

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

July 28, 2008

- Call to Order:** Mr. James at 6:36 p.m.
- Roll Call:** Mrs. Hummel, present; Mrs. Colavecchio, present; Mr. Walters, present; Mrs. Ritzinger, absent; Mr. Ihasz, present; Mr. Rubino, present; Mrs. Klinger, present; Mrs. Pyke, present; Mr. Barnhart, absent; Mr. Mader, present; Mr. James, present.
- Invocation:** Mrs. Hummel
- Pledge of Allegiance:** Mrs. Pyke
- Approval of Minutes:** The minutes from the July 14, 2008 regular Council meeting and the July 21, 2008 Special meeting have been approved as submitted.
- Reports and Communications:**
1. A letter dated July 11, 2008 from the Ohio Division of Liquor Control regarding the October 1, 2008 expiration of liquor permits within the City.
 2. A notice from the Ohio Division of Liquor Control regarding a liquor license transfer from Outback Cleveland II Limited Partnership to Outback Steakhouse of Florida LLC dba Outback Steakhouse at 738-44 Howe Avenue, Cuyahoga Falls, Ohio.

New Legislation (First Reading)

Temp. Ord. A-87 (Finance)

An ordinance authorizing payment of the moral claim of Jonathan Franks as approved by the Claims Commission, and declaring an emergency.

Temp. Ord. A-88 (Finance)

An ordinance accepting applications and designating depositories for the active and interim funds of the City of Cuyahoga Falls for the five-year period beginning August 23, 2008 and ending August 22, 2013, and declaring an emergency.

Temp. Res. A-89 (Finance)

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.

Mr. Walters moved to suspend the rules in order to hold a Finance committee meeting on the same night as Council to discuss Temp. Ord. A-87 and Temp. Res. A-89, second by Mrs. Pyke. Motion passed, voice vote (9-0).

Temp. Res. A-90 (Public Affairs)

A resolution expressing opposition to the application of the Alside Division of Associated Materials, Inc. to cease aquifer testing at 3773 State Road, and declaring an emergency.

Mrs. Hummel moved to suspend the rules in order to hold a Public Affairs committee meeting on the same night as Council to discuss Temp. Res. A-90 second by Mrs. Pyke. Motion passed, voice vote (9-0).

Temp. Ord. A-91 (Community Development)

An ordinance authorizing the City of Cuyahoga Falls to supply electrical utilities to the proposed Northern Summit Smart Office and Medical Campus – Ohio Job Ready Sites Project Area, as fully described in the Northern Summit Smart Office and Medical Campus – State of Ohio, Department of Development Job Ready Sites application submitted to the State of Ohio, Department of Development, on May 15, 2008 and declaring an emergency.

Mr. Ihasz moved to suspend the rules in order to hold a Community Development committee meeting on the same night as Council to discuss Temp. Ord. A-91, second by Mrs. Colavecchio. Motion passed, voice vote (9-0).

Council recessed into Committee meetings at 6:42 p.m. and reconvened at 7:00 p.m.

Reports of Council's Standing Committees
(Third Reading)

Planning & Zoning

Temp. Ord. A-75

An ordinance authorizing and approving the site plan for development of the 11,000 square foot Woodridge High School Athletic Field House at 4411 Quick Road in an R-2 low-density residential district and declaring an emergency.

Mrs. Colavecchio moved to adopt Temp. Ord. A-75, second by Mrs. Hummel. Mrs. Colavecchio stated it is exciting to be part of the school district's fine achievements especially when there are school buildings in other districts that are closing or struggling to remain open. She felt that the Field House will offer all Woodridge students the chance to participate on a higher level, and she thanked everyone who helped make this dream a reality. Mrs. Hummel stated she supports the building of this project but still has concerns regarding the run-off; therefore, she will not be supporting this legislation. She hopes the run-off issue can be resolved to the satisfaction of the neighbors who had damage from the last project. Mrs. Klinger stated she knew the Alumni Association reached out to the property owners to resolve the issues and believes that the Association will hold true to its promises. For that reason, she is in support of the legislation. Motion passed, voice vote (8-1).

Temp. Ord. A-76

An ordinance authorizing and approving the site plan and conditional zoning certificate for development of an 11,954 square foot retail facility at 1841 Bailey Road in an MU-2 neighborhood center district and declaring an emergency.

Mrs. Colavecchio moved to table Temp. Ord. A-79, second by Mrs. Klinger. Motion passed, voice vote (9-0).

Finance & Appropriations

Temp. Ord. A-77

An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts for tree services for a period of two years, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. A-77, second by Mrs. Klinger. Motion passed, voice vote (9-0).

Temp. Ord. A-78

An ordinance increasing appropriations in the Capital Projects Fund, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. A-78, second by Mrs. Klinger. Motion passed, voice vote (9-0).

Temp. Ord. A-80

An ordinance amending Ordinance 10-2008 and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. A-80, second by Mrs. Klinger. Motion passed, voice vote (9-0).

Temp. Ord. A-81

An ordinance amending Ordinance 11-2008 and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. A-81, second by Mrs. Klinger. Motion passed, voice vote (9-0).

Temp. Ord. A-87

An ordinance authorizing payment of the moral claim of Jonathan Franks as approved by the Claims Commission, and declaring an emergency.

Mr. Walters moved to adopt Temp. Ord. A-87, second by Mrs. Klinger. Motion passed, voice vote (9-0).

Temp. Res. A-89

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.

Mr. Walters moved to adopt Temp. Res. A-89, second by Mrs. Klinger. Motion passed, voice vote (9-0).

Public & Industrial Improvements

No report.

Public Affairs :

Temp. Ord. A-82

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition and removal of demolition debris from dangerous buildings located at 2333 Suncrest Drive and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Ord. A-82, second by Mr. Rubino. Mrs. Hummel indicated Mr. Arrington has assured Council that the City will continue to attempt to work with the mortgage holder, who will hopefully take action so as to avoid further action being taken by the City. Motion passed, voice vote (9-0).

Temp. Ord. A-83

An ordinance amending the traffic control file by providing for installation of various traffic control devices, and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Ord. A-83, second by Mr. Rubino. Motion passed, voice vote (9-0).

Temp. Ord. A-84

An ordinance amending Ordinance 107-2007 and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Ord. A-84, second by Mr. Rubino. Motion passed, voice vote (9-0).

Temp. Res. A-90

A resolution expressing opposition to the application of the Alside Division of Associated Materials, Inc. to cease aquifer testing at 3773 State Road, and declaring an emergency.

Mrs. Hummel moved to adopt Temp. Res. A-90, second by Mr. Rubino. Motion passed, voice vote (9-0).

Community Development:

Temp. Res. A-85

A resolution authorizing the City of Cuyahoga Falls to file an application to the State of Ohio, to participate in the Clean Ohio Revitalization Fund and declaring an emergency.

Mr. Ihasz moved to adopt Temp. Res. A-85, second by Mrs. Colavecchio. Motion passed, voice vote (9-0).

Temp. Res. A-86

A resolution in support of a Clean Ohio Revitalization Fund (CORF) project located at 4610 State Road, to have any public and/or private new construction or renovation incorporate materials and methodologies that maximize economic and environmental performance through sustainable design practices, and declaring an emergency.

Mr. Ihasz moved to adopt Temp. Res. A-86, second by Mrs. Pyke. Motion passed, voice vote (9-0).

Temp. Ord. A-91

An ordinance authorizing the City of Cuyahoga Falls to supply electrical utilities to the proposed Northern Summit Smart Office and Medical Campus – Ohio Job Ready Sites Project Area, as fully described in the Northern Summit Smart Office and Medical Campus – State of Ohio, Department of Development Job Ready Sites application submitted to the State of Ohio, Department of Development, on May 15, 2008 and declaring an emergency.

Mr. Ihasz moved to adopt Temp. Ord. A-91, second by Mrs. Colavecchio. Motion passed, voice vote (9-0).

Schedule of Committee Meetings

Planning & Zoning	September 2, 2008, 6:15 p.m.
Finance	September 2, 2008, 6:20 p.m.
Public Improvements	Subject to call.
Public Affairs	September 2, 2008, 6:25 p.m.
Community Development	Subject to call.

Miscellaneous Business:

Mrs. Colavecchio moved to reconsider Sub. Ord. A-55, second by Mr. Ihasz. Mrs. Hummel stated a motion to reconsider needs to be made by a member who voted on the prevailing side, and the second as well. She still feels very strongly that Council needs to get more information on this ordinance. She has received emails from residents, as well as communication from an electric employee with Hudson. She has also received a call from a gentleman with Siemens Corporation. Council's only roll is to approve the spending of money. She feels the fact that the City committed to a project of this size with only one bid is not appropriate. There are interim systems the City can consider. Roll call: Mrs. Hummel, yes;

July 28, 2008 - Page 6

Mrs. Colavecchio, yes; Mr. Walters, no; Mr. Ihasz, yes; Mr. Rubino, yes; Mrs. Klinger, yes; Mrs. Pyke, yes; Mr. Mader, no; Mr. James, no. Motion passed (6-3).

Mrs. Colavecchio moved to excuse the absences of Mr. Barnhart and Mrs. Ritzinger, second by Mrs. Klinger. Motion passed (9-0).

Mr. James reminded those in attendance that Council is on recess during the month of August and assured the public that members would still be reachable during that time.

Mrs. Hummel moved to table Sub. Ordinance A-55, second by Mrs. Klinger. Motion passed, voice vote (9-0). Mr. James stated he will assign this Ordinance to a Committee of the Whole.

Mr. Rubino moved to send Temp. Ord. A-76 to the Planning & Zoning Committee, second by Mrs. Pyke. Motion passed, voice vote (9-0).

Mrs. Pyke moved to adjourn, second by Mrs. Klinger. Motion passed, voice vote (9-0).

Meeting adjourned at 7:20 p.m.

Jerry James, Council President

Cathleen Meacham, Clerk of Council