

Cuyahoga Falls City Council  
Minutes of the Council Meeting  
July 28, 2003

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

ROLL CALL Mr. Schmidt, present; Mr. Gorbach, absent (arrived at 7:05 p.m.); 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 Mrs. Pyke

APPROVAL OF MINUTES

The minutes of the July 14, 2003 Council meeting will be approved at the next meeting.

REPORTS AND COMMUNICATIONS

1. A notice from the Ohio Division of Liquor Control regarding a transfer **from** Pungs, Inc. dba Golden Dragon, 2419 State Road, Cuyahoga Falls, Ohio **to** Pungs, Inc. dba Golden Dragon, 1634 State Road, Cuyahoga Falls, Ohio.

Mr. Schmidt moved to deviate from the normal order of business to permit residents to address Council regarding recent flooding; second by Mr. James. Motion passed. Voice vote (10-0). Mr. Schmidt moved to suspend the rules to allow people to speak; second by Mrs. Pyke. Motion passed. Voice vote (10-0).

Council recessed at 6:33 p.m. to allow residents to speak on recent flooding.

Mrs. Carr stated her department has received over 1,500 phone calls regarding flooding problems and they have plotted those locations on a map in order to determine problem areas in the City. She is most concerned about two areas: (i) the 6<sup>th</sup>-7<sup>th</sup>-Lincoln-Fairview area, and (ii) the Kilarney-Lehigh-Bailey area. Mr. Bell is looking at the areas from an engineering standpoint regarding size of storm sewers. They will be pulling all records and will be using a fiber optic camera to search for breaks or blockages. They will be working as quickly as they can. They do not have the answers yet but are committed to solving the issue. She recommended the residents get their claim forms in so they can assess the damage. FEMA may be able to assist also. It has some individual assistance programs. It also has assistance available to the City, which sustained infrastructure damage from the storm. She appreciates everyone's patience and stated they are doing the best they can to assess the matter quickly.

Mr. Christopher stated that many residents called to report that the pumps were not working. He stated his department manned every pump that night to make sure they were operating properly. They will hold two to three hours worth of flow. At no time on July 21 or in May did any of the pumps fail. If the residents saw workers out there, it was because they were checking the pumps and not because the pumps stopped working. He explained that the flashing red light indicates a high level and not a pump failure.

Bonnie Shertzinger, 731 Lincoln, stated the pumps do not work and asked why they cannot handle the rain. Mrs. Hummel asked what the capacity was before the rain last Monday. Mr. Christopher stated it was two to three hours. Mr. Shertzinger asked about the light being on before the May 15 rain. Mr. Christopher stated on July 21, he left the Council meeting and went directly to check the pump stations and found that the pumps were operating properly. Deputy Fire Chief, Paul Moledor, 731 Lincoln, stated one reason the City is updating the data base is to aid in determining where the trouble spots are. The problem with the July 21 storm is that it dumped six inches of rain over two hours. FEMA looks at things separately: business, homes and public. They can declare

one, all or none a federal disaster area. We need to get on the list to document where the problems are. Residents need to take pictures, inventory what was lost and document the damage. They will need to prove what is listed in their claim. Mrs. Carr stated that residents who did not receive the letter sent by the Mayor should call her office at 971-8240 to make sure they are on the City's list. She also mentioned they found the problem at Fairview Place.

Jim Nighman, 2858 6th Street, stated he purchased his home in 1997. In 1998, they had a sewer back-up. He understands the magnitude of the July 21 storm and could see if his problem was from too much rain water but he has sewage backing up into his basement. He thinks before the City puts more money into the Front Street and Natatorium projects, it needs to evaluate and correct the flaws in the sewer system. Mrs. Hummel stated it sounded like storm water was getting into the sewer. Mr. Bell added that under normal circumstances, storm water should not be getting into the sewer. If there is a broken pipe or broken lateral, ground water will get into the sanitary system.

Don Shertzinger asked why it happened in his area and not in other areas. Mr. Bell stated it depended on the type of pipe that is installed, the age and maintenance. Mr. Shertzinger repeated his question. Mrs. Hummel asked if the City was allowing for the fact there may be a problem in that area that has not yet been discovered. Mr. Walters stated that other communities have done smoke testing to determine whether a resident has their storm water connected to the sanitary sewer system and indicated it is a relatively inexpensive test. He added that there could be a whole block of homes that are contributing storm water to the sewer system which would be a reason certain areas are having more problems than others. Mrs. Hummel stated that it is acknowledged there are problem areas and added they do not have the answers tonight but promise to keep working on it. Mr. Shertzinger stated he filed a moral claim nine weeks ago and wanted to know what was holding it up. Mr. Arrington stated that residents who submitted a claim should have received a letter confirming the City has received the claim. The larger claims have been sent to the insurance adjusters. There is an ordinance that is being introduced tonight to change the way claims for these storms will be paid. They are trying to streamline the otherwise cumbersome process. They need time to individually evaluate the claims to determine if it was storm water or sewage. Mrs. Hummel asked if the May 15 claims would be paid this week, assuming the ordinance gets passed. Mr. Arrington stated not all of them because they are not all in. They also need to wait for the ones that were sent to the insurance agent.

Monica Streby, 2864 6th Street, stated that the City has sent TVs into the sewer and wanted to know if anyone has read it yet to see what the problem is. She added that she has not yet sent in her claim forms because she sustained so much damage. Mrs. Carr stated the tapes were reviewed but they also have a lengthy report to analyze. That will take some time. Mr. Bell stated he noticed initially there were some cracked pipes but he still needs to review the report.

Mrs. Shertzinger stated no one has addressed the health issue. She wondered how the residents were supposed to clean the sewage and sludge. Mrs. Carr stated the City has a list of restoration companies who will come in and clean it up. She said residents can call her office to get the list. Mrs. Shertzinger stated she has already cleaned it up.

Dan Conner, 2852 6th Street, wondered if the pump service lines going in or out could be inadequate which would hinder the pumps from doing their job. He also asked whether they need receipts for items that need to be replaced. Mr. Arrington stated they do not. The compensation would be for the value of what was lost. They go by what the resident documents he or she lost. Mr. Moledor added that if the City gets FEMA assistance, FEMA will be requiring documentation so the residents need to be as detailed as possible. As far as cleaning sewage themselves, residents should use one part bleach to ten parts water to get a 10% bleach solution.

Marla Nighman, 2858 6th Street, stated she called the police department twice informing them they should block off her street from Lincoln to Silver Lake because the water was over the cars. She also questioned why City employees were getting their homes pumped while neighbors stood there watching. Mrs. Carr stated they did have an issue with a City employee and they are handling it through the disciplinary process. It is not permitted and that employee is being punished. In terms of pumping water out of backyards, that is a method they are looking into.

Jennifer Reed, 237 Orville, asked what residents should do with the stuff that was taken out of their basements. She wondered if the City was going to pick it up and, if they had a lot, do they need to do anything special. Mrs. Carr stated she told sanitation to pick up everything they could. Mrs. Reed also asked what would have happened in case of a fire since their fire hydrant was under water. Mr. Moledor stated they have enough hose to go to the next hydrant and that they also carry water on the trucks. Surrounding communities would also provide aid.

John Horvath, 2846 7th Street, stated the people across the street from him have water every year and twice this year. The City has made only band-aid attempts to get it fixed. He does not get water unless it is excessive.

Rodney Bojo, 2846 6th Street, stated in 1999, his home insurance was \$250. In May, it went up to \$1,000. His agent told him it would not be a good idea for him to make another claim. He wanted to know what he is supposed to do about insurance. He also asked how Mr. Christopher could have checked the pump level when the area was flooded. Mr. Christopher stated that the pump station level is not the same as the street level so he was still able to check the pump. With regard to the insurance issues, Mr. Arrington stated the resident could note it on his claim. The normal claims process does not apply to the May 15 or July 21 storms in his mind. In the normal claims process, the City, in accordance with Ohio law, takes the position that if you have insurance to cover your loss, the City will pay the deductible. Some people misunderstand...you do not have to turn it in to your insurance company. If you have claims in the normal claims process, the City will pay the deductible. He does not think the normal process works for those two storms. He does not want to place someone in the position of having their insurance cancelled.

Tom Squibb, 236 Hayes, stated he has lived at that address for 31 years and sees the same problem all the time. They get sewage in the basements if it rains. There is also sewage sitting in the ditches at Hayes and Wilson. Mrs. Hummel asked if the City was doing anything to address the sewage in ditches. Mrs. Carr stated it was the first she's heard of it. Mayor Robart indicated the County would handle it. Mr. Christopher added it would also fall to the Summit County Health Department to spray for mosquitoes after all of the rain. Mrs. Carr stated the County has started spraying and that there are notices in the paper indicating where the spraying is occurring and when.

Fred Diebold, 235 Hayes, stated the City started pumping out of manholes and into the ditches. Their backyards are now eroding. They are on a list to get the culvert repaired. Mrs. Carr stated she would have the culvert checked.

Mr. Nighman stated there is a difference between flood water and sewage. He stated that there is a ditch from Silver Lake Avenue and that you can stand and watch the water going into the yards once the ditch fills. Mrs. Carr indicated that would have to be addressed with the engineer. Mr. Bell stated he would look into it but could not guarantee anything. Mrs. Hummel requested that she and Mr. Bauer be informed when Mr. Bell sets something up so they could also be present.

Robert Lynner, 229 Lehigh, stated the storm sewer does not work even when it rains moderately. The July 21 storm produced rapids in the street. When the drains do not work, you are going to get a high amount of rain infiltration. If water cannot go down the drain, it will go somewhere else.

Peggy McVan, 2851 7th Street, stated they live in a low spot. Water shoots out of the toilet about a foot high. She asked about the pump station and asked where it pumped to. Mr. Christopher stated the direction is towards the Akron Wastewater Plant. Mr. Bell added that that pump station goes to the Gorge.

Colleen McFaul, 2845 7th Street, stated the City needs to tell residents more about cleaning up. Mr. Moledor stated it will be on the website. Mrs. Carr added they will get something to the newspapers.

Trina Shertzinger, 823 Lincoln, asked about Chapter 155. Mr. Arrington stated that Chapter 155 is the moral claims process. If you have a sewer functioning the way it was designed to function, then the City is not liable. The City can be liable if there is a defect, knows of a defect, or fails to maintain it. The City is not legally obligated to pay most claims that come in, but it pays because it feels it has a moral issue. Typically, they get 50 to 60 claims each year. With the May 15 and July 21 storms, they will exceed that quite a bit. Mrs. Carr stated they are looking into coming up with the best way to contact people.

Jennifer Reed stated there was still standing water under the swings and slides at Linden Park and wondered if those areas could be filled with sand and rocks. Mrs. Carr indicated there was standing water at several parks. They were waiting for most of that to recede. She will get with Parks and Recreation.

Mrs. Streby asked if she should be worried about her kids playing in the backyard if there is sewage in the ditch. Mr. Moledor stated the majority would be washed out by now by the rains. He cautioned about people cleaning their basements in mixing the bleach because it is corrosive. For this reason, he added it should not be used with any other cleaning solutions.

Mayor Robart stated this has been an ongoing situation for 30 years and is totally unacceptable. In 1999, the City was led to believe that the problem was the pumps. Unfortunately, that has not solved the problem. No one should have to live in this situation. We can see where problems exist by the pins on the map. Others may have individual problems, such as incorrectly placed downspouts. This is not something we can let go and need to get it resolved. Mr. Conner pointed out that residents cannot do anything with their basements until it gets fixed.

Mrs. Hummel indicated to the residents that they have heard a commitment from Administration and Council. It is recognized that there is a problem area and it needs to be fixed. She encouraged the residents to hold feet to the fire and, if they do not get answers from the City, to call their Council representative.

Council came back into session at 8:10 p.m.

#### NEW LEGISLATION

Temp. Ord. No. B-116 (Finance Committee)

AN ORDINANCE AUTHORIZING PAYMENT OF THE MORAL CLAIM OF DALIAH M. BEATTIE, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-117 (Finance Committee)

AN ORDINANCE ESTABLISHING EXPEDITED CLAIMS PROCEDURES FOR CONSIDERATION OF CLAIMS PRESENTED BY THE SEVERE STORMS OF THE SPRING AND SUMMER OF 2003, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-118 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY KENMORE CONSTRUCTION CO. FOR EMERGENCY REPAIRS TO THE 20" SEWER MAIN IN THE GORGE, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-119 (Finance Committee)

AN ORDINANCE PROVIDING FOR CURRENT OPERATING EXPENSES IN THE CITY OF CUYAHOGA FALLS GENERAL FUND BY INCREASING APPROPRIATIONS WITHIN THE FUND FOR THE YEAR 2003, AND DECLARING AN EMERGENCY.

Mr. Gorbach moved to suspend the Rules in order to hold a Finance Committee meeting on the same night as Council to discuss B-116, B-117, B-118 and B-119; second by Mr. James. Mr. Gorbach stated that due to Council's upcoming recess, we need to move as quickly as possible. Motion passed. Voice vote (11-0).

Temp. Ord. No. B-120 (Public Affairs Committee)

AN ORDINANCE AMENDING CHAPTER 1321 OF THE CODIFIED ORDINANCES WITH THE ADDITION OF SECTION 1321.05 REQUIRING THE INSTALLATION OF SUMP PUMPS IN ALL NEWLY CONSTRUCTED ONE, TWO AND THREE FAMILY DWELLINGS, 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 to discuss B-120; second by Mr. Flinn. Mr. James stated we need to get this handled before the recess. Motion passed. Voice vote (11-0).

Temp. Res. No. B-121 (Community Development Committee)

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE DEPARTMENT OF NATURAL RESOURCES, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-122 (Community Development Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE LEASE WITH AN OPTION TO PURCHASE CERTAIN PROPERTY LOCATED AT 2730 FRONT STREET WITH HUDSON RAILWAY COMPANY, AND DECLARING AN EMERGENCY.

Mr. Bauer moved to suspend the Rules in order to hold a Community Development Committee meeting on the same night as Council to discuss B-121; second by Mr. Barnhart. Motion passed. Voice vote (11-0).

Mr. James moved to suspend the Rules in order to hold a Committee of the Whole meeting to discuss B-81; second by Mr. Flinn. Motion passed. Voice vote (11-0).

Council recessed into committee meetings at 8:14 p.m.

Finance Committee

Mr. Gorbach called the Finance Committee meeting to order at 8:14 p.m.

Legislation Discussed

Temp. Ord. No. B-116

Temp. Ord. No. B-117

Temp. Ord. No. B-118

Temp. Ord. No. B-119

Temp. Ord. No. B-116. Mr. Gorbach read B-116 (second reading). Mr. Gorbach stated this was approved by the moral claims commission. He supports this legislation and suggests the claim be paid. Mr. Potts pointed out this claim was over a year old and had nothing to do with the May 15 and July 21 storms. Mr. Gorbach stated the residents had some issues. Mr. Potts added this was one of the areas in Ward 8 that the City needs to get a sewer to. One of the first calls he took last Monday was from this lady.

Committee recommended bringing out B-116.

Temp. Ord. No. B-117. Mr. Gorbach read B-117 (second reading). Mr. Arrington stated he indicated to Council last week that he would be looking to do something different with the claims received due to the May 15 and July 21 storms. They are trying to streamline the process because the moral claims process is cumbersome. What they are proposing is, if it is clear the claims should be paid, they want to pay them through the Board of Control. If a resident submits a claim for \$150 and the City determines it will pay the \$150, then the resident would not need to come in and the claim would just be paid. If the City determines it will not pay that amount, Mr. Arrington will set up a claims commission meeting for the resident to come in to speak. This will allow the City to pay claims that need to get paid. Mr. Gorbach agrees. The moral claims process is a good process but this is beyond anything that moral claims can handle. He is confident in Mr. Arrington's ability to identify those claims that can be paid. Moral claims can deal with the others in the normal course of business. Mr. Schmidt asked if this was for all claims arising from severe storms. Mr. Arrington stated just storms from this year's spring and summer season. Mrs. Pyke asked when the City will know about money from FEMA and asked how the residents will know whether to go to FEMA or the City. Mrs. Carr stated the timeline is not clear. FEMA would set up a center in an area where residents can come to fill out the paperwork. FEMA would then analyze their claim. She feels the City has a good chance to get assistance for individuals as well as for the City's infrastructure.

Mrs. Klinger asked if the payment of claims will be subject to the Board of Control dollar limit. Mr. Arrington stated they would and that he would bring any claims over the \$15,000 limit to Council. Mrs. Klinger asked what would happen if the City decides to pay an amount that the resident does not feel is adequate. Mr. Arrington stated they would have that worked out before it gets to Board of Control. They are basically looking at people in problem areas and people with small claims. Larger claims need to go to Wichert. If the claims adjuster says the claim is worth X dollars, the resident is informed and asked if he/she approves. If they do, the claim goes to Board of Control. If they do not, it goes to the claims commission. Mrs. Klinger asked how the residents will be kept informed as to where they are in the claims process. Mr. Arrington stated he sent a letter to the

May 15 people. They have one actual claim from last Monday. He will send a letter to each person explaining what the process will be. Mrs. Klinger stated the moral claims process takes a long time. She would hate to see the residents wait three or four months to get sewage claims covered. Mr. Schmidt asked Mrs. Carr if she has contacted any congressional delegation. Mrs. Carr stated she has not and admitted it was a good idea.

Committee recommended bringing out B-117.

Temp. Ord. No. B-118. Mr. Gorbach read B-118 (second reading). Mr. Christopher stated that on July 12, a tree fell and severed the 20” sewer main in the Gorge, causing it to discharge raw sewage into the river. They informed the EPA and contacted Kenmore to get it repaired. It is now fixed and the problem is resolved.

Mrs. Klinger thanked Administration for their work with the complaints and for what they have done for these people. Mr. Gorbach thanked Council members as well.

Committee recommended bringing out B-118.

Temp. Ord. No. B-119. Mr. Gorbach read B-119 (second reading). Mr. Brodzinski stated they originally had a chairman of Civil Service here. They budgeted X dollars for Civil Service. The main portion of \$30,000 is advertising or testing. It has been as low as \$17,000 and as high as \$47,000. Given this year’s testing, they estimate they will need additional funds. They originally had \$20,000 but think \$15,000 should be able to cover for the rest of the year. Mr. Gorbach asked if they want to change to the \$15,000. Mr. Brodzinski stated it did not matter but if it was changed, it would be in lines 18 and 22. Mr. Gorbach indicated he would make a formal motion during voting.

Committee recommended bringing out B-119.

Finance Committee adjourned at 8:30 p.m.

#### Public Affairs Committee

Mr. James called the Public Affairs Committee meeting to order at 8:30 p.m.

#### Legislation Discussed

Temp. Ord. No. B-120

Temp. Ord. No. B-120. Mr. James read B-120 (second reading). Mr. Potts stated the events of the past week brought this on. The majority of new construction is occurring in his Ward. Some of the homes have pumps and some do not. Those that do not had problems and those with pumps did not. He feels the City should require a pump be installed when new construction is taking place. You may be talking about a few hundred dollars for a pump versus several thousand dollars of flood damage. He feels it should be included in the building code to help those areas where a developer does not put one in. Mr. James agrees. Mr. Gorbach asked if the City would want to specify a main pipe size and pump. Mr. Bell stated they normally leave that to the plumber. Mrs. Pyke asked about the houses being built on High Street. Mr. Bell stated they already have their permit so this does not apply. Mr. Potts asked when this would go into effect. Mr. Arrington stated it will apply to anyone seeking to get a permit and will go into effect as soon as the Mayor signs it.

Don Nelsch, North Haven Blvd., asked why it was limited to one, two and three family houses and didn't include apartments. Mr. Arrington stated the City's building code follows the State code. Mr. Bell added that the State code requires it automatically for apartments.

Committee recommended bringing out B-120.

Public Affairs Committee adjourned at 8:38 p.m.

#### Community Development Committee

Mr. Bauer called the Community Development Committee meeting to order at 8:38 p.m.

#### Legislation Discussed

Temp. Ord. No. B-121

Temp. Ord. No. B-121. Mr. Bauer read B-121 (second reading). Mr. Pierson stated this will permit Parks & Recreation to submit grant requests to secure funds from the Land and Conservation Fund as a matching fund grant for another phase at Keyser Park. They have had a long-standing request to put in a gazebo. They would have the matching funds from the rec. levy to make it happen if they get this grant. Mr. Bauer asked if the City could get this grant money for other parks. Mr. Pierson stated it could for capital projects. You can request it once a year. Mrs. Klinger asked what the cap was on the grant. Mr. Pierson stated there is none. The total project is \$300,000 so the City's portion would be \$150,000. Mrs. Klinger asked how much was being awarded to land and water. Mr. Pierson stated the average grant is \$150,000. Mrs. Pyke asked, when looking at the Master Plan, if the City would also be looking at a dog park. Mr. Pierson stated there is a group currently meeting about that. Mr. Potts stated this will be a nice feature for the entire community.

Committee recommended bringing out B-121.

Community Development Committee adjourned at 8:40 p.m.

#### Committee of the Whole

Mrs. Hummel called the Committee of the Whole to order at 8:40 p.m.

#### Legislation Discussed

Temp. Ord. No. B-81

Temp. Ord. No. B-81. Mrs. Hummel read B-81 (second reading). Mrs. Hummel indicated there were a couple of changes under nonconformity. Mr. Guerra stated those were based on past conversations and were mostly about the make up of the committee. Specifically, Council wanted to make sure the Mayor could appoint only one member. Mrs. Hummel asked about the recovery of lost sign area on page 1712. The language has been changed to refer to another Chapter. It was 80 sq. ft. maximum for regular and 40 sq. ft. for showcase. It went back to 100 sq. ft. and 50 sq. ft. Mr. Guerra stated it was no particular reason. 100 sq. ft. is for certain sign frontage. Mrs. Hummel stated under Declared Nuisances on page 1714-8, she would like the time requirement to screen dumpsters to be amended from 24 months to 60 months and stated she will make the amendment at the time



of voting. Mr. Gorbach asked if the SNAP would come into play regarding dumpster screening. Mr. Guerra stated that with the amendment anyone with a dumpster must screen it within five years. Mr. Potts thought five years was excessive for someone to clean up an eyesore. Mr. Schmidt stated that screening was moving in the right direction. He was not sure that 24 months was realistic. Mr. Gorbach agreed and also thinks they are eyesores. His concern is the time limit as it would apply to the schools, who are getting hammered with funding. Mr. Barnhart suggested perhaps going with a compromise of three years. Mr. Flinn agreed with Mr. Barnhart. He is getting complaints from residents about the dumpsters on River Front.

Don Nelsch, North Haven Blvd., stated if you make it a five-year period, people will think they have five years so they will do nothing until the last minute.

Mrs. Hummel commented that any further changes will not be on the normal three-week legislation cycle. It will be more like six weeks. Her feeling is that Council needs to pass legislation in the best form possible. She does not think this is in the best form but she is willing to compromise to bring it out tonight.

Committee recommended bringing out B-81.

Committee of the Whole adjourned at 8:55 p.m.

Council reconvened at 8:55 p.m.

#### PUBLIC HEARINGS

None.

#### SPECIAL COMMITTEES

None.

#### STANDING COMMITTEES

#### COMMITTEE OF THE WHOLE

Temp. Ord. No. B-81

Council Clerk read B-81 (third reading). Mrs. Hummel moved to amend B-81 in the attachment on page 1714-8 under section 1714.01(K)(3)(A) to strike "24" and replace it with "60"; second by Mr. Schmidt. Roll call: Mr. Schmidt – yes; Mr. Gorbach – yes; Mr. Flinn – no; Mr. Barnhart – no; Mr. Potts – no; Mr. James – yes; Mr. Walters – yes; Mrs. Pyke – no; Mrs. Klinger – no; Mr. Bauer – yes; Mrs. Hummel – yes. Motion passed. (6-5). Mrs. Hummel moved to adopt amended B-81; second by Mr. Flinn. Motion passed. Voice vote (11-0).

#### PLANNING & ZONING

Temp. Ord. No. B-101

Council Clerk read B-101 (third reading). Mr. Schmidt moved to adopt B-101; second by Mrs. Klinger. Mr. Schmidt stated this will be preferable to what is there now. Motion passed. Voice vote (11-0).

Temp. Ord. No. B-102

Council Clerk read B-102 (third reading). Mrs. Pyke moved to excuse Mrs. Klinger from voting on this legislation; second by Mr. Flinn. Motion passed. Voice vote (11-0). Mr. Schmidt moved to adopt B-102, second by Mrs. Pyke. Motion passed. Voice Vote (10-0).

Temp. Ord. No. B-103

Council Clerk read B-103 (third reading). Mrs. Hummel moved to amend B-103 at the end of line 36 to indicate the additional condition that no cars be permitted to be displayed on the roof as per the drawings; second by Mrs. Pyke. Motion passed. Voice vote (11-0). Mr. Schmidt moved to adopt amended B-103, second by Mrs. Klinger. Motion passed. Voice Vote (11-0).

### FINANCE

Temp. Ord. No. B-96

Council Clerk read B-96 (third reading). Mr. Gorbach moved to adopt B-96, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-104

Council Clerk read B-104 (third reading). Mr. Gorbach moved to adopt B-104, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-105

Council Clerk read B-105 (third reading). Mr. Gorbach moved to adopt B-105, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-106

Council Clerk read B-106 (third reading). Mr. Gorbach moved to adopt B-106, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-107

Council Clerk read B-107 (third reading). Mr. Gorbach moved to adopt B-107, second by Mr. Barnhart. Motion passed. Voice Vote (10-1).

Temp. Ord. No. B-108

Council Clerk read B-108 (third reading). Mr. Gorbach moved to adopt B-108, second by Mr. Schmidt. Roll Call: Mr. Schmidt – yes; Mr. Gorbach – yes; Mr. Flinn – yes; Mr. Barnhart – yes; Mr. Potts – yes; Mr. James – yes; Mr. Walters – yes; Mrs. Pyke – yes; Mrs. Klinger – yes; Mr. Bauer – no; Mrs. Hummel – no. Motion passed. (9-2).

Temp. Ord. No. B-116

Council Clerk read B-116 (third reading). Mr. Gorbach moved to adopt B-116, second by Mrs. Klinger. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-117

Council Clerk read B-117 (third reading). Mr. Gorbach moved to adopt B-117, second by Mr. Barnhart. Mr. Gorbach stated he looks for these claims to be handled as quickly as possible through Board of Control. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-118

Council Clerk read B-118 (third reading). Mr. Gorbach moved to adopt B-118, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-119

Council Clerk read B-119 (third reading). Mr. Gorbach moved to amend B-119 by deleting "\$20,000" and replacing it with "\$15,000" at the end of line 18 and line 22, second by Mr. Barnhart. Motion passed. Voice Vote (11-0). Mr. Gorbach moved adopt amended B-119, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

#### PUBLIC IMPROVEMENTS

Temp. Ord. No. B-109

Council Clerk read B-109 (third reading). Mr. Walters moved to adopt B-109, second by Mrs. Pyke. Mr. Walters stated the residents will be happy with the totals which are lower than the estimates and indicated he has provided them with information regarding hardships. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-110

Council Clerk read B-110 (third reading). Mr. Walters moved to adopt B-110, second by Mr. Bauer. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-111

Council Clerk read B-111 (third reading). Mr. Walters moved to adopt B-111, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-112

Council Clerk read B-112 (third reading). Mr. Walters moved to adopt B-112, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

#### PUBLIC AFFAIRS

Temp. Ord. No. B-113

Council Clerk read B-113 (third reading). Mr. James moved to adopt B-113, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

Temp. Res. No. B-114

Council Clerk read B-114 (third reading). Mr. James moved to adopt B-114, second by Mr. Flinn. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-120

Council Clerk read B-120 (third reading). Mr. James moved to adopt B-120, second by Mr. Flinn. Motion passed. Voice Vote (11-0).

COMMUNITY DEVELOPMENT

Temp. Ord. No. B-115

Council Clerk read B-115 (third reading). Mr. Bauer moved to adopt B-115, second by Mr. James. Motion passed. Voice Vote (11-0).

Temp. Res. No. B-121

Council Clerk read B-121 (third reading). Mr. Bauer moved to adopt B-121, second by Mr. James. Motion passed. Voice Vote (11-0).

SCHEDULE OF MEETINGS

Planning & Zoning Committee:	Subject to call.
Finance Committee:	Subject to call.
Public Improvements Committee:	Subject to call.
Public Affairs Committee:	Subject to call.
Community Development Committee:	Tuesday, September 2, 2003 at 6:15 p.m.

MISCELLANEOUS BUSINESS

Mrs. Hummel asked Administration to explain about the problem on Fairview. Mr. Bell stated that they discovered someone had connected to the storm sewer without telling anyone. It was done incorrectly and is blocking the pipe. Mrs. Carr stated they want to get it fixed this week and will figure out who did it later. Mrs. Pyke asked if that individual would be held legally liable. Mr. Arrington stated they will have to assess it. They need to check the evidence as to who did what. Mr. Flinn asked if they expect it to resolve the problems in both blocks. Mrs. Hummel stated it will certainly fix most of the problem. Mrs. Pyke asked to get her Ward information once Administration has completed the data base.

Mrs. Hummel stated she appreciated everyone's cooperation tonight. The residents needed to vent. She appreciates the commitment to finding the problems and getting them fixed. Mrs. Pyke also thanked Chief Conley and Chief Snyder. They both played an integral part on July 21.

Mr. Flinn stated that Mrs. Truby needs to be congratulated and applauded for her work on Falls River Square in getting everything pulled together. It was an outstanding job by everyone.

Mrs. Pyke moved to adjourn, second by Mr. James. Motion passed. Voice Vote (11-0). Meeting adjourned at 9:20 p.m.

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Kathy Hummel, Council President

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Cathleen J. Beebe, Council Clerk