

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

February 13, 2017

- Call to Order:** Mrs. Pyke at 6:32 p.m.
- Roll Call:** Mr. Rubino, present; Mr. Pallotta, present; Ms. Nichols-Rhodes, present; Mr. Brillhart, present; Mr. Miller, present; Mr. James, present; Mr. Iona, present; Mr. Colavecchio, present; Mrs. Klinger, present; Mr. Iula, present; Mrs. Pyke, present.
- Invocation:** Mr. Iona
- Pledge of Allegiance:** Mrs. Klinger
- Approval of Minutes:** The minutes from the November 28, 2016, December 12, 2016, December 27, 2016, January 9, 2017, January 23, 2017 Council meetings and the 1-3-17 Organizational meeting and 1-23-17 Committee-of-the-Whole meeting were approved as written.
- Reports and Communications:** None.

New Legislation (First Reading)

New Ordinances & Resolutions

Temp. Ord. B-9 (Public Affairs)

An ordinance authorizing a waiver of the water and sewer tap-in fees set forth in Sections 923.10 and 925.06 of the Cuyahoga Falls Code of Ordinances for Woodridge Local School District, and declaring an emergency.

Temp. Ord. B-10 (Public Improvements)

An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, according to law, to replace the roof at Quirk Cultural Center, and declaring an emergency.

Temp. Ord. B-11 (Public Improvements)

An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, according to law, for the replacement of the restroom building in Water Works Park, and declaring an emergency.

Temp. Ord. B-12 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of the sanitary sewer and concrete pavement on 18th Street, from Ohio Avenue to Phelps Avenue, and declaring an emergency.

Temp. Ord. B-13 (Public Affairs)

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

Temp. Ord. B-14 (Public Affairs)

An ordinance amending various sections of the Codified Ordinances to conform to State law, approving the 2016 replacement pages to the Codified Ordinances of the City of Cuyahoga Falls, and declaring an emergency.

Temp. Ord. B-15 (Community Development)

Creating a Tax Increment Financing Incentive District; declaring improvements to the parcels within the Incentive District to be a public purpose and exempt from real property taxation; requiring the owners of those parcels to make service payments in lieu of taxes; establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of those service payments; and specifying the public infrastructure improvements that benefit or serve parcels in the Incentive District.

Mrs. Pyke announced that there will be a Public Hearing on Temporary Ordinance B-15 on March 20, 2017. The legislation will remain in Committee until the April 17, 2017 Committee meeting, at which time it may be brought out to be considered for passage at the April 24, 2017 Council meeting.

Reports of Council's Standing Committees
(Third Reading)

Planning & Zoning

Temp. Ord. A-111

An ordinance approving the creation of a Downtown Historic Overlay District according to Section 1132.21 H, Historic Overlay in the Cuyahoga Falls General Development Code, and declaring an emergency.

Mr. Iona moved to adopt Temp. Ord. A-111, second by Mr. Iula. Motion passed, voice vote (11-0).

Finance & Appropriations:

Temp. Ord. B-1

An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with Motorola, Inc. for the maintenance of the public safety regional dispatch system equipment, and declaring an emergency.

Mrs. Klinger moved to adopt Temp. Ord. B-1, second by Mr. Brillhart. Motion passed, voice vote (11-0).

Temp. Ord. B-2 (Sub. Dated 2-6-17)

An ordinance authorizing the Mayor to enter into a contract or contracts, without competitive bidding, with Guardian Life Insurance Company of America for the City's group life insurance for employees and retirees, and declaring an emergency.

Mrs. Klinger moved to adopt Temp. Ord. B-2 (Sub. Dated 2-6-17), second by Mr. Iona. Motion passed, voice vote (11-0).

Temp. Ord. B-3

An ordinance authorizing the Mayor to enter into a Master Meter Agreement with the City of Akron to provide continued sewer services, and declaring an emergency.

Mrs. Klinger moved to adopt Temp. Ord. B-3, second by Mr. Brillhart. Motion passed, voice vote (11-0).

Public & Industrial Improvements:

Temp. Ord. B-4

An ordinance authorizing the Mayor or his designee to enter into a contract or contracts, according to law, for the replacement of a waterline in Highland Avenue, from Bailey Road to Victoria Street, and declaring an emergency.

Mr. Iula moved to adopt Temp. Ord. B-4, second by Ms. Nichols-Rhodes. Motion passed, voice vote (11-0).

Temp. Ord. B-5

An ordinance authorizing the Mayor or his designee to enter into a contract or contracts, according to law, for the Woodward Creek Culvert under Sandalwood Lane Improvement Project, and declaring an emergency.

Mr. Iula moved to adopt Temp. Ord. B-5, second by Mr. Miller. Motion passed, voice vote (11-0).

Temp. Ord. B-6

An ordinance authorizing the Mayor or his designee to enter into a contract or contracts, according to law, for services to design, engineer and construct concrete, masonry, electrical and mechanical repairs to the City-owned parking garages located at 2035 Old Town Loop (the “Blue” Parking Deck), 2052 Front Street (the “Red” Parking Deck), and 2318 Second Street (the “Green” Parking Deck), and declaring an emergency.

Mr. Iula moved to refer Temp. Ord. B-6 back to Committee, second by Mr. Miller.

Mrs. Pyke asked if there were any remarks. Mr. Iula stated that he had no remarks. Mr. Colavecchio and Mr. James stated that this has caught them totally by surprise. Mr. Colavecchio stated that he didn't hear a reason and asked if the Administration was on board with this. Mr. Iona stated that they have received a budget of what's going to be done for the street project. When that budget was received, the specific question was asked if that included everything. Council was told, last week, that it does. Council subsequently learned that \$10,760,709 does not include the three parking decks; it includes a portion of them. The three parking decks are \$3.5 million to \$3.7 million. When those numbers are added up, it is over \$14 million. Originally, Council was told that the Front Street project was going to be \$10 to \$11 million; then \$13 million. Now, they're at \$14 million. Mr. Iona stated that they need some clarification before they okay the parking decks and everything else. He would like to get something that adds up to what they were originally told.

Mr. Colavecchio stated that he would like to ask Mayor Walters for an explanation. Mayor Walters stated that the Finance Director, Mr. Bryan Hoffman, has the numbers and he would defer to him. Mr. Hoffman stated that he thinks that some of the clarification on this is the parking decks and the road are two separate projects. They have always talked about the Engineer's estimates being in the \$10-million to \$13-million range. As they have gone through the process, they have discussed it being more like \$13 million than \$10 million. In the Engineer's estimates that were put out and given to Council along with the parking deck estimates, they consider the figure to be high. They anticipate these figures to come in a little bit lower than the Engineer's estimates. They have maintained the \$13-million figure as the thought that the road project would be that much. Mrs. Pyke asked Mr. Hoffman to repeat what the final figure would be. Mr. Hoffman stated that he still anticipates the final figure to be about \$13 million on this project. Mrs. Pyke stated that that is why she personally thinks it needs to go back to committee, so they can have a chance to talk to the Administration prior to voting, since that budget sheet came out between the Committee meeting and the Council meeting and they really didn't have a chance to touch on that.

Mr. Colavecchio stated that his concern is time. He asked what the differential was between what they see as the high side and what they see as low side of these numbers. He asked Mayor Walters what the impact would be if Council were to delay this. Mayor Walters stated that he would defer that question to Mr. Hoffman and Mr. Demasi. Mr. Tony Demasi, City Engineer, stated that, with respect to the timeline, they were planning on beginning design for the decks with Osborne tomorrow. Any delay will certainly delay that. They were planning on bidding the deck project in mid-April, opening those bids in May and beginning work the first week in July. Again, that

would push that back two weeks. Mr. Colavecchio asked Mr. Hoffman what he thought would be the highest amount this project would cost. Mr. Hoffman stated that he is working off budgetary estimates from Engineering to get to a final number that he thinks they're going to see spent from the City, so he couldn't answer exactly what the highest amount would be. Mrs. Pyke stated she believes this is a conversation that needs to take place in more of a public setting where it would be a committee meeting. Mr. Colavecchio stated that he is uncomfortable pushing this off, because they're looking to get bids tomorrow. Even if it's a few million dollars, in the scope of the project, he knows he thought the parking deck was going to be on top of it. He thought it was going to be more than \$13 million. He stated he thinks it needs to proceed and the entire Council should vote on it next week and get it out of Committee. Mrs. Pyke stated that they could have a Council meeting next week if they can refer it back to Committee next week. Mr. Colavecchio asked Mrs. Klinger if she was okay with that. Mrs. Klinger stated that she recommends that if they take it back to Committee next week, they make a commitment to bring it out and vote on it next week after they clarify it. Mr. Colavecchio stated he was fine with that. Mrs. Pyke stated that she was fine with that; that way, it would just be a one-week delay. Mr. Colavecchio asked Mr. Demasi if a one-week delay would work. Mr. Demasi stated that they will make it work and open bids a week later. Mr. Colavecchio asked if that was going to create a problem. Mr. Demasi stated that the schedule is quite compressed on this project. They are trying to get the decks completed and the road opened by the end of this year, so any day or any week that they can find, they're grateful for.

Mrs. Pyke stated she hoped to have an opportunity to talk to the Administration between now and the Committee meeting. In looking at the budget sheet Council was given \$10.76 million, and \$3.755 million puts this project at \$14.515 million. The parking decks alone are \$5.215 million. She asked if, on the budget sheet, there wasn't an additional \$1.42 million. Mr. Demasi stated he didn't know what budget sheet Mrs. Pyke was looking at. Mrs. Pyke stated it was the project sheet that he sent to Council. Mr. Hoffman stated there are only two pieces of paper, the budget sheet for the parking decks and the Engineer's estimate. Mrs. Pyke said it was the Engineer's estimate. She restated that she thinks they need to have this discussion in Committee. Mr. Colavecchio asked why they can't discuss it tonight so it doesn't get delayed. Mrs. Pyke answered that people weren't prepared. Mr. Colavecchio asked why people weren't prepared and why this was sprung at the last minute. Mrs. Pyke stated that they cannot share with a majority of Council or a majority of a committee what they're going to talk about. This was supposed to be voted on tonight. Mr. Iula has made a motion to refer it back to Committee. Mr. Colavecchio stated that if Mrs. Pyke is saying they can't discuss things because of the Sunshine Laws, there is a way to inform Council, without violating any Sunshine Laws, that she perceives a problem with the figures; then they can all discuss it with the Administration, Mr. Hoffman, Mr. Demasi, the Mayor, whoever else is involved. He stated that he would like to hash this out tonight. They're all here. There is no Sunshine Law violation. It's a public meeting. Mrs. Pyke stated that this is not a committee meeting. Mr. Colavecchio deferred to Mrs. Klinger. Mrs. Klinger stated that she would leave it to the President of Council. They can debate on what they're talking about. The way she sees it, they can debate on what they're talking about, but she will defer to Council President who presides over Roberts Rules of Order.

Mrs. Pyke stated that they have a motion by Mr. Iula and a second by Mr. Miller to send Temporary Ordinance B-6 back to Committee and asked all those in favor to signify by saying yes. Mr. Rubino asked if they should ask for discussion. Mrs. Pyke stated that this is the second time she has stated the motion; that is why they have been having a discussion. She then asked if there were any further remarks. Mr. Rubino asked if she is asking if there are any motions or remarks on the motion she has right now. Mrs. Pyke stated that she just repeated the motion she had stated earlier.

Mr. Iula moved to refer Temp. Ord. B-6 back to Committee, second by Mr. Miller. Roll call: Ms. Nichols-Rhodes, no; Mr. Brillhart, no; Mrs. Klinger, yes; Mr. Pallotta, yes; Mr. Iona, yes; Mrs. Pyke, yes; Mr. Miller, yes; Mr. Iula, yes; Mr. Rubino, no; Mr. James, no; Mr. Colavecchio, no. Motion passed, voice vote (6-5).

Public Affairs:

No Report.

Community Development:

Temp. Ord. B-8

An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement with State 8 Motorcycles dba KPG Realty and Wholecycle Incorporated, and declaring an emergency.

Mr. Miller moved to adopt Temp. Ord. B-8, second by Mr. Pallotta. Motion passed, voice vote (11-0).

Schedule of Committee Meetings

Planning & Zoning:	Subject to Call.
Finance:	Subject to Call.
Public Improvements:	February 21, 2017, 6:30 p.m.
Public Affairs:	February 21, 2017, 6:35 p.m.
Community Development:	Subject to call.

Miscellaneous Business

None.

Mr. James moved to adjourn, second by Mr. Iula. Motion passed, voice vote (10-1). Meeting adjourned at 7:08 p.m.

Mary Ellen Pyke, Council President

Dana M. Capriulo, Council Clerk