

**Cuyahoga Falls City Council  
Minutes of the Council Meeting  
May 22, 2006**

**Call to Order:** Mr. Walters at 6:30 p.m.

**Roll Call:**

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

**Invocation:** Mr. Mader

**Pledge:** Mr. Mader

**Approval of Minutes:** The minutes of the Regular Council Meeting of May 8, 2006 were approved as submitted.

**Reports and Communications:**

Letter from Mayor Robart regarding the presentation of Certificates of Recognition to Ms. Sue Kilcoyne and Mr. Rick James.

Mayor Robart presented Ms. Kilcoyne and Mr. James with proclamations commending their humanitarian acts toward Mr. Frank Ferrise who was tragically killed in a work-related accident on Bath Road on April 18, 2006. He also made comments honoring Mr. Ferrise, a Cuyahoga Falls resident and former business owner whose family was in attendance.

**New Legislation  
(first reading)**

**Temp. Ord. A-62 (*Community Development*)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain property located at State and Cochran Road, Summit County Parcels #35-01727 and #35-02065 and declaring an emergency.

**Temp. Ord. A-63 (*Community Development*)**

An ordinance authorizing the amendment of the fiscal year 2004 Community Development Block Grant Consolidated Plan Document and declaring an emergency.

**Temp. Ord. A-64 (Finance)**

An ordinance authorizing the Mayor to enter into a contract or contracts for the lease and/or purchase of a ladder/quint fire vehicle for use in the Fire Department and declaring an emergency.

**Temp. Ord. A-65 (Finance)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the transfer of used equipment no longer used by the Street Department, and declaring an emergency.

**Temp. Ord. A-66 (Finance)**

Authorizing the Mayor to enter into an agreement between AFSCME Local 2662 and the City of Cuyahoga Falls, Ohio effective from January 1, 2006 through December 31, 2008, and declaring an emergency.

**Temp. Res. A-67 (Finance)**

A resolution supporting the Cuyahoga Falls Municipal Court through construction of a new facility in Cuyahoga Falls, and declaring an emergency.

**Temp. Ord. A-68 (Public Improvements)**

An ordinance authorizing the Mayor to execute a consent and cooperation agreement, with the City of Stow, Ohio, committing the City to an expenditure not to exceed \$25,000.00, for the preliminary engineering plans for the improvement of Seasons Road, located in the City of Cuyahoga Falls and the City of Stow, and declaring an emergency.

## **Reports of Council's Standing Committees**

### **Planning & Zoning**

**Temp. Ord. A-57**

An ordinance authorizing and approving the conditional zoning certificate for a Sprint Telecommunications tower at 2300 4<sup>th</sup> Street and declaring an emergency.

The Clerk read A-57 (third reading). Mrs. Hummel moved to adopt A-57, second by Mr. Barnhart. Mrs. Hummel said there were two pieces of information requested at the committee meeting last week. She read from a letter dated May 19 from Deputy Law Director Hope Jones regarding the City's authority to evaluate health issues during the approval process. Under the Telecommunications Act of 1996: "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions".

Ms. Jones letter further states that "The Act created a presumption that towers and antennas that operate within the prescribed limits of radiation are safe. Therefore, you are hereby advised that Council is prohibited from considering the alleged health risks posed by cell towers in your deliberation of Temporary Ordinance A-57."

Mrs. Hummel said she also received information from the Planning Department for the city and county of San Francisco which provides a list preferred locations for cell towers. The list includes public facilities such as libraries, police and fire stations; it further allows that schools, hospitals, health centers, places of worship and other institutional structures shall also be considered provided that all federal communications regulations and standards are met.

Motion passed, voice vote (8-1).

### **Finance & Appropriations:**

#### **Temp. Ord. A-58**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts for the purchase of one tandem axle dump truck for use by the City, and declaring an emergency.

The Clerk read A-58 (third reading). Mr. Gorbach moved to adopt A-58, second by Mr. James. Motion passed, voice vote (9-0).

### **Public & Industrial Improvements:**

#### **Temp. Ord. A-59**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of the waterline in Wyoga Lake Road from Wyoga Lake Boulevard to 1,500 feet north, and declaring an emergency.

The Clerk read A-59 (third reading). Mr. James moved to adopt A-59, second by Mrs. Ritzinger. Motion passed, voice vote (9-0).

### **Public Affairs:**

#### **Temp. Ord. A-60**

An ordinance authorizing and directing the execution of a hydro matrix developmental cost sharing agreement by the City of Cuyahoga Falls, Ohio with American Municipal Power-Ohio, Inc.

The Clerk read A-60 (third reading). Mrs. Ritzinger moved to adopt A-60, second by Mrs. Pyke. Motion passed, voice vote (9-0).

**Temp. Ord. A-61**

An ordinance amending Section 1323.01 of the Codified Ordinances of the City of Cuyahoga Falls, and declaring an emergency.

The Clerk read A-61 (third reading). Mrs. Ritzinger moved to adopt A-61, second by Mrs. Pyke. Motion passed, voice vote (9-0).

**Community Development:**

No report.

**Schedule of Committee Meetings**

Planning & Zoning	Subject to Call
Finance	June 5, 2006 at 6:15 p.m.
Public Improvements	June 5, 2006 at 6:20 p.m.
Public Affairs	Subject to Call
Community Development	June 5, 2006 at 6:25 p.m.

**Miscellaneous Business:**

Mrs. Klinger moved to excuse the absence of Mr. Flinn, second by Mrs. Pyke. Motion passed, voice vote (9-0).

Mrs. Hummel moved to excuse the absence of Mrs. Colavecchio, second by Mr. James. Motion passed, voice vote (9-0).

Mrs. Carr reminded Council that this is National Public Works Week.

Mr. Gorbach inquired about the resignation of Parks & Recreation Superintendent John Olivier. Mayor Robart said it was a Parks & Recreation Board decision. Mr. Olivier will be leaving in June.

Mr. Gorbach moved to adjourn, second by Mr. James. Motion passed, voice vote (9-0). The meeting adjourned at 6:50 p.m.

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Don Walters, Council President

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Barbara White, Clerk of Council

