

CUYAHOGA FALLS CITY COUNCIL
Minutes of the Special Council Meeting

September 4, 2007

Call to Order: Mr. Walters at 6:14 p.m. Mr. Walters stated the purpose of this Special Council Meeting was for organizational purposes, specifically to appoint a new Council Clerk.

Roll Call: Mr. Mader, present; Mrs. Klinger, present; Mrs. Pyke, present; Mrs. Colavecchio, present; Mrs. Hummel, present; Mr. Gorbach, present; Mrs. Ritzinger, present; Mr. James, present; Mr. Flinn, present; Mr. Barnhart, present, Mr. Walters, present.

Mr. Gorbach moved to appoint Cathy Beebe to act as Council Clerk, second by Mrs. Pyke. There were no other nominations. Mrs. Hummel moved to make the appointment unanimous, second by Mrs. Pyke. Motion passed, voice vote (11-0).

Let the record reflect that Ms. Beebe has been appointed to act as Council Clerk.

Miscellaneous Business

Mr. Gorbach stated it appeared the City's sign ordinance was being violated by more than one candidate. He stated he had spoken with Mr. Arrington earlier and that Mr. Arrington indicated that a "higher power" may prevail if the City attempted to enforce the code. Mr. Gorbach wondered, then, if the code should be kept intact or if it should be changed and asked for Mr. Arrington's further thoughts and recommendations on that. Mr. Arrington stated each fall the issues arise as to signs that are too big, signs that are in the City's right-of-way, and residents and businesses that have too many signs on their property. The old sign ordinance specifically prohibited political signs being displayed more than 31 days prior to an election. Any time you have something that applies only to political signs, it is unconstitutional. In the 2004 Presidential election, a Hudson resident displayed a 4' x 8' Bush sign. Hudson objected, citing the Code. The local court found the resident guilty but the Court of Appeals stated Hudson's ordinance restricting signs in general was unconstitutional. The Cuyahoga Falls code is far more generous than Hudson's and so Mr. Arrington stated he is very reluctant to enforce it. He added it is violated routinely and not just with political signs. Garage sale signs and real estate signs are often placed in the right-of-way. It's just that people tend to get more offended by political signs. As far as the violations of the size of the signs, some candidates may be more conscientious and will abide by the Code even to their detriment while others are not as conscientious. He knows of no fair way to enforce it.

Mr. Gorbach stated that Council members receive calls about the signs. Some signs are not as big but currently our State Representative is egregiously violating the sign code. The signs are doing their job but in doing so, it's violating a code that was unanimously approved by City Council. He wanted to make sure everyone was aware because the property owner displaying the sign is also in violation. He wondered if each individual who is violating the code should receive a letter stating they are in violation. Mr. Arrington stated he is reluctant to send a letter saying a sign is in violation of a code if the code is in violation of the U.S. Constitution. He suspects that Widowfield is aware of the Constitutional problems the City has with its code but pointed out that even though Widowfield's signs violate the law, they may actually be the most in line with the U.S. Constitution than those that are placed in the City's right-of-way. Mr. Gorbach stated he does not have an answer either and asked Mr. Arrington to see what the City

could do. The City has a law that is being violated and the question is should we enforce it. He wondered if everyone was comfortable with that.

Mrs. Hummel expressed her concern that the City is not willing to enforce its sign code even though she recognizes the grounds as to why. She stated there is a Widowfield sign and a Plusquellic sign located at Barney's Busy Corners on property she believes is City-owned and asked for those to be removed if it is indeed City property. Mr. Arrington stated they would check into that.

Mr. Gorbach moved to adjourn, second by Mr. Flinn. Motion passed, voice vote (11-0). The meeting adjourned at 6:32 p.m.

Don Walters, Council President

Cathleen J. Beebe, Clerk of Council