

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

March 13, 2017

Call to Order: Mrs. Pyke at 6:30 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: Preston Becker, Boy Scout Troop #155, Northminster.

Approval of Minutes: None.

Reports and Communications: A Notice from the Ohio Division of Liquor Control regarding a transfer application to Fred J. Hummel, Inc., dba Silver Swan Tavern, 2704 Front Street, Cuyahoga Falls, Ohio, from James L. Hummel, dba Silver Swan, 2704 Front Street, Cuyahoga Falls, Ohio, 44221

An e-mail from Michael and Carol Horning, 3335 Hunter Parkway, Cuyahoga Falls, Ohio, 44223, regarding Temp. Ord. B-16, the Hunter Parkway proposed 6-unit condo/apartment complex.

New Legislation

(First Reading)

Temp. Ord. B-20 (Planning & Zoning)

An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for the reconstruction of the Walsh Jesuit High School Football Stadium Complex at 4550 Wyoga Lake Road on Parcel 37-00026, and declaring an emergency.

Temp. Ord. B-21 (Finance)

An ordinance authorizing the Mayor to enter into a contract, without competitive bidding, with Clean Air Concepts for the lease and/or purchase of vehicle exhaust capture systems for use by the Fire Department, and declaring an emergency.

Temp. Ord. B-22 (Finance)

An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with TASER International, Inc. for the purchase of the TASER 60 Plan for use by the City's safety forces, and declaring an emergency.

Temp. Ord. B-23 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the Downtown Transformation Design-Build Project, and declaring an emergency.

Temp. Ord. B-24 (Community Development)

An ordinance authorizing the Mayor to enter into a Pipeline Initiative Grant Agreement for up to \$12,000.00 with the Ohio History Connection and to appropriate and authorize the payment of the grant funds, and declaring an emergency.

Reports of Council's Standing Committees

(Third Reading)

Planning & Zoning

Temp. Ord. B-16

An ordinance authorizing and approving the Hunter Parkway Preliminary/Final Subdivision Plat and Improvement Plans on Parcel 35-05868, and declaring an emergency.

Mr. Brillhart stated that he would move that Temporary Ordinance B-16 be referred back to committee. Since the last meeting and since the newspaper article that was in the Falls News-Press, he has received at least 37 phone calls and texts from people that wanted to speak on this issue. It's very important that they have the opportunity to voice their opinion. Mr. Colavecchio stated that there have been a number of residents that have weighed in. Mike and Carol Horning, who live adjacent to where the fence would come in, had specifically mentioned in their e-mail that there's a tree on the property line that more than likely would be killed by the fence. He understands that this went through the Planning Commission, but thinks people should have their say. He begs the indulgence of Mr. Karam that they can be accommodated, because it does seem to be rushed and it does seem that there are a lot of parking issues. He would like it to go back to committee and, maybe in the meantime, they possibly sit down with Mr. Karam and see if something can be worked out with the additional week. They could send it back to committee and then move to vote on it next week, also.

Mr. Brillhart moved to refer Temp. Ord. B-16 back to committee, second by Mrs. Klinger. Motion passed, voice vote (10-1)

Temp. Ord. B-17

An ordinance authorizing and approving the Preserve at Salt Creek Final Subdivision Plat/Improvement Plans-Phase 2 on Parcel 37-00650, and declaring an emergency.

Mr. Iona moved to adopt Temp. Ord. B-17, second by Mr. Iula. Motion passed, voice vote (11-0).

Finance & Appropriations:

No Report.

Public & Industrial Improvements:

Temp. Ord. B-18

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the annual resurfacing and/or repair of various streets as described in Exhibit 'A' attached hereto, in the City of Cuyahoga Falls, and declaring an emergency.

Mr. Iula stated that he hopes the bids come in low enough so that a couple extra streets can be done like they were last year.

Mr. Iula moved to adopt Temp. Ord. B-18, second by Ms. Nichols-Rhodes. Motion passed, voice vote (11-0).

Temp. Ord. B-19

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the design-build services necessary to conduct Phase II instream and riparian restoration of Kelsey Creek, and for associated stream bank restoration, and declaring an emergency.

Mr. Iula stated that he would like to thank Becky McCleary for all she did getting this handled. Ms. Nichols-Rhodes stated that Mrs. McCleary does amazing work and she would like to thank her. The idea that she's helping an environmental flood area and including the public and including an educational component shows how people who work for the City work hard to maximize everything that is good for the City.

Mr. Iula moved to adopt Temp. Ord. B-19, second by Mr. Miller. Motion passed, voice vote (11-0).

Public Affairs:

No Report.

Community Development:

No Report.

Schedule of Committee Meetings

Planning & Zoning:	March 20, 2017, 6:30 p.m.
Finance:	March 20, 2017, 6:35 p.m.
Public Improvements:	March 20, 2017, 6:40 p.m.
Public Affairs:	Subject to call.
Community Development:	March 20, 2017, 6:36 p.m.

Miscellaneous Business

Morgan Gates, 3451 Bailey Road, stated that she would first like to start by introducing myself. She is a lifelong Cuyahoga Falls resident, a Ward 6 resident, a graduate student at Kent State University, former special education teacher and a co-creator of a local annual event that promotes small business owners. She is also active in the Falls River Cleanup that is held by annually. Overall, she feels she contributes positively to the community. She is a concerned citizen who feels that her ward representative is being inappropriate on social media and wonders if his Council committee appointments are appropriate. She would like to make Council members aware of an incident that occurred on Facebook. Council member Adam Miller posted an article regarding the recent immigration ban. He used the term "Snowflake" to describe her and another Falls resident in response to their expressing of concern about information in the article he posted. She told him multiple times her purpose was not to argue or banter; just to point out that she thought his sources of information were not reputable or factual. Later in the conversation, Council Member Miller also mocked Safe Spaces, called her "#Safe Space Warrior;" then saying he was referring to Kent State's anti-Trump Safe Space policy. She wants to remind everyone that she is a school psychology graduate student, a former special education teacher and, also, Safe Space ally trained through Kent State University.

Ms. Gates stated that when she later went back to look at the conversation, Mr. Miller had blocked her. If he is a city representative, why does he feel the need to block people he represents. Her concerns are this: This Council member is on the Council Committee regarding public affairs. Why is he choosing to pick fights with people publicly on social media and why is he name-calling and bullying his constituents? This Council member is on the American with Disabilities Committee, so why is he mocking Safe Space? Safe spaces are not just for LGBTQ; they are for anyone that may be subject to discrimination or harassment. His comments are not considerate of those needing additional support from advocates and, based on his social media comments, he does not seem to be someone who champions the rights of vulnerable people. His behaviors are highly concerning and worrisome to her. He has used the term "Push Back" regarding how he will react to others. In addition to this, she has learned of more incidents on social media in which this Council member has been inappropriate to other city residents. She is not asking for anything for herself. Her purpose is to ask Council to reconsider his position on these particular committees that he is assigned to. She thanked Council for their time and consideration in lieu of this information.

Mr. Miller thanked Ms. Gates for speaking tonight and stated that he appreciates her expressing her views. While he doesn't agree with everything she said, his offer to meet one-on-one and discuss some of these issues personally still stands. He appreciates everything that she does for the community and for the students at Kent State. Some of his remarks may have seemed a little harsh, and, again, the context is a little bit different than he wanted to portray on social media. He apologizes for that. As stated earlier, his offer to meet one-on-one still stand and perhaps, together, they could build a relationship of understanding and maybe put on some events, themselves, and really have a positive impact on this community.

Mrs. Klinger stated that they will be discussing Temporary Ordinance B-20 concerning Walsh Jesuit High School. Just so all Council members are aware, she has, in the past, served on the Board of Directors at Walsh Jesuit. She is currently not active on the Board; however, she is on the Finance Committee. She is member of that committee and not a chair. She stated that she plans to participate and vote on this; however, it is up to Council if there's a conflict of interest. If Council would choose to make a motion regarding that, she is open to that. Mrs. Pyke stated that she sees no conflict there. If any other members of Council do, they can let her know and they would take a vote.

Mr. Iona reminded everyone that the Planning & Zoning Committee will be next Monday, at 6:30, if they have any comments about that development.

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

Mary Ellen Pyke, Council President

Dana M. Capriulo, Council Clerk