

Cuyahoga Falls City Council

Minutes of the Council Meeting of March 10, 2014

Call to Order

Mrs. Pyke called the meeting to order at 6:30 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 Nathan Ford.

3. Pledge of Allegiance

Nathan Ford led the assembly in the Pledge of Allegiance.

4. Approval of Minutes of Previous Council Meeting.

Without objection, the minutes of the February 10, 2014 and February 24, 2014 Council meetings 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 Dept. of Liquor Control, notice dated February 24, 2014 of the issuance of a new D2 liquor license to Chowder House Cafe, Inc., 2028 Chestnut Blvd.
2. Letter from the Mayor dated March 3, 2014, appointing:

Paul Baker to the Board of Zoning Appeals, term ending 12/31/18, subject to approval of City Council.

Mary Nichols-Rhodes to the Board of Zoning Appeals, term ending 12/31/18, subject to approval of City Council.

Steven Amos to the Civil Service Commission, term ending 12/31/19, subject to approval of City Council.

Debbie Ziccardi to the Cuyahoga Falls Library Board, term ending 12/31/16, subject to approval of City Council.

Diana Colavecchio to the Historic and Design Review Board, term ending 12/31/16, subject to approval of City Council.

Janna Amole to the Historic and Design Review Board, term ending 12/31/16, subject to approval of City Council.

Joel Testa to the Historic and Design Review Board, term ending 12/31/15, subject to approval of City Council.

Kathy Hummel to the Historic and Design Review Board, term ending 12/31/15, subject to approval of City Council.

Mark N. Gilles to the Historic and Design Review Board, term ending 12/31/16, subject to approval of City Council.

John N. Schmidt to the Park and Recreation Board, term ending 12/31/19, subject to approval of City Council.

Michael A. Brillhart to the Planning Commission, term ending 12/31/16, subject to approval of City Council.

Kristine Gill, R.N., Ph. D. to the Summit County Health Board, term ending 12/31/17, subject to approval of City Council.

The President appointed special committee consisting of Vic Pallotta, Jerry James and Terry Mader, Chair, to consider these appointments.

The President noted that neither the special committee nor Council would consider the appointment of John Schmidt, since Council approval is not required for that appointment.

3. From the Law Director, memo dated March 7, 2014 requesting that Council schedule an executive session to confer with the Law Director regarding certain pending litigation: *City of Stow v. McDonald's Real Estate Co., et al.*, Summit County Court of Common Pleas Case No. 2013 CV 00083 and *In re Estate of Ferrato*, Summit County Probate Court Case

No. 2011 ES 985 and Ohio Court of Appeals, Ninth District, Case No. 26742, prior to the next meeting of the Public Affairs Committee.

6. Introduction of new ordinances and resolutions.

The following ordinances were introduced and referred as noted:

To the Finance Committee:

Temp. Ord. A-18

An ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Bureau of Workers' Compensation, making an appropriation therefor, and declaring an emergency.

Temp. Ord. A-19

An ordinance authorizing the Mayor to enter into a contract without competitive bidding with Guardian Life Insurance Company of America for the City's group life insurance for employees and retirees, and declaring an emergency.

Temp. Ord. A-20

An ordinance authorizing the Mayor to enter into a contract without competitive bidding with the City of Monroe Falls, Ohio for the sale of certain personal property no longer needed for municipal purposes, and declaring an emergency.

Temp Ord. A-21

An ordinance authorizing the Directors of Public Safety and Public Service to enter into a contract or contracts, according to law, for the purchase or lease of various vehicles for use by the City, and declaring an emergency.

Temp. Ord. A-22

An ordinance authorizing the Director of Public Safety to enter into a contract or contracts without competitive bidding with Motorola, Inc. for the maintenance of the Public Safety Regional Dispatch System equipment, and declaring an emergency.

To the Public Affairs Committee:

Temp. Ord. A-23

An ordinance authorizing the Mayor to enter into a settlement agreement in the case of In re Estate of Ferrato, and declaring an emergency.

Temp. Ord. A-24

An ordinance amending various sections of the Codified Ordinances to conform to state law, approving the 2013 replacement pages to the

Codified Ordinances, of the City of Cuyahoga Falls, and declaring an emergency.

Temp. Res. A-25

A resolution authorizing the Mayor to enter into a Memorandum of Agreement with the Summit Soil and Water Conservation District (SWCD), and declaring an emergency.

Temp. Res. A-26

A resolution to adopt and participate in a Multi-Jurisdictional Hazard Mitigation Plan with the County of Summit Emergency Management Agency, and declaring an emergency.

Motion by Mr. Pallotta to enter into executive session to confer with the Law Director regarding certain pending litigation: *City of Stow v. McDonald's Real Estate Co., et al.*, Summit County Court of Common Pleas Case No. 2013 CV 00083 and *In re Estate of Ferrato*, Summit County Probate Court Case No. 2011 ES 985 and Ohio Court of Appeals, Ninth District, Case No. 26742.

Seconded by Mr. Weinhardt. The roll was called.

Yes: Mr. Colavecchio No: (None)
Mr. DeRemer
Mr. James
Mr. Iula
Mrs. Klinger
Mr. Mader
Mr. Pallotta
Mr. Rubino
Mrs. Snyder
Mr. Weinhardt
Mrs. Pyke

Motion adopted. The Council entered executive session at 6:37 p.m.

The Council re-convened at 7:07 p.m.

Motion by Mr. Pallotta to terminate the executive session. Seconded by Mr. Weinhardt. The roll was called.

Yes: Mr. Colavecchio No: (None)
Mr. DeRemer
Mr. James
Mr. Iula
Mrs. Klinger

Mr. Mader
Mr. Pallotta
Mr. Rubino
Mrs. Snyder
Mr. Weinhardt
Mrs. Pyke

Motion adopted. The executive session was terminated at 7:07 p.m.

Without objection, the President recessed the Council for the purpose of the special committee meeting concerning the Mayor's appointments.

Mr. Mader, Chair, convened the special committee.

The Chair recognized the Law Director, who stated that the resumes of the appointees have been provided to Council and the appointees have been asked to be at the meeting.

The Chair recognized Mrs. Pyke, who asked that the names of the appointees be read and that they be acknowledged by the Council. The Chair read the names of the appointees.

Motion by Mr. Pallotta to approve the Mayor's appointments of March 3, 2014 with the exception of the appointment of John Schmidt:

Paul Baker to the Board of Zoning Appeals, term ending 12/31/18.

Mary Nichols-Rhodes to the Board of Zoning Appeals, term ending 12/31/18.

Steven Amos to the Civil Service Commission, term ending 12/31/19.

Debbie Ziccardi to the Cuyahoga Falls Library Board, term ending 12/31/16.

Diana Colavecchio to the Historic and Design Review Board, term ending 12/31/16.

Janna Amole to the Historic and Design Review Board, term ending 12/31/16.

Joel Testa the Historic and Design Review Board, term ending 12/31/15.

Kathy Hummel to the Historic and Design Review Board, term ending 12/31/15.

Mark N. Gilles the Historic and Design Review Board, term ending 12/31/16.

Michael A. Brillhart to the Planning Commission, term ending 12/31/16.

Kristine Gill, R.N., Ph. D. to the Summit County Health Board, term ending 12/31/17.

Seconded by Mr. James. Motion adopted by acclamation.

Without objection, the Chair adjourned the special committee.

7. Public Hearings.

There were no public hearings.

8. Reports of Special Council Committees.

Special Committee to consider the Mayor's appointments of March 3, 2014:

Motion by Mr. Mader to approve the appointments as referred out by the Special Committee. Seconded by Mr. Pallotta.

Motion by Mr. James to excuse Mr. Colavecchio and Mrs. Snyder from voting on the motion. (Rule 111.06(d)). Seconded by Mr. Weinhardt.

Mrs. Klinger called the question.

Motion adopted by acclamation, 11-0.

The matter on the floor became the Motion of Mr. Mader to approve the Mayor's appointments as referred out by the Special Committee.

Motion adopted by acclamation, 9-0, Mr. Colavecchio and Mrs. Snyder not voting. The appointments referred by the Special Committee were approved.

9. Reports of Council's Standing Committees

Planning & Zoning Committee:

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.

Motion by Mr. Mader to amend Temp. Ord. A-13 by substitution with Substitute (No. 2) Temp. Ord. A-13 dated 3/10/14. Seconded by Mrs. Klinger.

Remarks by the Committee Chair: Although the substitute contains substantial changes, Mr. Guerra has stated this is a clean-up of existing zoning which already existed concerning this subject matter, which must be sent to Columbus to authorize the creation of this committee.

The President asked the Committee Chair to detail the changes in committee membership made by the amendment. The Chair stated that the Design & Historic Review Board shall consist of seven members, including two *ex officio* members, one of whom shall be the President of City Council and the other the Chair of the Planning & Zoning Committee.

The President noted that the substitute also states that removal of committee members will be governed by Art. III, Section 11 of the City Charter.

Mr. Weinhardt called the question.

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

Motion by Mr. Mader to adopt Substitute (No. 2) Temp. Ord. A-13 (3/10/14). Seconded by Mr. Weinhardt.

Remarks by the Committee Chair: None

Mrs. Klinger called the question.

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

Finance & Appropriations Committee:

No report.

Public & Industrial Improvements Committee:

No report.

Public Affairs Committee:

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.

Motion by Mr. Pallotta to adopt Temp. Ord. A-15. Seconded by Mrs. Klinger.

Remarks by the Committee Chair: None

Mr. DeRemer called the question.

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

Community Development Committee:

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.

Motion by Mr. Weinhardt to adopt Temp. Ord. A-16. Seconded by Mr. Pallotta.

Remarks by the Committee Chair: None

Mrs. Klinger called the question.

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

10. Announcement of Schedule of Council Committee meetings.


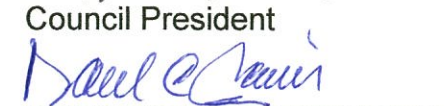
Planning & Zoning:	Subject to call.
Finance:	March 17, 2014 at 6:30 p.m.
Public Improvements:	Subject to call.
Public Affairs:	March 17, 2014 at 6:35 p.m.
Community Development:	Subject to call.

11. Miscellaneous Business

The President thanked Boy Scout Nathan Ford, who gave the invocation and led the assembly in the Pledge of Allegiance.

12. Adjournment

Motion by Mr. James to adjourn. Seconded by Mr. Iula. Motion adopted by acclamation. The meeting was adjourned at 7:25 p.m.


Mary Ellen Pyke
Council President


Paul A. Janis
Clerk of Council