

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Meeting of the Public Affairs Committee

July 20, 2015

Call to Order	The meeting was called to order by Mr. Pallotta, Chair, at 7:54 p.m. A quorum was present.
Approval of the Minutes	Without objection, the minutes of the July 6, 2015 meeting were approved as submitted.
Agenda Items	
Temp. Ord. B-52	<p>An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 3, 2015, which amendment will revise Article VII, Section 2, and declaring an emergency.</p> <p>The Chair recognized Deputy Law Director Janet Ciotolla, who stated that the proposed amendment to the city charter was recommended by the Charter Review Commission and would allow the civil service commission to exercise home rule authority by adopting rules and regulations that differ from state law, subject to approval by City Council. Currently the Charter does not permit the Civil Service Commission to do so. The Charter gives the Civil Service Commission authority to adopt rules and regulations and traditionally the Commission has adopted such rules which are generally procedural, not substantive, and the Council generally has not involved itself in making civil service rules. This amendment would not take away Council's authority, but would reduce the amount of work required by the Council, placing that burden on the Commission. Ms. Ciotolla introduced Ms. Robin Bell, an attorney and employment consultant retained by the City.</p>

The Chair recognized Mrs. Pyke, who asked if the Civil Service Commission is already setting their policies. Ms. Ciotolla stated that they do, but their policies cannot differ from state law. Mrs. Pyke asked if the Commission, wishing to adopt rules differing from state law could not, under the current Charter, simply propose an ordinance for adoption by the Council. Ms. Bell responded, stating it could be done that way. However, that approach would be “piecemeally.” This proposal would allow the Commission to put forward a comprehensive set of rules for Council’s approval, some of which may differ from state law. State civil service laws are not primarily designed for cities and change frequently. In fact, the Commission’s current rules contain rules that are based on laws that are no longer in effect. This proposal would allow the Commission to stay on top of its own rules and differ from state law where it wants to, and still provide for Council approval for the entire set of rules. Mrs. Pyke asked if the Commission under the current Charter couldn’t produce the same comprehensive set of rules, submit it to City Council as an ordinance, and accomplish the same thing. Ms. Bell stated that the Council would need to pass an ordinance that takes the place of state law. The Commission would then adopt a rule in conformance with the ordinance. Mrs. Pyke asked what Council’s role would be if the Charter amendment were adopted. Ms. Bell stated that in her opinion the Charter change would put the burden of developing the rule on the Commission. Mrs. Pyke stated that the rule changes, whether required by the Commission or the Council, would in reality be written by the Law Department, and would be forwarded to Council for approval. Ms. Bell stated that a more “proficient” way to do this would be to allow the Commission to write a comprehensive set of rules for Council approval. Mrs. Pyke asked, if the ultimate end point of this process is Council approval of rules changes, why this Charter change is

necessary. Ms. Bell stated it is a matter of "proficiency, efficiency and economy" for the rulemaking burden to be placed on the Commission instead of the Council. Mrs. Pyke stated that rule change legislation does not originate from the Council anyway. It originates from the administration. Any rule changes required by the Commission would be drafted by the Law Department like other legislation. Ms. Bell stated that this is an extra step.

The Chair recognized Mr. James, who stated that this amendment would remove Council from the "fundamentals" of the Commission, saving the Council time and steps. Mr. James stated that the administration obviously supports this amendment, and asked the Law Director to clarify the reasons for this support.

The Chair recognized the Law Director, who stated that the Charter Review Commission adopted it because it viewed this language as "best practice," having been adopted by other cities in the area.

The Chair recognized Mr. Weinhardt, who stated (inaudible). Ms. Bell stated that the Commission's rules are not up to date with state law. (conversation inaudible).

The Chair recognized Mr. DeRemer, who stated that he feels more comfortable with the Commission making its own rules.

The Chair recognized Mrs. Pyke, who stated that the Council would never be writing civil service rules in a vacuum. A rule change requested by Council or the Commission would be prepared by the Law Department. The end result is the same. As a ballot measure, this is confusing. There should be a review of civil service rules, and changes necessary can be brought to Council upon recommendation of the Commission and the administration.

The Chair recognized the Law Director, who asked if Ms. Bell could elaborate on why the Commission felt this amendment was a “best practice.” Ms. Bell stated that the current Charter does not allow the Commission to make a rule that differs from state law unless there is an ordinance authorizing it. The Council would need to adopt an ordinance, and then the Commission would have the authority to make a rule differing from state law. This is an extra step.

The Chair recognized Mr. Rubino, who stated that this amendment was recommended by the Charter Review Commission and it should be placed on the ballot for that reason alone, for the public to decide. Proponents and opponents can make their cases to the public.

The Chair recognized Mr. Mader, who stated that he does not object to the rulemaking procedure set forth in the amendment.

The Chair recognized Mr. Brillhart, who urged the committee to release this legislation. (inaudible conversations).

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp Ord. B-52 without a recommendation. Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Ord. B-60

An ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Environmental Protection Agency and authorizing the payment of the City's local share, and declaring an emergency.

Proponent testimony was offered by Public Utility Advocate Becky McCleary. Ms. McCleary stated that this ordinance authorizes the Public Service Department to submit a grant proposal to the Ohio EPA for funding through the Clean Water Act to support Phase

2 stream restoration of Kelsey Creek in Kennedy Park. The grant will pay for up to 60% of project costs and may cover up to three year terms. The applicant must pay the remainder. Kelsey Creek watershed is approximately three square miles, and drains portions of Cuyahoga Falls, Tallmadge and Monroe Falls. Kelsey Creek is a tributary of the Cuyahoga River. Development in the watershed has increased storm water runoff and erosion. Phase 1 was completed in December, 2013 under a grant, restoring 1,800 feet of stream bank. Phase 2 will be 725 feet, will eliminate unsafe stream bank conditions in Kennedy Park and will connect to Phase 1. It will also help protect the work done under Phase 1.

The Chair recognized Mr. Weinhardt, who stated (inaudible).

The Chair recognized Mrs. Klinger, who asked what the total grant funding availability is for this project. Ms. McCleary stated that the project is estimated to cost \$233,000 in total, of which the City would be required to pay a minimum of 40%. There is no ceiling in the amount of grant funding that can be requested, but there is only \$2.2 million in grant funding allocated to the entire state. Many other communities will be seeking this grant funding. It is a competitive process. Mrs. Klinger asked when the award will be made. Ms. McCleary stated that the awards will be made in Spring 2016.

The Chair recognized Mr. James, who asked if the project will include removal of concrete from under the Monroe Falls Ave. bridge and at the mouth of the creek. Ms. McCleary stated that these areas are not within the project area. Mr. James asked if the City would separately fund this activity. Park & Recreation Superintendent Ed Stewart stated he would look into this.

The Chair recognized Mr. Rubino, who asked if there are outcomes determines for people upstream and downstream from this project. Ms. McCleary stated this will be determined in a study included in the project.

The Chair recognized Mr. Iula, who asked where the headwaters of the creek are. Ms. Cleary stated it starts in Tallmadge.

The Chair asked if Lake Rockwell influences Kelsey Creek. Ms. McCleary stated it does not.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp Ord. B-60 with a favorable recommendation.  
Seconded by Mr. DeRemer. Motion adopted by acclamation.

Temp. Ord. B-66

An ordinance authorizing the Parks [sic] and Recreation Board to enter into a contract or contracts, according to law, for replacement of asphalt roadway, reinforcement and repair of slopes and improvement of storm water structures in Babb Run Park, and declaring an emergency.

Proponent testimony was offered by Superintendent Ed Stewart. Mr. Stewart stated that this ordinance authorizes the repair of damage remaining from the storm of May 12, 2104. This involves roadway repair and slope stabilization in the upper part of the park. Further damage from the wet spring of 2015 has increased the amount of the total cost of the project to an estimated \$180,000, of which 75% will be reimbursable from the State.

There was no opponent testimony. There was no public comment.

Motion by Mr. Weinhardt to release Temp Ord. B-66 with a favorable recommendation.

Seconded by Mr. DeRemer. Motion adopted by acclamation.

#### Non-agenda items

The Chair recognized a member of the public, Jason Kubick, 2344 – 12<sup>th</sup> Street, who provided comments on the timing of traffic signals on Broad Blvd. between State Route 8 and 6<sup>th</sup> Street. Mr. Kubick also provided comments on the early seasonal closure of Water Works Park and the lack of season pass holders' ability to make use of their memberships due to a wet spring and August closure of the park. Mr. Kubick presented petitions of persons requesting the park to stay open on weekends into September.

The Chair recognized a member of the public, Susan Lawrence, 2750 Tiff Street, who also advocated for keeping Water Works Park open beyond its established seasonal closing date. Ms. Lawrence also stated that the park should be restricted to members and residents only. It is too crowded as it is.

The Chair recognized a member of the public, Debbie Lucas, 3139 Forest Meadow Drive, who commented on the adequacy of rafts and chairs at Water Works Park, maintenance of the facilities, and food service. Ms. Lucas also stated the facility should be restricted to residents only.

The Chair recognized the Mayor, who stated that the City is aware of these issues from social media, and these issues are discussed constantly. The City is monitoring the situation.

The Chair recognized Superintendent Ed Stewart, who stated that the City cannot hire enough lifeguards to keep the facility open beyond the start of the school year. That is the reason the facility is closing so early this year.


The Chair asked Mr. Stewart to address the issue of permitting non-residents to use the facility. Mr. Stewart stated the facility has

never been restricted to residents. Non-residents pay more to use the facility than residents and provide over two-thirds of the park's revenue. Revenue from this source is what makes the facility financially viable.

The Chair stated (inaudible).

Adjournment

Without objection, the Chair adjourned the meeting at 9:05 p.m.



---

Victor Pallotta, Chair



---

Paul A. Janis, Clerk of Council