

**Cuyahoga Falls City Council**  
**Minutes of the Finance Committee Meeting**  
**December 8, 2008**

**Members:** Don Walters, Chair  
Debbie Ritzinger  
Carol Klinger

Mr. Walters called the meeting to order at 6:52 p.m. All members were present.

**Legislation Discussed**

Temp. Ord. A-132

Temp. Ord. A-133

Temp. Ord. A-134

**Discussion**

**Temp. Ord. A-132**

An ordinance providing for current operating expenses of the City of Cuyahoga Falls by appropriating, re-appropriating and transferring money within and for the various funds hereinafter set forth, and declaring an emergency.

**Temp. Ord. A-133**

An ordinance making the annual appropriation for the current expenses, other expenditures and the capital outlays of the City of Cuyahoga Falls for the fiscal year ending December 31, 2009, and declaring an emergency.

**Temp. Ord. A-134**

An ordinance adopting the report on staffing for the City of Cuyahoga Falls for the year 2009, and declaring an emergency.

Mr. Brodzinski began by stating that consumer confidence has fallen to the lowest level in years and many cities are now finding themselves in financial trouble. Cuyahoga Falls recognized several years ago that the economy could not continue to be sustained at the high level it was so the City became very conservative in preparing its budgets. The result is that while things are tight, the City is not nearly as bad off as many others. This year's budget preparation is no different. He proceeded to review the five-year capital budget.

Mrs. Klinger asked at what point next year would the 1% increase in income tax be reviewed to determine whether an adjustment was needed should that increase not come to fruition. Mr. Brodzinski stated it is reviewed on a monthly basis. The 1% increase equals a \$190,000 set-aside with 67% of that going into the General Fund. It would not be a large amount. Mrs. Klinger asked about the change in the Homestead Tax. It showed a greater amount in 2007. Mr. Brodzinski stated that the County began allowing additional exceptions on real estate that now comes back through the State. He does not expect any additional funds this year. Mrs. Klinger asked about the reduction in SCMR Transfer-In. Mr. Brodzinski stated they will not be transferring \$1.2 million into SCMR this year because it is coming from the Capital Reserve Fund and interest is down. More money will be transferred but it will not be the

full \$1.2 million. With regard to the court numbers, Mr. Brodzinski stated the City will receive one more month of revenue in January.

### Capital Projects Fund

Mr. Brodzinski stated that the City will be purchasing seven Epokes totaling \$75,000. Each Epoke saves the City \$22,000 - \$23,000 annually. They will also be purchasing one 5-ton hook lift, replacing two 1-tons with two 3/4-ton pickups, and replacing a backhoe with a new one. Mrs. Klinger stated the City purchases a new squad each year and wondered why there wasn't one this year. Chief Moledor stated that the City purchased two squads in one year so they were taking this year off. Mr. Brodzinski stated that the City will be tearing down the green parking deck. Mr. Demasi added that the deck was at the end of its useful life and getting to be a money pit. It requires several repairs on an ongoing basis. The structure is 30 years old. Mr. Walters wondered how many parking spaces would be lost. Mrs. Truby felt they could get a little more than half with what they plan and pointed out that there was also an additional 42 spaces with the new lot by City Hall. Mrs. Truby gave a short presentation with regard to the medical campus project. It will sit on 252 acres with 87.6 acres being the actual JRS area. Cuyahoga Falls will be paying more than Stow and Hudson because of the JEDD with Boston Twp. Stow has 75 acres; Hudson has 75 acres; and Cuyahoga Falls (with Boston Twp.) has 102 acres. The parties are Signet Enterprises, who is the developer, Western Reserve Hospital Partners, which has 100 physicians in its membership, and Summa, which is the largest employer in Cuyahoga Falls and in Summit County. It will create 600 jobs in the hospital part of the project alone. As the growth occurs, the full build-out is 5,250 jobs. The project will bring in \$327,000 annually to Cuyahoga Falls in income taxes on the jobs piece. Cuyahoga Falls General Hospital votes on the acquisition on December 10, and Summa votes on December 11. If approved, Summa would own 40% and Western Reserve Hospitals would own 60%. With regard to the tennis courts, Mr. Lohan indicated that the current plan is to redo Oak Park but they may defer the \$150,000 to help the high school build a tennis complex which would also be utilized by the public once tennis season is over. Mrs. Pyke asked why there was nothing in the budget regarding the soccer complex. Mr. Lohan stated they did a preliminary study and have taken steps to narrow it down. That design study is not due back until January, 2009. Mrs. Hummel asked if a feasibility study was done. Mr. Lohan stated it was not, however, they know that soccer continues to be a growing sport so they wanted to be able to offer a place to play soccer year-round. The study will determine how big. Mrs. Pyke asked if the \$13,000 was the only money spent on the idea of an indoor soccer complex. Mr. Lohan stated there was also an amount around \$1,100 earlier. With regard to the Riverfront Fountain, Mrs. Truby indicated there are 38 fountainheads. They have replaced 19 of them and would like to replace the remaining 19 plus some pieces of granite. Mr. Walters confirmed that the Roundabout was moving forward. Mr. Demasi stated they are in Stage 2 of that project. Mrs. Pyke asked why there was no money in 2009 for land preservation. Mr. Brodzinski stated they put that money towards purchasing Epokes. There were no land projects that jumped out at them that was worth more than reducing the cost in saving the streets. Mrs. Pyke stated she would like a copy of the land preservation ordinance as was passed by Council. Mrs. Hummel asked where the income for the dispatch expenses was reported. Mr. Brodzinski stated that is a capital lease and the income is reported in communication. Mrs. Klinger asked why the Chart Road Project was not in the five-year plan? Mr. Demasi stated the City applied for Issue 1 money but did not receive any state funding. They still intend to do Chart Road once they are successful in getting funding. The project cannot be done without it. Mrs. Klinger stated she would like to keep that project somewhere in the budget so that it stays in the queue. Mrs. Colavecchio asked about the outdoor range clean-up. Chief Conley stated the range is located off Hardy Road and that they are looking at the cost of environmental clean-up where they remove the tires and the lead. Mrs. Jones stated that the total property is 50+ acres but the City used less than five. Chief Conley added that the Alden Family asked his department to vacate the property effective October 31. He is currently looking into the availability of federal funds to help with the clean-up.

### Storm Drainage Utility

Mr. Brodzinski stated that in the 2007 CAFR, the auditors made the determination that this was an enterprise fund. The Street Department has ditch crews working in the summer who also do leaves. The Water fund was charged 50/50 for water and sewer when, in fact, they did storm water and sewer work and no water work. The proposed budget is \$1,889,226 and is a 41.12% increase over 2008. The reason for the change includes an increase in "personal services". Also, a portion of salaries and fringe benefits of six Street Department workers and two Water Department employees were placed in the Storm Drainage Utility Fund to properly account for the function of their services. They were also requesting ten capital needs for 2009. Mrs. Hummel didn't understand why this was being required to be an enterprise fund. It was her understanding that it was for funds collected from residents and was not to fund personnel. She asked if there was any other avenue to appeal to the State to use this money as capital. Mr. Brodzinski indicated they could always place the money in the general fund. Mrs. Carr added that they are looking at a cleaner approach in determining exactly who is working in storm drainage. Mrs. Hummel stated she is sensitive that the capital projects need to be addressed, however, her recollection is that it was not the intent of the legislation to fund any personnel. Also, the federal government is requiring cities to address these projects. Mrs. Carr understood and stated they are trying to comply with what the State has said. They will try to figure out something that will make everyone happy. Mrs. Hummel requested a copy of the storm water legislation. She asked whether Russ Kring's salary was coming out of this fund. Mrs. Carr indicated it was and Mrs. Hummel agreed with that. Mrs. Klinger suggested to Council that perhaps Council needed to revisit the ordinance and address the language to make sure it is done the way they intended.

### Council

The proposed budget is \$251,519, which is a 3.27% increase from 2008. The reason for the change is due to cost of living increase, pension (PERS) and additional hospitalization. No capital needs were presented.

### Mayor

The proposed budget is \$236,128, which is a 2.99% increase from 2008. The reason for the change is due to cost of living increase, pension (PERS) and additional hospitalization. No capital needs were presented.

### Mayor's Court

The proposed budget is \$282,403. It is a new department so there is no amount from 2008 to which to compare it. No capital needs were presented.

### Finance Director

The proposed budget is \$917,760, which is a (.79%) decrease from 2008. The reason for the change is a decrease in "personal services" due to the replacement of two positions with new hires. No capital needs were presented.

### Income Tax

The proposed budget is \$19,212,739, which is a 3.92% increase from 2008. The reason for the change is due to an increase in projected revenue and reduced "personal services" expenditures. No capital needs were presented.

#### Service Director's Office

The proposed budget is \$333,638, which is a 6.74% increase from 2008. The reason for the change is additional hospitalization costs due to the change from single to family coverage for one employee. No capital needs were presented.

#### Civil Service

The proposed budget is \$34,099, which is a (.70%) decrease from 2008. No capital needs were presented.

#### Engineering

The proposed budget is \$1,053,732, which is a 1.30% increase from 2008. The reason for the change is due to longevity and cost of living increases, pension (PERS) and additional hospitalization, offset by a reduction in "other operations – contractual services." No capital needs were presented.

#### Building

The proposed budget is \$668,518.00, which is a 2.31% increase from 2008. The reason for the change is merit, longevity and cost of living increases, pension (PERS) and additional hospitalization. No capital needs were presented.

#### Garage

The proposed budget is \$2,229,615, which is a 7.29% increase from 2008. The reasons for the change are an increase in "personal services" due to the backfilling of a Mechanic position, and an increase in motor vehicle parts, tires and maintenance accounts. There was one capital needs presented. Mr. Walters asked why the utilities were listed at zero. There was something budgeted for them in 2008 but not in 2009. Mr. Brodzinski stated he would check into that.

#### Utility Billing

The proposed budget is \$1,759,000, which is a (.40%) decrease from 2008. The reasons for the change are a decrease in "personal services" due to the reduction of the meter reading staff through attrition and/or reassignment, and an increase in other operations – bank service charges, relating to additional credit card fees. No capital needs were presented.

Mr. Rubino stated when the Johnson Controls legislation was passed a few months ago, it was agreed that Council would receive a quarterly report on the progress. He was wondering when that report would be forthcoming. Mr. Brodzinski stated he was going to look at it after the budget process was completed. Mrs. Carr added it was her plan to give a full report to Council in January.

***Committee recommended holding Temp. Ord. Nos. A-132, A-133 and A-134***

***The meeting adjourned at 9:20 p.m.***

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. 163 - 1996

6  
7 AN ORDINANCE ESTABLISHING A LAND PRESERVATION AND ACQUISITION  
8 FUND FOR THE CITY OF CUYAHOGA FALLS, OHIO, AND DECLARING AN  
9 EMERGENCY.

10  
11 WHEREAS, the City of Cuyahoga Falls has a limited amount of undeveloped open space and land available for the future  
12 use of the City of Cuyahoga Falls, Ohio and the residents thereof; and

13  
14 WHEREAS, Cuyahoga Falls City Council has determined that it is in the City's best interest that parcels of real estate  
15 shall be preserved as open space for the use and enjoyment of the residents of the City of Cuyahoga Falls, Ohio; and

16  
17 WHEREAS, it is necessary to establish a funding source for the purchase and acquisition of undeveloped open space and  
18 land for the City of Cuyahoga Falls, Ohio and its residents;

19  
20 NOW, THEREFORE, BE IT ORDAINED by the City of Cuyahoga Falls, County of Summit and State of Ohio:

21  
22 Section 1. That a line item known as Land Preservation and Acquisition shall be created within the Capital Projects Fund  
23 #400 041 790 002.

24  
25 Section 2. That \$350,000.00 be allocated to said line item for the purpose of establishing a Land Preservation and  
26 Acquisition Fund for the year 1997 and thereafter.

27  
28 Section 3. That City Council in conjunction with the Administration shall establish a Land Preservation and Acquisition  
29 policy to identify potential open space areas for future purchase by the City of Cuyahoga Falls.

30  
31 Section 4. That any other ordinances and resolutions or portions of ordinances and resolutions inconsistent herewith  
32 be and the same are hereby repealed, but any ordinances and resolutions or portions of ordinances and resolutions not inconsistent  
33 herewith and which have not previously been repealed are hereby ratified and confirmed.

34  
35 Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption  
36 of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its  
37 committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements  
38 including Section 121.22 of the Ohio Revised Code.

39  
40 Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the  
41 public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof for the further  
42 reason that this ordinance is required to be immediately effective so that the study can commence as soon as possible and provided  
43 it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force  
44 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period  
45 allowed by law.

46  
47  
48 Passed: 12/23/96

49 Edward H. Brill  
50 President of Council

51 Gregory Wagner  
52 Clerk of Council

53  
54  
55 Approved: 12/26/96

56 L. Polack  
57 Mayor

**29.02 POWERS AND DUTIES.**

Pursuant to the Ohio Constitution, the general laws of the State of Ohio and the powers granted in the Charter and Ordinances of the City of Cuyahoga Falls, the Cuyahoga Falls **Storm Drainage** Utility shall acquire, own, construct, equip, operate, repair, improve, extend and maintain within the City limits of the City of Cuyahoga Falls, Ohio, open drainageways, underground **storm** drains, equipment and appurtenances necessary, useful or convenient for a complete **storm drainage** system and improvements to and extensions of that system; including without limitation extension, reconstruction and maintenance, dredging, ditching, leaf clearance, and cleaning of that system. The Utility shall also endeavor to minimize by suitable means said system's contribution to flooding, and to seek the cooperation of neighboring jurisdictions in minimizing the contribution of all such systems, and other sources of accelerated runoff, to flooding.

(a) The construction, improvement and maintenance of **storm drainage** facilities within, through or immediately adjacent to new development shall remain the responsibility of the developer in accordance with standards outlined in the City's Codified Ordinances and policies adopted pursuant thereto.

(b) The **Storm Drainage** Utility shall undertake major improvements to **storm drainage** facilities when authorized by the City Council. To be considered for approval by Council a facility should be either a new **storm drainage** facility or be a rehabilitation/replacement of existing **storm drainage** facilities.

(c) The **Storm Drainage** Utility shall maintain all public **storm drainage** facilities located within city owned land, public right-of-way and public easements, except as otherwise provided in such easements. Public facilities include but are not limited to:

(1) Open drainageways owned by the City or where the City has public **drainage** easements, subject to the conditions of said easements;

(2) Piped **drainage** systems and related appurtenances which have been designed and constructed expressly for use by the general public;

(3) Drainageways under bridges or through culverts on, along or within public streets;

(4) Roadside **drainage** ditches within the public right-of-way along public streets;

(5) Flood control facilities, (levees, dikes, overflow channels, detention basins, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public.

(d) Facilities not qualifying as public facilities include but are not limited to:

(1) Private parking lot **storm** drains;

(2) Roof, footing, and area drains;

(3) Drains not designed and constructed for use by the general public;

(4) Open **drainage** swales or ditches on private property for which no public easement of record has been granted and accepted;

(5) Access drive culverts, to the extent consistent with ordinance;

(6) Flood control facilities, (levees, dikes, overflow channels, detention basins, groundwater recharging basins, etc.) that have been designed and constructed expressly for benefit of and use by private property or private development or where the obligation for construction, improvement, and maintenance of such facilities is the obligation of an entity other than the City.

(Ord. 123-1992. Passed 11-9-92.)

**29.021 STORM DRAINAGE UTILITY CHARGES AND RATES.**

(a) Effective January 1, 2007, there is hereby levied and imposed a charge for **storm drainage** services, as provided in Section 929.02, upon all lots and lands within the City of Cuyahoga Falls which have been improved by the construction or installation of improvements with impervious surfaces including but not limited to structures, driveways, access roads and parking lots. The rate for each improved property in the City shall be three dollars (\$3.00) per month multiplied by the number of basic service units assigned to that property.

Ord. 136-2006. Passed 12-28-06.)

(b) City Council of the City of Cuyahoga Falls finds that property within the City is furnished service in proportion to the amount of the property's impervious surface. Based on the engineering evaluation of impervious surface typical for various uses throughout the City, it is found and determined that the basic unit of service shall be 3,000 square feet.

Ord. 80-2004. Passed 5-10-04.)

(c) All improved property within the City, as defined in paragraph (a) above shall be deemed to be furnished service equivalent to not less than one basic unit of service. All conventionally developed (i.e. excluding conditionally permitted and non-conforming uses) improved residential properties in R-R, R-1, R-2, R-3, R-4, and R-5 (up to a maximum density of Low Density Lot) districts shall be deemed to be furnished service equivalent to one basic unit of service. All other improved properties, as defined in paragraph (a) above shall be deemed to be furnished service equivalent to one unit for each 3,000 square feet of impervious area or fraction thereof as calculated for individual properties by the City Engineer's office, but in no event less than one basic unit of service.

Ord. 136-2006. Passed 12-28-06.)

(d) The charges provided herein shall be billed in advance. The charges shall be billed on a monthly basis, as a **storm drainage** charge on the monthly utility bill, for all property that is served by any other Cuyahoga Falls utility. Owners of all property not served by any other Cuyahoga Falls utility shall be billed on a semi-annual basis as a **storm drainage** charge. All bills for fees established under this ordinance shall become due and payable in accordance with the rules and regulations of the City.

(e) All charges collected hereunder shall be deposited in the **Storm Drainage** Fund which shall be kept as a fund to be used for the purposes provided in Section 929.02.

(f) If any charges provided herein shall not be paid when due, the Director of Finance may cause such delinquencies to be certified to the County Fiscal Officer for collection with property taxes.

(g) The established rate may be reduced for a property, other than conventionally developed residential property, where approved runoff control measures have been implemented. Review and analysis of these measures shall be calculated on an individual case basis by the City Engineer, according to established policies and standards, and the decision of the City Engineer shall be provided to the property owner in writing. The maximum rate reduction shall be 50% of the established rate.

(h) Any person aggrieved by a decision of the City Engineer as provided herein may file an appeal in writing to the Director of Public Service within fifteen days of the decision of the City Engineer.

(i) The Director of Public Service is authorized to hear appeals regarding disputes and complaints brought by owners and non-owners concerning the application of the **Storm Drainage** Utility fees, including the authority to make adjustments as appropriate which may include but shall not be limited to:

(1) Calculation of the total number of building units assigned to a property that are claimed to be incurred due to alleged inaccuracies in data utilized by the billing staff.

(2) Adjustments arising, from a break in billing units due to change in property ownership, account responsibility or similar matters.

(j) Any appeal must be filed in writing, must describe the specific error alleged, and contain reasoning from the appealing party that justifies the appealed issue. The Director of Public Service may request additional information from the appealing party and the decision of the Director of Public Service shall be final.

(Ord. 80-2004. Passed 5-10-04.)