

# CUYAHOGA FALLS CITY COUNCIL

## Minutes of the Council Meeting

April 25, 2011

- Call to Order: Mrs. Colavecchio at 6:34 p.m.
- Roll Call: Mrs. Hummel, present; Mr. Walters, present; Mr. James, present; Mr. Ihasz, present; Mr. Rubino, present; Mrs. Klinger, present; Mrs. Pyke, present; Mr. Barnhart, absent; Mr. Mader, present; Mr. Iula, present; Mrs. Colavecchio, present.
- Invocation: Mrs. Hummel
- Pledge of Allegiance: Mr. James
- Approval of Minutes: The minutes from the April 11, 2011 regular Council meeting were approved as submitted.
- Reports and Communications: None

### New Legislation (First Reading)

#### **Temp. Ord. B-46 (Finance)**

An ordinance authorizing payment of the Moral Claim of Kim and Paul Donato as approved by the Claims Commission, and declaring an emergency.

Mrs. Hummel moved to suspend the rules in order to hold a committee meeting on the same night as Council to discuss Temp. Ord. B-46, second by Klinger. Motion passed, voice vote (10-0)

#### **Temp. Ord. B-47 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with DLZ Ohio, Inc., for the professional services necessary to revise and update the 2007 Separate Sanitary Sewer Overflow Study, and declaring an emergency.

#### **Temp. Ord. B-48 (Community Development)**

An ordinance authorizing the Mayor to enter into a modification of Contract No. 6406 with Pandey Environmental, LLC, and declaring an emergency.

Council recessed into a Finance Committee meeting at 6:37 p.m. and reconvened at 6:39 p.m.

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

#### Planning & Zoning

No report.

Finance & Appropriations

**Temp. Ord. B-41**

An ordinance enacting new Section 933.122 of Title 5, Part 9 of the Codified Ordinances, relating to rates for renewable energy, and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Ord. B-41, second by Mrs. Klinger. Motion passed, voice vote (10-0).

**Temp. Ord. B-42**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of a trailer-mounted valve maintenance and vacuum system, and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Ord. B-42, second by Mr. Walters. Motion passed, voice vote (10-0).

**Temp. Ord. B-46**

An ordinance authorizing payment of the Moral Claim of Kim and Paul Donato as approved by the Claims Commission, and declaring an emergency.

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

Public & Industrial Improvements

**Temp. Res. B-36**

A resolution declaring the necessity of and intention to appropriate certain interests in real property necessary to establish a pedestrian walkway between Dominic Drive and North Hidden Valley Drive, and declaring an emergency.

Mr. Walters moved to adopt Temp. Res. B-36 without recommendation. Mrs. Pyke moved to table Temp. Res. B-36, second by Mr. Mader. Roll Call: Mrs. Hummel, no; Mr. Walters, no; Mr. James, no; Mr. Ihasz, no; Mr. Rubino, no; Mrs. Klinger, no; Mrs. Pyke, yes; Mr. Mader, yes ; Mr. Iula, yes; Mrs. Colavecchio, no. Motion failed, (7-3).

Mr. Walters moved to adopt Temp. Res. B-36, second by Mrs. Klinger. Roll Call Vote: Mrs. Hummel, no; Mr. Walters, no; Mr. James, no; Mr. Ihasz, no; Mr. Rubino, no; Mrs. Klinger, no; Mrs. Pyke, no; Mr. Mader, yes ; Mr. Iula, no; Mrs. Colavecchio, no. Motion failed, (9-1).

Public Affairs:

**Sub. Temp. Ord. B-38 (dated 4/18/11)**

An ordinance amending Sections 516.01, 516.02, 516.03 and 516.04 of Chapter 516, Part Five of the Codified Ordinances, enacting new Sections 516.05 and 516.06 thereof, relating to minors' curfew, and declaring an emergency.

Mr. Walters moved to amend Sub. Temp. Ord. B-38 to reflect that existing subsection c of Section 516.02, at line 98 of the temporary ordinance, be numbered as Subsection d, and that a new Subsection c be inserted to read as follows: "The Mayor may suspend the operation of subsection (b) of this section to allow unaccompanied minors to attend events of programming designed for children or youth under eighteen years of age, provided that the event or programming is free of alcoholic beverages. If held on City-owned property, the rental agreement entered into between the City and the event sponsor for use of the property may contain such further conditions as required to ensure the safety of unaccompanied minors. Any suspension authorized by the Mayor shall be issued in writing and shall specify the dates to which it applies." Second by Mrs. Klinger. Motion passed, voice vote (10-0).

Mr. Ihasz moved to adopt Sub. Temp. Ord. B-38 as amended, second by Mrs. Hummel. Motion passed, voice vote (10-0).

**Temp. Res. B-44**

A resolution expressing support for Issue 16, an operating tax levy for the benefit of the Cuyahoga Falls Library, and declaring an emergency.

Mr. Ihasz moved to amend Temp. Res. B-44 with Sub. Temp. Res. B-44 (dated 4/25/11), second by Mrs. Hummel. Motion passed, voice vote (10-0).

Community Development:

**Temp. Ord. B-45**

An ordinance approving the FY 2011 Community Development Block Grant Annual Action Plan, and declaring an emergency.

Mr. James moved to adopt Temp. Ord. B-45, second by Mrs. Pyke. Motion passed, voice vote (10-0).

Schedule of Committee Meetings

Planning & Zoning:	Subject to call.
Finance:	Subject to call.
Public Improvements:	May 2, 2011, 6:30 p.m.
Public Affairs:	Subject to call.
Community Development:	May 2, 2011, 6:35 p.m.

Miscellaneous Business:

Mrs. Hummel indicated that City Council had received the financial report through March 31, 2011 from Mr. Brodzinski. Mr. Brodzinski indicated that Estate Tax collected \$689,000 and is up compared to \$207,000 for the same period last year. He commented that the state legislature will probably leave Estate Tax alone for now but may make a change in the next two year cycle. Later this year, the City will receive notification of re-approval from the County regarding estimated property tax which is

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estimated to be down 5% to 7%. Income tax is up which is partially due to personal property tax. Withholding is flat.

Mrs. Hummel asked about the income tax filing date. Mr. Brodzinski stated that the date was moved from April 15<sup>th</sup> to April 18<sup>th</sup> this year to conform to IRS. Next year will be the same because the 15<sup>th</sup> will fall on a Saturday.

Mrs. Carr reminded all that Arbor Day is this coming Friday and it would be great to see everyone there.

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

Mr. James moved to adjourn, second by Mrs. Pyke. Motion passed, voice vote (10-0). Meeting adjourned at 7:59 p.m.

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Diana Colavecchio, Council President

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Vince Rubino, Acting Clerk of Council