

Cuyahoga Falls City Council

Minutes of the Council Meeting of February 24, 2014

Call to Order

Mrs. Pyke called the meeting to order at 6:32 p.m.

1. Roll Call

Present: Mr. Colavecchio
Mr. DeRemer
Mr. Iula
Mr. James
Mrs. Klinger
Mr. Mader
Mr. Pallotta
Mr. Rubino
Mrs. Snyder
Mr. Weinhardt
Mrs. Pyke
Absent: (none)

2. Invocation

The invocation was given by Mr. Mader.

3. Pledge of Allegiance

Mr. DeRemer led the assembly in the Pledge of Allegiance.

4. Approval of Minutes of Previous Council Meeting.

Without objection, the minutes of the January 27, 2014 Council meeting were approved as submitted.

5. Reading of petitions, claims, communications and reports of City officials.

The following items were received and reported by the Clerk:

1. From the Finance Director, "Report 21" dated February 14, 2014.
2. From the Dep. of Liquor Control, notice dated February 6, 2014 of the issuance of a new D1 liquor license to Tamarkin Company dba Portage Crossing Giant Eagle #4036, 2687 State Road.

3. From the Dep. of Liquor Control, Officers/Shareholders Disclosure Forms dated February 13, 2014 regarding C1, C2 and D6 liquor permit holder 7 Eleven, Inc. dba 7 Eleven #36222, 1205 Main Street.

4. Letter from the Mayor, dated February 19, 2014, appointing Jan Lukes to membership on the Tree Board term ending December 31, 2016, subject to approval of City Council.

The President appointed a special committee consisting of Mr. Mader, Mr. DeRemer and Mr. Weinhardt as the Chair, to consider this appointment.

5. From the Law Director, a request to schedule an executive session to confer with the Law Director on certain pending litigation: City of Stow v. McDonald's Real Estate Co. et al., Summit County Probate Case No. 2013 CV 00083, during the meeting of the Public Affairs Committee on March 3, 2014.

6. Introduction of new ordinances and resolutions.

The following ordinances were introduced and referred as noted:

To the Planning and Zoning Committee:

Temp. Ord. A-12

An ordinance approving regulatory text amendments to Chapter 1115, Title I, Part 11; Chapter 1131, Title 3, Part 11, Section 1131.03(H)(13) and Table 1131-1 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), and declaring an emergency.

Pursuant to C.O. §1113.09, the President scheduled a public hearing regarding this ordinance for April 7, 2014 at 6:30 p.m.

Temp. Ord. A-13

An ordinance approving regulatory text amendments to Section 1112.04, Title 1, Part 11, titled "Design and Historic Review Board" and Section 1132.21 of Chapter 1132, Title 3, Part 11, title "H, Historic Overlay" of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), and declaring an emergency.

Pursuant to C.O. §1113.09, the President scheduled a public hearing regarding this ordinance for March 3, 2014 at 6:30 p.m.

To the Public Affairs Committee:

Temp. Ord. A-14

An ordinance authorizing the Director of Public Service to grant an easement to Rubber City Arches Graham, LLC for the continued location and maintenance of its business identification sign, and declaring an emergency.

Temp. Ord. A-15

An ordinance amending Section 777 of Title Seven, Part One of the Codified Ordinances, relating to secondhand dealers, and declaring an emergency.

Temp. Ord. A-16

An ordinance authorizing the Mayor to enter into an Enterprise Zone tax incentive agreement with SGS Tool Company & Crooked River Realty and the County of Summit, and declaring an emergency.

The Council recessed and the Special Committee was convened by Mr. Weinhardt to consider the Mayor's appointment of Jan Lukes to the Tree Board, term ending December 31, 2016.

The Chair recognized the Mayor. The Mayor stated that Jan Lukes is a Certified Master Gardener and has been a Cuyahoga Falls resident since 1981. Ms. Lukes has been a volunteer in the City Adopt-a-Spot program for 10 years, and has assisted the City of Stow in their tree inventory.

The Chair recognized Mr. Mader and Mrs. Pyke, who expressed support for the appointment. The Chair expressed support for the appointment.

Motion by Mr. DeRemer to recommend approval of the appointment of Jan Lukes to the Tree Board, term ending December 31, 2016. Seconded by Mr. Mader. Motion adopted by acclamation.

The Special Committee was adjourned. The President re-convened the Council meeting.

7. Public Hearings

There were no public hearings.

8. Reports of Special Council Committees.

Special Committee to consider the appointment of Jan Lukes to the Tree Board:

Motion by Mr. Weinhardt to approve the appointment of Jan Lukes to the Tree Board. Seconded by Mr. Mader.

Remarks by the Committee Chair: None

Mr. DeRemer called the question.

Motion adopted by acclamation, 11-0. The appointment was approved.

9. Reports of Council's Standing Committees

Planning & Zoning Committee:

No report.

Finance & Appropriations Committee:

Temp. Ord. A-4: An ordinance authorizing the Director of Finance to enter into a contract or contracts, according to law, for the purchase of hardware and software associated with the upgrade of the City's personal computers, and declaring an emergency.

Motion by Mrs. Klinger to amend Temp. Ord. A-4 by substitution with Substitute Temp. Ord. A-4 dated 2/18/14. Seconded by Mr. Iula.

Remarks by the Committee Chair: This is the substitute that was discussed the prior week in the Finance Committee.

Mr. Colavecchio called the question.

Motion adopted by acclamation, 11-0. The amendment was approved.

Motion by Mrs. Klinger to adopt Substitute Temp. Ord. A-4 (2/18/14). Seconded by Mr. Colavecchio.

Remarks by the Committee Chair: None

Mr. James called the question.

Motion adopted by acclamation, 11-0. The ordinance was passed.

Public & Industrial Improvements Committee:

Temp. Ord. A-5: An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for concrete and masonry repairs to the City-owned parking garages located at 2035 Old Town Loop (the "Blue" Parking Deck), 2052 Front Street (the "Red Parking Deck), and 2318 Second Street (the "Green" Parking Deck), and declaring an emergency.

Motion by Mr. Iula to adopt Temp. Ord. A-5. Seconded by Mrs. Snyder.

Remarks by the Committee Chair: None

Mrs. Snyder called the question.

Motion adopted by acclamation, 11-0. The ordinance was passed.

Temp. Res. A-6: A resolution consenting to the inspection of municipal bridges within the city of Cuyahoga Falls by the State of Ohio, and declaring an emergency.

Motion by Mr. Iula to adopt Temp. Res. A-6. Seconded by Mr. Mader.

Remarks by the Committee Chair: None

Mr. Mader called the question.

Motion adopted by acclamation, 11-0. The resolution was adopted.

Public Affairs Committee:

Temp Ord. A-7: (An ordinance) authorizing the execution of participating member schedule with American Municipal Power, Inc. ("AMP") to enroll in the AMP-Enerwise Demand Response and 1 CP pilot programs, and declaring an emergency.

Motion by Mr. Pallotta to adopt Temp. Ord. A-7. Seconded by Mrs. Klinger.

Remarks by the Committee Chair: None

Mr. DeRemer called the question.

Motion adopted by acclamation, 10-1, Mrs. Pyke objecting. The ordinance was passed.

Temp. Ord. A-8: An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

Motion by Mr. Pallotta to adopt Temp. Ord. A-8. Seconded by Mr. Weinhardt.

Remarks by the Committee Chair: None

Mr. DeRemer called the question.

Motion adopted by acclamation, 11-0. The ordinance was passed.

Temp. Ord. A-10: An ordinance authorizing the Director of Public Service to issue an encroachment permit to Albrecht, Inc. for the purpose of constructing and operating a parking lot in a portion of North Haven Boulevard abutting the property at 2137-2141 State Road (Parcel No. 02-14827), and declaring an emergency.

Motion by Mr. Pallotta to adopt Temp. Ord. A-10. Seconded by Mr. Weinhardt.

Remarks by the Committee Chair: None

Mr. DeRemer called the question.

Motion adopted by acclamation, 11-0. The ordinance was passed.

Temp. Res. A-11: A resolution authorizing the Park and Recreation Board to apply for and accept a grant from the Ohio Department of Natural Resources, and declaring an emergency.

Motion by Mr. Pallotta to adopt Temp. Res. A-11. Seconded by Mr. Weinhardt.

Remarks by the Committee Chair: None

Mr. DeRemer called the question.

Motion adopted by acclamation, 11-0. The resolution was adopted.

Community Development Committee:

No report.

10. Announcement of Schedule of Council Committee meetings.

Planning & Zoning:	March 3, 2014 at 6:30 p.m.
Finance:	Subject to call.
Public Improvements:	Subject to call.
Public Affairs:	March 3, 2014 at 6:35 p.m.
Community Development:	March 3, 2014 at 6:40 p.m.

11. Miscellaneous Business

The President recognized Mrs. Klinger, who asked the Finance Director to offer remarks on the recently submitted Report 21.

The Finance Director stated that YTD revenue to the General Fund from Internal Service Fund ("ISF") charges in January 2014 were down year-over-year as of 1/31/14 for the General Administration category, by about \$17,000, due to decreased indirect costs allocated to other funds. This is consistent with the adopted budget, which anticipates a total reduction in this category of revenue of about \$200,000 for 2014. ISF Engineering revenue is up by about \$13,000 because there were three pay days in January 2014 as compared with two pay days in January 2013. Revenue to General Fund in income taxes is \$1.6 million in January 2014 compared with \$1.2 million in January 2013. This is an anomaly due to the fact that a normal year end transfer of money from the Income Tax Fund did not occur in December 2013, but instead occurred in January 2014. Revenue to the General Fund from refunds is \$178,421 in January 2014 as compared with no more than \$37,000 in the entirety of each of the prior two years. Again, this is an anomaly due to the fact that unclaimed funds accumulating over 5 years in other accounts were moved to the General Fund in January 2014. Under Other Financing Sources, revenue of \$85,597 in CDBG category is due to a CDBG grant-based loan being repaid to the City in January.

In non-General Fund revenue, YTD January 2014 revenues from charges for services are year-over-year about \$48,000 lower in the Water Fund, \$46,000 lower in the Sewer Fund, and \$15,000 lower in the Sanitation Fund. More than one month of data will be necessary to determine if this is an issue of concern. YTD charges for services revenue to the Natatorium is year-over-year \$26,000 lower in January 2014. This is of concern, since the Natatorium is budgeted to achieve a \$137,000 increase in annual revenue in 2014.

On the expenditure side, personal services expenditures are much higher year-over-year in January due to three pay days in January 2014, while there were only two pay days in January 2013. The YTD comparison of personal services expenditures will even out as of April, 2014. Employee insurance prescription drug expenditures were \$179,702 in January 2014 versus \$92,750 in January 2013. Part of this dramatic increase may be accounted for by the fact that five weeks of expenditures were billed in January 2014, while only four weeks were billed in January 2013, but this is still an area of concern.

The President stated that anyone wishing to address City Council on the issue of legislative opening prayer should contact Mr. Pallotta. Persons

wishing to address Council on this issue will be permitted to do so during the Public Affairs Committee meeting on March 3, 2014.

12. Adjournment

Motion by Mr. James to adjourn. Seconded by Mr. Iula. Motion adopted by acclamation. The meeting was adjourned at 6:59 p.m.



Mary Ellen Pyke
Council President



Paul A. Janis
Clerk of Council