

**CUYAHOGA FALLS CITY COUNCIL**  
**Minutes of the Council Meeting**

**July 13, 2009**

- Call to Order:** Mr. James at 6:35 p.m.
- Roll Call:** Mrs. Hummel, present; Mrs. Colavecchio, present; Mr. Walters, present; Mrs. Ritzinger, present; Mr. Ihasz, present; Mr. Rubino, present; Mrs. Klinger, present; Mrs. Pyke, present; Mr. Barnhart, present; Mr. Mader, present; Mr. James, present.
- Invocation:** Mrs. Hummel
- Pledge of Allegiance:** Mrs. Hummel
- Approval of Minutes:** The minutes from the June 8, 2009 and June 22, 2009 regular Council meetings and the June 29, 2009 Special Council meeting have been approved as submitted.
- Reports and Communications:** A Notice from the Ohio Division of Liquor Control regarding a new license application for Rajkamal Corporation dba Raj Mahal, 2033-35 State Rd, Cuyahoga Falls, Ohio.

**New Legislation**  
(First Reading)

**Temp. Ord. B-64 (Finance)**

An ordinance providing for the issuance and sale of not to exceed \$11,000,000 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-65 (Finance)**

An ordinance authorizing the Park and Recreation Board to extend its contract for the lease of golf carts, and declaring an emergency.

**Temp. Ord. B-66 (Finance)**

An ordinance authorizing the Director of Finance to increase appropriations in the SCMR Fund and General Fund and declaring an emergency.

**Temp. Ord. B-67 (Public Improvements)**

An ordinance amending the Codified Ordinances with the enactment of Chapter 926 entitled "Capital Cost Surcharge Hardship Committee" and declaring an emergency.

**Temp. Ord. B-68 (Public Affairs)**

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

**Public Hearing**

**Temp. Ord. B-53**

An ordinance amending the Planning and Zoning Code, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls and declaring an emergency.

Mr. James called the Public Hearing to order at 6:37 p.m.

For: Mr. Guerra gave a presentation on Ordinance B-53. The agenda for the public hearing was goals and reasons for amendments, review amendments, review of conservation overlay district, and to answer any questions. Many of the proposed changes deal with typos and inconsistencies. Some information that was added includes: (1) specifications for private street standards which will now require developers to build a private street to public standards; (2) requirements for electronic sign brightness; (3) designations for land coming into the City – it will come in and remain at R-3 for six months then changed to permanent zoning; (4) all land improvements must go through flood plain and storm water management and also go through site plan approval; (5) all open sales now need conditional use permits; and (6) the size of out-buildings was reduced from 80 s.f. to 25 s.f. and are required to be constructed of wood and/or masonry. The majority of the policy changes occurred in the Overlay District. Each Overlay District has its own procedure table. There is also no bonus if a secondary area is not used. They deleted the section on Green overlay and have inserted a Green Bonus instead.

Mrs. Colavecchio thanked Mr. Guerra for the amount of time he put into revising the Code. She asked when land came in from Akron whether property owners were notified and given time to object to the zoning of that land. Mr. Guerra stated in most cases, it applies to vacant land, and if it is zoned residential in Akron, it is zoned residential in Cuyahoga Falls. The only property that the City changed from industrial to residential was the property beside Ascot Park. That property can never be developed so it made more sense to make it R-5. The property owner requested it. Mr. Walters asked about the change in R-5 as far as a single family unit required per four multi-family units. Mr. Guerra stated they learned things in the process of the last Code and used the development on Bath Road as an example. There are 45 acres but only 14 acres will actually be developed. The City tried to get the developer to do a mix of town homes and single family but the Code was not worded strongly enough so they negotiated that the front part of the property would be a nursing home. The Code now requires a mixture. This will force a developer to not build all one type of building. Mr. Walters asked if this would apply to Cardinal's Peak. Mr. Guerra wasn't sure and said he'd look into it. Mrs. Klinger asked about the section requiring refuse screening be masonry and not vinyl fencing. Mr. Guerra stated that properties in process can use vinyl but new buildings must be masonry. Mrs. Klinger asked whether development of the back half of Tamsin Park would change regarding putting apartments in there. Mr. Guerra stated the master plan has been approved for that site but still needs to come before Council. They will have the same restrictions in that they were told they could not do apartments and must do single family. Mrs. Klinger asked Mr. Guerra to bring some examples next week of what some of the developments in Ward 8 would look like if they were built under this Code, specifically as to how the bonus

**July 13, 2009 - Page 3**

would now apply. Mr. Guerra stated he would do so.

Mike Battaglia, Quick Road, asked doesn't the LEED certification benefit the homeowner as well as the developer. Mr. Guerra stated if they are doing drainage and porous asphalt it would benefit a homeowner. This is an incentive to build a LEED certified home. When selling lots, the developer would have to put in deed restrictions that the house must be LEED certified when the homeowner builds on the lot.

John Lynette, Crawford Cir., asked whether any changes were made to the zoning map as far as R-1 zoning. Mr. Guerra stated they added some with regard to the Akron properties. Mr. Lynette referred to 2(a) on page 180 and requested that the wording be changed to require a buffered area. He felt the current wording made it sound optional. Mr. Guerra stated he would look into it. Mr. Lynette thanked Mrs. Klinger for her comments regarding comparing the developments to what is now proposed. He also thanked Mr. Guerra for the time and initiative he put into this Code. There is more clarification than the prior General Development Code, and he is happy with the current proposals.

Frank Tompkins, Chart Road, asked whether he could receive either a printed or electronic copy of the Code. Mr. Guerra had an extra copy and added that once it is approved by Council, it will be linked to the City's website.

Against: None.

For: Tom Shaheen, Crown Ridge, stated his basic issue has always been the yield plan. He never had a dispute that the developer had a right to a bonus it was just where that bonus should start from. This draft addresses that issue and he appreciates that it was added.

Against: None.

For: None.

Against None

Mr. James stated this will brought out for further discussion before the Planning & Zoning Committee next week.

The public hearing concluded at 7:40 p.m.

**Reports of Council's Standing Committees**  
(Third Reading)

**Planning & Zoning**

**Temp. Ord. B-59**

An ordinance authorizing and approving the site plan to construct a 17,310 SF addition to the Juzo Facility at 2690 Zorn Drive and declaring an emergency.

Mrs. Colavecchio moved to amend B-59 by changing the square footage in lines 19 and 25 from 17,130 s.f. to 17,310 s.f. It was just a transposition of numbers. Second by Mr. Barnhart. Motion passed, voice vote (11-0). Mrs. Colavecchio moved to adopt amended B-59, second by Mr. Barnhart. Motion passed, voice vote (11-0).

**Finance & Appropriations**

No report.

**Public & Industrial Improvements**

**Temp. Ord. B-62**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for improvements to the storm sewer on Kathron Avenue, and declaring an emergency.

Mrs. Ritzinger moved to adopt Temp. Ord. B-62, second by Mr. Mader. Motion passed, voice vote (11-0).

**Public Affairs:**

No report.

**Community Development:**

No report.

**Schedule of Committee Meetings**

Planning & Zoning:	July 20, 2009, 6:15 p.m.
Finance:	July 20, 2009, 6:20 p.m.
Public Improvements:	July 20, 2009, 6:25 p.m.
Public Affairs:	July 20, 2009, 6:30 p.m.
Community Development:	Subject to call

**Miscellaneous Business:**

Mr. Walters asked when B-62 would start and what the duration would be. Mr. Demasi stated he will be in contact with the contractor tomorrow to schedule a preconstruction meeting and get the schedule as soon as possible after that.

Mrs. Pyke moved to adjourn, second by Mrs. Hummel. Motion passed, voice vote (11-0). Meeting adjourned at 7:45 p.m.

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Jerry James, Council President

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Cathleen J. Meacham, Clerk of Council