



# Cuyahoga Falls City Council

## Minutes of the City Council Meeting

### November 14, 2005

#### CALL TO ORDER

Mrs. Klinger at 6:30 p.m.

#### ROLL CALL

Mrs. Hummel, present; Mr. Gorbach, present; Mr. Walters, present; Mrs. Ritzinger, present; Mr. James, present; Mr. Potts, present; Mr. Barnhart, present, Mrs. Pyke, present, Mr. Flinn, present; Mr. Mader, present and Mrs. Klinger, present.

#### INVOCATION

Mr. Mader

#### PLEDGE

Mrs. Ritzinger

## APPROVAL OF MINUTES

The minutes of the regular City Council meeting of October 24, 2005 were approved as submitted.

## REPORTS AND COMMUNICATIONS

No reports or communications.

## NEW LEGISLATION *(first reading(s)):*

B-149	AN ORDINANCE INCREASING APPROPRIATIONS IN THE GENERAL FUND, MALL OPERATIONS, LINE ITEM OTHER OPERATIONS, AND DECLARING AN EMERGENCY.
B-150	AN ORDINANCE PROVIDING FOR CURRENT OPERATING EXPENSES IN THE STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND, AND DELCARING AN EMERGENCY.
B-151	AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,450,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING STATE ROAD FROM THE SOUTH CORPORATION LINE TO PORTAGE TRAIL, INCLUDING CATCH BASINS, STORM SEWERS WHERE REQUIRED, ROADWAY ASPHALT, CONCRETE DRIVEWAY APRONS AND CONCRETE SIDEWALKS, TRAFFIC SIGNALIZATION AND CONTROL, AND SIGNAGE WHERE REQUIRED, TOGETHER WITH NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.
Sub B-152	AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$19,900,000 FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CONSTRUCTING AND EQUIPPING A COMMUNITY RECREATION CENTER, AND ACQUIRING REAL ESTATE AND INTERESTS IN REAL ESTATE THEREFOR, AND DECLARING AN EMERGENCY.
B-153	AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,250,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING FRONT STREET FROM STATE ROUTE 8 TO OAKPARK BOULEVARD, HUDSON DRIVE FROM FRONT STREET TO STATE ROUTE 8, AND BAILEY ROAD IN AND AROUND ITS INTERSECTION WITH FRONT STREET, BY WIDENING THE PAVEMENT AND CONSTRUCTION OR RECONSTRUCTING CURBS, SIDEWALKS, AND DRIVEWAY APPROACHES AND INSTALLING TRAFFIC SIGNALIZATION, SANITARY AND STORM SEWERS AND WATER LINES, WHERE NECESSARY, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO, AND ACQUIRING REAL ESTATE AND INTERESTS IN REAL ESTATE THEREFOR, AND DECLARING AN EMERGENCY.
B-154	AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,000,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF CONSTRUCTING A PUBLIC FESTIVAL SITE TO BE KNOWN AS FALLS RIVER SQUARE, INCLUDING AN AMPHITHEATRE, PAVILION, OUTDOOR ICE SKATING AREA AND WATER FOUNTAIN AND RELATED IMPROVEMENTS, AND DECLARING AN EMERGENCY.
B-155	AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A MODIFICATION OF THE CONTRACT FOR 9 <sup>TH</sup> STREET CONCRETE REPAIRS FROM LEAVITT AVENUE TO JEFFERSON AVENUE, AND DECLARING AN EMERGENCY.
B-156	AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A MODIFICATION OF THE CONTRACT FOR CONSTRUCTION AND/OR REPLACEMENT OF CONCRETE SIDEWALKS AND CURBS, AND DECLARING AN EMERGENCY.
B-157	AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A MODIFICATION OF THE CONTRACT FOR THE 2005 UTILITY PATCHING PROGRAM, AND DECLARING AN EMERGENCY.
B-158	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 1905 6 <sup>TH</sup> STREET AND CERTIFYING THE COST THEREOF TO THE COUNTY FISCAL OFFICER FOR COLLECTION IN THE MANNER PROVIDED BY LAW AND DECLARING AN EMERGENCY.

B-159	AN ORDINANCE AMENDING ORDINANCE 101-2005 AND DECLARING AN EMERGENCY.
B-160	A RESOLUTION EXPRESSING SUPPORT FOR HOUSE BILL 191, AMENDING SECTION 2950.99 OF THE REVISED CODE, AND DECLARING AN EMERGENCY.
B-161	AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT WITH ZAREMBA, INC., AND RELATED FINDINGS, AND DECLARING AN EMERGENCY.
B-162	AN ORDINANCE APPROVING EASEMENTS AND PROPERTY ADJUSTMENTS TO ZAREMBA MANCHESTER, LLC, AS NECESSARY FOR THE REDEVELOPMENT OF URBAN RENEWAL PARCEL 107 AND DECLARING AN EMERGENCY.

## Reports of Council's Standing Committees:

### **Planning and Zoning:**

*Temp. Ord. No. B-142*

Council Clerk read B-142 (third reading). Mr. Mader moved to adopt B-142, second by Mr. Potts. Motion passed. Voice Vote (11-0).

### **Finance:**

*No Report.*

### **Public and Industrial Improvements:**

*Temp. Ord. No. B-143*

Council Clerk read B-143 (third reading). Mr. Potts moved to adopt B-143, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

*Temp. Ord. No. B-144*

Council Clerk read B-144 (third reading). Mr. Potts moved to adopt B-144, second by Mr. Walters. Motion passed. Voice Vote (11-0).

*Temp. Ord. No. B-145*

Council Clerk read B-145 (third reading). Mr. Potts moved to adopt B-145, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

*Temp. Ord. No. B-147*

Council Clerk read B-147 (third reading). Mr. Potts moved to adopt B-147, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

### **Public Affairs:**

*Temp. Ord. No. B-148*

Council Clerk read B-148 (third reading). Mrs. Pyke moved to adopt B-148, second by Mr. Mader. Motion passed. Voice Vote (11-0).

### **Community Development:**

*No report.*

## SCHEDULE OF MEETINGS

Planning & Zoning Committee:	Subject to Call
Finance Committee:	November 21, 2005 at 6:15 p.m.
Public Improvements Committee:	November 21, 2005 at 6:20 p.m.
Public Affairs Committee:	November 21, 2005 at 6:30 p.m.
Community Development Committee:	November 21, 2005 at 6:35 p.m.

## MISCELLANEOUS BUSINESS

Valerie Wax-Carr would like to take a moment to address the facts of the natural gas program, to clarify any misconceptions that exist as a result of recent negative political tactics. Unfortunately, our residents have been misinformed regarding the natural gas market primarily as a result of Mrs. Hummel's remarks at both debates, phone calls to the FNP and the ABJ and finally a phone message delivered by Wayne Jones on selected answering machines expressing that "Robart's inaction" caused gas rates to rise.

Yes, prices have increased (and up to 60%), but not due to any inaction. Factors such as the devastating hurricanes, crude oil prices, and the war overseas all contribute to rising prices. Nationally all gas bills will be higher, not

because of “Robart’s inaction” but because of extenuating factors you nor I, nor Mayor Robart can control that have driven the market to record high levels.

The City’s natural gas program has been a top priority and the primary focus of this administration for months upon months. I continued to keep you informed and updated on the aggregation program and I am disheartened that my candid disclosures were used against this administration purely for political reasons. When I addressed both council caucuses in late Sept. I explained that we purchased a block of blended gas at \$15.13 for the month of Nov. only as a variable rate. With some time still on our side we continued to monitor the market in hopes to move the program back to a fixed rate. A fixed price was always desired. I also explained to council that a letter from IGS would be forthcoming if the \$15.13/mcf would be used or if a fixed price could be established. This took longer than expected for good reason – the market began to drop. I also explained to Mrs. Hummel in a phone conversation on Oct. 28th that the market may show some movement soon and that we were trying to establish a fixed rate.

Days later a fixed rate was established at \$13.84/mcf and I e-mailed City Council immediately to keep you informed. At the same time IGS prepared a letter that should have arrived at our residents households last week. I was glad to report that we had fixed rate that was “competitive and even better than surrounding municipal aggregation programs” as duly reported by the ABJ.

A quick run down of other aggregations are as follows: Munroe Falls: \$13.26/mcf; SilverLake: \$13.98/mcf; Stow: \$13.98/mcf; Green: \$14.31/mcf; Tallmadge: \$15.38/mcf. I would like to also point out that Akron simply discontinued its program and may be facing some legal issues because of its abandonment.

It is fair to say the media has prepared citizens locally and nationally of the increases in natural gas prices to expect this winter. I recognize that prices this summer were lower than the current rates, near the \$10/mcf range. However, those prices were also at record highs in the natural gas market. In hindsight it is easy to say we should have locked a rate because the market continued to rise, it is easy to be critical when uncertainty shapes into reality.

Mayor Robart took the initiative to start a community opt-in gas program in 2001, as a way to provide a choice to our residents. The program has evolved into the community opt-out program we participate in today. The program still provides choice. The program remains voluntary and residents can opt-out at any time. We have always said we would provide a competitive option. I believe we have done so again. I would like to end by thanking my staff for their time and effort in learning the ins and outs of the gas program so we can always provide our residents with the best, most up to date information regarding natural gas. I especially want to recognize Deputy Service Director, Lori Speck, not only is she my right hand person monitoring the market and the program but she handles the residents very well. As you can see by the thank you letter from Mrs. Brady in the FNP this past weekend many residents do appreciate the program and our efforts.

What disappoints me the most, is many of our residents may have been harmed by being unnecessarily alarmed and ill-informed by the twisting of the FACTS.

Mrs. Hummel requests amended agreements and maps to support B161/B162. Mrs. Truby will copy the agreement and the maps and disperse to Council. Mrs. Hummel indicates that the bids have been rejected for the Storm and Sanitary Sewer Improvement, will construction be delayed? Mrs. Carr indicates there will not be a delay.

Mr. Gorbach motioned to adjourn the meeting at 6:50 p.m., seconded by Mrs. Pyke. Meeting Adjourned.

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Carol Klinger  
President

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Melissa Wilkinson  
Clerk of Council