

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

June 27, 2011

- Call to Order: Mrs. Colavecchio at 6:33 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 June 13, 2011 regular Council meeting were approved as submitted.
- Reports and Communications: A Fiscal Officer's Certificate dated June 27, 2011 from the Director of Finance regarding Temp. Ord. B-67 that is being introduced tonight.

New Legislation (First Reading)

Temp. Ord. B-67 (Finance)

An ordinance providing for the issuance and sale of \$8,600,000 principal amount of notes, in anticipation of the issuance of bonds, for the purpose of revitalizing the State Road Redevelopment Area by acquiring, clearing and improving certain properties in that area, and declaring an emergency.

Temp. Ord. B-68 (Finance)

An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with D&G Uniforms, Inc., for the purchase of body armor vests, and declaring an emergency.

Temp. Ord. B-69 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the repair and resurfacing of Portage Trail from 4th Street to 13th Street, and declaring an emergency.

Temp. Res. B-70 (Public Affairs)

A resolution urging the Ohio General Assembly to promptly enact pending legislation which would regulate dangerous hallucinogenic substances that are currently being marketed as bath salts and plant food, by adding such substances to the list of controlled substances identified in Section 3719.41 of the Ohio Revised Code, and declaring an emergency.

Reports of Council's Standing Committees
(Third Reading)

Planning & Zoning

No report.

Finance & Appropriations

Temp. Ord. B-63

An ordinance authorizing the Director of Finance to increase appropriations in the Street Construction, Maintenance and Repair Fund and the General Fund, and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Ord. B-63 second by Mrs. Klinger. Motion passed, voice vote (11-0).

Public & Industrial Improvements

Temp. Ord. B-64

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the reconstruction of concrete pavement at various locations in the City, and declaring an emergency.

Mr. Walters moved to refer B-64 back to the Public Improvements Committee at the request of the Administration, second by Mr. Mader. Mrs. Carr indicated they may revise the project and distribute a substitute to Council, which would then be discussed in a future Public Improvements Committee meeting. They want to re-work the scope of the project and look at other options before bringing it back to Council. Motion passed, voice vote (11-0).

Public Affairs:

Temp. Ord. B-65

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. B-65, second by Mrs. Hummel. Motion passed, voice vote (11-0).

Community Development:

Temp. Ord. B-66

An ordinance authorizing the Mayor to enter into an Intergovernmental Agreement known as the Summit County Intergovernmental Memorandum of Understanding for Job Creation and Retention and Tax Revenue Sharing, as amended, and declaring an emergency.

Mr. James moved to adopt Temp. Ord. B-66, second by Mr. Rubino. Motion passed, voice vote (11-0).

Schedule of Committee Meetings

Planning & Zoning:	Subject to call.
Finance:	July 5, 2011, 6:30 p.m.
Public Improvements:	July 5, 2011, 6:35 p.m.
Public Affairs:	July 5, 2011, 6:40 p.m.
Community Development:	Subject to call.

Miscellaneous Business:

Steve Rubin, COO of Stark Enterprises, gave an update on the Portage Crossings project. He stated they are in the process of negotiating either lease documents or letters of intent with 12 to 13 tenants, who represent a little more than 85% of the project. Two of them are the anchor tenants at the north and south end of the property. By getting 85%, it allows them to do the project in one phase rather than in two phases as was originally planned. The project is bringing 17 to 20 new businesses to the City. They have to convert all deals to final leases and then get the remaining 15%. They are not yet sure how it will be divided up. The 15% could be 4 to 5 or 6 to 7 tenants. Their goal is to announce the tenant roster not later than Labor Day. They continue to be confident that the project will be substantially pre-leased and groundbreaking occur in the fall or maybe the spring, at the latest. The tenants are protective of their interests and do not want anything announced until the final leases are signed. He will keep Council advised of the progress.

Next, Attorney John Slagter of Buckingham, Doolittle & Burroughs, gave an update on what has occurred since the January Council meeting regarding the possible eminent domain issue involving his client, Kriegers Market. The Kriegers still have concerns about the City's use of eminent domain, which they feel is inappropriate. He pointed out that the City paved Graham Road from State Road to Bath Road and said the Kriegers do not see why the City doesn't just continue paving Graham from Bath to Wyoga Lake without widening it. He informed Council that the Kriegers are hiring someone to prepare an alternate design to the City's proposal and are also moving forward with steps to make changes to the City's Charter. Further, the Kriegers have circulated a petition against the taking of their land and had copies of those petitions for Council so Council could see how the community felt. They collected 1,800 signatures from patrons, some of whom live outside City limits.

Mrs. Hummel asked Mr. Brodzinski to comment on the Report 21 dated May 31, 2011, which was distributed to Council. Mr. Brodzinski stated there has been nothing significant between April 30 and May 31. If the state budget is passed by the end of June, they will have a better idea of how it will impact the City's budget. He feels the state's budget will have a significant effect on State and Local Government Funds, and he also anticipates the elimination of estate tax by 2013. He and his staff try to look out three years to see what impact the changes will have. All departments continue to review and trim their budgets to come up with additional savings. Some savings found to date are being used to purchase rock salt now instead of waiting until the fall when the price is predicted to increase. The Natatorium is up \$21,000. Fund-wise, it is up \$7,000, and expenses are up \$10,000 compared to last year. He pointed out that the rain has had an impact on the golf course. Income tax is flat. There was a large withholding in October/November last year that he does not anticipate impacting this year.

Mrs. Carr announced that on Wednesday, June 29, the Summit County Health Department will be spraying for mosquitoes.

Mr. Barnhart stated he had visited Kriegers Market over the weekend and saw the handout that was being distributed. He felt it was very misleading. The flyer indicates that the City is trying to close down the business, and felt that of course there would be many people signing a petition opposing that. He felt if the truth were known, there would not have been as many signatures. Robert Hager, attorney from Brennan, Manna and Diamond, asked to address Mr. Barnhart's comment; however, Mrs. Colavecchio pointed out that the Krieger representatives had already exceeded the three minute time limit per Council Rules. Mr. Hager then requested that the record be made to reflect that the Kriegers object to the statement made that the flyer was misleading. Mrs. Colavecchio asked the Administration is there was a time frame on when the legislation on this matter would be coming before Council. Mr. Janis stated there is no time frame because there has been nothing to show that the legislation is needed.

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