

Cuyahoga Falls City Council

Minutes of the Council Meeting  
November 24, 2003

CALL TO ORDER Mrs. Hummel at 6:50 p.m.

ROLL CALL Mr. Schmidt, present; Mr. Gorbach, present; Mr. Flinn, present; Mr. Barnhart, absent; 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. Potts

APPROVAL OF MINUTES

The minutes from the November 10, 2003 regular Council meeting and the November 17 Special Council meeting were approved as submitted.

REPORTS AND COMMUNICATIONS

1. A Fiscal Officer's Certificate signed by the Director of Finance for Temp. Ord. No. B-160 for the issuance of \$2,000,000 notes for State Road Improvements.
2. A Fiscal Officer's Certificate signed by the Director of Finance for Temp. Ord. No. B-161 for the issuance of \$18,300,000 notes for the Community Recreation Center.
3. A Fiscal Officer's Certificate signed by the Director of Finance for Temp. Ord. No. B-162 for the issuance of \$4,000,000 notes for Falls River Square.
4. A Fiscal Officer's Certificate signed by the Director of Finance for Temp. Ord. No. B-163 for the issuance of \$2,250,000 notes for Front Street and Hudson Drive Improvement.

NEW LEGISLATION

Temp. Ord. No. B-164 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE CERTAIN PROPERTY LOCATED AT 400 PLEASANT MEADOW LANE, CUYAHOGA FALLS, OHIO, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-165 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A MODIFICATION OF THE CONTRACT FOR THE 2003 UTILITY PATCHING PROGRAM, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-166 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO MODIFICATIONS TO SELECTED CONTRACTS FOR THE CONSTRUCTION OF FALLS RIVER SQUARE, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-167 (Finance Committee)

AN ORDINANCE APPROVING THE ESTABLISHMENT OF A "GREEN ENERGY" PROGRAM AND PROVIDING FOR CORRESPONDING ELECTRIC SYSTEM RATES AND REQUIREMENTS, AND DECLARING AN EMERGENCY.

PUBLIC HEARINGS

None.

SPECIAL COMMITTEES

None.

STANDING COMMITTEES

PLANNING & ZONING

Nothing to report.

FINANCE

Temp. Ord. No. B-151

Council Clerk read B-151 (third reading). Mr. Gorbach moved to amend B-151 to change the amount in line 27 from \$2,750 to \$1,375, second by Mrs. Klinger. Roll call: Mr. Schmidt – no; Mr. Gorbach – yes; Mr. Flinn – no; Mr. Potts – yes; Mr. James – no; Mr. Walters – no; Mrs. Pyke – yes; Mrs. Klinger – yes; Mr. Bauer – no; Mrs. Hummel – no. Motion failed. (4-6). Mr. Gorbach moved to adopt B-151, second by Mr. Schmidt. Mr. Gorbach stated there was some ambiguity in this claim. There were issues the Johnstons had control over and issues the City had control over. The legislation being voted on now is either the full \$2,750 or \$0. Mr. Schmidt asked if Mr. Bell checked to see how far down the line was. Mrs. Carr stated it was 4' deep, but wanted to point out that the history shows the line on Ruth Avenue was extended in the 1950s and that some laterals were only 2' to 3' deep in order to connect to the sewer main. This means in extremely cold conditions they can freeze. The City decided to remove the meters during the cold weather to allow a drip which help prevents the lines from freezing. There are eight addresses within the City for whom this is done. The reason the sewer has not been rebuilt is because it is very expensive not only for the City but also for the homeowners. Mr. Gorbach added that this explanation illustrates the fact that this is a unique circumstance. He suggested Administration notify homeowners to make sure they contact the City first when they have a back-up and that they not contact a plumber until the City has been contacted. Motion passed. Voice Vote (9-1).

Council Clerk read B-152 (third reading). Mr. Gorbach moved to adopt B-152, second by Mr. Schmidt. Motion passed. Voice Vote (10-0).

Council Clerk read B-159 (third reading). Mr. Gorbach moved to amend B-159 by deleting the phrase "General Fund, Police Department, line item Capital" in line 25 and replace it with the phrase "Capital Projects Fund, Police Department, line item Capital", second by Mrs. Klinger. Motion passed. Voice Vote (10-0). Mr. Gorbach moved to adopt amended B-159, second by Mr. Schmidt. Motion passed. Voice Vote (10-0).

Council Clerk read B-160 (third reading). Mr. Gorbach moved to adopt B-160, second by Mr. Schmidt. Motion passed. Voice Vote (10-0).

Council Clerk read B-161 (third reading). Mr. Gorbach moved to adopt B-161, second by Mr. Schmidt. Motion passed. Voice Vote (10-0).

Council Clerk read B-162 (third reading). Mr. Gorbach moved to adopt B-162, second by Mr. Schmidt. Motion passed. Voice Vote (10-0).

Council Clerk read B-163 (third reading). Mr. Gorbach moved to adopt B-163, second by Mr. Schmidt. Motion passed. Voice Vote (10-0).

PUBLIC IMPROVEMENTS

Council Clerk read B-153 (third reading). Mr. Walters moved to adopt B-153, second by Mrs. Pyke. Motion passed. Voice Vote (10-0).

Council Clerk read B-154 (third reading). Mr. Walters moved to adopt B-154, second by Mr. Bauer. Motion passed. Voice Vote (10-0).

Council Clerk read B-155 (third reading). Mr. Walters moved to adopt B-155, second by Mrs. Pyke. Mrs. Pyke stated she would like to be added as sponsor. It was decided that all of Council would be added as sponsors. Motion passed. Voice Vote (10-0).

PUBLIC AFFAIRS

Nothing to report.

COMMUNITY DEVELOPMENT

Council Clerk read B-156 (third reading). Mr. Bauer moved to adopt B-156, second by Mr. Potts. Motion passed. Voice Vote (10-0).

Council Clerk read B-157 (third reading). Mr. Bauer moved to adopt B-157, second by Mr. James. Motion passed. Voice Vote (10-0).

Council Clerk read B-158 (third reading). Mr. Bauer moved to adopt B-158, second by Mr. Potts. Motion passed. Voice Vote (10-0).

SCHEDULE OF MEETINGS

Planning & Zoning Committee:	Subject to call.
Finance Committee:	Monday, December 1 at 6:15 p.m.
Public Improvements Committee:	Subject to call
Public Affairs Committee:	Subject to call
Community Development Committee:	6:20 p.m.
Budget Meetings	December 1, 8, 15 and 29

MISCELLANEOUS BUSINESS

Mr. Schmidt moved to change the regularly scheduled Council meeting from December 22 to December 29, second by Mrs. Pyke. Motion passed. Voice Vote (10-0).

Mr. Schmidt moved to allow members of McCoy & Assoc. to address Council, second by Mr. James. Motion passed. Voice Vote (10-0).

Mr. Gorbach moved to excuse the absence of Mr. Potts and Mr. Barnhart from the November 17 Special Council meeting, second by Mr. James. Motion passed. Voice Vote (10-0).

Mr. Potts moved to excuse the absence of Mr. Barnhart, second by Mr. Flinn. Motion passed. Voice Vote (10-0).

Mr. Schmidt asked if the memo from Mrs. Carr raising the Board of Control amount needs to have action taken by Council. Mrs. Carr stated that it is based on State law so it goes into effect automatically because of the language in the City's Charter. Ms. Jones stated she would verify that it did not need any action by Council.

Mr. Potts stated that Council would be discussing B-164 next week regarding the purchase of property. It concerns the planning of a park in the area, and he encouraged everyone on Council to look at the property. He feels it is an important City purchase at this time.

Mrs. Carr stated there were representatives from McCoy & Associates present to give a short presentation to Council regarding the storm water study they are doing for the City. The purpose of the study is to evaluate the City's storm water sewer management using a personalized approach. The City had 700 people call with some type of flooding issue from the July storm, and they felt they needed to take a look at what is going on. There are two parts to the evaluation. McCoy & Assoc. will be interviewing each homeowner in terms of drainage, how the home is hooked into the system and any other problems they see. Homeowners will then receive a report card that will evaluate their issues and the City's issues. McCoy & Assoc. will also put together an educational program so a resident can improve their issues. The plan is to take a "700 x 3" approach. What that means is McCoy & Assoc. will talk to a homeowner who phoned in a flooding complaint and will also interview the homes on either side of that homeowner. Each homeowner interviewed will receive a packet which lists preventative measures, has a message from the Mayor and from Council and contains a diagnosis. To date they have scheduled 270 appointments and have actually interviewed 175 homeowners. They have received a good response. There were a few who did not want to be a part of the program but are beginning to come around. They've set up a website [www.fallsfloodprevention.com](http://www.fallsfloodprevention.com). Frank Bronzo, McCoy & Assoc.'s Project Manager, gave a brief overview and update. They have identified two project goals. The first is personally going to the homeowners to give them a sense of security that the City is taking care of the problems. They also will be educating homeowners on property upkeep as well. They will be performing an objective analysis of the complaints whether they think the problem is with the homeowner's drainage system or with the City's infrastructure. There are three parts: public relations, data management and technical. The homeowners they've interviewed to date have been very cooperative and provided photos on both inside and outside their property. They also provided a list of what they feel the problems are. McCoy & Assoc. will do its own analysis based on the information. As far as data base management, they have an individual on staff who has done the same thing for the City of New York, including setting up the GIS system. They plan to put the data base together so an individual can go to the GIS map and click on an address and the information on that address (problems and resolutions) will come up. Don Galimore spoke on the technical portion. They will look at what impact the property owner is having, the impact the City is having and what the two share. Things they will look at for property owners are down spouts, foundation drainage system, improperly sloped land. For the City, they will look at the sewers in the street, the slope of the street, etc. It is early in the process but they have been identifying some problems. The City needs to do some fixes as well as the residents doing some themselves. Mrs. Hummel asked if McCoy & Assoc. had some sense of how long the process will take. Mr. McCoy stated they expect to be finished by April, 2004. Mrs. Hummel asked if there will be any cost analysis tied to things that are the City's responsibility but not part of McCoy & Assoc.'s contract. Mr. McCoy stated there would. They will look at infrastructure improvements and perform an evaluation of the costs and recommendations for prioritizing improvements. Mr. Potts asked how they would go about determining whether footer drains are tied into the sanitary sewer. Mr. Galimore stated a camera could be run in the sewer or the house line. They can also put water around the foundation and put dye in the water to see if it shows up in the sanitary main. Mrs. Hummel asked if the pamphlet given to Council was being distributed to residents at the present time. Mrs. Carr stated that as McCoy & Assoc. meets with residents, they give them the pamphlet. Mrs. Hummel stated with all due respect to the newly-elected Council members, the second page should list the Council members who voted to hire McCoy & Assoc. and not members who have not yet been sworn in. Mrs. Carr stated she understood and explained they were trying to represent the people who would be handling the majority of the issues while the analysis was being done. Mrs. Hummel referred to the Board of Control minutes where McCoy & Assoc. was granted

the contract. She recalled that the figure of \$120,000 was discussed. She realized it was a ballpark but wondered if the increase was because the scope of service changed or it was just not a good guess. Mrs. Carr stated that Phase I would be \$120,000. The second dollar amount would be in next year's budget. Mrs. Hummel asked if the \$212,000 would get us to the spring of 2004. Mrs. Carr stated it would and added that a lot of work was done in-house to help bring costs down. Mrs. Hummel agreed and pointed out that Council members are committed to this project and have shown that by hiring McCoy & Assoc. Mr. Potts asked how McCoy & Assoc. had the City divided up and also wondered if there would be an opportunity for a Ward Councilperson to meet with McCoy & Assoc. after they were done. Mr. McCoy stated they have the City divided into zones and are first addressing the zones with the most complaints. He added they would welcome any Council input and that members were free to give them a call. Mr. Bronzo stated they are currently in Wards 4 and 5 and added they are in the very early stages of the process. Mr. Potts asked if McCoy & Assoc. would be evaluating the pump stations in Ward 5. Mr. Galimore stated they are dealing with sanitary sewer overflows but indicated there is another project being proposed right now and they will work with whoever is selected to do that project. Mrs. Pyke indicated she would be contacting McCoy & Assoc. to make sure work is done proactively. There are certain things that are done in her Ward that prevent flooding problems and she wants to make sure McCoy & Assoc. is aware of those and that the work continues to get done. Mr. Walters asked if McCoy & Assoc. has done this kind of work for cities comparable to ours. Mr. McCoy stated this is what they do and added they are doing this same work for another community at this time as well. Mr. Walters asked if they would be looking at the history of the property because some properties may never have had a problem before this year's storms. Mr. Galimore stated they sent a letter to people who complained which contained a two-page questionnaire that the resident was to have completed prior to the interview. During the interview, McCoy & Assoc. fills out an eight-page form in order to cover the history.

Mrs. Hummel stated she noticed several retirees in the audience. She indicated Mr. Gorbach would be discussing the matter on December 1 and added the retirees could address Council at that time. She stated that Council has final legislation from Administration for B-137 and that there have been no further changes.

Mrs. Hummel stated that Council would be discussing the Capital Projects Portion of the budget next week but there has not yet been an ordinance introduced. She added that Administration would need to call a special meeting for 12/1 so that the legislation can be introduced and the budget discussed.

Mrs. Pyke moved to adjourn, second by Mr. James. Motion passed. Voice Vote (10-0). Meeting adjourned at 8:00 p.m.

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Kathy Hummel, Council President

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Cathleen J. Beebe, Council Clerk

**FISCAL OFFICER'S CERTIFICATE**  
(State Road Improvement)

To the Council of the City of Cuyahoga Falls, Ohio:

As fiscal officer of the City of Cuyahoga Falls, Ohio, I certify in connection with your proposed issue of \$2,000,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) for the purpose of improving State Road from the south corporation line to Portage Trail, including by constructing or installing concrete curbs, catch basins, storm sewers where required, roadway asphalt, concrete driveway aprons and concrete sidewalks, traffic signalization and control, and signage where required, together with necessary appurtenances thereto (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least 20 years, and if and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than 20 years but in excess of 5 years, then the maximum maturity of the Bonds would still be at least 20 years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is December 28, 2021, which is 20 years from the date of issuance of the original notes issued for this purpose.

Dated: November 10, 2003

  
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Director of Finance  
City of Cuyahoga Falls, Ohio

**FISCAL OFFICER'S CERTIFICATE**  
(Community Recreation Center)

To the Council of the City of Cuyahoga Falls, Ohio:

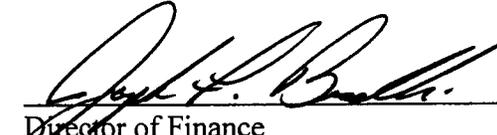
As fiscal officer of the City of Cuyahoga Falls, Ohio, I certify in connection with your proposed issue of \$18,300,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) for the purpose of paying a portion of the costs of constructing and equipping a community recreation center, and acquiring real estate and interests in real estate therefor (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 30 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is December 18, 2022, which is 20 years from the date of issuance of the original notes issued for this purpose.

Dated: November 10, 2003

  
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Director of Finance  
City of Cuyahoga Falls, Ohio

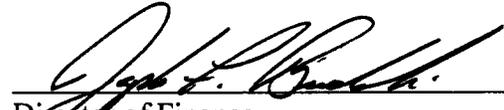
**FISCAL OFFICER'S CERTIFICATE**  
(Falls River Square)

To the Council of the City of Cuyahoga Falls, Ohio:

As fiscal officer of the City of Cuyahoga Falls, Ohio, I certify in connection with your proposed issue of \$4,000,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) for the purpose of constructing a public festival site to be known as Falls River Square, including an amphitheatre, pavilion, outdoor ice skating area and water fountain and related improvements (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 30 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is December 18, 2022, which is 20 years from the date of issuance of the original notes issued for this purpose.

Dated: November 10, 2003

  
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Director of Finance  
City of Cuyahoga Falls, Ohio

**FISCAL OFFICER'S CERTIFICATE**  
(Front and Hudson Improvement)

To the Council of the City of Cuyahoga Falls, Ohio:

As fiscal officer of the City of Cuyahoga Falls, Ohio, I certify in connection with your proposed issue of \$2,250,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds) for the purpose of improving Front Street from State Route 8 to Oakpark Boulevard, Hudson Drive from Front Street to State Route 8, and Bailey Road in and around its intersection with Front Street, by widening the pavement and constructing or reconstructing curbs, sidewalks, and driveway approaches, and installing traffic signalization, sanitary and storm sewers and water lines, where necessary, together with all necessary appurtenances and related improvements thereto, and acquiring real estate and interests in real estate therefor (the Improvement), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is at least 20 years, and if and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than 20 years but in excess of 5 years, then the maximum maturity of the Bonds would still be at least 20 years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is December 18, 2022, which is 20 years from the date of issuance of the original notes issued for this purpose.

Dated: November 10, 2003

  
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Director of Finance  
City of Cuyahoga Falls, Ohio