

Cuyahoga Falls City Council
Minutes of the Council Meeting
June 9, 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. Potts

APPROVAL OF MINUTES

The minutes of the May 27, 2003 regular Council meeting and the June 2, 2003 Special Council meeting were approved as submitted.

REPORTS AND COMMUNICATIONS

1. A report of the Building Department for the month of May, 2003
2. A notice from the Ohio Division of Liquor Control for a liquor permit request for Dominic M. Dilullo dba Marios Bar & Grill at 2467 State Road.

NEW LEGISLATION

Temp. Ord. No. B-90 (Planning & Zoning Committee)

AN ORDINANCE AUTHORIZING AND APPROVING THE VARIANCES FOR A MINOR SUBDIVISION FOR PARCEL 35-03115, LOCATED ON HUFF DRIVE AND NORTHAMPTON ROAD FOR CHRISTOPHER AND KELLY OWEN, AND DECLARING AN EMERGENCY.

Mr. Schmidt moved to suspend the Rules in order to hold a Committee meeting on the same night as Council; second by Mr. James. Motion passed. Voice vote (11-0).

Temp. Ord. No. B-91 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO RENEW THE CONTRACT WITH HTE, INC. FOR ANNUAL SOFTWARE MAINTENANCE FOR THE UTILITY BILLING SYSTEM, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-92 (Finance Committee)

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 3505 WYOGO LAKE ROAD, CONSISTING OF SUMMIT COUNTY PARCELS #35-02402, #35-01823, #35-01824, #35-01822, #35-01821, #35-01820, #56-08351, #56-06232, #56-06236, #56-06235, #56-06234 AND #56-06233, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-93 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO MODIFICATIONS TO SELECTED CONTRACTS FOR THE CONSTRUCTION OF FALLS RIVER SQUARE, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-94 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR LEASE WITH AN OPTION TO PURCHASE CERTAIN PROPERTY LOCATED AT 2686 FRONT STREET WITH JUBILEE DONUTS, INC., AND DECLARING AN EMERGENCY.

Mr. James moved to suspend the Rules in order to hold a Public Affairs Committee meeting on the same night as Council in order to discuss Substitute B-67 and Substitute B-68; second by Mr. Gorbach. Motion passed. Voice vote (11-0).

Council recessed into a committee meetings at 6:35 p.m.

Planning & Zoning

Mr. Schmidt called the Planning and Zoning Committee meeting to order at 6:35 p.m.

Legislation Discussed

Temp. Ord. No. B-90

Mr. Schmidt read B-90 (second reading). Mrs. Hummel stated this ordinance calls for a lot split to nine and six acres. Two sisters plan to build on this property. The alternative was to have a subdivision. Summit County has approved two homes with septic service. Mrs. Pyke asked if the lots could be split again in the future. Mrs. Hummel stated they could not.

Committee recommended bringing out B-90

Planning & Zoning Committee meeting adjourned at 6:38 p.m.

Public Affairs

Mr. James called the Public Affairs Committee meeting to order at 6:38 p.m.

Legislation Discussed

Sub. Temp. Ord. B-67

Sub. Temp. Ord. B-68

Mr. James read B-67 and B-68. Mr. Arrington stated that three main issues were addressed: (1) promotions, (2) testing for chief, and (3) protection for chief. These have been added to the legislation. Mr. James stated he was happy with the new language and thanked the Unions for their participation. Mr. Gorbach feels the new language created by Council and Administration is better than the initial legislation, and he is happy the dual ballot issues were avoided. He did not think it would have been fair to the public to have to decipher between those issues. The new changes should have a positive effect on morale in both departments. Mrs. Klinger stated the current system's pitfalls have become evident as of late. She feels the City has learned and has moved forward with better language. Mrs. Pyke asked if Administration would stop the petition drive after these ordinances are passed by Council. Mr. Arrington stated it would. Mrs. Hummel stated she was pleased with the spirit of cooperation and thanked the Unions for their candid remarks and input. Mr. Potts indicated he supports the legislation and believes this will allow the Chief to have input on promotions.

Steve Durkitt, Fire union representative, thanked Council and Administration for their cooperation and the amended language. He requested to be a part of Civil Service input on new rules to reflect ballot language.

Perry Taback, FOP Gold representative, thanked Council and Administration and also requested to be included in input on new Civil Service rules.

Gus Farmakidis, 1104 McShane Drive, stated he was concerned that this will politicize the chief positions and felt there was not enough protection. Mr. Arrington responded that protections still exist if terminations can be proven to be purely political and indicated that some case law exists to support that.

Chuck Weber, 1943 Searl Street, asked if this legislation affects current chiefs. Mr. James responded that the current chiefs hired under Civil Service will remain in the system until they retire.

Committee recommended bringing out B-67 and B-68.

Public Affairs Committee adjourned at 6:57 p.m.

Committee recommended bringing out the appointments.

Council reconvened at 6:57 p.m.

PUBLIC HEARINGS

None.

SPECIAL COMMITTEES

None.

STANDING COMMITTEES

PLANNING & ZONING

Substitute Temp. Ord. No. B-70

Council Clerk read B-70 (third reading). Mr. Schmidt moved to adopt B-70, second by Mrs. Klinger. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-90

Council Clerk read B-90 (third reading). Mr. Schmidt moved to adopt B-90, second by Mrs. Klinger. Motion passed. Voice Vote (11-0).

FINANCE

Temp. Ord. No. B-82

Council Clerk read B-82 (third reading). Mr. Gorbach moved to adopt B-82, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-83

Council Clerk read B-83 (third reading). Mr. Gorbach moved to adopt B-83, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-84

Council Clerk read B-84 (third reading). Mr. Gorbach moved to adopt B-84, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-85

Council Clerk read B-85 (third reading). Mr. Gorbach moved to adopt B-85, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-86

Council Clerk read B-86 (third reading). Mr. Gorbach moved to adopt B-86, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

PUBLIC IMPROVEMENTS

Temp. Ord. No. B-87

Council Clerk read B-87 (third reading). Mr. Walters moved to adopt B-87, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

Substitute Temp. Ord. No. B-88

Council Clerk read B-88 (third reading). Mr. Walters moved to adopt B-88, second by Mr. Bauer. Motion passed. Voice Vote (11-0).

Substitute Temp. Ord. No. B-89

Council Clerk read B-89 (third reading). Mr. Walters moved to adopt B-89, second by Mr. Flinn. Motion passed. Voice Vote (11-0).

PUBLIC AFFAIRS

Substitute Temp. Ord. No. B-67

Council Clerk read B-67 (third reading). Mr. James moved to adopt B-67, second by Mr. Flinn. Motion passed. Voice Vote (11-0).

Substitute Temp. Ord. No. B-68

Council Clerk read B-68 (third reading). Mr. James moved to adopt B-68, second by Mr. Flinn. Motion passed. Voice Vote (11-0).

COMMUNITY DEVELOPMENT

Nothing to report.

SCHEDULE OF MEETINGS

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| Planning & Zoning Committee: | Subject to call. |
| Finance Committee: | Monday, June 16, 2003 6:15 p.m. |
| Public Improvements Committee: | 6:20 p.m. |
| Public Affairs Committee: | Subject to call. |
| Community Development Committee: | Subject to call. |

MISCELLANEOUS BUSINESS

Mrs. Hummel reassigned Temp. Ord. No. B-81 from Planning & Zoning to a Committee of the Whole. There will be three meetings to discuss the proposed changes as follows: June 16 at 6:25 to discuss Chapters 17-11 and 17-12; June 23 at 6:45 to discuss Chapter 17-13, and July 7, time to be announced, to discuss Chapter 17-14.

Mr. Schmidt moved to adjourn, second by Mr. James. Motion passed. Voice Vote (11-0). Meeting adjourned at 7:12 p.m.

Kathy Hummel, Council President

Timothy Gorbach, Acting Council Clerk