

CUYAHOGA FALLS CITY COUNCIL
Minutes of the Council Meeting

April 13, 2009

- Call to Order:** Mrs. Ritzinger at 6:30 p.m.
- Roll Call:** Mrs. Hummel, present; Mrs. Colavecchio, present; Mr. Walters, present; Mrs. Ritzinger, present; Mr. Ihasz, present; Mr. Rubino, present; Mrs. Klinger, present; Mrs. Pyke, present; Mr. Barnhart, present; Mr. Mader, present; Mr. James, absent.
- Invocation:** Mrs. Hummel
- Pledge of Allegiance:** Mrs. Pyke
- Approval of Minutes:** The minutes from the March 23, 2009 regular Council meeting have been approved as submitted.
- Reports and Communications:**
1. A letter dated April 9, 2009 from the Mayor to Members of Council appointing Neal Miesle to fulfill the unexpired term of Edward Franks on the Board of Building Appeals.

Mrs. Ritzinger assigned a special committee consisting of Mrs. Hummel, as Chair, Mr. Rubino and Mrs. Klinger to review the Mayor's appointment.
 2. A notice from the Ohio Division of Liquor Control regarding a new license for SACOH Holdings LLC dba O'Charleys, at 283 Howe Avenue, Cuyahoga Falls. No objections.
 3. A notice from the Ohio Division of Liquor Control regarding a stock transfer for El Charro Taquera Inc. dba El Charro at 1792 State Road, Cuyahoga Falls. No objections.

New Legislation
(First Reading)

Temp. Ord. B-29 (Finance)

An ordinance authorizing payment of the moral claim of Scott and Cherie Zdanowicz as approved by the Claims Commission, and declaring an emergency.

Temp. Ord. B-30 (Finance)

An ordinance authorizing payment of the moral claim of Roger A. Brouse as approved by the Claims Commission, and declaring an emergency.

Temp. Ord. B-31 (Finance)

An ordinance authorizing the Director of Public Service to purchase certain property located at 1836 Front Street, Summit County Parcel #0211791, and declaring an emergency.

Temp. Ord. B-32 (Finance)

An ordinance authorizing the Director of Public Service to purchase certain property located at 1827 Second Street, Summit County Parcel #0217633, and declaring an emergency.

Temp. Ord. B-33 (Finance)

An ordinance authorizing an amendment to the 2004-2008 Community Development Block Grant Consolidated Plan for funding year 2008 and increasing appropriations and declaring an emergency.

Temp. Ord. B-34 (Finance)

An ordinance increasing appropriations in the Community Development Block Grant Fund, line item Other Operations and declaring an emergency.

Mr. Walters moved to suspend the rules to hold a committee meeting on the same night as Council in order to discuss Temp. Ord. B-29 and Temp. Ord. B-30, second by Mrs. Klinger. Mr. Walters indicated these were claims approved by the Moral Claims Commission the previous week and they'd like the payments to be expedited. Motion passed, voice vote (10-0).

Temp. Ord. B-35 (Public Improvements)

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 in the City of Cuyahoga Falls and declaring an emergency.

Temp. Res. B-36 (Public Affairs)

A resolution expressing support for and urging passage of Issue 16, the Woodridge Local School District Renewal Levy, at the election of May 5, 2009, and declaring an emergency.

Temp. Ord. B-37 (Community Development)

An ordinance approving the 2009-2013 CDBG Consolidated Plan and Annual Action Plan Document and Program, and declaring an emergency.

Temp. Ord. B-38 (Community Development)

An ordinance authorizing the Community Improvement Corporation to act as agent for the City of Cuyahoga Falls in the negotiation of the purchase and sale of properties under the Neighborhood Stabilization Program, and declaring an emergency.

Council recessed into committee meetings at 6:35 p.m. and reconvened at 6:49 p.m.

Report of Special Committee

Mrs. Hummel stated the Special Committee was in favor of the Mayor's appointment and recommended Council's approval, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Reports of Council's Standing Committees
(Third Reading)

Planning & Zoning

Temp. Ord. B-24

An ordinance authorizing the creation of a minor plat for the reconfiguration of parcels 35-02289, 35-02288 and 35-02287 at 4476 & 4478 Quick Road and declaring an emergency.

Mrs. Colavecchio moved to adopt Temp. Ord. B-24, second by Mrs. Hummel. Motion passed, voice vote (10-0).

Temp. Ord. B-25

An ordinance authorizing and approving the site plan to construct a 15-unit Apartment Building on Parcel 02-18986 on Charles Street and declaring an emergency.

Mrs. Colavecchio moved to adopt Temp. Ord. B-25, second by Mr. Barnhart. Mrs. Colavecchio indicated that Council has attached Site Plan #101 to this file and that is what Council would be approving with the passage of the legislation. Mr. Walters stated he has opposed this project from its inception based on zoning non-compliance. He does not believe the parcel is zoned to allow this type of apartment complex to be built. He felt the 1992 and soon-to-be 2009 lot splits caused the parcel to no longer even remotely resemble the original parcel on which the court ruled in 1987 and, therefore, believed the court order would not be upheld if challenged. He stated it is irrelevant who would eventually inhabit the complex. The project is simply presented as a 15-unit apartment building and nowhere in the ordinance, planning file or architectural drawings does language appear that speaks to the eventual residents. Council is voting only on the site plan of the project and its conformity or lack thereof to the City's zoning laws passed in 2005. He reminded everyone that the Planning Commission and City Council unanimously passed the current zoning law in 2005 with this parcel being zoned R-4 to comply with the surrounding neighborhood. He would, therefore, be voting against this site plan due to its non-conformance with the City's current zoning law as written. Roll call: Mrs. Hummel, yes; Mrs. Colavecchio, yes; Mr. Walters, no; Mrs. Ritzinger, yes; Mr. Ihasz, yes; Mr. Rubino, yes; Mrs. Klinger, no; Mrs. Pyke, yes; Mr. Barnhart, yes; Mr. Mader, yes. Motion passed (8-2).

Finance & Appropriations

Temp. Ord. B-26

An ordinance authorizing the Director of Public Service to enter into a contract for the purchase of a camera and associated equipment for a televised pipe inspection system, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. B-26, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Temp. Ord. B-29

An ordinance authorizing payment of the moral claim of Scott and Cherie Zdanowicz as approved by the Claims Commission, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. B-29, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Temp. Ord. B-30

An ordinance authorizing payment of the moral claim of Roger A. Brouse as approved by the Claims Commission, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. B-30, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Public & Industrial Improvements

No report.

Public Affairs:

Temp. Ord. B-27

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

Mr. Rubino moved to adopt Temp. Ord. B-27, second by Mr. Barnhart. Motion passed, voice vote (10-0).

Temp. Ord. B-28

An ordinance amending the Codified Ordinances of the City of Cuyahoga Falls, Chapter 1310, Flood Plain Administration, and declaring an emergency.

Mr. Rubino moved to amend Temp. Ord. B-28 by substituting Exhibit A for the one dated 4-13-09, second by Mr. Barnhart. Mr. Rubino indicated that the changes were to the title of the Chapter to say "Flood Plain Administration" and also by adding a line to Section 1310.99 to say "Nothing herein shall be construed as making any action or inaction of the Flood Plain Administrator or other official in the performance of his duties a criminal act under this section." Motion passed, voice vote (10-0). Mr. Rubino moved to adopt amended Temp. Ord. B-28, second by Mrs. Hummel. Motion passed, voice vote (10-0).

Community Development:

No report.

Schedule of Committee Meetings

Planning & Zoning:	Subject to call
Finance:	April 20, 2009, 6:15 p.m.
Public Improvements:	April 20, 2009, 6:20 p.m.
Public Affairs:	April 20, 2009, 6:25 p.m.
Community Development:	April 20, 2009, 6:30 p.m.

Miscellaneous Business:

Mrs. Pyke asked Mrs. Truby to give an update on the Watermark Senior Apartment Complex. Mrs. Truby stated that project, as well as others, would be discussed next week in connection with legislation that was introduced this evening.

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

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

Debbie Ritzinger, Council President Pro Tem

Cathleen J. Meacham, Clerk of Council