

## CUYAHOGA FALLS CITY COUNCIL

### Minutes of the Council Meeting

October 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:** Mrs. Pyke
- Approval of Minutes:** The minutes from the September 14, 2009 and September 28, 2009 regular Council meetings and the October 5, 2009 Special Council meeting have been approved as submitted.
- Reports and Communications:**
1. A certified letter dated September 23, 2009 from the Ohio Division of Liquor Control to Palmer Wetzel, President of Two Taverns Inc. dba Chestnut Beer Garden, that the hearing on the renewal of his liquor permit has been rescheduled for 1:00 p.m. on October 19, 2009 at the Summit County Department of Job and Family Services.
  2. A Notice from the Ohio Division of Liquor Control regarding a license transfer from BP Products North America Inc. to EZ Energy USA Inc. dba Easy Trip 1113, located at 2811 State Road, Cuyahoga Falls, Ohio.
  3. A Notice from the Ohio Division of Liquor Control regarding a license transfer from Standard Oil Co. to EZ Energy USA Inc. dba Am Pm 1128 located at 1205 Main Street, Cuyahoga Falls, Ohio.

#### New Legislation

(First Reading)

#### **Temp. Ord. B-103 (Finance)**

An ordinance addressing the current national and regional economic conditions by repealing Chapter 155 of the Codified Ordinances, enacting Section 125.02 of the Codified Ordinances, amending Sections 151.01 and 151.05 of the Codified Ordinances, amending Cuyahoga Falls Ordinance 6-2009 and making other necessary fiscal adjustments and declaring an emergency.

#### **Temp. Ord. B-104 (Finance)**

An ordinance authorizing the sale of certain real property known as 1850-54 Front Street upon terms and conditions as set forth in the High Bridge Glens Clean Ohio Council CORF Grant, and declaring an emergency.

#### **Temp. Res. B-105 (Finance)**

A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer, and declaring an emergency.

#### **Temp. Ord. B-106 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, to facilitate the environmental cleanup and redevelopment of the Buckeye Mixed-Use Redevelopment Project, and declaring an emergency.

#### **Temp. Res. B-107 (Public Affairs)**

A resolution withdrawing the City's objection to the renewal of liquor permit number 91164360005 of Two Taverns, Inc., and declaring an emergency.

**Temp. Ord. B-108 (Community Development)**

An ordinance authorizing the Mayor to enter into a Community Reinvestment Area agreement with SMSB Investments LLC and declaring an emergency.

**Temp. Res. B-109 (Community Development)**

A resolution authorizing the City of Cuyahoga Falls to file an application to the State of Ohio, to participate in the Clean Ohio Assistance Fund for assessments at 2355 Front Street and declaring an emergency.

**Temp. Res. B-110 (Community Development)**

A resolution authorizing the City of Cuyahoga Falls to file an application to the State of Ohio to Participate in the Clean Ohio Assistance Fund for assessments at 1110-1130 Portage Trail and declaring an emergency.

**Temp. Res. B-111 (Community Development)**

A resolution authorizing the City of Cuyahoga Falls to file an application to the State of Ohio to participate in the Clean Ohio Assistance Fund for assessments at 333 and 400 Pleasant Meadow Blvd and declaring an emergency.

**Reports of Council's Standing Committees**

(Third Reading)

**Planning & Zoning**

No report.

**Finance & Appropriations**

**Temp. Ord. B-91**

An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, with L3 Mobil-Vision, Inc. for the lease and/or purchase of an in car video camera system for use by the Police Department, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. B-91, second by Mrs. Klinger. Motion passed, voice vote (11-0).

**Temp. Ord. B-92**

An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, for the lease and/or purchase of 30 Mobile Data Terminals for use by the Police Department, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. B-92, second by Mrs. Ritzinger. Motion passed, voice vote (11-0).

**Temp. Ord. B-94**

An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts with QEI, Inc. to upgrade Supervisory Control and Data Acquisition (SCADA) system hardware and software and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. B-94, second by Mrs. Ritzinger. Motion passed, voice vote (11-0).

**Temp. Ord. B-95**

An ordinance allowing only the City of Cuyahoga Falls to aggregate demand response of retail customers in accordance with FERC Order 719 and taking other actions in connection therewith and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. B-95, second by Mrs. Klinger. Motion passed, voice vote (11-0).

**Public & Industrial Improvements**

**Temp. Ord. B-99**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement of concrete pavement and storm sewers on Howe Avenue, in the City of Cuyahoga Falls, and declaring an emergency.

Mrs. Ritzinger moved to adopt Temp. Ord. B-99, second by Mr. Ihasz. Motion passed, voice vote (11-0).

**Temp. Ord. B-100**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the Graham Road/Bath Road storm sewer connector, and declaring an emergency.

Mrs. Ritzinger moved to adopt Temp. Ord. B-100, second by Mr. Mader. Motion passed, voice vote (11-0).

**Temp. Ord. B-101**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for professional design and engineering services for the extension of Prospect Avenue between Front and Second Streets, and declaring an emergency.

Mrs. Ritzinger moved to adopt Temp. Ord. B-101, second by Mr. Ihasz. Motion passed, voice vote (11-0).

**Public Affairs:**

No report.

**Community Development:**

No report.

**Schedule of Committee Meetings**

Planning & Zoning:	Subject to call.
Finance:	October 19, 2009, 6:15 p.m.
Public Improvements:	October 19, 2009, 6:20 p.m.
Public Affairs:	October 19, 2009, 6:25 p.m.
Community Development:	October 19, 2009, 6:30 p.m.

**Miscellaneous Business:**

Mrs. Pyke asked what would happen on the hearing scheduled on Chestnut Beer Gardens in light of the legislation that was introduced tonight to withdraw the City's objection. Mr. Arrington stated he has asked the Liquor Control Board to continue the hearing, however, the person who makes that decision is out of the office. They understand there is no need to hold the hearing on the 19<sup>th</sup> but they need to make a formal determination. If that is not received by the time of the hearing, he will still appear and tell them there is no sense in having the hearing and, hopefully, they can postpone it.

Mrs. Klinger asked whether the liquor license transfers read into the record tonight meant that the BP stations had been sold. Mrs. Truby indicated they had. Mrs. Klinger asked if there were any plans to reopen them. Mrs. Truby did not know. They are still working on contamination issues.

Mrs. Hummel stated she assumed that the Chestnut Beer Garden was still operating. Given the City's objection with the Board of Liquor Control, she asked whether the Chestnut Beer Garden was operating under a temporary license since all liquor permits expired on October 1. She said they'd need either a renewal or have something temporary. Mr. Arrington indicated he would check, but he would assume they would have a permit until the Liquor Control Board says they do not.

Mr. Walters stated that the Board of Control awarded the engineering for the Purdue Street work and asked if they've started. Mr. Demasi stated the engineering is completed and they are working with the EPA but have not heard a final determination. The engineering work was completed three years ago. This is for their services for making the ARRA Application and for once the project moves forward.

Mr. Barnhart moved to adjourn, second by Mrs. Pyke. Motion passed, voice vote (11-0). Meeting adjourned at 6:55 p.m.

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Jerry James, Council President

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Cathleen J. Meacham, Clerk of Council