

**Cuyahoga Falls City Council**  
**Community Development Committee Meeting**  
**November 3, 2003**

Members: Mr. Bauer, Chair  
Mr. James  
Mr. Potts

Mr. Bauer called the Community Development Committee to order at 6:35 p.m. All members of Committee were present.

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

Legislation Discussed

Temp. Ord. No. B-131  
Temp. Ord. No. B-132

Mr. Bauer read B-131 and B-132 (second reading). He stated Administration requested that the legislation continue to be held. Mr. Arrington added that there is no rush to pass these two pieces of legislation. There will be yet another ordinance on the annexation that, according to law, cannot be introduced for another month. With regard to some questions that have been raised regarding zoning, he stated the annexed land will be coming in at R-4 but no one expects it to remain R-4. The developers will be looking at PUD development and State Road properties will be zoned the appropriate commercial zoning. They have come to an agreement with the Township on everything and will be getting the final form of the agreement to Council.

Committee recommended holding B-131 and B-132.

Other Business

Ted Jendrisak, 200 Industrial Drive, stated he is the owner of Pilot Plastics. They have been trying to build an addition onto their factory. They have been waiting for almost two months to get a permit. He feels they have been getting a lot of double talk. They received a conditional permit for the foundation and need to start erecting the steel, but they cannot get a permit from the City. This is now beginning to cause a hardship for them because of contracts that are coming due and because of the approaching winter months. Their latest plans have been submitted for two weeks. They have been told they are not the only people on the list and that it takes 30 days to review. They have also been told they will get to the plans when they get to them. He is afraid they may not have even two weeks left in the building season. Mr. Gorbach stated he knows Mr. Jendrisak. Their addition will add another 36,000 sq. ft. onto their current building. He had talked to Mr. Jendrisak, Mrs. Carr and Mr. Bell to get the foundation done. He realizes that Mrs. Carr and Mr. Bell are frustrated as well, but he feels if the City has someone looking to expand and bring in jobs and increase the tax base, we need to help make it

happen as soon as possible. Mrs. Carr stated she was not aware that Mr. Jendrisak was still having issues. She asked who he had been talking with. Mr. Jendrisak indicated it was the Plans Examiner. She asked if the issues involving the architect have been resolved. Mr. Jendrisak was not sure because he cannot get a response. He added that this is a pre-engineered building so there shouldn't be much to review. Mr. Bell added that Mr. Jendrisak's building was not submitted until October 24 and that they gave the foundation permit on October 8. Mr. Jendrisak stated that October 24 was the date of his second submittal and that he originally submitted the plan on September 11. Mrs. Carr stated she cannot fix it tonight but indicated it will be a priority first thing in the morning. Mrs. Hummel stated she would like to have a response on how this was resolved. One reason why the City hired a Plans Examiner was to move things along. Mr. Bell stated the City is 65 commercial plans ahead of where it was last year at this time. Mrs. Carr stated they have discussed the possibility of possibly contracting some out to get caught up so they can start next year fresh. They are trying to work within the budget but they also want to get it resolved.

Patty Maloney, 2601 Oak Park Blvd., stated she was representing the people in River Estates who maintain the common areas. They had a beautiful pine tree in one of the areas that the residents maintained. They would also have Christmas festivities around the tree each year. She is receiving complaints now from residents because the City has trimmed the tree so that the branches are now 12 feet off the ground. It looks like it's been butchered and is now an eyesore. She stated in the past the City has always discussed the common area maintenance with her, and the residents have always paid to maintain it to the City's satisfaction. She wondered why they were not consulted about the tree trimming before it was done. They would have paid for it and had it done by an arborist. Mr. Novak indicated he had received a complaint from a resident in the neighborhood that the tree was blocking the stop sign. He went out to the area, agreed the view of the sign was blocked and hired Asplin, a well-recognized and awarded company, to trim the tree. The branches now hang down eight or nine feet above the ground, and snow and ice will make them hang even lower. He stated he contacted other departments and could not find anyone who had the arrangement that Mrs. Maloney mentioned. He is not sure the City would want another group maintaining a tree on a devil's strip like the one in River Estates because the City has the ultimate liability. He told Mrs. Maloney he would cut the tree down and replace it with another tree, but it would not be an evergreen. Mr. Bauer asked if the City has allowed them to maintain City property. Mrs. Carr stated that the City has the Adopt-a-Spot program, and River Estates has three Adopt-a-Spot areas. They allow residents to maintain these common areas through this program, but tree trimming is not something that is included and asked who they've dealt with at the City. Mrs. Maloney stated she always worked with Mr. Hutchins. Mrs. Carr stated that residents would work with Mr. Hutchins regarding the Adopt-a-Spot, but in terms of public trees, that is not something the City would want a public group handling. The City also has standards where it does not plant evergreens. She stated she can respect the shock value to those in the neighborhood but she also understands the reason it was trimmed. The City has a responsibility to maintain signage views. She, too, offered to take the tree out and replace it with an ornamental one, but they

will not put a pine tree back. Mrs. Maloney stated she is willing to work with the City.

Ilene Scott, 2748 Oak Park, stated that tree has been there for many years and it was trimmed in the Spring. She wondered why it was such an issue now. She understood the hazard but did not think there were many accidents at that intersection to make it an issue. Mr. Sabino stated there were three accidents over the last ten years and only two may have been attributed to the intersection. Mrs. Scott felt there were bigger concerns in other areas of the City than with this particular obstructed view. She did not think the tree needed to be destroyed. Mr. Arrington stated the tree was obstructing the stop sign. There are very few things a city can be held liable for but one they can be is when they are aware of tree branches obstructing a stop sign. It is a safety issue. He appreciates their concern but the City has to do what it has to do for the safety of its citizens. Mr. Bauer suggested that Mrs. Maloney talk with her neighbors and get back with Mrs. Carr. Mr. James stated he does not like the way the tree looks but understands the safety factor. The City is liable for that. Mr. Bauer added that if there was a serious injury at that intersection, the individuals could come after the City. Mr. Arrington stated that the City does not get "free" accidents. They cannot wait until there is an accident before removing the limbs. If there is an obstruction and the City is made aware of it, it needs to correct it. It does not matter how many accidents there were in the past, the City has a duty to remove the obstruction. Mrs. Hummel reiterated that Mr. Novak received a call from someone in the neighborhood complaining that the sign was obscured and he responded to the call. At that time, the City was placed on notice that that it had a liability. Mrs. Klinger understood that the tree was not what it was before. If a child had been injured or run over at that intersection, this room would be filled with people asking why the City did not do something. She felt the residents can put something in that will be just as nice and they can build a new tradition. Mr. Gorbach stated he received a call regarding a stop sign that had been moved and there are now two directions that do not have to yield. Mrs. Scott agreed that was correct. Mr. Sabino stated he would take a look at it. Mrs. Pyke asked if there was a change in the traffic pattern or if it was always that way. Mrs. Scott stated it was always that way. Mr. Arrington pointed out that if one of those directions was making a left turn, that direction would always have to yield. Mrs. Carr told Mrs. Maloney to leave her phone number with her or Mr. Novak before she leaves.

Community Development Committee adjourned at 7:15 p.m.