together to transform the world."

Vince Crookston, 518 Keenan Avenue, stated that he has been a member of the community, on and off, for about 40 years, so he takes great pride in being here. It is his first time being at a City Council meeting, so this is a new place for him. He stated that he was here today to support his wife and represent his family as residents of Ward 6. The reason he is before Council is because of some negative statements that were made by their ward representative on a Facebook page that was promoting the Women's March. Some of these were directed at other members in the community. His intention is not to attack in anger, but, for a moment, to express his expectations as a resident of the city. It now appears that the current national political culture is creeping into local culture. It's a culture that he finds to be repulsive and divisive. They will, and they are fighting against that. They expect elected officials to represent them in a respectful and dignified manner. This is exactly the way they teach their children to treat others. They expect them to be leaders who use their energy, ideas and passions to drive change and make lives better; not to belittle, demean, bully and dehumanize others. Finally, they expect there to be civilized dialogue to solve problems, help others and develop a strong community. They don't always need to agree, but they need to see others' point of view and work with them respectfully and sincerely if they are going to make that happen. They will be listening and watching, and they will be resisting where necessary. They will also work with anyone, regardless of beliefs, that will respect others to build a greater community.

Ms. Nicki Cebula, 2135 21st Street, stated that she wanted to speak in concern over the behavior of a councilman of her great city. She stated that she can respect political differences between them, and she thinks that dialogue is always okay. She stated that she respects Mr. Miller and his veteran status, which is important to say, because any criticism of him turns out to trigger people to accuse her of being anti-military, and she is not. She respects the Armed Forces and all the men and women who serve this country. They are the ultimate servants and their acts are nothing short of heroic. She believes that members of the military are people who should be honored and respected, regardless of any disagreement or agreement in an international conflict. She also believes that there are certain positions that hold higher standards. As an ex-Marine and elected official, she believes that Mr. Miller has an obligation to be more aboveboard than average citizens. His online behavior is nothing like that. Recently, she saw a post Mr. Miller posted about some Parks and Rec issue, stating, "We deserve qualified, community-oriented individuals on our Park Board and not pussy-hat wearing, resisting activists who seek to divide at every chance." Mr. Miller asked Ms. Cebula to say the full statement. Ms. Cebula stated that this is the part she pulled out and that Mr. Miller was not talking. Mr. Colavecchio stated that Ms. Cebula is entitled to speak, and Mr. Miller is not to interrupt.

Ms. Cebula asked if wearing a pussy hat and being a member of the resistance movement disqualifies someone from anything, including the Park Board, while being a member of the Tea Party equally disqualifies you. Mr. Miller stated that it doesn't. Ms. Cebula stated that Mr. Miller has posted some extremely partisan things. As a matter of fact, a while ago, his profile picture was a picture of Women's March branding that was babies sucking their thumbs, instead of women. Mr. Miller stated that that was because he was pro-life. Ms. Cebula stated that she was speaking, and he was not. Mr. Colavecchio stated that Mr. Miller had no right to speak at that moment, and that Council Rules do not allow Ms. Cebula to be interrupted. Ms. Cebula stated that that was par for the course. Mr. Miller should remember that, as a steward of the United States, everyone has the right to their beliefs, and that he represents all of them, especially when it is a large portion of them. His post makes it clear that he is not willing to represent nearly half his ward, because he should remember that he lost by a very small margin to Ms. Ziccardi. Ms. Cebula stated that that post was super upsetting to her, because she has been a victim of cyber-bullying by Mr. Miller. She stated that the definition of bullying is when a person who is in a position of power uses that power to intimidate or harm others. That is exactly what happened to her. They were in a very heated discussion last September when her comments were deleted. Mr. Miller then encouraged others to attack her to the point she left the group and blocked several people, because someone had gone to her personal page, saw where she worked and started threatening to call her boss. She understands that this is par for the course. When Mr. Miller gets upset with people, he goes after people's jobs.

Ms. Nichols-Rhodes asked how long Ms. Cebula had been speaking. Mr. Colavecchio stated that there was one minute, fifteen seconds left, but Ms. Cebula has been interrupted. Ms. Cebula stated that, for the rest of the conversation, the group was talking about where she worked and who to call. Mr. Miller saw that post, commented on it and never hinted at shutting them down. His next post was a veiled threat toward her. She stated that this encounter is only shared to demonstrate the divisiveness is coming from Mr. Miller. He would do good to remember that the Marines stand for honor and for taking the higher road. He would also do good to remember that he serves all of Cuyahoga Falls and not just the people who voted for him. Ms. Cebula stated that she would like

to address the ugliness and extreme partisan politics that are being played out. This is not about Ms. Moreland or Ms. Ziccardi, because she does not care if they get appointed to a position. She does have a right to believe that appointments in Cuyahoga Falls are being made based on who is qualified and not political affiliation. She also expects that there would not be Council members or any member that is bashing private citizens online or in any public forum. Veiled or not veiled, it's inappropriate. She does not have confidence that they are able to appoint somebody fairly. Mr. Colavecchio stated that Ms. Cebula's time was up. Ms. Cebula stated that she was interrupted. She stated that partisan politics in this country are out of control and everyone is suffering, so why are they mimicking that in their community, because they are all better than that. If Mr. Miller is not, it's time for him to move on.

Mr. Miller stated that he appreciates everyone coming here and expressing their opinions. He has had conversations with several people in the room regarding his comments. There was context that was missed on why he made those statements. He received a communication from a high-level City employee in the Parks Department that was very disturbed about what he was hearing was going on. He understands that this was hearsay. He then was contacted by another member of the community that said that the Mayor was contacting Board of Education members and influencing their vote to the Park Board. Knowing what happened last year, he felt that this was unacceptable, so he spoke out against it. That was his opinion. He appreciates Ms. Cebula's opinion; he just 100-percent disagrees. Council, last year, voted unanimously, 11-0, to defund that position for a specific reason. At the time, he felt that cronyism and political favoritism on the Parks Board was not needed, so he spoke out against it. He appreciates everyone's viewpoint. A lot of citizens have contacted him with those strong viewpoints, and they have had communication about that. Mr. Miller stated that his cell phone number is 330-814-6786. If anybody disagrees with what he said on that post, please give him a call. He will explain himself in greater detail as to context, and they can discuss the issue further. He in no way meant to demean an individual for their beliefs. He felt that the type of activism and the type of stuff that is going on behind the scenes with the Mayor and the Board of Education was unnecessary and felt strongly that he needed to speak out. Mr. Miller stated that he did use some harsh words, because he was fired up about what happened last year with almost \$400,000, in his opinion, wasted on an employee that wasn't showing up for work. He stated that anyone can call him any time to discuss this in greater detail. His cell phone is on him 24 hours a day. He stated that he has extended an invitation to meet with Ms. Ziccardi, and that invitation stands.

Mr. Iona thanked everyone for attending. Normally, four or five people show up. He is delighted to see this many people want to be involved. He felt it was important to mention that, in Dayton, Ohio, they found Ohio cities presale home inspections and fees unconstitutional. There are a lot of cities that have pre-inspections before selling a home. They require you to pay the fee to have the city come in to say what's right or wrong. There is a program in Cuyahoga Falls where they check maintenance. In Dayton, somebody took this to court and said it's private property, and it's illegal to have somebody come in and search their house and charge a fee for it. They ruled in the citizen's favor that they can't just arbitrarily say the house isn't up to code and come into the home without specifics. Mr. Iona stated that it's a great victory for property rights, and he wants to make sure the City is on the right side of it.

Mr. James moved to adjourn, second by Mr. Iula. Motion passed, voice vote (11-0). Meeting adjourned at 7:04 p.m.

Mary Nichols-Rhodes, Council President

Dana M. Capriulo, Clerk of Council