

Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
December 4, 2006

Members: Debbie Ritzinger, Chair
Diana Cola vecchio
Doug Flinn

Mrs. Ritzinger called the meeting to order at 7:09 p.m. All members were present.

The minutes of November 20, 2006 were approved as submitted.

Legislation Considered:

Temp. Ord. A-151
Temp. Ord. A-152

Discussion:

Temp. Ord. A-151

An ordinance amending the Codified Ordinances with the enactment of Chapter 119 entitled "Appropriation of Property" and the amendment of Section 138.02 of the Codified Ordinances and declaring an emergency.

Mrs. Ritzinger read A-151 (second reading). Mr. Arrington said the state of the law on eminent domain is in flux right now. Traditionally, governments have been permitted under the U.S. Constitution to use eminent domain to take properties for the public purpose of economic development. The issue of economic development is currently being challenged, and the Ohio general assembly has recently put a moratorium on taking property for public purposes. The State has appointed a task force to review Ohio s eminent domain laws. The city of Norwood has considered an economic development project requiring the taking of residential property. This case went to the Ohio Supreme Court which found that economic development alone does not meet the public purpose test the property must be blighted.

Mr. Arrington said this ordinance is similar, with some modification, to the statewide statute defining blight. Another recommendation of the task force is a constitutional amendment being considered for ballot next year. If it passes, the City s use of eminent domain under home rule would be severely hampered. Right now, we re in a window where we have an opportunity to exercise our home rule powers to define what we believe blight to be.

Mrs. Colavecchio asked if the current moratorium prevents us from acting on this ordinance. Mr. Arrington said it only prevents eminent domain for economic development purposes on unblighted property.

Mr. Gorbach said this ordinance would be helpful in addressing problems at the State Road shopping center, and he would like to see it move forward. Mr. Barnhart agreed, then asked if the shopping center management has expressed any interest in selling the property. Mrs. Truby said they have expressed no such interest.

Mr. Walters asked who would determine which properties are blighted? Mr. Arrington said the City would hire experts to conduct blight surveys and offer recommendations. Mr. Walters asked if properties determined to be blighted would receive a reduction in property taxes. Mr. Arrington said that would be the decision of the county fiscal officer.

Mr. Flinn asked if this ordinance is site specific. Mr. Arrington said it would apply anywhere in the City, not just one area.

Mrs. Klinger asked if the ordinance applies to the taking of residential properties. Mr. Arrington said yes.

Jenny Frame, owner of Fishland Pets at the State Road shopping center, spoke about the deplorable condition of the center and tenancy problems she has encountered with the landlord. She said GMS management is attempting eviction without prior notice, bolting the doors to prevent access to pets and supplies still in the building.

Mr. Gorbach asked if the City might be able to intervene to help Mrs. Frame. Mr. Arrington suggested that she work with her attorney to resolve any legal issues.

Mrs. Hummel asked if the City is taking action on code violations within the building. Mr. Arrington will confer with the City's inspectors to see what has been done. Any code violations will be enforced.

Mrs. Pyke said she supports the ordinance and believes it may be helpful in protecting residential neighborhoods from blight.

The Committee recommended bringing out A-151 for approval.

Temp. Ord. A-152

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

Mrs. Ritzinger read A-152 (second reading). Captain Davis reviewed the file requests.

Mrs. Colavecchio said there are no stop signs on Filmore from Oakwood to Bailey, and residents have complained of speeding and difficulty egressing their driveways.

Mr. Flinn asked about the legality of the stop sign. Captain Davis said it can be legally installed.

Mr. Walters said the four-way stop probably doesn't meet the state's criteria, but it is necessary in this case due to traffic volume and other safety factors.

Mrs. Klinger asked if the stop sign is warranted. Mr. Arrington said the language of the law has changed from "shall not" to "should not", which allows the City some discretion. Mrs. Pyke asked if this might open the flood gates to more requests for signs throughout the City.

Mr. Arrington said Council would decide which signs can be installed based on need.

Mayor Robart said the new law allows flexibility, and he supports the sign request.

Mr. Gorbach believes the sign is necessary to give residents some relief. Mrs. Pyke agreed.

The Committee recommended bringing out A-152 for approval.

The meeting adjourned at 7:55 p.m.

