

**Cuyahoga Falls City Council
Minutes of the Public Affairs Committee**

June 5, 2017

Members: Vic Pallotta, Chair
Adam Miller
Jerry James

Mr. Pallotta called the meeting to order at 6:48 p.m. All members were present.

Legislation Discussed:

Temp. Ord. B-41

Temp. Ord. B-42

Discussion:

Temp. Ord. B-41

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.

Mr. Pallotta stated that this is done each year. Council should have received an e-mail with a list of cities that are signatories to this agreement. Ms. Diane Sheridan, Development Director, stated that this specific legislation has come before them every year since 2010, and this year is no exception. The memorandum before Council this evening is the same memorandum that was before them in 2015 and 2016, so there are not any changes. Communities in Summit County recognize it's imperative to cooperate and collaborate to benefit the region. The agreement is not intended to have any adverse effects on businesses' or companies' decisions within the county to relocate, but merely addresses the relationship of governmental bodies that may be affected by those independent business decisions. Revenue sharing is triggered when one of two events take place: Number one, the business that relocated to the new community receives any economic incentive or financial assistance from the new community or if the departed community suffers a significant loss. A significant loss is outlined in the agreement, but, basically, the County will take the last two full calendar years and if there is either a \$3.5 million or larger annual payroll or it constitutes 5 percent or more of the aggregate income tax revenue of the departed community, then revenue sharing is triggered. The cosignatory city can receive an additional 5 percent of the total possible points on application mechanisms that are administered or scored through Summit County. This incentive structure is and has been approved by the Ohio Public Works Commission. As an example, by being a signatory, Cuyahoga Falls received an extra 5 percent on the Howe Avenue project that Mr. Tony Demasi, City Engineer, spoke about earlier. There have been the same 28 signatories as in the past. Stow is not a signatory and Green is not a signatory. Ms. Sheridan respectfully requested this come out of committee with a favorable recommendation.

Mr. Pallotta stated that Sagamore Hills has submitted their legislation to be a signatory on this, as well. Ms. Sheridan stated that when she contacted the County, they stated that they left it out by mistake. All the communities are taking this ordinance to their Council, so Summit County

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anticipates the same 28 communities with their signatories. Mr. Iona asked what would happen if a signatory does not comply with the agreement. Ms. Sheridan stated that the agreement addresses arbitration and mediation, but Summit County will help facilitate that.

Mr. Miller moved to bring out Temp. Ord. B-41 with a favorable recommendation, second by Mr. James. Motion passed (3-0).

Temp. Ord. B-42

An ordinance authorizing the Mayor to enter into a license agreement with Front & Center LTD for the purpose of constructing and maintaining a pedestrian walkway next to the Falls Theater, which is partially located on Parcel No. 02-02851, and declaring an emergency.

Mr. Demasi stated that the City owns several parcels of land south of the Falls Theater building between the theater and buildings on the north side of Portage Trail. This area is also home to a concrete parking lot that the City owns, Manchester Court. The owner of the building on the north side of Portage Trail, John Chlebina, of Front and Center, LTD, is proposing to improve access of his tenants to the renovated Front Street and to the parking lot located behind the theater by constructing a boardwalk across one of the City's parcels and directly connecting to the City's concrete walkway. The agreement, which would have a term of 50 years, has been drafted by the Law Department and a copy is included with the legislation. The Engineering Department and the City have reviewed the plans and they are in favor of it.

Mr. Chlebina stated that he is trying to get better access to rear of the buildings he owns on Portage Trail because, currently, Manchester Court is too small to accommodate parking. His tenants have to primarily use the parking off Second Street. To get to the rear of the buildings, they have to go down the walkway alongside the theater, the steps all the way down to Manchester Court and come around; then back upstairs to get to the rear of the buildings. What he is trying to do create a shortcut so that they can access the rear of the buildings without going all the way around and then back up. Mr. Pallotta stated that he wants to thank Mr. Chlebina for investing in Front Street and adding something that was unusable so that it is now usable. He asked Mr. Russell Balthis, Law Director, who would become liable for any kind of accidents that may happen. Mr. Balthis stated that the license agreement would put the liability onto Mr. Chlebina. Also, the City benefits from immunity in most situations like this, so it would have certain claims and very limited liability, no more than any sidewalk in the city. Mr. Pallotta asked if it was an easement type of situation. Mr. Balthis stated that the fundamental difference between a license agreement and an easement is that easements are a permanent property right that runs with title and licenses are separate agreements between two parties and gives both parties a little more flexibility than an easement.

Mrs. Pyke asked who would be responsible to maintain this walkway if Mr. Chlebina sold his properties. Mr. Balthis stated that he believes that the City would have to approve the transfer. An easement stays with the property. A license agreement would stay between the City and the party. The City would enter into a new agreement with the new property owners. Mrs. Pyke

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asked what would happen if the new property owner doesn't want the responsibility of that walkway. Mr. Balthis stated that, at that time, the City could remove it. Mrs. Pyke asked if there is anything the City could put into the agreement stating that it does go with the property. Mr. Demasi stated that this is not a public boardwalk. The sole purpose of this boardwalk is to provide access for Mr. Chlebina's tenants to the concrete walkway. It's a private boardwalk on public property. Mr. Balthis stated that his preference would be for it not to be an easement and for it to be a license agreement. It puts the City in a better position, but still meets all Mr. Chlebina's needs. Mrs. Pyke requested a copy of that license agreement.

Mr. James moved to bring out Temp. Ord. B-42 with a favorable recommendation, second by Mr. Miller. Motion passed (3-0).

Mr. Stephen Bagstad, 2245 Carrie Way, Stow, stated the he would like to thank Council for letting him speak tonight. He appreciates their service to the City. He considers himself a climate citizen activist. He has five grandchildren and he is very concerned about the kind of world they're going to be growing up in. He is also concerned about issues of national security and public health. He represents a group known as the Citizens Climate Lobby, whose whole mission in life is to create the political will for climate solutions for the country and the world. He wants to encourage action on climate. CCL has one specific solution they endorse, which is called known as Carbon Fee and Dividend. He would like the City of Cuyahoga Falls to consider two things: One is to have the City consider a resolution to either support climate action, in general and specifically to encourage the Carbon Fee and Dividend. The second thing is he would like the Mayor and Council members to consider is signing an endorsement that would end up going to Congress. Obviously, to do that, someone would have to come and provide further information about it. It's in two categories. One would be general climate improvements and the second one is to specifically announce support of the Carbon Fee and Dividend.

Ms. Karen Hanna, 220 Munroe Falls Avenue, stated she has lived in Cuyahoga Falls a couple years. She has participated in the river cleanups in the past couple years and has been very proud of the pride people take in their communities and the parks. What brings her to Council is the recent decision to back out of the Paris Climate Accord. She believes that that signals to individuals and communities they must protect the environment on their own. She is joined by other folks from Cuyahoga Falls who feel the same way. They respectfully request that Council and the City commit to efforts and investments for energy efficiency for Cuyahoga Falls. She chose to live here because of the national resources in this area. She believes everyone has a responsibility to take care of it, not just for themselves but for the generations to come who all deserve a right to clean air and water. She is asking that Cuyahoga Falls consider joining 100 other cities, like Lakewood and Cleveland, that have shown their commitment in the Climate Accord. Mrs. Pyke stated that she would suggest Ms. Hanna take the opportunity to sit down with Mr. Anthony Zumbo, the City's Service Director, to talk about all that the City does with AMP Ohio and renewable energy. The City has invested in windmills, water and methane. She believes that Cuyahoga Falls is very forward planning when it comes to environmental issues.

The meeting adjourned at 7:08 p.m.