

## CUYAHOGA FALLS CITY COUNCIL

### Minutes of the Council Meeting

April 26, 2010

- Call to Order:** Mrs. Colavecchio at 6:30 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, present; Mr. Mader, present; Mr. Iula, present; Mrs. Colavecchio, present.
- Invocation:** Mrs. Hummel
- Pledge of Allegiance:** Mr. Walters
- Approval of Minutes:** The minutes from the April 12, 2010 regular Council meeting were approved as submitted.
- Reports and Communications:** None.

#### New Legislation (First Reading)

**Temp. Ord. A-55 (Planning & Zoning)**

An ordinance authorizing and approving the conditional zoning certificate for development of a 11,900 square foot building that includes vehicle repair operations, service and retail uses at 4111 State Road in an MU-3 Suburban Center District and declaring an emergency.

**Temp. Ord. A-56 (Planning & Zoning)**

An ordinance authorizing and approving the site plan to construct a new mausoleum area at 2613 Sackett Avenue and declaring an emergency.

**Temp. Ord. A-57 (Finance)**

An ordinance authorizing payment of the Moral Claim of Patricia J. Schilling as approved by the Claims Commission, and declaring an emergency.

**Temp. Ord. A-58 (Finance)**

An ordinance increasing appropriations for an Energy Efficiency and Conservation Block Grant in the General Fund, Line Item Other Operations and Capital Projects Fund and authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the capital projects itemized in the grant agreement 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. A-57, second by Mrs. Klinger. Motion passed, voice vote (11-0).

**Temp. Ord. A-59 (Public Improvements)**

An ordinance authorizing the Director of Public Service to execute a modification of the contract for professional engineering services for improvements to State Road from Graham Road to Steels Corners Road and declaring an emergency

**Temp. Ord. A-60 (Public Improvements)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition and removal of demolition debris from dangerous buildings located at 945 Cook Street and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law and declaring an emergency.

Council recessed into a Finance Committee meeting at 6:35 and reconvened at 6:38 p.m.

**Reports of Council's Standing Committees**

(Third Reading)

**Planning & Zoning**

**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.

Mr. Rubino moved to adopt Temp. Ord. A-35, second by Mr. Barnhart. Motion passed, voice vote (11-0).

**Finance & Appropriations**

**Temp. Ord. A-43**

An ordinance appropriating certain property along Howe Avenue and Main Street in Cuyahoga Falls and declaring an emergency.

Mrs. Hummel moved to amend Temp. Ord. A-43 with Sub. Temp. Ord. A-43 (dated 4-23-10), second by Mrs. Klinger. Motion passed, voice vote (11-0). Mrs. Hummel moved to adopt Sub. Temp. Ord. A-43, second by Mrs. Klinger. Mrs. Hummel asked if the exhibit was for work rights and purchase. Mr. Arrington stated all were for outright purchase. They are taking land owned by two property owners and also purchasing the landscaping at Burger King that is in the right-of-way. Mrs. Hummel asked if there were work agreements included. Mr. Arrington indicated those were accomplished outside of this. Motion passed, voice vote (11-0).

**Public & Industrial Improvements**

**Temp. Ord. A-48**

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.

Mr. Walters moved to adopt Temp. Ord. A-48, second by Mr. Mader. Motion passed, voice vote (11-0).

**Temp. Ord. A-50**

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.

Mr. Walters moved to adopt Temp. Ord. A-50, second by Mr. Mader. Motion passed, voice vote (11-0).

**Temp. Ord. A-51**

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.

Mr. Walters moved to adopt Temp. Ord. A-51, second by Mr. Ihasz. Motion passed, voice vote (11-0).

**Temp. Ord. A-52**

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.

Mr. Walters moved to adopt Temp. Ord. A-52, second by Mr. Mader. Motion passed, voice vote (11-0).

**Public Affairs:**

**Temp. Ord. A-53**

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

Mr. Ihasz moved to adopt Temp. Ord. A-53, second by Mrs. Pyke. Motion passed, voice vote (11-0).

**Community Development:**

Nothing to report.

**Schedule of Committee Meetings**

Planning & Zoning:	May 3, 2010, 6:30 p.m.
Finance:	May 3, 2010, 6:35 p.m.
Public Improvements:	May 3, 2010, 6:40 p.m.
Public Affairs:	Subject to call.
Community Development:	May 3, 2010, 6:45 p.m.

**Miscellaneous Business:**

Mrs. Hummel stated this is the last Council meeting of the month. Mr. Brodzinski did not bring the Report 21 this evening but will be providing it to Council this week. He gave some highlights. The Natatorium is doing well. Expenditures are down and are being closely monitored. In the General Fund, income tax dollars are slightly up but they will have a better picture by the end of May. Local Government Funds are down compared to 2009. Inheritance Tax is down significantly so they are re-forecasting the budget and looking at two years out. They want to extend it as far as they can. He will put more detail in an e-mail to Council. After discussion, it was decided that hard copies would be distributed to all of Council next week.

Mrs. Colavecchio stated that Council would be recessing at this point and will reconvene at the School Board meeting. Council was invited to attend the meeting and just prior to the portion when Council will be speaking, she will entertain a motion to reconvene. They will adjourn afterwards.

Mrs. Carr stated that the Arbor Day celebration will be on Friday at 4:00 and held in the green area between the Natatorium and City Hall.

Council recessed at 6:50 p.m. and reconvened at 10:17 p.m. at the Cuyahoga Falls School Board meeting to discuss the Portage Crossings project.

Mrs. Colavecchio stated when she heard that the Board voted down this contract agreement that had been negotiated for awhile, she was completely devastated. She sent an e-mail to each of the Board members inviting them to call her, and everyone did. She had productive conversations that led her to tonight. She learned that the Board did not feel it had the necessary information to make a decision and felt it needed to do due diligence. She felt everyone needed to meet and air their concerns. The Board agreed that some meeting should take place and the best way would be to hold the meeting during its Board meeting. She thanked the Board for inviting Council and thanked the Administration who gave the same presentation it presented to Council. It has bothered her that this issue has divided the residents in the City. For this project to go forward, she believes a unified effort is needed and for everyone to move forward as a whole body committed. This is an enormous undertaking. The propensity of this project to bring in money is unknown, and everyone will be taking risks. The City purchased the property and is asking the Board to come a little further. The challenge is to get a unanimous vote in favor of this project so that everyone understands and comprehends the potential value it will bring to the City, community, schools, children, parents, and to people who work, live, shop and dine here. This is not about just dollars and cents. There is great value in seeing a beautiful complex such as this. She encouraged the Board members to visit Crocker Park. It will help. She believes in order for this to work out, everyone, as a community, needs to come together and show support. She has three suggestions that may be of use: (1) She has been hearing many comments about details and felt she had remind everyone that is not the task before us. When a site plan is made, that plan will go to the Planning Commission and then to Council. There will be many opportunities for the community to voice its concern. She urged the Board to not let those issues distract them from the task before them. (2) She felt the Board needed to narrow its issues, and make a list, present it to City Administration and then go from there. Please do not change numbers; just language. (3) Fast action is required by the Board. The City has a project with timeframes and deadlines, and a message needs to be sent to the

Developer. The vote-down has stalled this process. The last thing anyone wants is to spend so much time going over the little details that the project is then gone. People in this City have been waiting for a decade or more for something to be done with the shopping center. This is the perfect project with the perfect developer at the perfect time. She will not ask her residents to wait longer. She asked that this Board seriously and quickly get to the root of the matter, get with Administration, give a quick result, and give proper result. We need to conclude this to allow the project to get going.

Mr. Mader stated that Mrs. Colavecchio encapsulated the points he wanted to mention. We are a community and this is a community project. When he helped stave off the Hardy Road landfill situation, he witnessed how everyone can come together in the City and School District to accomplish a well-needed task. He pointed out that the entire community passed a 7.9 mill levy when the school system was in trouble. That happened because the entire community stepped up. It is time this community reunited to move forward with a project that will benefit everyone. Yes, it is a gamble just like the Natatorium and Sheraton were gambles. It does not all equate to dollars and cents. The City and Council focus on City issues and the School Board focuses on education but jointly they should focus on both education of kids and benefit of the City. He urged the Board to come to a quick decision or the City will be left in the dust. Ohio has the worse unemployment in the country. This project includes jobs and a future in the community. The City's history reflects it has a good track record. He believes that track record shows we can go forward now and be successful for everyone 30 years from now.

Dave Rump, School Board member, stated he is not comfortable with going away with nothing set. We are too close and need to come together as soon as possible with this Board in a special session and hammer out what they want. He still felt the key to the whole thing is to sit down with City and say what can and cannot be done. We are too close. He thinks that can be done.

Therese Dunphy, School Board member, stated she had two concerns outlined tonight. The issue is about safeguards they are looking for. Nothing financial. Money is being diverted from schools so the project needs to be paid off as soon as possible. Income tax dollars shown on the spreadsheet should go towards repayment of this project. She did not think the idea of asking for the projected costs and the amount of the revenues brought in and costs paid was an inappropriate request. Those are key in her mind. At this point, she suggested the superintendent, who has heard the Board's concerns, meet with the City and put together a proposal in cooperation with the Board's attorney that can be distributed to the Board in a special packet. There is a special meeting next Monday for another issue. They can expand the agenda for that meeting to include this if things are agreed upon by next week.

Dr. Holland pointed out it is his responsibility to insure that Board Policy is enforced and implemented. Those are the primary goals on his job description. He spent a lot of time working with the City, Sue Truby and the Mayor in going over what can work. Tonight was an excellent opportunity to hear issues and concerns of Council Committee and the Board. The City has answered a lot of questions that have been stirring over the last few weeks. It is his responsibility, along with the Board's attorney, to take the ideas and meet with the City to finalize a new package to bring back to the Board for a vote next week. He was hopeful he could reassure Board members by the end of the week that all of their questions have been answered. In any negotiation, there is always unhappy feelings on both sides and a win-win on

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both sides. He did not think it could be 100% satisfactory for everyone but additional revisions could be presented to the Board.

Mayor Robart stated the City has worked successfully with Dr. Holland through this process, and communication with him has been excellent. He indicated that City Administration will meet whenever the School Board wants to get this matter resolved. The City made its initial presentation to the Board on February 19 and, up to last week, had not received one question from any Board member. If they had, they would have met with the Board. Comments made earlier regarding trust issues bothered him. He had mentioned a lot of money given by the City to the schools each year. To his knowledge, there is not a contract with the schools for that. The City just does it.

Mrs. Hummel stated that this matter has come a long way tonight, and she thanked the Board for that. She personally would like to see the project move forward as soon as possible so the school district can begin receiving its money. The issues the Board has raised do not appear to be money issues and she felt those should be addressed. The Board should have a comfort level. She agreed that the Board's issues should be addressed in writing. If the issues are not monetary, she felt Administration should jump all over that and put them in the contract. She appreciated everyone's cooperation tonight.

Mr. Iula stated he represents the whole City on Council. He went through the school system for all 12 years and is proud of the Board of Education. He felt Mrs. Colavecchio gave a great speech. The Board and the City are a team. Everyone needs to come together and make it a great City again.

Mr. James moved to adjourn, second by Mrs. Pyke. Motion passed, voice vote (11-0). Meeting adjourned at 10:43 p.m.

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Diana Colavecchio, Council President

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Cathleen J. Meacham, Clerk of Council