

Cuyahoga Falls City Council
Minutes of the Council Meeting
October 27, 2003

CALL TO ORDER Mrs. Hummel at 6:31 p.m.

ROLL CALL Mr. Schmidt, present; Mr. Gorbach, present; Mr. Flinn, present; Mr. Barnhart, present; Mr. Potts, present; Mr. James, present; Mr. Walters, present, Mrs. Pyke, present, Mrs. Klinger, present; Mr. Bauer, present; Mrs. Hummel, present.

INVOCATION Mr. Schmidt

PLEDGE Mr. Gorbach

APPROVAL OF MINUTES

The minutes from the October 13, 2003 meeting were approved as submitted.

REPORTS AND COMMUNICATIONS

1. A Notice from the Ohio Division of Liquor Control regarding an ownership transfer **from** David K 2771 Corp. dba Chelseas on the River, 2771 Front Street, 1st Floor, Cuyahoga Falls, Ohio **to** MM Group LLC dba Chelseas on the River, 2771 Front Street, 1st Floor, Cuyahoga Falls, Ohio

NEW LEGISLATION

Temp. Ord. No. B-148 (Finance Committee)

AN ORDINANCE AUTHORIZING PAYMENT OF THE MORAL CLAIM OF TINA MARTIN, AND DECLARING AN EMERGENCY.

Mr. Gorbach moved to suspend the rules in order to hold a Finance Committee meeting on the same night as Council to discuss B-148, second by Mr. Walters. Mr. Gorbach stated this was requested by Administration. This claim has been outstanding for quite awhile. Motion passed. Voice Vote (11-0).

Council recessed into a Finance Committee meeting at 6:35 p.m.

Finance Committee

Mr. Gorbach called the Finance Committee to order at 6:35 p.m. All members were present.

The minutes from the October 6, 2003 Finance Committee meeting were approved as submitted.

Legislation Discussed

Temp. Ord. No. B-148

Temp. Ord. No. B-148. Mr. Gorbach read B-148 (second reading). Mr. Gorbach stated that he and Mr. Walters are members of the Committee. Mrs. Martin had an incident in her house for which she needed reimbursement. She brought it to the Committee, the Committee requested additional information, and she then came back to the Committee with the information. Mr. Walters added he has all the paperwork and receipts if anyone wanted to see them. Mr. Arrington stated that the Fire Department had responded to a call. No one was home so they opened the door by force. There was damage to the main door. The sticking point was that Mrs. Martin was claiming damage to the storm door. The City caused no damage to the storm door so the claim was limited to the main door.

The total claim was \$800. The Committee approved the damage to the main door unanimously. Mrs. Martin was not upset with this result. Mrs. Pyke was confused about why the door was broken down if no one was home. Mr. Arrington clarified that no one could answer the door. A neighbor had called the Fire Department and they responded for a safety reason.

Committee recommended bringing out B-148.

Finance Committee adjourned and Council came back into session at 6:38 p.m.

PUBLIC HEARINGS

The Public Hearing commenced at 6:39 p.m.

Temp. Ord. No. B-131

In Favor: Mr. Arrington stated that Council received a current draft of the JEDD Agreement. The Township has a public hearing on this issue scheduled for Thursday evening. The Township is required to follow the same statute as we are. He distributed a map showing the JEDD area. Basically, it is commercial and industrial owned properties along State Road that are not national park property. They are currently looking at a term for the contract of 50 years, renewable in 50-year terms. Regarding future development, water and sewer can be extended to the area, but the City is not required to run it. They are leaving that to private developers to develop the land and extend the services. The City and Township are working on a development plan. The roads will remain Township roads. Utility rates to the area for water and sewer will be the City's rate plus 50%. Electric service will be rates charged by ordinance as we normally do. There will be a two percent income tax: 60% goes to the City and 40% to the Township.

Against: None.

In Favor: Paul Shannon, 5628 Akron-Cleveland Road, stated he owns property in the JEDD area. He would like to see water and sewer run to the area. He would hope the City will bring the service in which will bring in more tax money. Mr. Arrington stated that nothing in the agreement prohibits the City from extending the lines but it also does not require us to do so. It is not possible to be able to tell what the City will be able to afford over the coming years.

Against: None.

In Favor: Randy Berkshire, 165 Kendall Park Road, is a Township Trustee. He stated they are working to get a JEDD Agreement for quite some time. They are pleased they are at this point. Their hearing will be on Thursday to see what the citizens have to say.

Against: None

Mrs. Hummel stated the legislation will be discussed further in Community Development Committee next week. Mr. Potts asked what would happen if the City extended services to the properties that abut Hudson and Hudson then tried to annex the area. Mr. Arrington stated it is in the agreement that both the Township and the City will oppose any annexation. They cannot prevent it completely but they will do their best.

The Public Hearing ended at 6:45 p.m.

SPECIAL COMMITTEES

None.

STANDING COMMITTEES

PLANNING & ZONING

Temp. Ord. No. B-140

Council Clerk read B-140 (third reading). Mr. Schmidt moved to adopt B-140, second by Mrs. Klinger. Motion passed. Voice Vote (11-0).

FINANCE

Temp. Ord. No. B-141

Council Clerk read B-141 (third reading). Mr. Gorbach moved to adopt B-141, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-142

Council Clerk read B-142 (third reading). Mr. Gorbach moved to adopt B-142, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

Temp. Res. No. B-143

Council Clerk read B-143 (third reading). Mr. Gorbach moved to adopt B-143, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-144

Council Clerk read B-144 (third reading). Mr. Gorbach moved to adopt B-144, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-145

Council Clerk read B-145 (third reading). Mr. Gorbach moved to adopt B-145, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-148

Council Clerk read B-148 (third reading). Mr. Gorbach moved to adopt B-148, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

PUBLIC IMPROVEMENTS

Temp. Substitute Ord. No. B-79

Council Clerk read B-79 (third reading). Mr. Walters moved to amend B-79 by deleting the amounts on lines 23 and 26 and replacing those amounts with "\$33,744.81," second by Mrs. Pyke. Mr. Walters stated the reason for the amendment is so we can hire a landscaping crew to fix the affected properties. The estimate given for the work is \$1,666.00. Motion passed. Voice Vote (11-0). Mr. Walters moved to adopt amended B-79, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

PUBLIC AFFAIRS

Temp. Ord. No. B-147

Council Clerk read B-147 (third reading). Mr. James moved to adopt B-147, second by Mr. Flinn. Motion passed. Voice Vote (11-0).

COMMUNITY DEVELOPMENT

Nothing to report.

SCHEDULE OF MEETINGS

Planning & Zoning Committee:	Subject to call.
Finance Committee:	Monday, November 3 at 6:15 p.m.
Public Improvements Committee:	Subject to call.
Public Affairs Committee:	Subject to call.
Community Development Committee:	6:20 p.m.

MISCELLANEOUS BUSINESS

Mrs. Hummel asked if Council would be receiving information regarding the pension legislation for next Monday. Mr. Arrington stated his next meeting with Capt. Durkit is Thursday. He said he would include any updates in a packet going out to Council on Friday.

Mr. Gorbach moved to adjourn, second by Mr. Flinn. Motion passed. Voice Vote (11-0). Meeting adjourned at 7:00 p.m.

Kathy Hummel, Council President

Cathleen J. Beebe, Council Clerk