

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

May 9, 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, present; 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 25, 2011 regular Council meeting were approved as submitted.
- Reports and Communications: 1. A Notice from the Ohio Division of Liquor Control for a license transfer from SuperAmerica Beverage LLC dba Speedway 9178 to Speedway LLC dba Speedway 9178 at 2026 Bailey Road, Cuyahoga Falls. No objections were raised.

New Legislation (First Reading)

Temp. Ord. B-49 (Finance)

An ordinance authorizing the Director of Public Service to enter into a power sales contract known as the AMP Fremont Energy Center Power Sales Contract, with American Municipal Power, Inc., and declaring an emergency.

Temp. Ord. B-50 (Finance)

An ordinance authorizing the Director of Public Service to enter into a power scheduling agreement to be known as the Northern Pool Participant Schedule, with American Municipal Power, Inc., and declaring an emergency.

Temp. Ord. B-51 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts without competitive bidding with Bowman Appraisal Services, Inc., for the professional services necessary to conduct appraisals of real property to be acquired for the State Road Widening Project (PID #81605), and declaring an emergency.

Temp. Ord. B-52 (Public Affairs)

A resolution expressing Council's support for the development of a drinking water source protection plan, and declaring an emergency.

Temp. Ord. B-53 (Public Affairs)

An ordinance enacting new Section 1366.06 of Title 7, Part 13 of the Codified Ordinances, relating to outdoor composting, and declaring an emergency.

Temp. Ord. B-54 (Public Affairs)

An ordinance amending Section 505.18 of Part 5 of the Codified Ordinances, relating to feeding of birds, and declaring an emergency.

Temp. Ord. B-55 (Public Affairs)

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

Reports of Council's Standing Committees
(Third Reading)

Planning & Zoning

No report.

Finance & Appropriations

None.

Public & Industrial Improvements

Temp. Ord. B-47

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.

Mr. Walters moved to adopt Temp. Ord. B-47, second by Mr. Ihasz. Motion passed, voice vote (11-0).

Public Affairs:

None.

Community Development:

Temp. Ord. B-48

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

Mr. James moved to adopt Temp. Ord. B-48, second by Mr. Rubino. Motion passed, voice vote (11-0).

Schedule of Committee Meetings

Planning & Zoning:	Subject to call.
Finance:	May 16, 2011, 6:30 p.m.
Public Improvements:	May 16, 2011, 6:35 p.m.
Public Affairs:	May 16, 2011, 6:40 p.m.
Community Development:	May 16, 2011, 6:45 p.m.

Miscellaneous Business:

Mrs. Colavecchio stated she had two items. The first is about the memo to Council from Mr. Janis regarding the Claims Commission and claims classifications. She reviewed the memo and spoke to Mr. Janis about the possibility of looking at which claims were resolved at certain levels. She also asked whether the limit that was set in 1994 of claims over \$500 that needed to come before Council should be revised. She has requested Mr. Janis provide Council with a quarterly report as to resolution of claims that come before him, both moral and legal, so that Council has a gauge of the content and amounts resolved.

Mrs. Colavecchio stated her second item related to an article that recently appeared in the *Falls News Press*. She quoted from Section 111.08(e) from Council Rules entitled Vacancy due to Absence:

“...It shall be the duty of each Council member to notify the President of Council of any anticipated absence from any regular or special Council meeting as soon as practical. Should a council member accrue three consecutive unexcused absences from regular Council meetings, the Clerk of Council shall, not less than six days prior to the next regular Council meeting, notify the absent member in writing of his unexcused absences.”

Mrs. Colavecchio stated that going forward, she will expect anyone who will be absent from a regular or special Council meeting to please let her know as soon as practical. Additionally, any member who wishes to make a motion to excuse an absence is asked to give a one sentence reason for the absence. She added that she will also make a comment as to whether she has been notified. Mr. Walters stated that sometimes an individual may notify Mrs. Colavecchio but not the other ten members so it may fall on Mrs. Colavecchio to make the motion because the other members would not know the reason. Mrs. Colavecchio replied that often the way she knows of an absence is from another Council person informing her. Mrs. Klinger pointed out that the day her mother passed away, she had left a message with Mrs. Pyke, however, Mrs. Pyke did not get the message before the meeting so, in that instance, the message wouldn't have been relayed. She wanted Council to be cautious on this. Mrs. Colavecchio stated in that instance, if someone was legitimately absent and Council became aware of the reason later, a motion to excuse could still be made even if it had originally been voted down. She stated all of Council will be mindful that we have commitments outside of Council and sometimes we cannot get to a phone to notify another member. Mr. Barnhart stated that the article in the *Falls News Press* referred to him when that absence was made. The article was misleading in many ways. One of the reasons stated he was on vacation but that was not true. He had very important business to take care of. There were tax meetings he was required to attend out of town regarding property he owned. It was definitely

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not a vacation. He was there for ten days and did not see the ocean one time. He apologized for not notifying Council.

Mr. James moved to adjourn, second by Mrs. Pyke. Motion passed, voice vote (11-0). Meeting adjourned at 6:50 p.m.

Diana Colavecchio, Council President

Cathleen J. Meacham, Clerk of Council