

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Public Affairs Committee Meeting

March 17, 2014

Call to Order The meeting was called to order by Mr. Pallotta, Chair, at 6:46 p.m. A quorum was present.

Approval of the Minutes Without objection, the minutes of the March 3, 2014 Public Affairs Committee meeting were approved.

Agenda Items

Temp. Ord. A-9 An ordinance amending Part Three, Title Seven, Chapter 351 to enact Section 351.20 and to authorize the Industrial and Community Development Department to enforce Section 351.20, and declaring an emergency.

The Chair noted that the administration had submitted a substitute ordinance dated 3/17/14.

Motion by Mr. Weinhardt to amend Temp. Ord. A-9 by substitution with Substitute Temporary Ord. A-9 dated 3/17/14. Seconded by Mr. DeRemer.

Motion adopted by acclamation. The amendment was approved.

Proponent testimony was offered by the Law Director. He stated that the ordinance authorizes the Police and Community Development Departments to ticket cars parked in front yards. Such activity has historically been only a zoning violation. This ordinance would authorize the offense to be ticketable. The substitute provides that a person who has received a zoning variance to park in the front yard will not be ticketed.

The Chair recognized Mrs. Pyke, who asked if a person who has a circular driveway in front of their home would be permitted to park in the driveway. The Law Director stated that if the driveway is a

driveway under the zoning code, then the parking would be allowed. If the driveway is improperly zoned and therefore not a driveway, the parking would be in violation of this ordinance. Mrs. Pyke asked whether the ordinance should make reference to the definition of a driveway in the zoning code. The Law Director stated this is not necessary. Mrs. Pyke asked how much time is required to get a variance. Ms. Sheridan stated that she believed it would take about thirty days, but would look it up and report to Mrs. Pyke.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Sub. Temp. Ord. A-9 (3/17/14) with a favorable recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Ord. A-14

An ordinance authorizing the Director of Public Service to grant an easement to Rubber City Arches Graham, LLC for the continued location and maintenance of its business identification sign, and declaring an emergency.

The Chair noted that the administration had submitted a substitute ordinance dated 3/17/14.

Motion by Mr. Weinhardt to amend Temp. Ord. A-14 by substitution with Substitute Temporary Ord. A-14 dated 3/17/14. Seconded by Mr. DeRemer.

Motion adopted by acclamation. The amendment was approved.

Proponent testimony was offered by the Law Director. The ordinance relates to matters discussed in executive session.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Sub. Temp. Ord. A-14 (3/17/14) with a favorable recommendation.

Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Ord. A-23

An ordinance authorizing the Mayor to enter into a settlement agreement in the case of *In re Estate of Ferrato*, and declaring an emergency.

Proponent testimony was offered by the Law Director. The ordinance relates to matters discussed in executive session.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp. Ord. A-23 with a favorable recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Ord. A-24

An ordinance amending various sections of the Codified Ordinances to conform to state law, approving the 2013 replacement pages to the Codified Ordinances, of the City of Cuyahoga Falls, and declaring an emergency.

Proponent testimony was offered by the Law Director. The ordinance is the annual ordinance that codifies all of the ordinances passed in the prior year. The Chair asked if the ordinances are available on CD. The Law Director stated that he believes CDs may be available in May.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp. Ord. A-24 with a favorable recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Res. A-25

A resolution authorizing the Mayor to enter into a Memorandum of Agreement with the Summit Soil and Water Conservation District (SWCD), and declaring an emergency.

Proponent testimony was offered by Assistant Superintendent Russell Kring. Also present was Cindy Fink, District Administrator of the Summit Soil & Water Conservation District. The City is a joint participant in the Ohio EPA storm water NPDES permit, which expired in January 2014 and is now in renewal. On April 9, 2014 there will be a workshop for elected officials on the permit renewal. The permit will require performance on 6 control measures: public education, public participation, illicit discharge elimination, construction site inspection, post construction water quality, and good housekeeping. The SWCD assists the City with public education and public participation, reviews construction storm water control plans and conducts inspections, and reviews post construction water quality practices. The resolution authorizes an agreement that formalizes the relationship between the City and the SWCD. The Ohio EPA plans to fund SWCD in an amount tied to the amount of money appropriated by the City to SWCD activities, and the resolution is required by the State as evidence of that financial commitment.

The Chair recognized Mr. Colavecchio, who asked if the SWCD has reviewed the Portage Crossing construction site and the French Mill apartment construction site on State Road. Ms. Fink stated that the SWCD has reviewed these sites and a letter will be issued. It is the City's responsibility to take enforcement action.

The Chair asked what the enforcement action consists of. Mr. Kring stated that a fine of up to \$200 per day is authorized, but a "stop work" order or denial of a building permit, also authorized, carries more weight.

The Chair recognized Mrs. Klinger, who asked why the Memorandum of Agreement ("MOU") must specify that the City will engage in enforcement activities that it already engages in. Ms. Fink stated that the MOU is simply to clarify the working relationship between

the parties under the most current NPDES permit. Mrs. Klinger asked why the MOU requires only monthly inspection of construction sites. Ms. Fink stated that this is a minimum requirement, and the SWCD is actually on site much more often. Mrs. Klinger asked where the training events are held. Mr. Kring stated that training events are held on site. Mrs. Klinger asked why reference to the public records law is required when all of the City's operations are already subject to that law. Ms. Fink stated that reference to the public records law is mentioned because it is contained in the NPDES permit, and the MOU is designed to require the City to accept all the essential terms of the permit.

The Chair asked if the SWCD holds public information classes on lawn care chemicals. Ms. Fink stated that the SWCD does periodically hold such information sessions.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp. Res. A-25 with a favorable recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Res. A-26

A resolution to adopt and participate in a Multi-Jurisdictional Hazard Mitigation Plan with the County of Summit Emergency Management Agency, and declaring an emergency.

Proponent testimony was offered by Fire Chief Paul Moledor. The Summit Emergency Management Agency has surveyed the County's existing hazards, such as flooding, and developed a mitigation plan to minimize the likelihood of emergency events. The resolution expresses the City's commitment to the multi-jurisdictional hazard mitigation plan, and will be essential to the City's acquisition of funding to implement the hazard mitigation activities proposed in the plan.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp. Res. A-26 with a favorable recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Non-Agenda Items

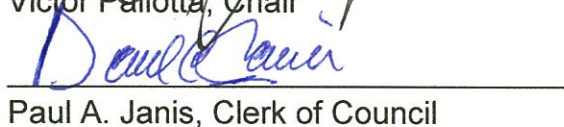
None.

Adjournment

Without objection, Chairman Pallotta adjourned the meeting at 7:21 p.m.



Victor Pallotta, Chair



Paul A. Janis, Clerk of Council