

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

July 22, 2013

- Call to Order: Mr. Walters at 6:30 p.m.
- Roll Call: Mr. Rubino, present; Mr. James, present; Mrs. Snyder, present; Mr. Colavecchio, present; Mrs. Klinger, present; Mrs. Pyke, present; Mr. Mader, present; Mr. Pallotta, present; Mr. Iula, present; Mr. Walters, present.
- Invocation: Mrs. Snyder
- Pledge of Allegiance: Mrs. Pyke
- Approval of Minutes: The minutes from the July 8, 2013 and July 15, 2013 Council meetings were approved as submitted.
- Reports and Communications:
1. A Fiscal Officer's Certificate dated July 22, 2013 from the Director of Finance to Council regarding the proposed issuance of \$1,000,000 notes to be issued in anticipation of bonds regarding paying costs of widening State Road from Graham Road to Quick Road.
 2. A Notice from the Ohio Division of Liquor Control regarding a license transfer **from** Elaine J & Steven P Salyer dba Beverage Merchant at 2110 State Rd., Unit A, Cuyahoga Falls, OH **to** 407 & 408 LLC dba Beverage Merchant located at the same address.
 2. A Notice from the Ohio Division of Liquor Control regarding a new license **to** Retro Dog LLC located at 350 E. Steels Corners Rd., Cuyahoga Falls, OH.

New Legislation

(First Reading)

Temp. Ord. B-54 (Finance)

An ordinance providing for the issuance and sale of notes in the principal amount of \$1,000,000, in anticipation of the issuance of bonds, for the purpose of paying costs of widening State Road from Graham Road to Quick Road by constructing and installing sidewalks, bike lanes, curbs, storm water management improvements, signalization and street lighting and other improvements, and declaring an emergency.

Temp. Ord. B-55 (Public Affairs)

An ordinance amending Section 131.01 of Title Five, Part one of the Codified Ordinances, relating to authorized staffing of the Fire Department, and declaring an emergency.

Reports of Council's Standing Committees

(Third Reading)

Planning & Zoning:

Temp. Ord. B-42

An ordinance approving a conditional zoning certificate for the operation of a vehicle repair facility at 2010 Bailey Road in an MU-2 neighborhood Center District, and declaring an emergency.

Mr. Rubino moved to adopt Temp. Ord. B-42 , second by Mr. Mader. Motion passed, voice vote (10-0).

Temp. Ord. B-43

An ordinance approving the Preliminary Plat of Hidden Lakes Phase 3 Subdivision, and declaring an emergency.

Mr. Rubino moved to adopt Temp. Ord. B-43 , second by Mr. James. Motion passed, voice vote (10-0).

Temp. Ord. B-44

An ordinance approving the site plan related to the French Mill Run Subdivision Plat (Parcel Nos. 35-06452, 35-05607, and 35-02080), and declaring an emergency.

Mr. Rubino moved to adopt Temp. Ord. B-44 , second by Mr. Mader. Mrs. Klinger stated she had asked questions last week about the high pressure water district and has had discussions with the Administration. It appears this will be paid off towards the end of next year. She proposed taking the tap fees from this project and applying those fees to the high pressure water district. Motion passed, voice vote (10-0).

Temp. Ord. B-45

An ordinance approving the Preliminary and Final Subdivision Plat of French Mill Run Subdivision, and declaring an emergency.

Mr. Rubino moved to adopt Temp. Ord. B-45 , second by Mr. James. Motion passed, voice vote (10-0).

Finance & Appropriations:

Temp. Ord. B-46

An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Siemens Industry, Inc. for the purchase of a distribution feeder automation system for use by the Electric Department, and declaring an emergency.

Mrs. Klinger moved to adopt Temp. Ord. B-46 , second by Mr. Rubino. Motion passed, voice vote (10-0).

Temp. Ord. B-47

An ordinance providing for the issuance and sale of \$7,600,000 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.

Mrs. Klinger moved to adopt Temp. Ord. B-47 , second by Mr. James. Motion passed, voice vote (10-0).

Temp. Ord. B-48

An ordinance accepting applications submitted by financial institutions and designating depositories for the active and interim funds of the City of Cuyahoga Falls for the five-year period beginning August 23, 2013 and ending August 22, 2018, and declaring an emergency.

Mrs. Klinger moved to adopt Temp. Ord. B-48 , second by Mr. Rubino. Motion passed, voice vote (10-0).

Temp. Ord. B-49

An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Bell Equipment Company for the purchase of a used “Epoke” salt spreader for use by the Street Department, and declaring an emergency.

Mrs. Klinger moved to adopt Temp. Ord. B-49 , second by Mr. James. Motion passed, voice vote (10-0).

Public & Industrial Improvements:

Temp. Ord. B-50

An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Coastal Steel Management, LLC dba Coastal Steel Structures, for the purchase of a prefabricated, unassembled metal storage building, authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the assembly or construction of said building for the Department of Public Service, and declaring an emergency.

Mrs. Snyder moved to adopt Temp. Ord. B-50, second by Mrs. Pyke. Motion passed, voice vote (10-0).

Public Affairs:

No report.

Community Development:

Temp. Ord. B-52

An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement with French Mill Run, LLC, and declaring an emergency.

Mr. Colavecchio moved to adopt Temp. Ord. B-52 , second by Mrs. Snyder. Motion passed, voice vote (10-0).

Schedule of Committee Meetings

Planning & Zoning:	Subject to call
Finance:	September 3, 2013, 6:30 p.m.
Public Improvements:	Subject to call
Public Affairs:	September 3, 2013, 6:35 p.m.
Community Development:	Subject to call

Miscellaneous Business:

Mr. James moved to suspend the Rules per Rule 111.09(a) to allow discussion of the McGrath Report, second by Mrs. Klinger. Motion passed 10-0.

Mr. Walters stated this is not a committee meeting. It is just a discussion. There is legislation similar to this subject that has been assigned to the Public Affairs Committee for discussion in September. He asked if tonight's discussion should be postponed until that time. Mr. Janis stated it would only be improper if any of the actual discussion related to the adoption of the ordinance. Mr. Walters stated that discussion will only take place as it relates to the report.

Chief Moledor gave a short presentation. He stated they base decisions on trends they are seeing. The McGrath report was very complimentary to the Department, however, there is always room for improvement. Of the 109 recommendation, the City is already addressing over 80 of them or putting plans into effect to address them.

- National Fire Protection Association – the Department does not adopt the NFPA recommendations but strives to achieve them.
- Insurance Service Organization (ISO) – The City is in the Class 3 category which means out of 2,800 departments, it is in the top 4%. There is actually less than 1% better than Cuyahoga Falls.
- Emergency Activities – The Department monitors these on a daily basis. The number does not vary by more than 200 calls. The numbers are on track this year to fall in the same range.
- Mutual Aid – It was found that the City uses mutual aid appropriately.

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- Response Time – McGrath calculated the Department’s response time to be four minutes 38 seconds and based that on all calls. The Department has always calculated response time based on emergency calls only and that response time is extremely low.
- Staffing – The Report recommends increasing minimum staffing from 16 to 19 for the number of people on duty each day. He tried some models in 2012 and settled on 16 being an appropriate number for the City. It has been the number in place since September or October of 2012. That is three people at each station plus one shift commander. His recommendation is that the Department stay at 16.
- Stations – The report recommends moving stations. He does not agree. Station 3 is in the five-year capital plan and is slated for \$1.2 million in 2016 to start with an architectural plan, and \$1.5 million in 2017 if the decision is made to move the station. They could look at moving the other stations in a 10-20-30 year planning process.
- Apparatus – The Department is one-year off between what is recommended and where the Department actually is.
- Training – This was identified as an issue before the Report. There is a Captain who has developed a program. In 2012, the Department conducted more than the number required by the state. They are doing approximately 20 to 24 hours of fire training per firefighter as well as EMS training. This far exceeds what the state requires. The state developed a program for firefighters going through school that they are graded on. The Department is also doing that with each of its firefighters.

Mr. Colavecchio stated that ISO has the City as a Category 3 but the report says the City is actually now a 4 and that certain things needed to be done in order to retain a 3. Chief Moledor stated the City has always been a 3. ISO had indicated if the City did not do something different, it was going to go to a 4. The City did what they asked and it stayed a 3. ISO does not share how it bases its insurance premiums. Some say there is no difference between 1 and 4; others say each is a percentage of the insurance. Mr. Colavecchio stated that the ISO chart on page 40 of the report states there is a credit earned for ISO rating. Two categories were rated at less than 50%: Credit for Ladder Service and Credit for Company Personnel. Chief Moledor stated the City looks at it overall and ISO looks at one month of staffing and then bases things on that. Fred Jackson stated that NFPA looked at the minutes to have an engine and a ladder at a home. ISO is converting to the NFPA benchmark. Mr. Colavecchio asked if Credit for Company Personnel was the number of firefighters there are. The chart indicates that the City is 38.67% of earned credit. Chief Moledor agreed it was based on the number. Mr. Colavecchio asked since the McGrath report indicates the City needs to bump up to 19 firefighters, does that address the concern of Credit for Company Personnel. Chief Moledor stated it may or may not. They would have to talk to ISO. Since 2012, the City has hired an additional four people and is remaining a Class 3.

Mr. Walters asked what research was done and how this company was selected. Mr. Brodzinski stated there were various agencies who used some form of testing. They looked at them and what they did. Mr. Walters stated that McGrath was a highly respected firm with neutrality. He asked if the City felt the report was fair and balanced. Chief Moledor stated McGrath indicated at the beginning that there would be things the City would like and some things the City would not like. He felt it was a fair report of the Department overall. The Department was given a very good rating. Mr. Walters stated there is no question our Department is top notch. The basis of the study was mainly the staffing issue. He asked if staffing has been flat over the past six years as it equates to the number of calls. Chief Moledor stated it

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did not. They base staffing on the stability of the community. Population has leveled off. Even when Silver Lake was added, it did not cause a big increase in the number of calls. The City has a very stable fire service and is right on target of where it needs to be. Mr. Walters stated that call volume has been flat but staffing has decreased so someone is stepping it up to keep things on track. Everyone wants to do more with less but there comes a point where safety comes into play. Chief Moledor stated that at some point in time if he sees a trigger, he will come to Council to say we need to do more. We have a reserve capacity. Mr. Walter stated the City could always use more if the budget would allow, and asked Chief Moledor if he agreed. Chief Moledor stated the Department is stable. He felt it would be irresponsible to ask for more people just because a report says so. They monitor these things and have the ability to call for mutual aid, which would then give them 22 on duty.

Mrs. Klinger asked Chief Moledor if he has a documented list indicating which items he is taking action on and which ones he is not. Chief Moledor stated he looked at all items. He is always looking at improving service to citizens and keeping costs down. He does not have a specific document. Mrs. Klinger would like to have a summary list of the items and what the City's response is. Chief Moledor replied that one of the difficulties of doing that is that a lot of things listed in the study are tied to the union contract and, per state law, he cannot discuss contract negotiations in front of everyone. Mr. Janis added that under Ohio law, contract negotiations are confidential so discussing them in this forum would be inappropriate. Mrs. Klinger stated she meant items involving administrative functions, such as moving some personnel to Station 5 and other items not related to contract negotiations. She wanted to know what type of actions would be taken on smaller recommendations, and if those could be stated in a document. Chief Moledor stated that would be very difficult to do since some are tied to negotiations. He offered to get with her sometime and go through the items. Mrs. Klinger stated that would be great.

Mr. Colavecchio commented on the discussion in the third paragraph on page 33 of the report regarding NFPA codes which the City does not subscribe to. In the event a firefighter is seriously injured and OSHA says the City was told in a report that it needed more firefighters, would that create a big problem for the City. Chief Moledor stated they are attempting to make it as safe as possible to protect the citizens' lives. Even though the City is at a minimum of 16, it is able to get additional people through mutual aid. The Department is making a reasonable accommodation to meet the standards. The City would be judged but it also needs to be prudent to look over everything and not just a snapshot in time.

A member of the public approached the podium to speak. Mr. Janis objected and referred to Council Rules. He stated it would be improper for public comments on someone else's presentation. The public can comment only during a committee meeting. Council would have to take a vote to suspend the rules to allow an additional presentation.

Mrs. Klinger moved to suspend the rules in order to allow a second presentation, second by Mrs. Snyder. Mr. Rubino, yes; Mr. James, yes; Mrs. Snyder, yes; Mr. Colavecchio, yes; Mrs. Klinger, yes; Mrs. Pyke, yes; Mr. Mader, no; Mr. Pallotta, yes; Mr. Iula, yes; Mr. Walters, yes. Motion passed, voice vote (9-1).

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Dave Witner, President of the Union, stated that on page 101, the study firmly recommends 19 minimum staffing members per day. Having 19 members would give a degree of safety for the people who live in the City and for the firefighters. Chief Moledor pointed out he said 16 to 19 and that Dr. McGrath set it at 19. The City is safe. If a sixth company is needed, the City would call in mutual aid. It is assigned that. The workers are safe and the citizens are safe. To say otherwise is not true. Mr. Witner continued stating that the Department is lean and busy. Mr. McGrath stated that every third call that goes out, the Department stacks another call on top of that. He indicated he has never seen a City that stacks calls like Cuyahoga Falls does. On page 105, any number less than five staffed fire stations, the Department would have insufficient coverage. That requires 19 people per day. He understands cost but he also understands the need for the additional people. If the study had said 16 was all that was required, he would live with it, but the study says 19. Chief Moledor stated that 66% of the time in 2012, they were able to send more than 16 to any call that came in. The Department is not staffing below 16. There are three at each station plus a shift commander. They use overtime, scheduling and other tools to keep at that level. Mrs. Pyke felt the conversation was not venturing into discussions that might take place during the next Public Affairs Committee meeting. Mr. Walters stated the discussion will proceed and address only the McGrath report. Discussion cannot occur on anything addressed by Sub. Temp. B-55. Mr. Witner stated he is speaking strictly on the McGrath Report. Chief Moledor stated when we are talking about 16 vs. 19, there is so much in the contract, we cannot address it. Mr. Witner concluded by stating that the McGrath Report recommended 19 people per day as a minimum staffing level. Mayor Robart stated the bottom line is the City is doing more with less. Cuyahoga Falls is in the top 96th percentile. In addition, Cuyahoga Falls and Akron are the only two communities that staff at 16. He asked if anyone on Council has received a call from a resident that the City's response time was too slow. For the City to contemplate adding \$870,000 to the budget would be irresponsible and would mean cutting the budget in other places like police, snowplowing or Parks. Mutual aid is really the City's sixth company. The firefighters want six companies vs. five so they can take vacation in March vs. July. He doesn't blame them but the economy is what it is. The City has a very well-run department. No one has a higher respect for the City's police and fire than he does but he also has a budget to maintain.

Mr. James moved to adjourn, second by Mrs. Pyke. Motion passed, voice vote (10-0). Meeting adjourned at 7:30 p.m.

Don Walters, Council President

Cathleen J. Meacham, Clerk of Council