

Cuyahoga Falls City Council
Minutes of the Finance Committee Meeting
June 15, 2009

Members: Don Walters, Chair
Debbie Ritzinger
Carol Klinger

Mr. Walters called the meeting to order at 6:20 p.m. All members were present.

The minutes from the May 4, 2009, May 11, 2009, May 26, 2009 and June 6, 2008 committee meetings have been approved as submitted.

Legislation Considered

Temp. Ord. B-55

Temp. Ord. B-56

Discussion:

Temp. Ord. B-55

An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts for design and construction services to upgrade various swimming pools throughout the city, and declaring an emergency.

Bill Lohan stated this legislation arose out of the Virginia Graeme Baker Pool and Spa Safety Act passed by Congress in December, 2007, which requires that all public pools be equipped with anti-entrapment devices on the drains. Even though the City's pools already have adequate safety measurers in place, the City must comply regardless of those safety measures. This legislation is for \$40,000 for WaterWorks and will get the City in compliance with the law. The company doing the work is located in Louisville and guarantees it will bring the pool into compliance. All of the grates must be custom made. Mr. Lohan stated they decided to go with stainless steel at a cost of \$32,000, which is more expensive but will last much longer. The remaining \$8,000 is for design and implementation to hook into the system. The money will come from the \$100,000 they have reserved in an account. He added that they still need to investigate the appropriate system for the City's wading pools and the Natatorium. Mr. Walters stated he has read a lot about this and asked what kind of grating system is in the wading pools currently. Ed Stewart stated there are three at the bottom of the pool and five suction at the sides. He stated that the City has received several different interpretations of the law. The City's swimming public is safe but the law still says the pool grates must be in compliance. Mr. Walters commented about the City not being in compliance by the December 20, 2008 deadline. Mr. Lohan stated that the City had a letter of intent which showed good faith to comply with the law.

Mr. Walters asked when the project would start. Mr. Lohan stated the company they selected has already started the design. It will be installed when WaterWorks is drained. He added that there is no grant money available at this time but they will keep checking to see if anything comes available. Mrs. Klinger asked which Rec. Levy account the money would be coming out of. Mr. Lohan stated it was Capital Outlay. Mrs. Klinger stated that budget was earmarked for the golf course irrigation system. Mr. Lohan stated they have money set aside for the golf course but costs are coming in lower so they are going to use those savings. Mr. Brodzinski indicated he would get the year-to-date figures to Mrs. Klinger. Mrs. Hummel asked which federal agency was in charge of this. Mr. Lohan stated that the Consumer Product Safety Commission was responsible for interpretation of the law and setting guideline standards. The only state that challenged the law was a municipality in Florida in May, 2008. The ruling came back and was against that municipality.

The law says everyone will comply. It is his understanding that no agency is stepping forward to say they are the enforcing agency. Mrs. Hummel stated that since there is no one enforcing it at this point, has anyone from the City contacted Senator Brown or a Congress representative for help in getting through the bureaucracy and to make sure it will be enforced as it was passed and not force cities to spend money if their pools are safe. Mr. Lohan stated they have not contacted anyone. They did not feel it would be worthwhile to fight the law since another municipality tried and failed. Mr. Arrington added that it was a federal case but was not sure it was before a federal court or not. Mr. Lohan said he would check. Mrs. Hummel stated she would like to see someone make contact with Senator Brown to ask for help before the City moves forward with the wading pools or Natatorium. Mr. Lohan stated they could do that. Mr. Walters asked whether different pool companies were coming up with different interpretations. Mr. Stewart stated they talked with five companies. One stated it would cost \$6,700 to look into the pools but promised no resolution to the problem; another company did not want to come up from Columbus to check it out; and another did not want to deal with Waterworks. This company came forward and did the investigation work for free. Mr. Lohan added that this company is certified and said everything would be stamped and certified once it is in compliance with the law. If it is not certified, there is no deal. The company is called Creative Design Innovations out of Louisville, Ohio.

Committee recommended bringing out Temp. Ord. B-55.

Temp. Ord. B-56

An ordinance authorizing the Mayor to execute the Summit County Intergovernmental Memorandum of Understanding for Job Creation and Retention and Tax Revenue Sharing, and declaring an emergency.

Mrs. Truby stated that Summit County created legislation for Job Creation and Retention and Tax Revenue Sharing in Summit County. It applies when a business relocates from one community to another. The impact must be significant to the losing community. Other requirements are the relocating business must have at least \$3.5 million in annual payroll and must account for at least five percent of the community's income tax base. The County wants to see the two communities that would be in this situation get together regarding tax sharing. If there is no agreement, this contract would come into play. The communities that participate in this agreement will receive additional points on Issue 1 applications, Job Ready Sites applications, etc. Currently, the City has two projects that would be affected: Taft Avenue and the Akron Roundabout. Only three cities have not participated: Tallmadge, Green and Hudson. Stow is still discussing it and intends to give the 180 day termination notice immediately. In September, the County will review the language and try to incorporate the concerns voiced by the communities. The majority of communities do not solicit business from one another. Companies usually come to the community it is looking to expand into. Mr. Walters asked how the agreement would come into play if only a portion of a company moved. Mrs. Truby stated that wasn't clear. She added that whenever there are language changes made to the agreement, it will need to come back to Council to be approved. Mr. Arrington added that once the agreement is signed, any change to the language of the agreement must be approved by all of the communities who signed it. Stow is scheduled to vote on this at its next Council meeting. They had discussions about invoking the 180-day termination requirement as soon as the agreement goes into effect. They have projects that are pending with the County and need additional points. Mrs. Klinger asked who made up the integrating committee. Mrs. Truby indicated it was made up of quite a few County officials and some village representatives. Mrs. Klinger asked for a list from the County showing who makes up the committee. She asked whether this would apply to companies who have already relocated. Mr. Arrington stated that was not the intent but he could see how she could read that. The intent is if a business is relocating from the date of the agreement and doesn't affect something that was built 100 years ago. He added that the County's website lists the members of the committee. She asked what businesses in Cuyahoga Falls make up more than five percent of the income tax. Mr. Brodzinski stated there are none. Mr. Arrington stated he concurred with Mrs. Klinger's concerns with the language of the agreement. There is a lot of gray but because it has been signed by several communities, changes cannot be made without

getting the approval of all of those communities. Stow has indicated its language concerns. He feels there needs to be a lot of changes to the language to clarify it. Right now, it is very fuzzy. Mr. Walters asked if this has been put into place in any other counties. Mrs. Truby stated she has not heard about other counties but it has been talked about for years. This legislation started when a business relocated from Macedonia to Hudson. She was not sure of the name. She added that this would apply to anything new moving forward. Mrs. Colavecchio asked if any of the companies discussed by the Tax Incentive Review Commission have \$3.5 million in payroll. Mrs. Truby stated a couple might but it would not be applicable to this ordinance. She asked how much it would cost the City if one of them decided to relocate. Mr. Brodzinski stated if those companies leave us, under this ordinance the tax money comes back to the City. The City only shares taxes when a business comes from another city. If a business leaves the City, we get money back. If we do not sign this and they leave the City, we get nothing. Mrs. Klinger commented on the situation of Cuyahoga Falls General moving from the City to the new hospital site. Since it is part of Summa and Summa is headquartered in Akron, would Akron benefit under this contract. Mr. Arrington stated if they look at it as the hospital moving from the City, we would benefit. If it is considered as having moved from Akron, we would not. Mrs. Truby added that Summa is not the lead in that deal. Mrs. Klinger stated she wanted to clearly understand what that move would mean. Mr. Arrington stated it depends what is moving and where it is moving from. The current hospital is in Cuyahoga Falls. The facilities are moving to Seasons Road from the Cuyahoga Falls location. However, there could also be facilities in Akron that are moving. That is a good question. Akron would have to challenge it. Mr. Walters asked what the timeframe was for signing this agreement. Mrs. Truby stated they want all of the communities to sign before June 30, 2009.

Mrs. Colavecchio stated that the County has put forth this legislation. She would have liked to have had a representative from the County present to explain it and give Council the facts and figures on how it may affect the City. Mrs. Truby stated she can have someone from the County attend the Council meeting the following week. Mrs. Colavecchio indicated she would appreciate this legislation being held so that Council can hear from the County's representative. Mr. Walters agreed. He can hold a committee meeting and then Council could vote the same night if the legislation is brought out. He stated that perhaps the County can clear up some of the issues members have brought up tonight. Mrs. Pyke asked for a copy of Stow's legislation showing how they were amending the agreement. Mr. Arrington stated they are just putting a directive into their legislation giving the 180 days notice. City Administration is mildly supportive of this. If it does not pass, they will not lose any sleep. Likewise, if it passes, that is fine, too. Mrs. Hummel concurred with Mrs. Colavecchio's comments about having someone from the County here.

Committee recommended holding Temp. Ord. B-56.

The meeting adjourned at 7:10 p.m.