

CUYAHOGA FALLS CITY COUNCIL
Minutes of the Council Meeting

October 26, 2009

- Call to Order:** Mr. James at 6:38 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. Barnhart
- Approval of Minutes:** The minutes from the October 12, 2009 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 Sunoco Inc. R&M dba Sunoco 6043 to First Store Inc. at 2113 State Road, Cuyahoga Falls.
 2. A Notice from the Ohio Division of Liquor Control regarding a new license application for Rajkamal Corporation dba Raj Mahal, 2033-35 State Road, Cuyahoga Falls.
 3. A Notice from the Ohio Division of Liquor Control regarding a new license application for Haynes management Services Inc. dba C Store II, 2603 State Road, Cuyahoga Falls.

New Legislation
(First Reading)

Temp. Ord. B-112 (Finance)

An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts for the lease/purchase of fitness equipment for the Natatorium Recreation and Wellness Center, and declaring an emergency.

Temp. Ord. B-113 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts according to law for preventative maintenance and repair service for certain specialized vehicles and equipment in the Sanitation Division, and declaring an emergency.

Temp. Ord. B-114 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract for the purchase of a new Holland backhoe, and declaring an emergency.

Mr. Walters moved to suspend the rules in order to hold a committee meeting on the same night as Council in order to discuss Temp. Ord. Nos. B-96, B-97 and B-103, second by Mrs. Ritzinger. Mr.

Walters stated Council was asked to discuss B-96, B-97 and B-103 with a possible vote on each tonight. Motion passed, voice vote (10-0).

Temp. Ord. B-115 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of the waterline in Tudor Street from Highland Avenue to Stuart Avenue, and declaring an emergency.

Temp. Ord. B-116 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of the storm and sanitary sewers on 11th, 12th, 13th Streets and Jefferson, Phelps and Leavitt Avenues, near Oak Park, and declaring an emergency.

Temp. Ord. B-117 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for repairs to the Green Parking Deck in the City of Cuyahoga Falls, and declaring an emergency.

Temp. Ord. B-118 (Public Improvements)

An ordinance authorizing the Director of Public Service to execute a modification of the contract for the demolition of the State Road Shopping Center and declaring an emergency.

Mrs. Ritzinger moved to suspend the rules in order to hold a committee meeting on the same night as Council in order to discuss Temp. Ord. No. B-118, second by Mrs. Pyke. Motion passed, voice vote (10-0).

Council recessed into committee meetings at 6:45 p.m. and reconvened at 8:05 p.m.

Reports of Council's Standing Committees

(Third Reading)

Planning & Zoning

No report.

Finance & Appropriations

Sub. Temp. Ord. B-96 (dated 10-23-09)

An ordinance amending Section 151.12 of the Codified Ordinances and declaring an emergency.

Mr. Walters moved to adopt Sub. Temp. Ord. B-96, second by Mrs. Ritzinger. Motion passed, voice vote (10-0).

Temp. Ord. B-97

An ordinance authorizing the Finance Director to enter into a contract or contracts, according to law, for the purchase of a package policy of municipal insurance, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. B-97, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Temp. Ord. B-104

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.

Mr. Walters moved to adopt Temp. Ord. B-104, second by Mrs. Ritzinger. Motion passed, voice vote (10-0).

Temp. Res. B-105

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.

Mr. Walters moved to adopt Temp. Res. B-105, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Public & Industrial Improvements

Temp. Ord. B-106

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.

Mrs. Ritzinger moved to adopt Temp. Ord. B-106, second by Mr. Mader. Mrs. Hummel moved to amend B-106 with Sub. B-106 (dated 10-23-09) which changes the language in Section 1 to match the language in the title, second by Mrs. Pyke. Motion passed, voice vote (10-0). Mrs. Ritzinger moved to adopt Sub. Temp. Ord. B-106 (dated 10-23-09), second by Mr. Mader. Motion passed, voice vote (10-0).

Temp. Ord. B-118

An ordinance authorizing the Director of Public Service to execute a modification of the contract for the demolition of the State Road Shopping Center and declaring an emergency.

Mrs. Ritzinger moved to adopt Temp. Ord. B-118, second by Mr. Mader. Motion passed, voice vote (10-0).

Public Affairs:

Temp. Res. B-107

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

Mr. Rubino moved to adopt Temp. Res. B-107, second by Mr. Barnhart. Motion passed, voice vote (9-1).

Community Development:

Temp. Ord. B-108

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

Mrs. Colavecchio moved to amend Temp. Ord. B-108 with Sub. Temp. Ord. B-108, second by Mrs. Pyke. Mrs. Colavecchio stated the substitute changes the owners of this establishment from LLC to the individual and his wife's name individually as well, second by Mrs. Pyke. Motion passed, voice vote (10-0).

Temp. Res. B-109

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.

Mrs. Colavecchio moved to adopt Temp. Ord. B-109, second by Mrs. Pyke. Motion passed, voice vote (10-0).

Temp. Res. B-110

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.

Mrs. Colavecchio moved to adopt Temp. Ord. B-110, second by Mrs. Pyke. Motion passed, voice vote (10-0).

Temp. Res. B-111

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.

Mrs. Colavecchio moved to adopt Temp. Res. B-111, second by Mrs. Pyke. Motion passed, voice vote (10-0).

Mr. James announced that Council was changing the starting time of committee meetings, which are held on the first and third Mondays of the month, to 6:30 p.m.. From now on, everything will be starting at 6:30 p.m.

Schedule of Committee Meetings

Planning & Zoning:	Subject to call.
Finance:	November 2, 2009, 6:30 p.m.
Public Improvements:	November 2, 2009, 6:35 p.m.
Public Affairs:	Subject to call.
Community Development:	Subject to call.

Miscellaneous Business:

Mrs. Hummel moved to excuse the absence of Mr. Ihasz, second by Mrs. Pyke. Motion passed, voice vote (10-0).

Mr. Arrington stated that Rule 3.3 does require a written notice for a Special Council meeting, which addressed Mrs. Klinger's question during the Finance Committee meeting regarding whether a written notice was necessary.

Mrs. Carr clarified some of the incorrect reports by the media concerning the PCF issue. She also explained the history of how the PCF has been calculated and applied, and stated her opinion why the numbers needed to be recouped. Mr. James requested that she continue to keep Council apprised.

Mr. Rubino asked if there was any concern about how the electric fund used to carry a \$9 million balance and is now carrying only a \$5 million balance and whether the loss in revenue from the PCF error had an affect on that. Mrs. Carr stated they do believe it is a factor. Without the error, the balance in the Electric Fund would have been higher than \$5 million at this point. Mr. Rubino asked if the lower balance affects the bond rating. Mrs. Carr stated it does not. Mrs. Pyke asked if it affected the City's ability to buy power. Mrs. Carr stated that the power companies look at the potential revenue each year. That is why it is important that the City recoup this money. Mrs. Pyke asked if AMP-Ohio says the City must recoup the money and it does not, would they drop us. Mrs. Carr stated it is a complicated issue. Members are rated on their viability and on how customers pay. The City would not be dropped but it could affect potential future ventures if it is not as viable. Mrs. Pyke asked about a comparison between the City's rates and FirstEnergy's. Mrs. Carr stated that even with recouping for the error, the City is still extremely competitive. The City is now at ten cents per kwh. FirstEnergy can be anywhere between 10 and 15 cents. Mrs. Pyke stated that people are also starting to question the water because of the change in the meters. Mrs. Carr stated they have had some questions about water but most have been about the electric.

Mrs. Pyke moved to adjourn, second by Mrs. Ritzinger. Motion passed, voice vote (10-0). Meeting adjourned at 8:30 p.m.

Jerry James, Council President

Cathleen J. Meacham, Clerk of Council