

## CUYAHOGA FALLS CITY COUNCIL

### Minutes of the Council Meeting

February 8, 2010

- 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. Rubino
- Approval of Minutes:** The minutes from the January 25, 2010 regular Council meeting, January 25, 2010 Special Committee meeting, and the February 1, 2010 Special Council meeting were approved as submitted.
- Reports and Communications:**
1. A Notice from the Ohio Division of Liquor Control regarding a new license application to Shashi Lad, 428 Portage Trail, Cuyahoga Falls, Ohio 44221. Held.
  2. A letter to Gurpreet Singh from the Ohio Division of Liquor Control dated February 1, 2010 regarding a Notice of Hearing on a new permit application set for March 11, 2010 at 1:00 p.m. at the Summit County Department of Job & Family Services. Filed.
  3. A letter from Mayor Robart to City Council dated February 2, 2010 requesting Council approval for his appointments of Rev. Kirk Bruce, Thomas Melito, Yvonne Sebastian, Laura Petrella, Harrison Criss, Sandra Dixson Froelich and Roland Sequin to the Cuyahoga Falls Charter Review Commission.
- Mrs. Colavecchio appointed a Special Committee consisting of Mr. James, as Chair, Mr. Ihasz and Mr. Mader to discuss the Mayor's appointments

#### New Legislation

(First Reading)

#### **Temp. Ord. A-27 (Public Improvements)**

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

**Temp. Ord. A-28 (Public Improvements)**

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 2241 Oakwood Drive and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.

**Temp. Ord. A-29 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the resurfacing and/or repair of Front Street from the Akron corporation line to Second Street in the City of Cuyahoga Falls, and declaring an emergency.

**Temp. Ord. A-30 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the resurfacing and/or repair of Graham Road from Bath Road to State Road in the City of Cuyahoga Falls, and declaring an emergency.

**Temp. Ord. A-31 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for fiber optic cable construction, which consists of fiber optic communications to all of our existing substations, and declaring an emergency.

**Temp. Ord. A-32 (Public Affairs)**

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

Council recessed into a Special Committee meeting at 6:39 p.m. and reconvened at 6:49 p.m.

**Report of Special Committee**

Mr. James stated the Committee was in favor of the Mayor's appointments to the Charter Review Commission and moved to approve the appointments; second by Mr. Mader. Mr. James stated this looked like a good group and he was certain that they would keep the idea of betterment of the City in front of everything. Motion passed, voice vote (11-0).

**Reports of Council's Standing Committees**

(Third Reading)

**Planning & Zoning**

**Temp. Ord. A-1**

An ordinance authorizing and approving the Nicki's Walk RM Master Development Overlay Plan at 4610 State Road (Parcel 37-00002) and declaring an emergency.

Mr. Rubino moved to amend A-1 with Sub. Temp. Ord. A-1 (dated 2/5/10), second by Mr. Barnhart. Mr. Rubino stated the change is an addition of language to the end of Section 1 starting on Line 29 "As an additional condition of approval, the developer shall include as a deed restriction upon the property a

requirement that the primary use of the property be housing for persons 55 years of age and older, which restriction shall be in a form that shall run with the land to the fullest extent permitted by law. As used herein, 'primary use' means that at least 80% of the residential units will be leased to a person or persons 55 years of age and older." Motion passed, voice vote (11-0). Mr. Rubino moved to adopt Sub. Temp. Ord. A-1 (dated 2/5/10), second by Mrs. Hummel. Motion passed, voice vote (11-0).

### **Finance & Appropriations**

#### **Sub. Temp. Ord. B-71 (dated 1-4-2010)**

An ordinance authorizing the purchase of the BP station located on the corner of State Road and Portage Trail and the sale of city-owned property in the State Road Shopping Center including the BP station to Portage Crossing, LLC for redevelopment in accordance with a contract for sale of land for private redevelopment and a mortgage on that BP station property, determining that such real property will not be needed for public use, that the purchase price is satisfactory, and related findings, and declaring an emergency.

Mrs. Hummel moved to adopt Sub. Temp. Ord. B-71 (dated 1-4-2010), second by Mrs. Klinger. Mrs. Klinger moved to amend Sub. Temp. Ord. B-71 with the addition of language on line 64 after the word "satisfactory" as follows: "with the addition of language in Section 1 of the Contract that any extension of the Phase I Closing must be approved by City Council", second by Mrs. Hummel. Mrs. Hummel stated that she and Mrs. Klinger expressed concern over the automatic approval by Administration and that is the reason for this amendment. Mrs. Klinger added that the passage of this ordinance is a gamble she is not willing to take. She felt not only is it the greatest give-away in the history of the City, it encumbers already limited City revenues at a time of the greatest recession in more than 75 years. She listed some of the details of the contract that she found objectionable. She stated that the Developer was chosen because he promised \$9 million more in development than his competitors but now the actual deal is for the same amount offered by the competition, or less. She wondered why the City would move so quickly at a time of economic recession rather than wait for the economy and free market to right itself. The proposed \$14 - \$16 million investment is a gamble on future returns and is not a gamble she is willing to take. Roll Call: Mrs. Hummel – yes; Mr. Walters – No; Mr. James – No; Mr. Ihasz – No; Mr. Rubino – No; Mrs. Klinger – Yes; Mrs. Pyke – Yes; Mr. Barnhart – No; Mr. Mader – No; Mr. Iula – No; Mrs. Colavecchio – No. Motion failed (3-8). Mrs. Hummel stated a motion and second to adopt Sub. Temp. Ord. B-71 was on the table. Mrs. Hummel stated the only thing she would say is she read the words earlier of Woodrow Wilson about dreaming big. That is what this legislation is about. Motion passed, voice vote (10-1).

#### **Temp. Ord. A-2**

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 2010, and declaring an emergency.

Mrs. Hummel moved to amend A-2 with Sub. Temp. Ord. A-2 (dated 2/5/10), second by Mr. Walters. Mrs. Hummel stated the amendment was the addition of a new sentence beginning on line 34 which states "Furthermore, the Director of Finance is authorized to reduce appropriations in the Electric Fund, line item Other Operations by \$25,000." Motion passed, voice vote (11-0). Mrs. Hummel moved to

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adopt amended Sub. Temp. Ord. A-2 (dated 2/5/10), second by Mrs. Klinger. Motion passed, voice vote (11-0).

**Temp. Ord. A-3**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials for the Sanitation Division during 2010, and declaring an emergency.

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

**Temp. Ord. A-14**

An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, to allow New Cingular Wireless PCS, LLC access to the City's Water Tower at Indian Mountain Park and property, and declaring an emergency

Mrs. Hummel moved to adopt Temp. Ord. A-14, second by Mr. Walters. Motion passed, voice vote (11-0).

**Temp. Ord. A-15**

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 2009 containing all necessary streets, alleys or public roadways within the corporate limits of the City of Cuyahoga Falls, and declaring an emergency.

Mrs. Hummel stated this legislation was discussed in Finance Committee but Council was still waiting for additional information so she is moving to table Temp. Ord. A-15, second by Mrs. Klinger. Motion passed, voice vote (11-0).

**Public & Industrial Improvements**

**Temp. Ord. A-18**

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

Mr. Walters moved to adopt Temp. Ord. A-18, second by Mr. Mader. Motion passed, voice vote (11-0).

**Temp. Res. A-19**

A resolution creating for the year 2010 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.

Mr. Walters moved to adopt Temp. Res. A-19, second by Mr. Ihasz. Motion passed, voice vote (11-0).

**Temp. Res. A-20**

A resolution authorizing the application for federal funds programmed by the Akron Metropolitan Area Transportation Study (AMATS), in the matter of Portage Trail resurfacing, and declaring an emergency.

Mr. Walters moved to adopt Temp. Res. A-20, second by Mr. Mader. Motion passed, voice vote (11-0).

**Sub. Temp. Res. A-21 (dated 2-1-10)**

A resolution authorizing the application for federal funds programmed by the Akron Metropolitan Area Transportation Study (AMATS), in the matter of Howe Avenue and Main Street intersection improvements, PID 78416, and declaring an emergency.

Mr. Walters moved to adopt Sub. Temp. Res. A-21 (dated 2-1-10), second by Mr. Ihasz. Motion passed, voice vote (11-0).

**Temp. Res. A-22**

A resolution authorizing the application for federal funds programmed by the Akron Metropolitan Area Transportation Study (AMATS), in the matter of State Road and Portage Trail roadway improvements related to the Portage Trail redevelopment of the former State Road Shopping Center, and declaring an emergency.

Mr. Walters moved to adopt Temp. Res. A-22, second by Mr. Mader. Motion passed, voice vote (11-0).

**Temp. Res. A-23**

A resolution authorizing the application for federal funds programmed by the Akron Metropolitan Area Transportation Study (AMATS), in the matter of State Road resurfacing, and declaring an emergency.

Mr. Walters moved to adopt Temp. Res. A-23, second by Mr. Ihasz. Motion passed, voice vote (11-0).

**Temp. Res. A-24**

A resolution authorizing the application for federal funds programmed by the Akron Metropolitan Area Transportation Study (AMATS), in the matter of State Road reconstruction widening, PID 81605, and declaring an emergency.

Mr. Walters moved to adopt Temp. Res. A-24, second by Mr. Mader. Motion passed, voice vote (11-0).

**Public Affairs:**

**Temp. Ord. A-25**

An ordinance to approve current replacement pages to the Cuyahoga Falls Codified Ordinances, and declaring an emergency.

Mr. Ihasz moved to adopt Temp. Ord. A-25, second by Mrs. Pyke. Motion passed, voice vote (11-0).

**Community Development:**

**Temp. Ord. A-26**

An ordinance authorizing the Mayor to execute an amendment to the Summit County Enterprise Zone Tax Incentive Agreement with AnSCO Machine Company Inc., and Michael D. and Rebecca Sterling to allow for a corporate name change and declaring an emergency.

Mr. James moved to adopt Temp. Ord. A-26, second by Mrs. Pyke. Motion passed, voice vote (11-0).

**Schedule of Committee Meetings**

Planning & Zoning:	Subject to call.
Finance:	February 16, 2010, 6:30 p.m.
Public Improvements:	February 16, 2010, 6:35 p.m.
Public Affairs:	February 16, 2010, 6:40 p.m.
Community Development:	Subject to call.

**Miscellaneous Business:**

Ms. Jones stated that the Beer Garden Committee would be meeting next week at 5:30 p.m. in Council Chamber. She also requested a copy of Mrs. Klinger's statement to B-71 when it is given to the Clerk.

Mrs. Colavecchio stated Council is looking to have an ad hoc committee with respect to reviewing Council Rules, which would include Ms. Jones. The Council members are Mrs. Colavecchio, Mrs. Hummel and Mrs. Klinger. Ms. Jones stated Mrs. Colavecchio should e-mail her with some suggested times and dates and she will accommodate them.

Mrs. Klinger moved to adjourn, second by Mr. James. Motion passed, voice vote (11-0). Meeting adjourned at 7:15 p.m.

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Diana Colavecchio, Council President

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Cathleen J. Meacham, Clerk of Council