

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

November 28, 2011

- Call to Order: Mrs. Colavecchio at 6:30 p.m.
- Roll Call: Mrs. Hummel, present; Mr. Walters, present; Mr. James, present; Mr. Ihasz, present; Mr. Rubino, present; Mrs. Klinger, present; Mrs. Pyke, present; Mr. Barnhart, present; Mr. Mader, present; Mr. Iula, present; Mrs. Colavecchio, present.
- Invocation: Mrs. Hummel
- Pledge of Allegiance: Mr. Ihasz
- Approval of Minutes: The minutes from the November 7, 2011 Special Council meeting and the November 14, 2011 regular Council meeting were approved as submitted.
- Reports and Communications: None.

Mr. James moved to suspend the Rules in order to introduce and assign the legislation relating to the budget ordinances B-127 and B-128 that were just presented to Council this evening. Second by Mrs. Hummel. Motion passed, voice vote (11-0).

Mr. James moved to suspend the Rule requiring that the legislation be read by title only by the Clerk. Ordinances are usually supposed to be read in their entirety when there is a delay in Council receiving them. Second by Mrs. Hummel. Motion passed, voice vote (11-0).

New Legislation (First Reading)

Temp. Ord. B-121 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts for cleaning services at the Municipal Building, and declaring an emergency.

Temp. Ord. B-122 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts for the purchase of preventive maintenance and repair services related to specialized vehicles and equipment used by the Sanitation Department, and declaring an emergency.

Temp. Ord. B-123 (Finance)

An ordinance authorizing the Director of Finance to enter into a contract or contracts without competitive bidding with Comdoc, Inc., for the lease of printers, copy machines, and facsimile machines for a period not to exceed five years, and declaring an emergency.

Temp. Res. B-124 (Finance)

A resolution requesting the Summit County Fiscal Officer to make advance distribution of tax receipts payable to the City of Cuyahoga Falls, and declaring an emergency.

Temp. Ord. B-125 (Finance)

An ordinance authorizing the Mayor to enter into a contract or contracts without competitive bidding with Finley Fire Equipment Company, Inc for weekly vehicle maintenance services, and declaring an emergency.

Temp. Ord. B-126 (Public Affairs)

An ordinance authorizing the Director of Law to enter into a contract or contracts with Mazanec, Raskin & Ryder Co., LPA, for legal services related to pending and potential tort and employment litigation, and declaring an emergency.

Temp. Ord. B-127 (Finance)

An ordinance providing for supplemental and/or amended appropriations of money for current operating expenses and capital expenditures of the City of Cuyahoga Falls, and authorizing the transfer of appropriations within and for the various funds hereinafter set forth, and declaring an emergency.

Temp. Ord. B-128 (Finance)

An ordinance establishing annual appropriations of money for the current expenses, capital expenditures and other expenses of the City of Cuyahoga Falls for the fiscal year ending December 31, 2012, and declaring an emergency.

Reports of Council's Standing Committees

(Third Reading)

Planning & Zoning

No report.

Finance & Appropriations

Temp. Ord. B-114

An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, according to law, for the purchase of self-contained breathing apparatus sets and a rescue intervention pack, and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Ord. B-114, second by Mr. Walters. Motion passed, voice vote (11-0).

Temp. Ord. B-115

An ordinance authorizing the Director of Public Service to enter into a contract or contracts without competitive bidding with Genuine Parts Company for the operation of an automotive parts shop in a City facility located at 2560 Bailey Road, and for the purchase of auto and truck parts, for a period not to exceed three years, and declaring an emergency.

Mrs. Hummel moved to table Temp. Ord. B-115 and refer it back to Committee for further discussion, second by Mr. Walters. Mrs. Hummel stated she had asked for a copy of the contract. After reviewing it, she had some concerns about the language. She spoke with Mrs. Carr and Mr. Brodzinski who alleviated most of her concerns but she feels Council needs to have further discussion on the ordinance based on the information she received. Motion passed, voice vote (11-0).

Sub. Temp. Ord. B-116 (dated 11-21-11)

An ordinance amending Sections 151.01 and 151.05 of Title Five, Part One of the Codified Ordinances, relating to sick leave and vacation for eligible employees, and declaring an emergency.

Mrs. Hummel moved to adopt Sub. Temp. Ord. B-116 (dated 11-21-11), second by Mr. Walters. Motion passed, voice vote (11-0).

Temp. Ord. B-117

An ordinance amending Section 303.10 of Title One, Part Three of the Codified Ordinances, relating to impounded vehicles, and declaring an emergency.

Mrs. Hummel moved to amend Temp. Ord. B-117 by substitution with Sub. Temp. Ord. B-117 (dated 11-28-11), second by Mrs. Klinger. The amendment will not require the towing company to pay the \$50 administrative fee for towed vehicles they acquire through salvage title. Motion passed, voice vote (11-0). Mrs. Hummel moved to adopt Sub. Temp. Ord. B-117 (dated 11-28-11), second by Mrs. Klinger. Motion passed, voice vote (11-0).

Public & Industrial Improvements

No report.

Public Affairs:

Temp. Res. B-118

A resolution expressing support for the construction of the Cuyahoga Falls/Silver Lake Police Memorial, and declaring an emergency.

Mr. Ihasz moved to adopt Temp. Ord. B-118, second by Mr. Iula. Motion passed, voice vote (11-0).

Temp. Ord. B-119

An ordinance subdividing the City into wards pursuant to the 2010 Federal Decennial Census, and declaring an emergency.

Mr. Ihasz moved to adopt Temp. Ord. B-119, second by Mrs. Hummel. Mr. Walters moved to table Temp. Ord. B-119 and requested that a Special Council meeting be scheduled for next week, second by Mr. James. Mr. Walters stated he just received the metes and bounds today. The description matches what the Committee recommended but not everyone on Council received a copy. He would like the information to be distributed so all members can have a chance to review it. Motion passed, voice vote (11-0).

Community Development:

Temp. Ord. B-120

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

Mr. James moved to adopt Temp. Ord. B-120, second by Mr. Rubino. Motion passed, voice vote (11-0).

Schedule of Committee Meetings

Planning & Zoning:	Subject to call.
Finance:	December 5, 2011, 6:30 p.m.
Public Improvements:	Subject to call.
Public Affairs:	December 5, 2011, 6:35 p.m.
Community Development:	Subject to call.

Miscellaneous Business:

Mrs. Colavecchio stated that an update on the Portage Crossings project would be given. Mrs. Truby stated that unfortunately the developers had a conflict and were unable to attend this evening, and they would also be at the New York ICSC Convention next Monday. They are planning to attend the December 12 Council meeting to give an update. She stated that there have been many inquiries about what stores were coming to Portage Crossings. Unfortunately, leases have not yet been finalized so she cannot provide that information. She reported that the project was definitely moving forward and was, in fact, growing in size. The project was originally planned to be constructed in two phases but would now be done in one phase on the entire 25 acres, which puts them ahead of schedule. The project value has increased from \$40 million to \$60 million, which is good news for jobs, taxes, real estate and income taxes. The City can pay off the debt sooner which means more money going sooner to the School District. The City is also providing the Developer with an additional incentive. While the external part looks stagnate, the internal part continues moving forward. Demolition of the gas station will be completed by the end of the year, and the Electric Department will begin dismantling the

substation this month. There will be 15 to 25 different stores, depending on the size of the stores. The internal project timeline coincides with the Spring 2012 groundbreaking. The City has done many things relating to infrastructure and road improvements. She believes the project is on target and looks forward to the developer's presentation on December 12.

Mrs. Klinger stated Mr. Rubin had indicated at the last presentation that they were negotiating with the north and south anchor tenants. At that time, one was in Letter of Intent (LOI) status and the other was in lease negotiations. She asked if that has changed. Mrs. Truby stated they have been talking to 2, 3, or 4 of what she considered to be "big box" retailers but does not know if they are close to signing. Mrs. Colavecchio asked what the date was that the developer had to close on this project. Mrs. Truby stated the contract was executed on March 11, 2010 and that they are allowed two 6-month extensions which would bring it to March 11, 2012. If they need more time, the request would come back to Council. Mrs. Hummel thanked Mrs. Truby for the update. The Spring 2012 groundbreaking is not that far off. Mrs. Hummel asked Mrs. Truby to convey to Stark Enterprises that she expects to hear something on December 12 indicating who some of the retailers are. She does not know how they can be on target and not have something to share.

Mr. James moved to adjourn, second by Mrs. Pyke. Motion passed, voice vote (11-0). Meeting adjourned at 7:00 p.m.

Diana Colavecchio, Council President

Cathleen J. Meacham, Clerk of Council