

Cuyahoga Falls City Council  
Minutes of the Council Meeting  
July 14, 2003

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

ROLL CALL Mr. Schmidt, absent; 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 Mrs. Hummel

PLEDGE Mr. Walters

APPROVAL OF MINUTES

The minutes from the June 9, 2003 and June 23, 2003 regular Council meetings and the June 30, 2003 Special Council meeting were approved as submitted.

REPORTS AND COMMUNICATIONS

1. A report of the Building Department for the month of June, 2003.
2. A notice from the Ohio Division of Liquor Control for a new liquor license to Duane Rodney Baysinger dba Falls Beverage & Drive Thru, 2122 Byrd, Cuyahoga Falls, OH 44221.

NEW LEGISLATION

Temp. Ord. No. B-101 (Planning & Zoning Committee)

AN AUTHORIZING AND APPROVING THE SITE PLAN FOR DEVELOPMENT OF AN ADVANCE AUTO PARTS STORE AT 2249 STATE ROAD IN A HIGHWAY SERVICE COMMERCIAL (C-H) ZONING DISTRICT, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-102 (Planning & Zoning Committee)

AN ORDINANCE AUTHORIZING AND APPROVING THE SITE PLAN FOR THE DEVELOPMENT OF A PIZZA HUT CARRYOUT AND DELIVERY UNIT AT 2897 STATE ROAD IN A HIGHWAY SERVICE COMMERCIAL (CH) ZONING DISTRICT AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-103 (Planning & Zoning Committee)

AN ORDINANCE AUTHORIZING AND APPROVING A CONDITIONAL ZONING CERTIFICATE FOR 1260 MAIN STREET, PARCELS 02-18675 AND 02-00611, IN A HIGHWAY SERVICE COMMERCIAL (C-H) ZONING DISTRICT FOR THE CONSTRUCTION OF AN AUTOMOBILE DEALERSHIP, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-104 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT EXTENSION WITH AKRON CENTRAL EQUIPMENT REPAIR FOR PREVENTIVE MAINTENANCE AND REPAIR SERVICE FOR CERTAIN SPECIALIZED VEHICLES AND EQUIPMENT IN THE SANITATION UTILITIES DEPARTMENT, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-105 (Finance Committee)

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH JAMES G. ZUPKA, CPA, INC. FOR PROFESSIONAL AUDITING SERVICES TO COVER THE YEAR 2003, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-106 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A CONTRACT OR CONTRACTS ACCORDING TO LAW FOR THE CONTINUED MAINTENANCE OF THE MULTI-JURISDICTIONAL MOBILE DATA MESSAGE SWITCH, MOBILE DATA SOFTWARE AND THE SERIES 400 MDT/MCT BASE LAW ENFORCEMENT CAD INTERFACE, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-107 (Finance Committee)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH A TRAFFIC ENGINEERING FIRM TO PROVIDE PROFESSIONAL CONSULTING SERVICES, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-108 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MODIFICATION OF THE CONTRACT WITH GGC ENGINEERS, INC., FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE CONSTRUCTION OF FALLS RIVER SQUARE, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-109 (Public Improvements Committee)

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE RECONSTRUCTION OF CALEB STREET FROM GRAHAM ROAD TO MOULTON AVENUE, ELMWOOD STREET FROM GRAHAM ROAD TO MOULTON AVENUE, MOULTON AVENUE FROM BAILEY ROAD TO 140 FEET WEST OF ELMWOOD STREET INCLUDING THE INTERSECTION OF MOULTON AVENUE AND ELMWOOD STREET AND MOULTON AVENUE AND CALEB STREET, INCLUDING BUT NOT LIMITED TO DRIVEWAY APRONS, SANITARY AND STORM SEWERS, WATER LINES, CATCH BASINS, STREET LIGHTING, PAVING, RESTORATION AND LANDSCAPING, TOGETHER WITH NECESSARY APPURTENANCES INCIDENTAL THERETO, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-110 (Public Improvements Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE PAYMENT TO THE OHIO DRILLING COMPANY FOR EMERGENCY REPAIRS TO WELL #2 PUMP, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-111 (Public Improvements Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR CLEANING AND REPAIRING WATER WELLS FOR A TWO-YEAR PERIOD, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-112 (Public Improvements Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR REPAIRS TO THE DOMED SALT STORAGE STRUCTURE AT THE SERVICE CENTER ANNEX ON BAILEY ROAD, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-113 (Public Affairs Committee)

AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE BY PROVIDING FOR INSTALLATION AND REMOVAL OF VARIOUS TRAFFIC CONTROL DEVICES, AND DECLARING AN EMERGENCY.

Temp. Res. No. B-114 (Public Affairs Committee)

A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO ATTORNEY GENERAL'S OFFICE, CHILDREN'S PROTECTION SECTION, FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE DARE GRANTS PROGRAM PURSUANT TO SENATE BILL 62 OF 1993, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-115 (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 2565 RIVER WAY ROAD, CONSISTING OF SUMMIT COUNTY PARCEL NOS. 02-12296 AND 02-12297, AND DECLARING AN EMERGENCY.

#### PUBLIC HEARINGS

Council recessed at 6:40 p.m. to hold a public hearing on Temp. Ord. No. B-81.

#### Temp. Ord. No. B-81

Council Clerk read B-81. Mr. Guerra stated they followed a context sensitive sign design, which tells what makes a good sign code. He stated the five most important things in writing a new code is to: assess overall visible character of the community, set goals, involve the citizens, make it fair to the business community and be sure it makes a positive improvement to the City. John Gann, the consultant hired by the City to help create the new code, was present and gave a summary. He stated the new code was different from what the City has currently. With regard to sign regulations, he indicated that since the present ordinance was adopted years ago, the Supreme Court stated you cannot regulate the content of signs. Therefore, the proposed new code is content neutral. There is an extremely broad range of what everyone wants on sign control. What they did was put together rules that combine control by the City and control by the sign user. This makes signs subject to a few absolute rules but mostly leaves it to incentive choices. They varied allowable sign area to go with the use of the land rather than the zoning district in which the business is situated. More restrictive rules exist for showcase areas, which would include the downtown area and around parks.

With regard to landscaping, one example of what the code requires is landscaping transition buffers along lot lines that are considered incompatible. It also requires small areas to be intensively landscaped.

With regard to the nonconformance section, all properties are legal under the present regulations and will remain legal, even if they do not conform to the new code. They are, however, subject to regulations under the nonconformance chapter. The committee has come up with an amortization Sign Nonconformity Action Plan (SNAP). This is a negotiated solution between the City and the sign user to address problems of nonconformance. SNAP aims for remediation of adverse affects and will make things better, but not perfect. The City may grant a user relief from normal rules but may impose requirements that go beyond. Both the City and user have to agree under a SNAP. A SNAP is mandatory in free-standing signs that are (1) larger than the maximum 100 sq. ft.; or (2) taller than the 20 foot maximum. The nonconformance section applies only to signs and not to landscaping.

For: Deacon David Seal, 3337 Revere Drive, reiterated this project began back in August, 2002. The committee had many meetings, discussions and revisions to come up with what they felt was a fair code. Mr. Gann and committee members have done an excellent job. The code may not be perfect but it is a step in the right direction for the City. He is very much in support of this code.

Against: None

For: Ed Davidian, 77 Meadow Lane, pointed out it was his understanding that the maximum sign height was down to 16 feet and the maximum size was 80 sq. ft. according to the sheet he received today. He stated the committee spent nine months on this code. Anyone who wanted to participate was certainly welcome. He feels we will see beautification in the City in the future.

Mr. Gann stated that the maximum height and size remained at 20 ft. and 100 sq. ft. He believed Mr. Davidian was referring to Item 3 on the memo dated July 7 which mentions an example of when the maximum height of a pole sign is more than 16 feet. The code says you can have a sign up to 20 feet but the higher you go above 10 feet, the more sign area you lose. Originally, the committee proposed a penalty for signs between 10 – 16 feet and a more severe penalty for signs above 16 feet. Instead of the two penalties, the code now has the less severe penalty that applies to signs above 16 feet. Mr. Barnhart asked what the maximum area was for someone wanting a 20 ft. high sign. Mr. Gann stated it comes to 50 sq. ft. Mr. Barnhart asked if that could increase if they took advantage of the bonuses. Mr. Gann stated if the sign user enhanced the sign by applying the bonuses listed in the code, he would get more area. They maximum they could go would be 80 sq. ft. and there is still some sign penalty to go to 20 feet. Mr. Barnhart asked what criteria is used to determine a “fancier” sign. Mr. Gann stated that Table 1712-D lists the criteria and they are not discretionary. If the user does exactly what the table says, he will get the bonus. It is clear what you have to do to receive a bonus. If you only do part, you don’t get it. Mr. Guerra stated this was one of the compromises. It is a fourth option to the memo discussed at the previous committee meeting where option 3 is capped at 80 sq. ft. Mr. Gann stated they wanted to balance flexibility on one hand with control on the other. Mr. Barnhart thanked Mr. Guerra and Mr. Gann for their time and effort. This was not an easy project.

Against: None

For: Michelle Prim, Cascade Auto Group, State Road, stated she had no idea how much work would be involved when she joined the committee. She stated that beautification was just as important and the signs, which are the life-blood of retail businesses. It is what the businesses need—not what they want. She pointed out there are 30 empty store fronts on State Road. We need to balance

what the City looks like and have companies come to the City. She spent a lot of time with the car dealers. They have agreed to compromise on a lot of different things that contribute to a business' success. The ability to transfer square footage from surface signs to non surface signs was important. They give their support as long as there are no more compromises on the height. She also felt that the SNAP is one of the best things she has seen.

Against: None

For: Mayor Robart echoed everyone's comments. He thanked Mr. Guerra, Mr. Gann, the Planning Commission, members of the City and of City Council for their time and input on this project. It represents an enormous change for the City that will be present for five, ten even 20 years down the road. It also represents a lot of compromise and will be a positive affect in the end. We have an obligation to promote this kind of positive blueprint.

Mr. Potts stated this was an important step for the community and he plans to support it. He wanted to take the opportunity to thank Mr. Gale and the people from Clear Channel who agreed to hold-off on the billboard signs at Steels Corners Road until the whole issue was resolved. He felt this was one of the more important things he's been involved in since being on Council and pointed out if changes need to be made to the code, they will make them.

Against: None

For: Cathy Sefafin, 2254 28th Street, stated she was part of the landscape committee. Two items were very important as to why the City was revising its code. If you go to the more visible areas of the City, signage is chaotic. They wanted to clean up the signs with higher quality signs and less banners. Also, enforce the maintenance and upkeep of the signs and landscaping. Some sign areas are abandoned.

Against: None

For: None

Against: None

For: None

Mrs. Hummel stated she appreciated everyone's indulgence. She personally thanked the members of the steering committee for their volunteer effort to get it where it is today. She appreciated their efforts.

Mr. Gann stated this was the last of many visits to the City. He has spent a lot of time both inside and outside of meetings and have met a lot of good people here. He commends the staff for the amount of time they spent on these regulations. It was more than most he has worked with.

The public hearing ended and Council came back into session at 7:18 p.m.

#### SPECIAL COMMITTEES

None.

STANDING COMMITTEES

PLANNING & ZONING

Temp. Ord. No. B-95

Council Clerk read B-95 (third reading). Mr. Walters moved to adopt B-95, second by Mrs. Klinger. Motion passed. Voice Vote (10-0).

FINANCE

Temp. Ord. No. B-97

Council Clerk read B-97 (third reading). Mr. Gorbach moved to adopt B-97, second by Barnhart. Motion passed. Voice Vote (10-0).

Temp. Ord. No. B-98

Council Clerk read B-98 (third reading). Mr. Gorbach moved to adopt B-98, second by Mr. Barnhart. Mr. Gorbach stated that the comments received at the committee meeting indicated everyone agreed the land needed to be cleaned-up, including the owner of the property and her attorney. The only discrepancy was when. Everyone agreed it needed to be accomplished as soon as possible. Motion passed. Voice Vote (10-0).

PUBLIC IMPROVEMENTS

Nothing to report.

PUBLIC AFFAIRS

Nothing to report.

COMMUNITY DEVELOPMENT

Nothing to report.

SCHEDULE OF MEETINGS

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|----------------------------------|----------------------------------|
| Planning & Zoning Committee:     | Monday, July 21, 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: | 6:35 p.m.                        |
| Committee of the Whole           | 6:40 p.m. to discuss B-81        |

MISCELLANEOUS BUSINESS

Mr. James moved to excuse the absence of Mr. Schmidt, second by Mr. Gorbach. Motion passed. Voice Vote (10-0).

Mrs. Pyke confirmed with Administration that METRO would be present at the committee meeting to discuss the item in Public Affairs.

Mr. Potts asked when the clean-up on Ascot will begin. Mr. Bell stated tomorrow morning at 7:30 a.m.

Mrs. Pyke thanked Mrs. Carr for the *At Your Service* publication.

Mrs. Carr gave an update on the gas program. She distributed samples of the preliminary brochure that will be going out to customers in their utility bills. They are currently negotiating with the potential gas vendor and should have it finalized by August 4. They will then update the brochure to include the price. While their main target are the Dominion customers, they will also be targeting all customers within the City. They will also be sending letters to the customers who are in the City's opt-in program. Mrs. Hummel asked if Council could be provided with copies of the letter. Mrs. Carr stated she would do that. Mrs. Carr also said if a resident's program is cheaper, they would not tell that resident to go with the City's program. She also stated the City has received PUCO approval. Mr. Walters asked about the term. Mrs. Carr stated it would be two years at a fixed price. Mrs. Pyke asked about people who come after the September sign-up. Mrs. Carr stated they would probably have a second enrollment period, which would also cover people who would move into the City after the original enrollment. Mrs. Hummel asked Mrs. Carr to keep Council informed over recess. Mrs. Carr stated she will do a letter with updated information. They just need to get something started.

Mr. Gorbach moved to adjourn, second by Mr. Flinn. Motion passed. Voice Vote (10-0). Meeting adjourned at 7:35 p.m.

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Kathy Hummel, Council President

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Cathleen J. Beebe, Council Clerk