

## CUYAHOGA FALLS CITY COUNCIL

### Minutes of the Council Meeting

April 12, 2010

- Call to Order:** Mrs. Colavecchio at 6:40 p.m.
- Roll Call:** Mrs. Hummel, present; Mr. Walters, present; Mr. James, absent; 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 March 22, 2010 regular Council meeting and the March 22, 2010 Special Committee meeting were approved as submitted.
- Reports and Communications:**
1. A letter dated April 6, 2010 from the Ohio Division of Liquor Control to Shashi Lad stating they've received a request to cancel the application and, therefore, the hearing scheduled for April 13, 2010 would not be held.
  2. A Notice from the Ohio Division of Liquor Control regarding a new liquor license to Asian Food Market Inc at 2419 State Rd., Cuyahoga Falls, Ohio 44221.

#### New Legislation (First Reading)

##### **Temp. Ord. A-47 (Finance)**

An emergency ordinance declaring improvements to certain parcels of real property to be a public purpose, describing the public improvements to be made to directly benefit such parcels, requiring the owner of the improvements on such parcels to make service payments in lieu of taxes, establishing a municipal public improvement tax increment equivalent fund for the deposit of such service payments, and authorizing a compensation agreement with the Cuyahoga Falls City School District, and related authorizations pursuant to Ohio revised code sections 5709.40, 5709.42 and 5709.43, and declaring an emergency.

##### **Temp. Ord. A-48 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the decontamination of buildings located at 3217 8th Street, 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-49 (Public Improvements)**

An ordinance authorizing the Director of Public Service to execute a modification of the contract or contracts for the design and engineering of State Road and Portage Trail relative to the construction of Portage Crossing, and declaring an emergency.

**Temp. Ord. A-50 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts for improvements to the Gorge Park trunk sewer, and declaring an emergency.

**Temp. Ord. A-51 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of the waterline in Taft Avenue, and declaring an emergency.

**Temp. Ord. A-52 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement or adjustment of concrete sidewalks, drive approaches and curbs at various locations in the City of Cuyahoga Falls, and declaring an emergency.

**Temp. Ord. A-53 (Public Affairs)**

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

**Temp. Ord. A-54 (Community Development)**

An ordinance of the Council of the City of Cuyahoga Falls approving the Fiscal Year 2010 CDBG Annual Action Plan Document and Program, and declaring an emergency.

**Public Hearing**

**Temp. Ord. A-35**

An ordinance approving a map amendment for Parcel Number 35-01919 (645-649 Bath Road) from an R-2 low density residential zoning classification to an R-5 mixed density residential zoning classification, as more fully described and depicted herein and declaring an emergency.

**In Favor**

Fred Guerra gave the background of the project. Mr. and Mrs. Reljin are part-owners of the two parcels on Bath Road. Both parcels have duplexes on them. When the merger occurred in the 1980s, the property was zoned R-1 and allowed single and two family units. After the merger, the City rezoned these parcels from R-1 to R-2. The Reljins had always intended to eventually build a third duplex on the site. Two things had been delaying their plans: (1) the merger occurred, and (2) there was no water or sewer to service another duplex. In 2005, the City redid the zoning and changed zoning districts. They looked at areas that were R-1 with the township and had duplexes. These property were against Ascot, which was zoned industrial, so the City felt the properties should be R-5. In the process of changing from R-2 to R-5, the City accidentally split the Reljins' property. The Reljins came to the City in 2009 but it was too late for them to request the changes verbally. They are trying to build the third duplex and are requesting that the property be rezoned to R-5 to allow for future development of another duplex. Before they do that, they will need a sewer line. Right now, there is none. This rezoning is requested so that hopefully they will be able to build the third duplex. Mrs. Colavecchio added that on February 17, the Planning Commission approved this file. Mr. Mader asked if this process was

amending the Code. Mr. Guerra stated it is a typical rezoning that would occur in normal circumstances. The Reljins did not meet the deadline so they had to go through the rezoning process.

In Favor

Susan Reljin stated she is the owner of this property. They have always planned to build another duplex. They also found out about a potential new development in the area so it makes sense that the property is zoned alike to maybe partner together to get sewer. She is not saying they will be doing that. They have two children and four grandchildren. It would be nice to keep everyone in the same area. Mr. Guerra had advised them since they missed the window of opportunity, that they ask Council to do it for them.

In Favor

None.

Against

None.

Against

None.

Against

None.

**Reports of Council's Standing Committees**  
(Third Reading)

**Planning & Zoning**

Nothing to report.

**Finance & Appropriations**

**Temp. Ord. A-44**

An ordinance authorizing the Director of Public Service to purchase certain property located at 247 Howe Avenue, part of Summit County Parcel #0218919, and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Ord. A-44, second by Mr. Walters. Mrs. Hummel stated that this is purchasing property for right-of-way needed for the Howe Avenue improvement. Motion passed, voice vote (10-0).

**Temp. Ord. A-45**

An ordinance authorizing the Director of Public Service to purchase certain property located at 1210 Main Street, part of Summit County parcels #0218996 and 0219038, and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Ord. A-45, second by Mrs. Klinger. Motion passed, voice vote (10-0).

**Public & Industrial Improvements**

**Temp. Ord. A-46**

An ordinance authorizing the Mayor to enter into a contract and/or contracts, according to law, to facilitate Phase II Environmental Assessments for the former Mud Run Gun Club, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. A-46, second by Mr. Mader. Motion passed, voice vote (10-0).

**Public Affairs:**

Nothing to report.

**Community Development:**

Nothing to report.

**Schedule of Committee Meetings**

Planning & Zoning:	April 19, 2010, 6:30 p.m.
Finance:	April 19, 2010, 6:35 p.m.
Public Improvements:	April 19, 2010, 6:40 p.m.
Public Affairs:	April 19, 2010, 6:45 p.m.
Community Development:	April 19, 2010, 6:50 p.m.

**Miscellaneous Business:**

Mrs. Hummel stated that everyone had received the attachment for the School Compensation Agreement for State Road Shopping Center. She asked if the Community Development Block Grant Action Plan was going to be made available to Council before next Monday's meeting. Mrs. Carr stated that Mrs. Truby was at the School Board meeting tonight but had talked about having the legislation for next week. Mrs. Carr would check with her to see about getting it to Council. Mrs. Hummel stated it was a fairly voluminous document and that Council should have it in advance in order to have sufficient time to review it prior to next Monday's meeting. She added that she would like a hard copy.

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Mrs. Colavecchio asked Mr. Arrington for an update on the status of the Charter Review. Mr. Arrington stated the Commission meets every two weeks and that both Hope Jones and John Chapman are involved. The Commission is going through the Charter section by section. Their next meeting is next Thursday. They will take suggestions for changes or proposals any time.

Mr. Walters moved to excuse the absence of Mr. James, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Mrs. Pyke moved to adjourn, second by Mrs. Klinger. Motion passed, voice vote (10-0). Meeting adjourned at 7:00 p.m.

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Diana Colavecchio, Council President

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Cathleen J. Meacham, Clerk of Council