

Cuyahoga Falls City Council

Minutes of the Cuyahoga Falls City Council Meeting

February 10, 2004

CALL TO ORDER Mrs. Klinger at 6:35 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 Mr. Mader

APPROVAL OF MINUTES

The minutes of the January 26, 2004 City Council regular meeting were approved as submitted.

REPORTS AND COMMUNICATIONS

1. Board of Control Minutes dated 2-2-2004.
2. Building Department Report for February 2004
3. Cuyahoga Falls Municipal Courts District 2003 Annual Report.
4. Cuyahoga Falls Police Department Annual Report to City Council for 2003
5. Ohio Division of Liquor Control Permit Transfer of Arts Place to Cashmere Cricket mailed 1-26-2004

NEW LEGISLATION *(first readings):*

A-28	An Ordinance amending Section 1714.03(k)(3)(a) of the Codified Ordinances and declaring an emergency. Legal Notice of a Public Hearing in the Council Chambers on March 22, 2004 at 6:30 p.m. relative to this ordinance has been scheduled.
A-29	An Ordinance authorizing and approving the River Rock Drive street extension, located in North Point at Hunters' Crossing number 1 and declaring an emergency.
A-30	An Ordinance authorizing payment of the moral claim of William R. Sanderson, and declaring an emergency.
A-31	An Ordinance authorizing payment of the moral claim of James Rios, and declaring an emergency.
A-32	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.
A-33	An Ordinance extending military service benefits to city employees on active duty during the Iraq conflict and declaring an emergency.

Mr. Flinn moved to suspend Council rules to permit a Finance Committee meeting on the same night as City Council Meeting, seconded by Ken Barnhart. Motion Passed. Voice Vote (11-0).

A-34	An Ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the annual resurfacing and/or repair of various streets as described in exhibit 'A', attached hereto, in the City of Cuyahoga Falls and declaring an emergency.
A-35	An Ordinance approving the form and authorizing the execution of a joint venture agreement creating Ohio Municipal Electric Generating Agency Joint Venture 6 by the City of Cuyahoga Falls, Ohio with other Ohio municipalities and taking certain other actions in connection therewith.
A-36	An Ordinance approving the form and authorizing the execution of a financing agreement by the City of Cuyahoga Falls, Ohio with American Municipal Power-Ohio, Inc. and taking certain other actions in connection therewith.
A-37	An Ordinance amending the traffic control file by providing for installation of traffic control devices, and declaring an emergency.
A-38	An Ordinance to approve current replacement pages to the Cuyahoga Falls Codified Ordinances, and declaring an emergency.
A-39	An Ordinance authorizing the Mayor to enter into an Enterprise Zone Tax Incentive Agreement with SGS Tool Company,

	JAH Properties, LLC, and J2T, LLC and the County of Summit, and declaring an emergency.
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Mr. Flinn moved to suspend Council rules to allow an ordinance to be introduced to Council that has not been in Council's hand for more than 48 hours, seconded by Ken Barnhart. Motion Passed. Voice Vote (11-0). Mr. Flinn moved to read the new ordinance by Title Only, seconded by Ken Barnhart. Voice Vote (11-0).

A-40	An Ordinance authorizing the Director of Public Service to provide free road salt to Cuyahoga Falls residents and declaring an emergency.
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The City Council temporarily recessed for the Finance Committee Meeting at 6:41 pm and reconvened at 6:59 p.m.

SPECIAL COMMITTEES

None.

PUBLIC HEARINGS

None.

STANDING COMMITTEES

Planning and Zoning:

Temp. Ord. No. A-13

Council Clerk read A-13 (third reading). Mr. Mader moved to adopt A-13, seconded by Mr. Potts. Motion Passed. Voice Vote (11-0).

Finance:

Mr. Flinn moves to take from the table B-186, seconded by Ken Barnhart. Motion Passed. Voice Vote (11-0). Mr. Flinn moves to adopt B-186, seconded by Ken Barnhart. Mr. Pierson detailed via letter of the Coca-Cola Contract and the cost is \$30 per case revenue. Mr. Pierson indicates the letter was to point out the gift figures with Coke and to clarify the 7.5 % gift to the city. Mrs. Hummel indicates a recent quote to her for pop was lower than the quote the city has for purchasing its pop and her business doesn't have an established quota. Mr. Pierson indicates they used the 1860 cases figure due to the fact that the city sold that figure last year. Mrs. Hummel feels her quote of \$6.25 a case was a lower quote with a smaller volume business. Kathy does feel that if our pricing is higher on a regular basis, that this "gift" is a result of the City paying higher prices on the cases vs. volume. The City is also responsible for pop taxes, which would further change our profit margin. Mr. Pierson indicates that the set prices have not been set, but we will consider the taxes and profit margin prior to setting the prices. Mrs. Klinger requests that Mr. Pierson go back to Coke and request an adjustment on our price per case, since our quote was \$.75 more per case on an established account. The term of the agreement may help since this is guaranteed for 10 years. Mrs. Hummel is concerned that Impact is adjusting its figures for a higher fee. Mrs. Klinger feels we should go back to Impact and challenge the figures from shifting them to one side of the equation to the other. Mr. Flinn inquires to whether or not the cost quoted is based on volume. Mr. Pierson indicates that Impact fee is based on the contract secured and the fee is for their services. Impact has provided us with valuable services on the budget. Mr. Gorbach states that if Coke adjusts the price per case, our gift may not be \$345,000.00. Mrs. Klinger indicates it may be best to leave B185 on the table while the contract details are finalized and vote on B-186 this evening.

Temp. Ord. No. B186

Council Clerk read A-2 (third reading). Mr. Flinn moved to adopt A-2, second by Mr. Gorbach. Roll Call: Mrs. Hummel, no; Mr. Gorbach, yes; Mr. Walters, yes; Mrs. Ritzinger, yes; Mr. James, yes; Mr. Potts, yes; Mr. Barnhart, yes; Mrs. Pyke, yes; Mr. Flinn, yes; Mr. Mader, yes; and Mrs. Klinger, yes. Motion passed (10-1).

Temp. Ord. No. A-15

Council Clerk read A-15 (third reading). Mr. Flinn moved to adopt A-15, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-16

Council Clerk read A-16 (third reading). Mr. Flinn moved to adopt A-16, second by Mr. Gorbach. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-17

Council Clerk read A-17 (third reading). Mr. Flinn moved to adopt A-17, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-18

Council Clerk read A-18 (third reading). Mr. Flinn moved to adopt A-18, second by Mr. Gorbach. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-19

Council Clerk read A-19 (third reading). Mr. Flinn moved to amend Temp. Ord. A-19 to cap line 34 to read "not to exceed \$36,000.00", second by Mr. Barnhart. Motion passed. Voice Vote (11-0). Mr. Flinn moved to adopt amended Temp. Ord. A-19, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-20

Council Clerk read A-20 (third reading). Mr. Flinn moved to amend Temp. Ord. A-20 to cap line 34 to read "in an amount not to exceed \$26,000.00", second by Mr. Barnhart. Motion passed. Voice Vote (11-0). Mr. Flinn moved to adopt amended Temp. Ord. A-20 second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-21

Council Clerk read A-21 (third reading). Mr. Flinn moved to adopt A-21, second by Mr. Gorbach. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-22

Council Clerk read A-22 (third reading). Mr. Flinn moved to adopt A-22, second by Mr. Gorbach. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-23

Council Clerk read A-23 (third reading). Mr. Flinn moved to adopt A-23, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-24

Council Clerk read A-24 (third reading). Mr. Flinn moved to adopt A-24, second by Mr. Gorbach. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-33

Council Clerk read A-33 (third reading). Mr. Flinn moved to adopt A-33, second by Mr. Gorbach. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-40

Council Clerk read A-40 (third reading). Mr. Flinn moved to adopt A-40, second by Mr. Gorbach. Motion passed. Voice Vote (11-0).

Public and Industrial Improvements:

No Report.

Public Affairs:

Sub. Temp. Ord. No. A-25

Council Clerk read Sub. Temp. Ord. A-25 (third reading). Mrs. Pyke moved to adopt Sub. Temp. Ord. A-25, second by Jerry James. Motion passed. Voice Vote (11-0).

Community Development:

Temp. Ord. No. A-26

Council Clerk read A-26 (third reading). Mr. Barnhart moved to adopt A-26, second by Debbie Ritzinger. Motion passed. Voice Vote (11-0).

Temp. Ord. No. A-27

Council Clerk read Temp. Ord. A-27 (third reading). Mr. Barnhart moved to adopt Temp. Ord. A-27 with substitute Temp. Ord. A-27, second by Debbie Ritzinger. Motion passed. Voice Vote (11-0). The ordinance was clarified to correct the grant fund. Mr. Barnhart moved to adopt Substitute Temp. Ord. A-27 second by Debbie Ritzinger. Motion passed. Voice Vote (11-0).

SCHEDULE OF MEETINGS

Planning & Zoning Committee:	February 17, 2004 at 6:15 p.m.
Finance Committee:	February 17, 2004 at 6:20 p.m.
Public Improvements Committee:	February 17, 2004 at 6:25 p.m.
Public Affairs Committee:	February 17, 2004 at 6:30 p.m.
Community Development Committee:	February 17, 2004 at 6:35 p.m.

MISCELLANEOUS BUSINESS

Mrs. Klinger indicates that the request to move the meeting in March won't accommodate many council members scheduled, so therefore it will go on March 22, 2004 as planned.

Falls New Press would like to photograph City Council on February 23, 2004 immediately following meeting that evening. Valerie Wax Carr indicated she is still taking requests for modification of street repairs that were distributed last week. Please get those requests in as soon as possible. Mrs. Hummel has requested the Joint Venture contract for committee meeting next Monday. The Enterprise Zone Agreement will be worked on this week. Mr. Flinn commends the mayor on his response to the ABJ regarding the Landfill Closure and he looks forward to this being brought to resolution.

Mr. Flinn motioned to adjourn the meeting at 7:55 p.m. seconded by Mr. Potts. Meeting Adjourned.

Carol Klinger
Council President

Melissa Wilkinson
Clerk of Council