

The Chair recognized the Law Director, who stated that the matter was approved in the Annual Action Plan, but the administration felt that based on the amount of money involved, it should be referred to the Council for further review and approval.

The Chair asked if this expenditure was budgeted. Mr. Messner stated that it was.

The Chair recognized Mrs. Pyke, who stated that she did not support this use of CDBG monies when the matter was discussed previously, and that she will not support it now.

The Chair recognized Mrs. Klinger, who stated that she agreed with the statement of Mrs. Pyke.

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

Motion by Mr. Weinhardt to release Temp. Ord. A-42 with a favorable recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Ord. A-43

An ordinance amending Section 925.06 of the Codified Ordinances and declaring an emergency.

Proponent testimony was offered by Fred Guerra. The development of residential subdivisions in the Northampton sewer district has been affected by a 1996 water and sewer tap-in fee that escalated 5% per year up to \$12,000 per sewer tap-in by 2009. This tap-in fee is added to the price of residential building lots. Developers have complained that the fee affects their ability to sell houses in Cuyahoga Falls. Now, a developer with a 70 to 90 lot subdivision project on West Bath Road has requested assistance with this issue. The developer has said it will not move forward with the existing tap-in fee schedule. This ordinance allows the homeowner to pay the tap-in fee over a 10-year period on the homeowner's monthly utility bill. There will soon be no

buildable lots in the City, and this ordinance is necessary to continue developing new buildable lots.

The Chair indicated that this ordinance would add a surcharge of about \$121/month to the affected customer's bill. Mr. Guerra agreed, and stated that buyers would be informed of the charge and the buyer's ability to pay it would be part of the financing pre-qualification process.

The Chair indicated that the current tap-in fee is \$14,500. Mr. Guerra indicated that it will escalate to \$19,481 by 2019.

The Chair recognized Mr. Mader, who asked if the \$121/month fee is fixed. Mr. Guerra stated the fee is based on the tap-in fee in the year in which it is paid, so it will be higher in later years as the tap-in fee escalates.

The Chair recognized Mrs. Pyke, who stated that she would like the administration to develop a plan for Council's consideration that will equitably modify this fee so that Cuyahoga Falls' tap-in fees are comparable with surrounding communities.

The Chair recognized Mrs. Snyder, who asked the Law Director to explain how the monthly fee escalates on a house under contract now, and how the fee would be paid over 10 years. The Law Director stated that the fee would be \$121/month in 2014 and \$128/month in 2015, and increase so on for ten years, because of the escalation in the tap-in fee. The monthly fee in 2014 is the 2014 tap-in fee divided by 12. The monthly fee in 2015 is the 2015 tap-in fee divided by 12, and so. This formula is the same as was applied to residents who tapped-in in 1996 and were given 10 years to pay under the existing ordinance. Mrs. Snyder asked what happens if a property under such a payment arrangement is sold. The Law Director stated that the payment plan liability would transfer to the next property owner. Mrs.

Snyder asked how the next property owner would be informed of this. The Law Director stated the ordinance does not address this, but the administration is aware of the issue. Mr. Demasi stated that his department regularly receives calls from title companies working on real estate transactions, asking about fees and assessments on individual properties. A buyer's due diligence includes inquiry about such fees, including this type of fee.

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

Motion by Mr. Weinhardt to release Temp. Ord. A-43 with a favorable recommendation. Seconded by Mr. DeRemer.

Motion adopted by acclamation.

Temp. Res. A-44

A resolution making certain findings relative to the transfer of a Type D-2 liquor permit to Riser Foods Company dba Giant Eagle, 2687 State Road, and declaring an emergency.

Motion by Mr. Weinhardt to amend Temp. Res. A-44 by substitution with Substitute Temp. Res. A-44 dated April 21, 2014. Seconded by Mr. Pallotta.

Motion adopted by acclamation. The amendment was approved.

Proponent testimony was offered by the Law Director. This resolution communicates the City's finding that the Portage Crossing project is an economic development project to the Dept. of Liquor Control.

A point of order was brought by Mr. James. The Chair read the title of the ordinance again.

The Law Director continued that the purpose of the liquor license is to allow Giant Eagle Market District to serve wine with food tastings.

The Chair asked if the liquor license is being transferred from the prior Giant Eagle location. The Law Director stated that the license is being transferred from a different part of the state.

The Chair recognized Mrs. Pyke, who asked if there will be a resolution for every liquor license in the entertainment district. The Law Director stated that there will be a resolution only if the license is being transferred in from outside the City.

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

Motion by Mr. Weinhardt to release Sub. Temp. Res. A-44 (4/21/14) with a favorable recommendation. Seconded by Mr. DeRemer.

Motion adopted by acclamation.

Temp. Ord. A-45

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

Proponent testimony was offered by Police Chief Jack Davis. Chief Davis reviewed the changes recommended by the Traffic Committee. Items 1-3 are based upon resident requests. Items 4-10 relate to final signage for the Portage Crossing redevelopment project.

The Chair asked about the City's reluctance to use overhead signs for lane restrictions, southbound on State Road at Portage Trail. There is a traffic signal mast arm that appears capable of supporting such signs. Most drivers look overhead for such direction. Chief Davis stated that this is part of the project design.

The Chair recognized Mr. Demasi, who stated that this signage design has been approved since 2010, and the City will also have pavement markings and arrows in the turn lanes to assist drivers. The City will

continuously review the need for overhead signage and will consider changes subject to the weight and wind load capacity of the mast arm.

The Chair remarked that there are problems at this intersection, including several recent "near misses." Chief Davis commented that the problem with the intersection relates to there being no permanent lane restriction markings during construction.

The Chair recognized Mr. Weinhardt, who asked if the permanent pavement markings will use reflective paint. Mr. Demasi stated that it will be epoxy paint with glass beads.

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

Motion by Mr. Weinhardt to release Temp. Ord. A-45 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 8:51 p.m.



Victor Pallotta, Chair


Paul A. Janis, Clerk of Council