

Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
October 6, 2008

Members: Kathy Hummel, Chair
Vince Rubino
Ken Barnhart

Mrs. Hummel called the meeting to order. All members were present.

The minutes from the September 2, 2008 committee meeting were approved as submitted.

Legislation Considered

Temp. Ord. A-102

Temp. Ord. A-103

Discussion:

Temp. Ord. A-102

An ordinance authorizing the Mayor to enter into a license agreement, according to law, to allow the Fraternal Order of Eagles access to the City's property, and declaring an emergency.

Mr. Demasi stated the Eagles approached the City for this project. Because their trash bin is on City property, they are requesting that the City approves this so they can proceed with enclosing their trash area. They are ready to build but need the City's permission before doing so.

Mrs. Hummel asked whether this dumpster was visible from the street. Mr. Demasi indicated it can be seen from Stow Avenue.

Committee recommended bringing out Temp. Ord. No. A-102.

Temp. Ord. A-103

An ordinance creating the non-bargaining positions of Mayor's Court Magistrate, Mayor's Court Clerk and Part-Time Assistant Mayor's Court Clerk and declaring an emergency.

Mr. Arrington stated that Hope Jones has put together a packet of information on the Mayor's Court and would be distributing it. He indicated that the Mayor has already completed the training that is required before a court can be created. The Mayor would not be hearing cases. The City would be hiring a Magistrate who would work part-time. The City would need to hire a full-time and a part-time clerk to process paperwork. This ordinance is only to create the positions so that the City can begin hiring to be ready to open in January.

Ms. Jones stated that as of January, the Cuyahoga Falls Municipal Court will become the Stow Municipal Court. The City's goal is to provide the citizens of Cuyahoga Falls, who are minor offenders, some cost efficiencies in their court fees. Administration is proposing that the City hire a magistrate at a pay grade 29 and the two clerk positions at a pay grade 25 level. They may appoint more than one magistrate for back up, if needed. They already have a judge who is interested in the position, and a letter expressing that interest is in the packet. Two additional people have expressed interest as well. The City's goal is to keep costs to Cuyahoga Falls residents around 50% of what they are currently paying.

Mr. Brodzinski went over the revenue/expense sheet. He used the average of \$90 per case at 4,000 cases per year.

Mrs. Klinger asked if any violations given to residents by the Sheriff would also come through this court. Mr. Arrington stated that any violation occurring in Cuyahoga Falls would come before this court. Mrs. Klinger asked about the collection of revenue. Mr. Arrington said the City will set up a system so people can use cash, checks or credit cards.

Mr. Walters asked for an explanation of the difference between a mayor's court and a community court. Mr. Arrington explained that the main difference is that the mayor of a city can hear cases in a mayor's court, but a magistrate would hear cases in a community court. Mr. Walters asked what qualifications were required to be a magistrate. Mr. Arrington stated that among other qualifications, the applicant must be an attorney.

Mrs. Colavecchio asked if there would be any expenses involved in remodeling the facility to host this court. Mr. Arrington indicated there would be some remodeling required, however, he was not sure how much. Mrs. Colavecchio asked about the \$782,000 deficit. Mr. Brodzinski explained that the court deficit is split between communities with the host city picking up any cost over the revenue brought in by the community. Last year after all costs, the City was \$96,000 in the hole.

Mr. Arrington explained that the 4,000 case scenario is a conservative estimate in his opinion. The Mayor added that there were many mayor's courts in the state that are effective, and that Cuyahoga Falls would be no different.

Mrs. Colavecchio asked about the letter received from Mayor Fritschel regarding the furniture issues. Mr. Arrington stated that so far they have held two productive meetings with Stow's Law Director and Finance Director and that they are very close to an agreement.

Judge Coates (2415 Tyree Drive, Hudson) spoke. She is the current presiding judge in the Cuyahoga Falls Municipal Court and wanted to speak on this issue. She understands that this is just approving employees, but she wants Council to look very carefully before making any decision. She feels that this takes the City backward. She also wanted to make sure the City was aware that Chief Justice Moyer considered these courts a method of abuse. The City already has a court with fully-trained employees who can handle all of these cases. Judge Coates stated that the goal is regionalism and not a step backward. Moyer believes these are unconstitutional and should be abolished. She said that police departments write tickets under the authority of the mayor and that there is no separation of power. A mayor's court can do things cheaper because it doesn't have any overhead. The difficult cases will go to the municipal court without the additional revenue. The smaller cases, if taken away, will put a burden on their court. They may need to eliminate staff should this occur. She wants the City to be careful what it wishes for because there are many requirements and mandates, and these have to be done correctly which may take more manpower and time than is realized. Judge Coates also said that as for costs, their court has a deficit some years, but that over the last 10 years the difference reveals that the City has not been carrying the court. Also, Stow never approved a mayor's court. They never thought to do that to Cuyahoga Falls.

Mrs. Truby stated that regionalism on the hospital is good, but everything should be handled on a case-by-case basis. The City has to do what is in the best interest of Cuyahoga Falls.

Mr. Arrington stated that Moyer's testimony about a mayor's court being unconstitutional is a fact, but the City could have a mayor's court if the Mayor did not get a cut of the funds. Many states still have

some level of similar courts to a mayor's court. Some of the larger counties, such as Franklin and Hamilton, have mayor's courts. Cuyahoga Falls has to compete with other cities, and that is the sad reality. Mr. Arrington feels that this is not going backward, but it is going forward instead.

The Mayor said regarding regionalism and the issue there, that both Judge Hoover and Mayor Fritschel stated in the newspaper that his was a loss leader for them. Also, as for the police, he has never instructed them to write certain amounts of tickets to obtain a certain quota. This is simply cost efficiency. If Stow can't control their costs then they may need to cut their overhead. He feels that this is in the best interest of Cuyahoga Falls citizens because the Municipal Court's current costs are outrageous.

Mrs. Hummel asked for court figures from 1997 to now. Mrs. Klinger asked for a complete job description, not just job duties. Mr. Arrington stated that the information on the handout is about as detailed as it gets, but will look into getting better job descriptions. The pay grades, however, will not change. The clerk will have many of the same responsibilities that the current Municipal Court clerk has.

Mrs. Klinger asked for minimum requirements, experience and degree required, etc. She also requested comparable jobs in the City. Mrs. Pyke asked for a list of qualifications.

Mrs. Hummel asked if any other legislation regarding the court will come before Council. Mr. Arrington indicated there would. The appropriations will be a part of the budget for 2009. Mr. Brodzinski stated he plans to set up a separate department for the court in the future.

Ms. Jones asked whether Council would vote on this the following week if Administration could get all requested information back to Council this week. Mrs. Hummel indicated she was not in favor of this and that it would be discussed again at the next Public Affairs committee meeting in two weeks.

Committee recommended holding Temp. Ord. No. A-103.

The meeting adjourned.

October 6, 2008

Mr. Jerry James, President Cuyahoga Falls City Council
Members of Cuyahoga Falls City Council
2310 Second Street
Cuyahoga Falls, Ohio 44221

Dear Council President James:

I am respectfully requesting that a new mayor's court not be established in Cuyahoga Falls in 2009. The creation of such a court would divert numerous routine traffic cases from the jurisdiction of the new Municipal Court.

Our communities are cooperating to successfully establish a tax sharing and development agreement for a potential new regional hospital in this area. We should also cooperate to ensure the continued viability of the operation of the Municipal Court which serves all of our residents with great distinction.

Over the years, several of Stow's past Law Directors have advocated for the creation of a mayor's court in Stow. Such a court, which would have affected the budget of the Cuyahoga Falls Municipal Court, was never created as the Stow leadership during these times recognized that these courts find it difficult to avoid favoritism and high traffic ticket volume.

Despite considerable local pressure, Stow decided to remain a part of the Cuyahoga Falls Court jurisdiction for all of its cases. I believe that was the correct decision not only for Stow, but also for Cuyahoga Falls.

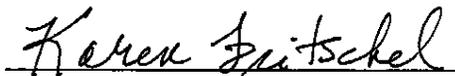
Supreme Court Chief Justice Thomas Moyer recently stated that Ohio's mayor's courts are outdated and increasingly bogged down by their caseloads. Chief Justice Moyer indicated that this delay in processing the mayors' court cases is totally unacceptable.

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Letter to Cuyahoga Falls City Council
October 6, 2008

We ask that the City of Cuyahoga Falls not establish a mayor's court. Your citizens and those of the Court's district will continue to be well-served by the court in its new location just as they have in the past.

Sincerely,



Karen Fritschel
Karen Fritschel
Mayor

cc: Cuyahoga Falls City Council
Judge Lisa Coates
Judge Kim Hoover
Clerk of Courts Lisa Carano
Stow President of Council Janet D'Antonio
Members of Stow City Council
Law Director Brian Reali