

CUYAHOGA FALLS CITY COUNCIL
Minutes of the Council Meeting

January 12, 2009

- Call to Order:** Mr. James at 6:35 p.m.
- Roll Call:** Mrs. Hummel, present; Mrs. Colavecchio, present; Mr. Walters, present; Mrs. Ritzinger, present; Mr. Ihasz, present; Mr. Rubino, present; Mrs. Klinger, present; Mrs. Pyke, present; Mr. Barnhart, present; Mr. Mader, present; Mr. James, present.
- Invocation:** Mrs. Hummel
- Pledge of Allegiance:** Mr. Rubino
- Approval of Minutes:** The minutes from the December 22, 2008 regular Council meeting, December 29, 2008 Special Council meeting and the January 5, 2009 Special Council meeting have been approved as submitted.
- Reports and Communications:**
1. A Notice from the Ohio Division of Liquor Control regarding a license transfer from Strike One Enterprises Ltd. dba North Lanes to MTV Bowl Inc. dba North Lanes, 4190 State Rd., Cuyahoga Falls, Ohio.
 2. A certified letter dated January 5, 2009 from the Ohio Multi-County Development Corporation to City Council re: a proposed multi-family residential development to be constructed on parcel #02-18986 on Charles Street. The project will utilize Housing Development GAP Funding Program funds. The City has 30 days in which to submit any written objections.

New Legislation
(First Reading)

Temp. Ord. B-2 (Finance)

An ordinance creating the position of Human Resources Technician and declaring an emergency.

Temp. Ord. B-3 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for repairs as required by the Project Partner: Storm Water Inspection Program, and declaring an emergency.

Temp. Ord. B-4 (Finance)

An ordinance levying special assessments for the repair or replacement of sidewalks and drive approaches in the district known and designated by this Council as a Sidewalk Repair District for the year 2008 containing all necessary streets, alleys or public roadways within the corporate limits of the City of Cuyahoga Falls, and declaring an emergency.

Temp. Ord. B-5 (Finance)

An ordinance authorizing the Director of Finance to enter into a contract or contracts for software maintenance and support of the eGovernment software applications, and declaring an emergency.

Temp. Ord. B-6 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials, supplies, equipment and services for use by the Electric Department during 2009, and declaring an emergency.

Temp. Res. B-7 (Public Improvements)

A resolution creating for the year 2009 a sidewalk and drive approach repair or replacement district containing such streets, alleys, or public roadways within the corporate limits of the City of Cuyahoga Falls, declaring the necessity of repairing or replacing the sidewalks and drive approaches abutting on such streets, alleys or public roadways within said corporate limits and providing the method for levying special assessments, and declaring an emergency.

Temp. Ord. B-8 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement or adjustment of concrete sidewalks, drive approaches and curbs at various locations in the City of Cuyahoga Falls, and declaring an emergency.

Reports of Council's Standing Committees

(Third Reading)

Planning & Zoning

Nothing to report.

Finance & Appropriations

Temp. Ord. A-143

An ordinance authorizing the Mayor and Director of Public Service to enter into contracts for the purchase of various vehicles for use by the City, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. A-143, second by Mrs. Klinger. Motion passed (11-0).

Temp. Ord. A-144

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the annual requirements of the municipal garage for 2009, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. A-144, second by Mrs. Ritzinger. Motion passed (11-0).

Temp. Ord. A-145

An ordinance authorizing a settlement in the case of *John P. Richard v. City of Cuyahoga Falls* and declaring an emergency.

Mr. Walters moved to amend Temp. Ord. A-145 by substitution with Sub. Temp. Ord. A-145 (dated 1-9-09), second by Mrs. Klinger. Mr. Walters said the purpose of the substitute was to correct an error in Section 2. Motion passed (11-0). Mr. Walters moved to adopt Sub. Temp. Ord. A-145 (dated 1-9-09), second by Mrs. Klinger. Motion passed (11-0).

Temp. Ord. A-147

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials and supplies in the water/sewer utilities department during 2009, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. A-147, second by Mrs. Klinger. Motion passed (11-0).

Temp. Ord. A-148

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain supplies and materials for use by the Street Department during 2009, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. A-148, second by Mrs. Ritzinger. Motion passed (11-0).

Temp. Ord. B-1

An ordinance establishing compensation levels for non-bargaining employees of the City of Cuyahoga Falls for calendar years 2009, 2010, and 2011, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. B-1, second by Mrs. Klinger. Mr. Walters wanted to clarify the major difference between union and non-union employees regarding compensation. When a union contract is negotiated, there is give and take on many issues, including wages. However, the City grants non-bargaining employees the same raises as union workers without asking them to give anything in return. He feels residents would be shocked to see the salaries of some of the City's high level employees. That being said, he stated that the City has outstanding, dedicated employees, both union and non-union, that are worthy of a pay raise as long as the City's finances allow, so he would be supporting the ordinance as written. Motion passed (11-0).

Public & Industrial Improvements

Temp. Ordinance A-149

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 2810 Bailey Road and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law and declaring an emergency.

Mrs. Ritzinger moved to adopt Temp. Ord. A-149, second by Mr. Ihasz. Motion passed, voice vote (11-0).

Public Affairs:

Nothing to report.

Community Development:

Nothing to report.

Schedule of Committee Meetings

Planning & Zoning:	Subject to call.
Finance:	January 20, 2009, 6:15 p.m.
Public Improvements:	January 20, 2009, 6:20 p.m.
Public Affairs:	Subject to call.
Community Development:	Subject to call.

Miscellaneous Business:

Mrs. Hummel questioned the 12/22 Board of Control amount for VanMeter and Associates. Mr. Arrington indicated the amount was in regard to the Mayor's Court. For the past couple of years, the General Assembly has been considering legislation regarding mayors' courts and he had the opportunity to testify during the process. In the last month of the lame duck sessions held, Senator Coughlin attempted to introduce legislation against mayors courts that would specifically impact only Cuyahoga Falls. Mr. Arrington felt the matter needed more assistance than he could get from the public record so the City hired VanMeter and Associates. On the last day of Senate session, Senator Coughlin attached an amendment to a bill that had already passed the House. The amendment simply stated that Cuyahoga Falls could not have a mayor's court and would not impact any other city in the State. By doing this on the last day and attaching it to a bill that had nothing to do with the courts, it precluded anyone from Cuyahoga Falls from giving public comment. They needed someone to lobby the case on the City's behalf. Mrs. Hummel asked if the amount would be charged to the Mayor's Court budget. Mr. Brodzinski stated it could not because it was a 2008 charge and the Mayor's Court did not exist. He indicated it would be coming out of the Law Department's budget which is out of the same fund (the General Fund) that the Mayor's Court falls under. Mrs. Hummel asked whether the two ads that recently appeared in the paper regarding the Mayor's Court would be charged to the Mayor's Court budget. Mr. Brodzinski stated those charges would come out of "Other" within the Mayor's Court.

Mrs. Hummel stated Council was requested to recess into Executive Session and asked for an explanation of why the discussions regarding the purchase of property in relation to the hospital project could not be a public discussion. She asked whether it was because the City is contemplating the purchase of the property with Hudson and Stow. Mrs. Truby indicated it was. Mrs. Hummel stated she did not recall that being mentioned during budget discussions. Mrs. Truby stated it was part of the three costs that were covered and was also contained in the Memorandum of Understanding. Mrs. Hummel asked if the presentation being made by representatives from the hospitals fell under the appropriate definition of Council's recessing into Executive Session. Mr. Arrington stated since the presentation is about the use which could affect the value of the property the City wants to buy, State law allows for an

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Executive Session. He stated that the Sunshine Law deals with discussion of official business. Right now, there is no official business concerning this project and, at this point in time, there is no action they are asking Council to take. In the future, there will be legislation on this but the discussion at this time is appropriate for an Executive Session. Mrs. Hummel asked whether the presentations have already been given to Stow and Hudson. Mrs. Truby stated those are scheduled to take place on January 20 and January 21. Mrs. Hummel stated if there are subsequent presentations to be given to the legislative bodies, she would like those to be organized so that all three Councils would be present to hear the same information presented.

Mrs. Hummel moved to recess into Executive Session to consider the purchase and/or sale of public property where the premature disclosure of information would give an unfair advantage to persons whose interests may be adverse to the general public interest, second by Mrs. Colavecchio. Roll call: Mrs. Hummel, yes; Mrs. Colavecchio, yes; Mr. Walters, yes; Mrs. Ritzinger, yes; Mr. Ihasz, yes; Mr. Rubino, yes; Mrs. Klinger, yes; Mrs. Pyke, yes; Mr. Barnhart, yes; Mr. Mader, yes; Mr. James, yes. Motion passed (11-0).

Mrs. Carr stated with regard to the comments made on Temp. Ord. B-2, that she agreed that the non-bargaining members do not bargain like union members but feels it is wrong to think that the non-bargaining employees get what the unions get. Union members receive other things through negotiations but the non-bargaining employees stay the same. They deserve three years of raises just like the union personnel.

Gina Mace, the reporter from *The Beacon Journal* requested that Council not go into Executive Session. She stated that Stow did a presentation in open meeting and that next week will be another discussion in open meeting. Mrs. Truby stated that was different because Akron General requested a public presentation for Stow, and Summa was apprised of that situation. Cuyahoga Falls does not have an Akron General presence. Also, that presentation was different from property acquisition. Ms. Mace requested that everything be taken down on the record. Mr. Arrington stated that no record is taken during an Executive Session and advised Council not to take any notes.

Council recessed into Executive Session at 6:55 p.m. and reconvened at 8:02 p.m.

Mrs. Hummel moved to adjourn, second by Mr. Ihasz. Motion passed, voice vote (11-0). Meeting adjourned at 8:03 p.m.

Jerry James, Council President

Cathleen J. Meacham, Clerk of Council



Ohio Multi-County Development Corporation

680 East Market Street, Suite 307 • Akron, Ohio 44304

PHONE 330.315.3718 • FAX 330.374.5117

WEB www.omcdc.org

January 5, 2009

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Cathy Meacham, Council Clerk
2310 Second Street
Cuyahoga Falls, Ohio 44221

RE: Cardinal's Peak

Dear Ms. Meacham:

The purpose of this letter is to apprise your office that the Ohio Multi-County Development Corporation will be the developer of a multifamily residential development located in or within a one-half mile radius of your political jurisdiction. The following describes the project and the multifamily funding programs of the Ohio Housing Finance Agency (OHFA) that will be utilized for the project and notifies you of your right to submit written comments to OHFA:

Project Address: Charles St. Parcel # 02-18986 Cuyahoga Falls, Ohio 44221; Summit County;

Number of Units: The project will have fourteen one bedroom units and an additional manager's unit.

Nature of project: New construction project

Program funding utilized in the project: Project will utilize Housing Development GAP Funding Program funds

Right to submit comments: You have the right to submit comments to OHFA regarding the project's impact on the community. If you intend to submit a statement of disapproval or objection, you must submit a written statement that is signed by a majority of the voting members of the legislative body governing your jurisdiction. The written objection must be

A subsidiary of
Community
Health Center
FOUNDATION
Building a better tomorrow



forwarded separately to the Chairman of OHFA and to the Agency's Executive Director and be delivered by certified mail, return receipt requested. The person and addresses to be notified at OHFA are:

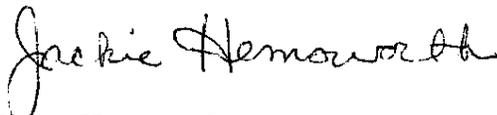
Kimberly Zurz, Chairperson
Ohio Housing Finance Agency
57 East Main St.
Columbus, Ohio 43215

Mr. Douglas A. Garver, Executive Director
Ohio Housing Finance Agency
57 East Main St.
Columbus, Ohio 43215

The written objection must be submitted within 30 days of your receipt of this notice, and must be received by OHFA within 45 days of the date of the sponsor's or private developer's notice.

OHFA is required to respond to any written statement submitted by you under the terms outlined above.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Hemsworth".

Jackie Hemsworth
Project Coordinator