

Cuyahoga Falls City Council
Minutes of the Council Meeting
September 22, 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. Bauer

APPROVAL OF MINUTES

The minutes from the September 8, 2003 meeting were approved as amended.

REPORTS AND COMMUNICATIONS

1. A letter dated September 18, 2003 to Council from Mayor Robart announcing the appointment of Ed Davidian, 77 Meadow Lane, Peninsula, Ohio to the Planning Commission. Mrs. Hummel appointed a Special Committee consisting of Mr. Schmidt, Chair, Mr. Bauer and Mrs. Pyke to consider the appointment.

NEW LEGISLATION

Temp. Ord. No. B-133 (Planning & Zoning Committee)

AN ORDINANCE APPROVING THE DEDICATION PLAT OF STATE ROAD ALLEY, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-134 (Planning & Zoning Committee)

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION APPROVAL, FINDINGS AND CONDITIONS OF THE PRELIMINARY PLAT OF THE KEMPEL TRUST SUBDIVISION, AND DECLARING AN EMERGENCY.

Mr. Schmidt moved to suspend the rules in order to hold a committee meeting on the same night as Council to discuss B-133, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-135 (Finance Committee)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE CERTAIN PROPERTY LOCATED AT 2360 THIRD STREET, CUYAHOGA FALLS, OHIO, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-136 (Finance Committee)

AN ORDINANCE AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT OR CONTRACTS WITH A FIRM OR FIRMS FOR COMMUNITY CORRECTIONAL SERVICES, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-137 (Finance Committee)

AN ORDINANCE AMENDING SECTION 151.09 OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Mr. Gorbach moved to suspend the rules in order to hold a committee meeting on the same night as Council to discuss B-135, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-138 (Public Affairs Committee)

AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A LICENSE TO FALLS VILLAGE REALTY, INC., FOR THE USE OF A PORTION OF CITY PROPERTY, AND DECLARING AN EMERGENCY.

Temp. Ord. No. B-139 (Community Development Committee)

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AMENDMENTS TO THE SUMMIT COUNTY ENTERPRISE ZONE AGREEMENT AND THE COMMUNITY REINVESTMENT AREA AGREEMENT WITH AMERICHEM, INCORPORATED TO ALLOW FOR THE REMOVAL OF FIRSTMERIT BANK AND KEY BANK WHEN REFERENCING AMERICHEM, INCORPORATED IN THE AGREEMENTS, AND DECLARING AN EMERGENCY.

Council recessed into Committee meetings at 6:35 p.m.

Finance Committee

Mr. Gorbach called the Finance Committee to order at 6:35 p.m. All members were present.

The minutes from the June 30, 2003 Finance Committee meeting were approved as submitted.

Legislation Discussed

Temp. Ord. No. B-135

Temp. Ord. No. B-135. Mr. Gorbach read B-135 (second reading). Mr. Pierson stated this property was on the corner of Oakwood and Third Street and is the last property in the Natatorium block to be purchased for construction. The reason they want to get this property now is it will create 25 additional parking spaces for the existing Natatorium. The City had an appraisal and the guardian of the property was required to get a court-appointed appraisal. The purchase price is a compromise between the two. Mr. Gorbach stated the City has been after that property for a long time. Mr. Schmidt asked what the square footage was. Mr. Pierson stated the house was 2,580 sq. ft. The contract is in the works and hopefully the City will have possession within two weeks. Mrs. Pyke asked, since the home was so old, if there was anything worth salvaging of historical significance. Mr. Pierson replied that the family has stripped the house. They held an auction and got rid of anything of value. Mrs. Pyke said she'd rather see things go to someone than to have them torn down.

Committee recommended bringing out B-135.

Finance Committee adjourned at 6:40 p.m.

Planning & Zoning Committee

Mr. Schmidt called the Planning & Zoning Committee meeting to order at 6:40 p.m. All members were present.

The minutes from the July 21, 2003 Planning & Zoning Committee meeting were approved as submitted.

Legislation Discussed

Temp. Ord. No. B-133

Temp. Ord. No. B-133. Mr. Schmidt read B-133 (second reading). Mr. Guerra stated this was basically for bookkeeping purposes. The alley is completed and needs to be dedicated. The reason for the urgency is because the Advance Auto project needs to get going and the alley needs to be dedicated so it can be used by construction vehicles. The alley area affected is between North Haven and Phelps and between Phelps and Valley. Mr. Barnhart wanted to confirm that this was just to keep the records clear so that the alley can be used without questions. Mr. Guerra agreed. He stated everyone has access to it. Mrs. Pyke asked if the alley had a name. Mr. Guerra stated it is called State Road Alley.

Committee recommended bringing out B-133.

Planning & Zoning Committee adjourned at 6:45 p.m.

Special Committee

Mr. Schmidt called the Special Committee to order at 6:45 p.m. All members were present.

Mr. Schmidt stated the purpose of the committee was to consider the Mayor's appointment of Ed Davidian to the Planning Commission. Mr. Davidian would be replacing Mr. Sykes who resigned. Mr. Davidian stated he appreciated the opportunity to serve. He has served on a number of committees in the City and has attended meetings of others. Most recently, he was involved on the committee reviewing the City's sign code. Mr. Schmidt asked if he felt he would be able to commit the amount of time this position requires. Mr. Davidian stated he would. When he was approached about the appointment, he took some time to review the possibility and spoke to other members of the Planning Commission. He feels he is able to serve. Mr. Schmidt stated that Mr. Davidian has been an active citizen in the community. The individual who accepts this position needs to have an independent mind and not be influenced by outside forces. He stated that Mr. Davidian is known to be very opinionated and tends to take partisan positions. He asked Mr. Davidian if he felt he would be able to be open-minded and make decisions independently. Mr. Davidian stated he could. Mrs. Pyke stated she echoes what Mr. Schmidt said. As many people know, when Mr. Davidian takes it on, he does it with a passion. Mrs. Hummel stated that at last week's Planning Commission meeting there were four out of seven members present. There was a controversial project that the members were divided on. She stressed it was very important to have people appointed who were willing to show up at these meetings. Mr. Barnhart stated he has known Mr. Davidian for 15 to 17 years and feels he is a very fair person. He loves our City and seems to make the time for anything he has been active on. He has been involved in a number of wonderful things in our community. Mr. Potts echoed Mr. Barnhart's comments. Mr. Davidian lives in his ward and has pursued him relentlessly on issues in the ward. He will make an excellent Planning Commission member.

Committee recommended bringing out the appointment.

The Special Committee adjourned and Council came back into session at 6:48 p.m.

PUBLIC HEARINGS

None.

SPECIAL COMMITTEES

Mr. Schmidt moved to recommend the appointment of Mr. Davidian to the Planning Commission, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

STANDING COMMITTEES

PLANNING & ZONING

Temp. Ord. No. B-133

Council Clerk read B-133 (third reading). Mr. Schmidt moved to adopt B-133, second by Mrs. Klinger. Motion passed. Voice Vote (11-0).

FINANCE

Temp. Ord. No. B-124

Council Clerk read B-124 (third reading). Mr. Gorbach moved to adopt B-124, second by Mr. Schmidt. Mr. Gorbach wanted to reiterate how pleased everyone is that this legislation has been enacted so quickly. He is looking forward to hearing about the progress. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-125

Council Clerk read B-125 (third reading). Mr. Gorbach moved to adopt B-125, second by Mr. Barnhart. 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, yes; Mrs. Hummel, no. Motion passed. (10-1).

Temp. Ord. No. B-126

Council Clerk read B-126 (third reading). Mr. Gorbach moved to amend B-126 by deleting the word "the" in line 18 and adding the words "not to exceed" before "\$17,188.15", second by Mr. Schmidt. Roll call: Mr. Schmidt, yes; Mr. Gorbach, yes; Mr. Flinn, no; Mr. Barnhart, yes; Mr. Potts, yes; Mr. James, yes; Mr. Walters, yes, Mrs. Pyke, yes, Mrs. Klinger, yes; Mr. Bauer, yes; Mrs. Hummel, yes. Motion passed. (10-1). Mr. Gorbach moved to adopt amended B-126, second by Mr. Schmidt. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-127

Council Clerk read B-127 (third reading). Mr. Gorbach moved to amend B-127 by substitution, second by Mrs. Pyke. Mr. Gorbach stated that some banks were eliminated and some added. Valley Savings worked through its stumbling block and requested to be considered. Motion passed. Voice Vote (11-0). Mr. Gorbach moved to adopt amended B-127, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-135

Council Clerk read B-135 (third reading). Mr. Gorbach moved to adopt B-135, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

PUBLIC IMPROVEMENTS

Temp. Ord. No. B-128

Council Clerk read B-128 (third reading). Mr. Walters moved to amend B-128 by adding the words "in an amount not to exceed \$100,000" at the end of line 22, second by Mr. Bauer. Motion passed. Voice Vote (11-0). Mr. Walters moved to adopt amended B-128, second by Mr. Bauer. Motion passed. Voice Vote (11-0).

Temp. Ord. No. B-129

Council Clerk read B-129 (third reading). Mr. Walters moved to adopt B-129, second by Mrs. Pyke. Mr. Schmidt requested that his name be added as a sponsor. Motion passed. Voice Vote (11-0).

PUBLIC AFFAIRS

Temp. Res. No. B-130

Council Clerk read B-130 (third reading). Mr. James moved to adopt B-130, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

COMMUNITY DEVELOPMENT

Nothing to report.

SCHEDULE OF MEETINGS

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

MISCELLANEOUS BUSINESS

Mrs. Carr introduced Lori Speck, who has been promoted to the position of Deputy Service Director. She has a strong political background and has handled the press office responsibilities for DeWine. She has a B.A. in American politics and is pursuing her masters. She is very professional and responsive. She knows where to go to get answers. Mrs. Carr is very pleased to have her move up.

Mr. Schmidt asked when the groundbreaking for Broadway will be. Mrs. Carr stated there is a pre-construction meeting this week. Mr. Bell added that Kenmore won the bid. Mr. Schmidt stated the residents will be thrilled to get this going.

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