

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

October 22, 2007

- Call to Order:** Mr. Walters at 6:35 p.m.
- Roll Call:** Mrs. Hummel, present; Mr. Gorbach, present; Mrs. Colavecchio, present; Mr. James, present; Mrs. Ritzinger, present; Mrs. Klinger, present; Mrs. Pyke, present; Mr. Barnhart, present; Mr. Flinn, present; Mr. Mader, present; Mr. Walters, present.
- Invocation:** Mrs. Colavecchio
- Pledge of Allegiance:** Mr. Flinn
- Approval of Minutes:** The minutes of the October 8, 2007 regular Council meeting were approved as submitted.
- Reports and Communications:** 1. A letter dated October 16, 2007 from Mayor Robart to City Council Members informing Council that he has vetoed Sub. Temp. Res. B-127. A copy of this letter is attached to these minutes and incorporated herein by reference in its entirety.

New Legislation
(First Reading)

Temp. Ord. B-138 (Finance)

An ordinance authorizing the Mayor to enter into a contract with Finley Fire Equipment for weekly vehicle maintenance service, and declaring an emergency.

Temp. Ord. B-139 (Finance)

An ordinance authorizing the Director of Public Service to enter into a project development agreement with Johnson Controls, and declaring an emergency.

Temp. Ord. B-140 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the lease and/or purchase of a low entry cab and chassis for use in the Sanitation Division, and declaring an emergency.

Temp. Ord. B-141 (Finance)

An ordinance authorizing the City of Cuyahoga Falls, Ohio to become a member of, adopting the code of regulations of, and directing the Mayor to enter into the membership agreement, the master services and consulting agreement and the master products agreement with, the Northeast Ohio Sourcing Office, and declaring an emergency.

Temp. Ord. B-142 (Finance)

An ordinance amending Ordinance No. 32-2007, and declaring an emergency.

Mr. Gorbach moved to suspend the rules to allow a committee meeting on the same night as Council in order to discuss Temp. Ord. B-142, second by Mr. James. Motion passed, voice vote (11-0).

Temp. Ord. B-143 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for repairs as required by Project Partner Storm Water Inspection Program, and declaring an emergency.

Temp. Ord. B-144 (Community Development)

An ordinance authorizing an amendment to Ordinance No. 81-2004 to allow for a transfer in CDBG funds, and declaring an emergency.

Temp. Res. B-145 (Community Development)

A resolution expressing support for and urging passage of Issue 20, and declaring an emergency.

Mrs. Colavecchio moved to suspend the rules to allow a committee meeting on the same night as Council in order to discuss Temp. Res. B-145, second by Mrs. Pyke. Motion passed, voice vote (11-0).

Council adjourned into a committee meetings at 6:40 p.m. and reconvened at 6:45 p.m.

Reports of Council's Standing Committees

(Third Reading)

Planning & Zoning

Temp. Ord. B-129

An ordinance authorizing the dedication of an 8542 square foot land strip along Howe Avenue and Buchholzer Boulevard and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Ord. B-129, second by Mr. Barnhart. Mrs. Hummel stated this was a housekeeping measure to dedicate this portion of land so that the new development can go forward. Motion passed, voice vote (11-0).

Finance

Temp. Ord. B-130

An ordinance authorizing the Finance Director to enter into a contract or contracts, according to law, for the purchase of a package policy of municipal insurance, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-130, second by Mr. James. Motion passed, voice vote (11-0).

Temp. Ord. B-131

An ordinance determining the video service provider fee to be paid by a person offering video service in the City pursuant to a state-issued video service authorization; authorizing the Mayor to give notice to the video service provider of the video service provider fee; and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-131, second by Mrs. Klinger. Motion passed, voice vote (11-0).

Temp. Res. B-132

A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Res. B-132, second by Mr. James. Motion passed, voice vote (11-0).

Temp. Ord. B-133

An ordinance authorizing the Mayor to enter into a contract and/or contracts, according to law, for the purchase of mobile data terminals for use by the fire department, and declaring an emergency.

Mr. Gorbach moved to amend Temp. Ord. B-133 by substitution, second by Mrs. Klinger. Mr. Gorbach indicated the only change was in the title and also on line 21 which added the words "for the lease." Finance was going to look into determining which would be better. Motion passed, voice vote (11-0). Mr. Gorbach moved to adopt amended Temp. Ord. B-133, second by Mrs. Klinger. Motion passed, voice vote (11-0).

Temp. Ord. B-142

An ordinance amending Ordinance No. 32-2007, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-142, second by Mr. James. Motion passed, voice vote (11-0).

Public Improvements

Temp. Ord. B-134

An ordinance authorizing the Director of Public Service to enter into a contract to provide professional engineering services to design a project consisting of upgrading, installing and reconfiguring the 23kv system, and declaring an emergency.

Mr. James moved to adopt Temp. Ord. B-134, second by Mr. Mader. Motion passed, voice vote (11-0).

Public Affairs

Temp. Res. B-135

A resolution adopting the Solid Waste Management Plan for the Summit Akron Solid Waste Management Authority, and declaring an emergency.

Mrs. Ritzinger moved to adopt Temp. Res. B-135, second by Mrs. Colavecchio. Motion passed, voice vote (11-0).

Temp. Ord. B-136

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

Mrs. Ritzinger moved to adopt Temp. Ord. B-136, second by Mr. Flinn. Motion passed, voice vote (11-0).

Community Development

Temp. Ord. B-145

A resolution expressing support for and urging passage of Issue 20, and declaring an emergency. Mrs. Colavecchio moved to adopt Temp. Res. B-145, second by Mrs. Pyke. Motion passed, voice vote (11-0).

Schedule of Committee meetings

Planning & Zoning	Subject to call
Finance	November 5, 2007, 6:15 p.m.
Public Improvements	November 5, 2007, 6:20 p.m.
Public Affairs	Subject to call.
Community Development	November 5, 2007, 6:25 p.m.

Miscellaneous Business:

Mr. Flinn moved to adjourn, second by Mr. Gorbach. Motion passed, voice vote (11-0). The meeting adjourned at 6:55 p.m.

Don Walters, Council President

Cathleen J. Beebe, Clerk of Council



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October 16, 2007

Dear Members of City Council,

With this letter, I am vetoing Temporary Resolution B-127. As you know, it is very rare that I veto legislation. In fact, I am very grateful for the bipartisan manner in which we typically conduct the people's business in Cuyahoga Falls. Given the cooperative way in which we have worked, I was disappointed to see the introduction of this resolution with its potential for partisan division.

The primary reason for this veto is that the resolution appears to be beyond the scope of the appropriate purpose of a City resolution. Historically, the City has enacted resolutions to express a city-wide position with respect to issues that affect the City as a municipal corporation. For example, this past spring, we expressed opposition to Ohio Senate Bill 117 dealing with video franchising as it would erode the City's home rule powers concerning the use of its rights of way. Likewise, we expressed support for Ohio Senate Bill 72, which would place badly needed limitations on check cashing businesses. At the same time, we passed a resolution of support for the Cuyahoga Falls school levy, which was needed for the ongoing benefit of our excellent schools. Typically, when such resolutions are presented, it is done on issues that so clearly impact the City that a less-than-unanimous vote would be unthinkable. For this reason, both I and members of Council have, in the past, resisted the temptation to use the local legislative process as a personal platform for potentially divisive causes.

Unfortunately, that spirit was not followed with Temporary Resolution B-127. Presented by six members of Council, it appears there was no attempt to approach the other five Council members before introducing the resolution to Council. Furthermore, the specific issue involved, a federal bill related to union organization, would have little direct effect, if any, on the municipal corporation of Cuyahoga Falls. Our unions are already formed and mature. Thus, there is no pressing reason for the Cuyahoga Falls government to express an opinion on this legislation. While I respect that different people may have different opinions on the federal legislation, everyone can express his or her opinions privately, without the need to obtain the municipal stamp of approval on any given viewpoint. The timing of the resolution, just four weeks before a municipal election, is also questionable. While the House of Representatives passed the House version of the bill in March, 2007, the Senate's attempt to invoke cloture failed in June. There was no need to wait until the fall political season to express an opinion on this



federal legislation.

As to the bill itself, one must wonder how the elimination of a secret vote enhances an "employee free choice." I understand the argument in favor of the legislation is that employees attempting to form unions are often harassed by their employers. While I agree such harassment is wrong, the proposed solution creates the opposite problem. Signing a petition to create a union is never an anonymous act. At some point or another, we have all felt the pressure to sign petitions with which we disagree. We often do so on the promise that "it's only to get on the ballot" knowing we can always vote our consciences in secret. Clearly, the Employee Free Choice Act will have the effect of removing free choice by allowing union organizers to pressure employees to sign a petition to organize. With a secret ballot, an employee could sign the petition and then vote "no" on the certification vote, thereby preserving his anonymity in voting as he pleased.

The Employee Free Choice Act will make forming unions easier, that much is certain. However, "easier" is not necessarily "freer." If one's "choice" is to either sign a petition or face the derision of his peers, he has little free choice. A choice can only be free if it can be made in utter secrecy. The Employee Free Choice Act will diminish, not enhance, free choices.

For the foregoing reasons, I hereby veto Temporary Resolution B-127.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "D. Robart", written over a horizontal line.

Don L. Robart
Mayor