

**Cuyahoga Falls City Council
Minutes of the Council Meeting
February 12, 2007**

Call to Order: Mr. Walters at 6:35 p.m.

Roll Call:

Mrs. Hummel, present; Mr. Gorbach, present; Mrs. Colavecchio, present; Mr. James, present; Mrs. Ritzinger, present; Mrs. Klinger, present; Mrs. Pyke, present; Mr. Barnhart, present; Mr. Flinn, present; Mr. Mader, present; and Mr. Walters, present.

Invocation: Mrs. Colavecchio

Pledge: Mr. James

Approval of Minutes: The minutes of the Regular Council Meeting of January 22, 2007 and the Special Council Meeting of February 5, 2007 were approved as submitted.

Reports and Communications:

Letter from Jack Richard (2250 Front Street) dated Jan. 23, 2007 regarding the Riverfront Mall.

Letter from Clerk of Courts Eric Czetli dated Jan. 31, 2007 with the Cuyahoga Falls Municipal Court District 2006 Annual Report attached.

Two letters from Mayor Robart dated Feb. 5 and Feb. 9, 2007 requesting Council approval of appointments to various City boards and commissions.

Mr. Walters appointed a Special Committee to consider the Mayor's appointments: Mr. James (Chair), Mrs. Ritzinger and Mrs. Klinger.

New Legislation

(first reading)

Temp. Ord. B-21 (Planning & Zoning)

An ordinance approving a map amendment for 1203 Bailey Road (Parcel Number 02-04774, 02-04773, 02-05779) and 1271 Howe Avenue (Parcel Number 02-010294) from R-5 Moderate Density Residential to MU-2 Neighborhood Center zoning classification, as more fully described and depicted herein and declaring an emergency.

Temp. Ord. B-22 (Planning & Zoning)

An ordinance approving a map amendment for the front portion of 4610 State Road (Parcel Number 37-00002) from R-3 Sub-Urban Density Residential zoning classification to MU-3 Sub-Urban Center zoning classification, as more fully described and depicted herein and declaring an emergency.

Temp. Ord. B-23 (Planning & Zoning)

An ordinance approving a map amendment for 3390, 3398, 3422, 3432 and 3452 Wyoga Lake Road (Parcel Numbers 38-00005, 38-00020, 38-00008, 38-00009, 38-00007, 38-00027, 38-00025, 38-00026) from R-5 Moderate Density Residential to MU-4 Sub-Urban Corridor zoning classification, as more fully described and depicted herein and declaring an emergency.

Temp Ord. B-24 (Planning & Zoning)

An ordinance approving a map amendment for 2396 7th Street (Parcel Number 02-12992), from R-4 Medium Density Residential district classifications to MU-4 Sub-Urban Corridor zoning classification, as more fully described and depicted herein and declaring an emergency.

The Clerk read a **Legal Notice of a Public Hearing** in the Council Chambers in the Natatorium, 2345 Fourth Street, Cuyahoga Falls, Ohio on Monday, March 26, 2007 at 6:30 p.m. relative to **B-21, B-22, B-23 and B-24.**

Temp. Ord. B-25 (Finance)

An ordinance authorizing a settlement in the case of Marlin Hudson v. City of Cuyahoga Falls, and declaring an emergency.

Temp. Ord. B-26 (Finance)

An ordinance authorizing the Mayor to enter into a contract and/or contracts, according to law, to utilize the radio system of the City of Akron/County of Summit and authorizing the application for a grant for said use, and declaring an emergency.

Temp. Ord. B-27 (Finance)

An ordinance amending Sections 921.02, 921.09, and 941.02 of the Codified Ordinances of the City of Cuyahoga Falls and declaring an emergency.

Temp. Ord. B-28 (Finance)

An ordinance authorizing the Director of Finance to enter into a contract or contracts to purchase financial software, and declaring an emergency.

Temp. Ord. B-29 (Finance)

An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, for the purchase of four (4) helmet-mounted thermal imagers for the Fire Department, and declaring an emergency.

Temp. Ord. B-30 (Finance)

An ordinance providing for the transfer of funds from the monies received from CDBG to the Water Fund and increasing appropriations within the CDBG HUD Entitlement Fund for the year 2007, and declaring an emergency.

Temp. Ord. B-31 (Finance)

An ordinance authorizing the sale of a portion of land located at 1809 State Road, Summit County Parcel 0202788, for the purpose of economic development and upon such terms and conditions as negotiated by the Community Improvement Corporation acting as the City's agent, and declaring an emergency.

Temp. Ord. B-32 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for professional services to plan for, design and construct a new public roadway, and declaring an emergency.

Temp. Ord. B-33 (Public Affairs)

An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, to allow Clearwire US, LLC, access to the City's water tower at Indian Mountain Park and property, and declaring an emergency.

Temp. Res. B-34 (Public Affairs)

A resolution authorizing the filing of a grant application with the Summit Akron Solid Waste Management Authority, and declaring an emergency.

Temp. Ord. B-35 (Public Affairs)

An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, to allow SGS Tool Company and Data Recovery Services, LLC access to the City's rights of way and vertical infrastructure, and declaring an emergency.

Mr. Gorbach moved to suspend the rules to allow a Finance Committee meeting on the same night as Council to discuss B-25 and B-26, second by Mr. James. Motion passed, voice vote (11-0).

Mr. Walters entertained a motion to dissolve into executive session for the purpose of discussing pending litigation (B-25). Mr. Gorbach so moved, second by Mr. James. Mr. Walters instructed the Clerk to call the roll:

Mrs. Hummel, yes; Mr. Gorbach, yes; Mrs. Colavecchio, yes; Mr. James, yes; Mrs. Ritzinger, yes; Mrs. Klinger, yes; Mrs. Pyke, yes; Mr. Barnhart, yes; Mr. Flinn, yes; Mr. Mader, yes; and Mr. Walters, yes. Motion passed (11-0).

Council dissolved into executive session at 6:45 p.m. Mr. Walters announced that Council was back in session at 6:50 p.m., then recessed Council to allow the Special Committee meeting and Finance Committee meeting.

Mr. James called the Special Committee to order and announced the Mayor's appointments as follows:

Tree Board

David Hilliard (1670 Underwood St., CFO 44221) reappointment 3-yr. term (ends 12-31-09)
Lauren Arbogast (721 Chestnut Blvd., CFO 44221) reappointment 3-yr. term (ends 12-31-09)

Income Tax Board of Review

Dale Petty (2059-10th St., CFO 44221) reappointment 2-yr. term (ends 12-31-08)
Denise Griggs (1837 Deepwood Dr., Akron 44313) reappointment 2-yr. term (ends 12-31-08)

Daniel Edgar (1814 Chestnut Blvd., CFO 44223) reappointment 2-yr. term (ends 12-31-08)
William Yoho, Jr. (1210 W. Bath Rd., CFO 44223) reappointment 2-yr. term (ends 12-31-08)

Cuyahoga Falls Library Board

Helen McWilliams (3024-7th St., CFO 44221) reappointment 3-yr. term (ends 12-31-09)
Cheryl Bruce (1604 Highbridge Rd., CFO 44223) reappointment 3-yr. term (ends 12-31-09)

Board of Building Appeals

Joseph Bailey (P.O. Box 3225, CFO 44223) reappointment 5-yr. term (ends 12-31-11)

Planning Commission

Don Nelsch (2545 N. Haven Blvd., CFO 44223) reappointment 6-yr. term (ends 12-31-12)
Mary Myers (1871-6th St., CFO 44221) appointment 6-yr. term (ends 12-31-12) fulfilling expired term of Joseph House.

Board of Zoning Appeals

Tom Sullivan (447 Tallmadge Rd., CFO 44221) reappointment 5-yr. term (ends 12-31-11)
Robert Brown (2940-13th St., CFO 44223) appointment 6-yr. term (ends 12-31-11) fulfilling expired term of Cyndi Kane.

Mayor Robart reviewed the background and qualifications of the nominees for appointment. Mrs. Ritzinger and Mrs. Klinger thanked the nominees for their willingness to serve.

The Special Committee recommended that the appointments be confirmed.

Mr. Gorbach called the Finance Committee meeting to order at 7:00 p.m.

Temp. Ord. B-25

An ordinance authorizing a settlement in the case of Marlin Hudson v. City of Cuyahoga Falls, and declaring an emergency.

Mr. Gorbach read B-25 (second reading), noting that the ordinance had been discussed in executive session. He believes it's in the best interest of the City to settle the case as soon as possible.

The Committee recommended bringing out B-25 for approval.

Temp. Ord. B-26

An ordinance authorizing the Mayor to enter into a contract and/or contracts, according to law, to utilize the radio system of the City of Akron/County of Summit and authorizing the application for a grant for said use, and declaring an emergency.

Mr. Gorbach read B-26 (second reading). Mr. Brodzinski said this ordinance is phase one of a multi-phase project which allows for installation of the microwave hookup to the County's radio system at a net cost of \$100,000. Total cost is around \$225,000; the county will give the City a grant of \$125,000. Once part of the County system, the City will pay \$12 per radio per year for

each radio associated with the system. That cost is fixed for the first 5 years of the 10-year contract. After evaluating the cost of a stand-alone system, the administration determined this to be more cost effective. Phase two involves evaluating which communities will be included and exactly how many consoles will be required.

Mrs. Klinger asked if the City would get a designated number of channels. Mr. Sabino said the County system has 25 working channels (capacity is 28), and there are 16 communities and county agencies involved. The \$12 per month covers system maintenance. Mrs. Klinger asked if the County is planning an upgrade. Mr. Sabino said the system was upgraded 2-3 years ago. Mrs. Klinger asked if the City's radios are compatible. Mr. Sabino said the 200 public works radios are not, but the 300 public safety units are. Mrs. Klinger asked how much an upgrade of the City's radio system would cost. Mr. Brodzinski said a total upgrade including maintenance would cost \$3.2 million over a 10-year period.

Mrs. Hummel asked how the costs would be assigned to various departments. Mr. Brodzinski said the microwave hookup for police and fire only would be charged to capital projects. If the system is expanded citywide, various departments would bear their portion of the cost.

Mr. Gorbach recommended that line 26 of the ordinance be amended as follows: remove the period after capital fund and add "and other funds as appropriate by law".

The Committee recommended bringing out B-26 for approval.

The Finance Committee meeting adjourned at 7:23 p.m.

Mr. Walters announced that Council was back in session.

Report of Special Council Committee

Mr. James moved to approve the Mayor's appointments to the City boards and commissions as discussed, second by Mrs. Ritzinger. Motion passed, voice vote (11-0).

Reports of Council's Standing Committees

Planning & Zoning

Temp. Ord. B-10

An ordinance authorizing the dedication of Woodbrook Road between Hoffman Drive and Foxglove Circle and declaring an emergency.

Mrs. Hummel moved to adopt B-10, second by Mr. Barnhart. Motion passed, voice vote (11-0).

Finance & Appropriations:

Temp. Ord. A-162

An ordinance authorizing the Director of Public Service to enter into a contract or contracts according to law for the purchase of residential refuse containers, and declaring an emergency.

Mr. Gorbach moved to adopt A-162, second by Mr. James. Motion passed, voice vote (11-0).

Temp. Ord. B-12

An ordinance authorizing the Mayor to enter into a contract or contracts according to law for the maintenance of the radio system, and declaring an emergency.

Mr. Gorbach moved to adopt B-12, second by Mr. James. Motion passed, voice vote (11-0).

Temp. Ord. B-13

An ordinance authorizing the Mayor to enter into a maintenance service agreement for the multi-jurisdiction mobile data system and Cuyahoga Falls owned mobile data hardware and software system and declaring an emergency.

Mr. Gorbach moved to adopt B-13, second by Mrs. Klinger. Motion passed, voice vote (11-0).

Temp. Ord. B-14

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials for the Division of Sanitation during 2007, and declaring an emergency.

Mr. Gorbach moved to adopt B-14, second by Mr. James. Motion passed, voice vote (11-0).

Temp. Ord. B-15

An ordinance levying special assessments for the repair or replacement of sidewalks and drive approaches in the district known and designated by this Council as a sidewalk repair district for the year 2006 containing all necessary streets, alleys or public roadways within the corporate limits of the City of Cuyahoga Falls, and declaring an emergency.

Mr. Gorbach moved to adopt B-15, second by Mrs. Klinger. Motion passed, voice vote (11-0).

Temp. Ord. B-25

An ordinance authorizing a settlement in the case of Marlin Hudson v. City of Cuyahoga Falls, and declaring an emergency.

Mr. Gorbach moved to adopt B-25, second by Mrs. Klinger. Motion passed, voice vote (11-0).

Temp. Ord. B-26

An ordinance authorizing the Mayor to enter into a contract and/or contracts, according to law, to utilize the radio system of the City of Akron/County of Summit and authorizing the application

for a grant for said use, and declaring an emergency.

Mr. Gorbach moved to adopt B-26, second by Mr. James. Motion passed, voice vote (11-0).

Public & Industrial Improvements:

Temp. Ord. B-16

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the annual resurfacing and/or repair of various streets as described in Exhibit 'A', attached hereto, in the City of Cuyahoga Falls and declaring an emergency.

Mr. James moved to adopt B-16, second by Mr. Mader. Motion passed, voice vote (11-0).

Temp. Res. B-17

A resolution creating for the year 2007 a sidewalk and drive approach repair or replacement district containing such streets, alleys, or public roadways within the corporate limits of the City of Cuyahoga Falls, declaring the necessity of repairing or replacing the sidewalks and drive approaches abutting on such streets, alleys or public roadways within said corporate limits and providing the method for levying special assessments, and declaring an emergency.

Mr. James moved to adopt B-17, second by Mrs. Ritzinger. Motion passed, voice vote (11-0).

Temp. Ord. B-18

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement or adjustment of concrete sidewalks, drive approaches and curbs at various locations in the City of Cuyahoga Falls, and declaring an emergency.

Mr. James moved to adopt B-187, second by Mr. Mader. Motion passed, voice vote (11-0).

Public Affairs:

Temp. Ord. A-132

An ordinance authorizing the Mayor to enter into a contract or contracts with AT&T Ohio for the provision of IP/Video services and declaring an emergency.

Mrs. Ritzinger moved to table A-132, second by Mr. Gorbach. Motion passed, voice vote (11-0).

Temp. Ord. A-133

An ordinance authorizing the Mayor to grant a license to AT&T Ohio for the use of a portion of the City's property to erect, maintain and repair telecommunications equipment, and declaring an emergency.

Mrs. Ritzinger moved to table A-133, second by Mr. Gorbach. Motion passed, voice vote (11-0).

Community Development:

No report.

Schedule of Committee Meetings

Planning & Zoning	Subject to Call
Finance	February 20, 2007 at 6:15 p.m.
Public Improvements	February 20, 2007 at 6:20 p.m.
Public Affairs	February 20, 2007 at 6:25 p.m.
Community Development	Subject to Call

Miscellaneous Business:

None

Mr. Gorbach moved to adjourn, second by Mrs. Pyke. Motion passed, voice vote (11-0).
The meeting adjourned at 7:35 p.m.

Don Walters, Council President

Barbara White, Clerk of Council

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