

Cuyahoga Falls City Council
Minutes of the Council Meeting
May 27, 2003

CALL TO ORDER Mrs. Hummel at 6:30 p.m.

ROLL CALL Mr. Schmidt, present; Mr. Gorbach, present; Mr. Flinn, present; Mr. Barnhart, present; Mr. Potts, present; Mr. James, present; Mr. Walters, present, Mrs. Pyke, present, Mrs. Klinger, present; Mr. Bauer, present; Mrs. Hummel, present.

INVOCATION Mr. Schmidt

PLEDGE Mr. Barnhart

APPROVAL OF MINUTES

The minutes of the May 12, 2003 regular Council meeting were approved as submitted.

REPORTS AND COMMUNICATIONS

Mrs. Hummel stated she would appoint a special committee consisting of Tim Gorbach, as chair, Mr. Walters and Mrs. Klinger to discuss the Mayor's May 6, 2003 letter to members of Council regarding appointments to the Income Tax Board of Review.

NEW LEGISLATION

Temp. Ord. No. B-81 (Planning & Zoning Committee)

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF CUYAHOGA FALLS BY THE CREATION OF CHAPTERS 1711, 1712, 1713 AND 1714 AS MORE FULLY DESCRIBED HEREIN AND REPEALING CHAPTERS 1142 AND 567 OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Council Clerk announced that a public hearing has been scheduled for Monday, July 14, 2003 at 6:30 p.m. in Council chambers.

Temp. Ord. No. B-82 (Finance Committee)

AN ORDINANCE AMENDING ORDINANCE NO. 17-2003 CREATING AND ESTABLISHING A PAY RANGE FOR THE POSITION OF PLANS EXAMINER, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-83 (Finance Committee)

AN ORDINANCE AMENDING RESOLUTION 16-2000 AND ORDINANCE NO. 69-2003, TO PROVIDE HARDSHIP DEFERMENTS FOR CERTAIN ASSESSMENTS, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-84 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AND/OR CONTRACTS FOR A VULNERABILITY STUDY OF THE WATER SYSTEM, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-85 (Finance Committee)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT OR CONTRACTS ACCORDING TO LAW FOR SIX (6) MOBILE VISION SYSTEM

7 IN-CAR VIDEO CAMERAS AND ACCESSORIES FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-86 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A CONTRACT OR CONTRACTS ACCORDING TO LAW FOR THE UPGRADE OF THE IBM AS400 COMPUTER AND RELATED HARDWARE AND SOFTWARE TOGETHER WITH NECESSARY MAINTENANCE AND SUPPORT SERVICES TO INSURE CONTINUATION OF SERVICE AND SUPPORT AND TO PROVIDE DISASTER RECOVERY FOR MISSION CRITICAL APPLICATIONS AND RELATED DATA, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-87 (Public Improvements Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A MODIFICATION OF THE CONTRACT FOR THE WATER UTILITIES DEPARTMENT STOCKROOM AND MAINTENANCE GARAGE EXPANSION, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-88 (Public Improvements Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A MODIFICATION OF THE CONTRACT WITH CONCRETE PRESERVATION SYSTEMS, INC., FOR REPAIRS TO THE NORTH PARKING DECK, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-89 (Public Affairs Committee)

AN ORDINANCE AMENDING CHAPTER 929 OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Council recessed into a Special Committee at 6:35 p.m.

Mr. Gorbach called the Special Committee to order to discuss the appointment of Dale Petty, Daniel Edgar, Denise Griggs and William Yoho to the Income Tax Board of Review. Mayor Robart stated that Denise Griggs was the only one present. He indicated that these are all reappointments to two-year terms. Dale Petty has been on the Board since 1998; Daniel Edgar has been on the Board since 1989; Denise Griggs has been on the Board since 2001; and William Yoho has been on since 1990. He stated this is a Board that meets on an as-needed basis probably on an annually or semi-annually. They convene as issues come up that need a third party objective review. Mr. Gorbach stated he recalled when he worked in the income tax department that the Board didn't meet often. He thanked Mrs. Griggs and the other individuals for serving on the Board. Mrs. Hummel pointed out that the terms for Mr. Yoho and Mr. Edgar expired last year and asked if the Board met since that time. Mayor Robart stated they had not. It was an oversight that the reappointments were not made last year and he apologized to Council for that oversight. He stated this is the only Board that is not appointed at the beginning of the year which was why it fell through the cracks.

Committee recommended bringing out the appointments.

Council reconvened at 6:40 p.m.

PUBLIC HEARINGS

None.

SPECIAL COMMITTEES

Mr. Gorbach stated the Special Committee is in favor of the Mayor's appointments as listed in his May 6, 2003 letter and he moved for their adoption; second by Mrs. Klinger. Motion passed. Voice Vote (11-0).

STANDING COMMITTEES

PLANNING & ZONING

Nothing to report.

FINANCE

Temp. Ord. No. B-76

Council Clerk read B-76 (third reading). Mr. Gorbach moved to adopt B-76, second by Mrs. Klinger. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-77

Council Clerk read B-77 (third reading). Mr. Gorbach moved to adopt B-77, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

PUBLIC IMPROVEMENTS

Temp. Ord. No. B-78

Council Clerk read B-78 (third reading). Mr. Walters moved to adopt B-78, second by Mrs. Klinger. Motion passed. Voice Vote (11-0).

PUBLIC AFFAIRS

Temp. Ord. No. B-69

Council Clerk read B-69 (third reading). Mr. James moved to adopt B-69, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

COMMUNITY DEVELOPMENT

Temp. Res. No. B-80

Council Clerk read B-80 (third reading). Mr. Bauer moved to adopt B-80, second by Mr. Potts. Motion passed. Voice Vote (11-0).

SCHEDULE OF MEETINGS

Planning & Zoning Committee:	Monday, June 2, 2003 6:15 p.m.
Finance Committee:	6:20 p.m.
Public Improvements Committee:	6:25 p.m.
Public Affairs Committee:	6:30 p.m.
Community Development Committee:	Subject to call.

MISCELLANEOUS BUSINESS

Mr. Gorbach stated when Council initially discussed these two charter amendments (B-67 & B-68) on April 21, 2003, he mentioned that he thought it was very important to speak with the safety force unions to perhaps reach a middle ground on the proposed changes set forth by the Mayor and his Administration. It was made clear that evening by Mayor Robart that if an agreement could not be reached to his satisfaction, he would seek the signatures necessary to place the two items on the fall ballot. It was decided at that time to hold these two pieces of legislation until after the Administration met with the unions and Councilman James. One meeting did occur and produced little progress.

Mr. Gorbach stated at each of the subsequent Committee meetings, Mr. James was asked to hold these pieces of legislation by the Law Department with no one from the Cabinet or from Council (Democrat or Republican) objecting to that action. In the Monday, May 26 Akron Beacon Journal, the Mayor made it seem as if he has been waiting for a vote on this legislation when all along it has been his law director requesting the legislation be held. In fact, Mr. Gorbach was made aware that a member of the law department called the Board of Elections at the end of April inquiring as to the method of placing a charter amendment on the ballot. This was followed by the actual petitions for doing so being picked up from the Elections Board two weeks ago. The Mayor could care less how Council votes on these amendments: his mind has been made up to move forward. More disturbing to him was the comment in the article from Mrs. Pyke insinuating that some of the Democrats on Council were intentionally holding these amendments for political reasons. He stated this was absolutely untrue and feels it smacks of the very politics she accuses the Democrats of practicing.

Mr. Gorbach pointed out that Paul Moledor, Jack Davis, Don Cooper, Jim Wray, Mike Dunton, Matt Marino, Bob Leonard, Lou Dirker, Jim Bidwell, Wayne Bowen, Randy Rivers, Tom Pozza, Mark Snyder, John Conley, and even Don Smith were hired and promoted within this "Bad" system. Mr. Gorbach feels the system is not due for the radical overhaul that the Mayor proposes and he does not support the language as offered in the legislation. He believes what the City needs most after the installation of Chief Conley, is to give Chief Conley time to bring his department together and to unify his personnel to move in his direction. What the City does not need is for the Mayor to force two controversial issues to the ballot, one of which affects the Police Department, thereby creating stress and anxiety in a department that has recently had more than its share. Mr. Gorbach is disappointed that the Mayor, as Public Safety Director, has chosen now to push this agenda.

Mr. Gorbach stated that some members of Council may vote "yes" on these two pieces of legislation and hide behind the convenient excuse that such a vote merely allows the taxpayers to vote on the issues themselves in November. Certainly, our residents have that right. However, he feels under these circumstances, that logic is misplaced. The issues will be on the ballot regardless. The Mayor has made that clear with the effort already underway. Therefore, a "yes" vote on B-67 and B-68 in Mr. Gorbach's opinion **IS** an endorsement of these charter changes as written and all of the residents, including the safety force personnel, should accept each "yes" vote as such. He stated he would like each council member during the roll call of votes to state their vote and if they are for or against the ballot language. For example, his response will be "no" and "against."

Mayor Robart stated that Council has until August to do something with the legislation. He denied this legislation is a knee-jerk reaction. These issues were recommended by this Administration and the Charter Review Commission in 1990 and 1995. They could see years ago that this was going to be a problem. Council was dominated by Democrats in 1990 and 1995 and the legislation was voted down. What Administration is doing is nothing but a fall-back measure in case Council does not come to a conclusion about the legislation. They met with the unions, and the police union representative was clearly against any modification. He stated by placing it on the ballot, they are just trying to give people the right to vote on the issue.

Mrs. Pyke stated she felt Mr. Gorbach's statements were made for the press. She was tired of Council introducing legislation one week and then holding it the next. She feels Council is holding a lot of legislation. She was not included in any of the meetings regarding this particular legislation, and she told the reporter that she could not comment on anything that was said. She was told that things were not going well. She does not like to be accused of playing politics. She tries to run her Ward by doing what is best for all her residents.

Mr. Gorbach told Mrs. Pyke if she felt she was misquoted, she should so inform Mr. Webb. He pointed out that Mr. James stated at the beginning of his Committees that the legislation was being held at the request of the Law Department. For the Mayor to say he is waiting for a response from Council makes it seem like Council is delaying the legislation intentionally. Mr. Gorbach stated he was fine with the path being taken until the article came out accusing Council of intentionally holding the legislation. He does not know how anyone can say it is a political issue when Mr. James stated at the start of each Committee meeting that Administration was requesting the legislation be held. What it boils down to is that there is a lack of communication from Administration to Council. He denies that his comments were made for the press, and stated that it was Mrs. Pyke who initially spoke to the press, not him. If he made them for the press, he would have had Mr. Webb present tonight.

Mayor Robart stated they gave Council a message that if a conclusion is not reached, they are going to have petitions. They want to have a fall-back plan. Mr. Gorbach stated that is fine but if Administration requests that Council hold something, Council assumes Administration is doing more work on the legislation. Council is trying to be accommodating.

Mr. James recapped the history. He stated when the legislation was first discussed in Committee, it was agreed that the Mayor would have a meeting with Administration, Mr. James and the union representatives. A meeting was held. The following Monday, Mr. Arrington stated he wanted to hold the legislation. At the next Committee, the legislation was again held per Administration. Mr. James was fully intending to discuss the issues last Monday night but he received a call from Mr. Arrington saying they wanted the legislation held. His Committee has been honoring Administration's request to hold the legislation. The *Beacon* article makes it sound like Council held it intentionally. He wants to make it clear that the holding of these pieces of legislation was at the request of Administration. Mrs. Pyke asked if they have had another meeting scheduled. Mr. James said no. Mrs. Pyke asked if the Committee was ready with any amendment language. Mr. James said no but they could be. They were going to discuss it last week to see what the unions, Administration and Council had to say. Mayor Robart stated that just because Council is asked to hold something doesn't mean it has to hold it. Council can do whatever it wants. Mrs. Hummel stated she was not present at the last Committee meetings but feels that Mr. James was acting in the spirit of cooperation. She asked Mr. James if he intends to discuss the legislation next week. Mr. James stated he was. Mrs. Hummel stated that hopefully the other unions will be represented and we can have some discussion to see if there is any movement. Her understanding was that there was none.

Mrs. Klinger asked if there was any interest from either organization to change the language. Mr. James stated the fire union representative recommended going to the Rule of Three from the Rule of One, as opposed to the Rule of Ten. Mrs. Klinger stated she would like to see the group have one more meeting before they come back to Council.

Mrs. Hummel requested that Community Development provide each member of Council, including the Clerk, with a copy of the documentation that goes with B-81. She stated these are major changes that are being looked at for sign and landscaping code, and it will take quite a while to review it all.

Regarding B-67 and B-68, Mr. Flinn asked if a meeting could be announced so that others on the Committee could attend. Ms. Jones of the Law Department stated that if it was announced tonight and made so anyone could attend, it would not violate the Sunshine Law. Mr. James asked about Friday at noon. Ms. Jones stated she would put notices up in the building. She will tentatively get conference room A. She will let everyone know if that changes due to non-availability. Mayor Robart stated he would have someone attend the meeting if he could not.

Mr. Schmidt moved to adjourn, second by Mr. Gorbach. Motion passed. Voice Vote (11-0). Meeting adjourned at 7:05 p.m.

Kathy Hummel, Council President

Cathleen J. Beebe, Council Clerk