

# Cuyahoga Falls City Council

## Minutes of the City Council Meeting

### June 28, 2004

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

Mr. James

### APPROVAL OF MINUTES

The minutes of the June 14, 2004 City Council Meeting were approved as submitted.

### REPORTS AND COMMUNICATIONS

- Letter from Laurie Liebelt, President of the Cuyahoga Falls City Schools Board of Education dated 6/25/04
- Letter from Mayor Robart dated 6/28/04 on Income Tax Board of Review Appointments

### Assignment of Special Committee:

Mrs. Klinger designated a Special Committee to review the appointments of the Income Tax Board of Review. The Committee shall consist of Mr. Barnhart (Chairman), Mrs. Pyke and Mrs. Ritzinger.

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

A-98	An Ordinance authorizing and approving the site plan for development of an apartment complex at 3504, 312, 3524, 3538, 3468, 3480, and 3496 Wyoga Lake Road is a medium density multiple-family district (R-17) and declaring an emergency.
A-99	An Ordinance accepting the planning commission approval findings and conditions of the final plat of the Sweetbriar Creek Subdivision Phase I, and site plan approval and declaring an emergency.
A-100	An Ordinance authorizing payment of the moral claim of Katherine Waggoner, and declaring an emergency.
A-101	An Ordinance declaring the necessity of submitting to the electors of Cuyahoga Falls the question of preserving the municipality's right to impose a municipal income tax on a shareholder's distributive share of the net profits of an S Corporation, and declaring an emergency.
A-102	An Ordinance authorizing the Director of Public Service to execute a modification of the contract for the replacement of the waterline n State Road at the Mud Brook Bridge, and declaring an emergency.
A-103	An Ordinance approving the form and authorizing the execution of a municipal energy services agency intergovernmental joint venture agreement by the City of Cuyahoga Falls with other Ohio municipalities and taking certain other actions in connection therewith, and declaring an emergency.
A-104	A resolution commending Philip Maloney upon his selection as a recipient of a Richard H. Gorsuch Scholarship Awarded by Amp-Ohio, and declaring an emergency.
A-105	An Ordinance limiting the jurisdiction of the Cuyahoga Falls Civil Service Commission, and declaring an emergency.
A-106	A Resolution objecting to the renewal of the liquor permit number 96100370005 of Wild West Entertainment, Inc., and declaring an emergency.
A-107	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 1933, and declaring an emergency.
A-108	An Ordinance authorizing the Mayor to rescind the Community Reinvestment Area Agreement with SGS Tool Company and Haag Investments I Ltd., and declaring an emergency.

Mr. Flinn moved to excuse George Potts from voting on Temp. Ordinance A-92 this evening and at future meetings, seconded by Mrs. Pyke. Motion Passed. Voice Vote (10-0).

*Council Recessed at 6:36 p.m. for Special Committee Meeting and reconvened at 6:42 p.m.*

## **Reports of Special Council Committees:**

Mr. Barnhart moves to adopt the appointments to the Income Tax Board of Review as outlined in Mayor Robart's letter dated 6/28/04, seconded by Mrs. Pyke. Motion Passed. Voice Vote (11-0)

## **Reports of Council's Standing Committees:**

### **Planning and Zoning:**

No Report.

### **Finance:**

Mr. Flinn moves, at the request of the Administration, to Table Temp. Ord. No. A-92, seconded by Mrs. Pyke. Motion passed. Voice Vote (10-0).

#### *Temp. Ord. No. A-93*

Council Clerk read A-93 (third reading). Mr. Flinn moved to adopt A-93, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

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

#### *Temp. Ord. No. A-94*

Council Clerk read A-94 (third reading). Mr. Potts moved to adopt A-94, second by Mrs. Pyke. Motion passed. Voice Vote (11-0).

#### *Temp. Ord. No. A-95*

Council Clerk read A-95 (third reading). Mr. Potts moved to adopt A-95, second by Mr. Walters. Motion passed. Voice Vote (11-0).

### **Public Affairs:**

#### *Temp. Ord. No. A-96*

Council Clerk read A-96 (third reading). Mrs. Pyke moved to adopt A-96, second by Mr. Barnhart. Motion passed. Voice Vote (11-0).

#### *Temp. Ord. No. A-97*

Council Clerk read A-97 (third reading). Mrs. Pyke moved to adopt A-97, second by Mr. James. Motion passed. Voice Vote (11-0).

### **Community Development:**

#### *Sub. Temp. Ord. No. A-91*

Council Clerk read A-91 (6/21/04) (third reading). Mr. Barnhart moved to adopt Sub. Temp. Ord. A-91, second by Mr. Flinn. Mr. Barnhart moved to amend Sub. Temp. Ord. A-91 with Sub. Temp. Ord. No. A-91 (dated 6-28-04), seconded by Mrs. Pyke. Mr. Barnhart reads a prepared statement reiterating the support of the schools for this Ordinance. Motion passed. Voice Vote (10-1). Amended Substitute Temp. Ord. No. A-91 (6/28/04) is now before Council. Mr. Barnhart moves to amend a typo on line 135 to read 5709.85 seconded by Mr. Pyke. Motion Passed. Voice Vote (11-0). Mrs. Hummel moves to amend on line 135 the date to December 31, 2005, seconded by Mr. Walters. Mrs. Hummel feels this should be reviewed annually as recommended by the Ohio Department of Development. Roll Call: Mrs. Hummel, yes; Mr. Gorbach, yes; Mr. Walters, yes; Mrs. Ritzinger, yes; Mr. James, yes; Mr. Potts, no; Mr. Barnhart, no, Mrs. Pyke, no, Mr. Flinn, no; Mr. Mader, no; and Mrs. Klinger, no. Motion Fails (6-5). At this time, Amended Sub. Temp. Ord. A-91 dated 6/28/04 before Council. Roll Call: Mrs. Hummel, no; Mr. Gorbach, no; 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 Passes. (9-2).

## **SCHEDULE OF MEETINGS**

Planning & Zoning Committee:	6:15 on July 6, 2004
Finance Committee:	6:20 on July 6, 2004
Public Improvements Committee:	6:25 on July 6, 2004
Public Affairs Committee:	6:30 on July 6, 2004
Community Development Committee:	6:35 on July 6, 2004

## **MISCELLANEOUS BUSINESS**

Mrs. Hummel requests a copy of the Energy Services Agreement regarding A103. Virgil states it will be made available and wasn't copied due to the enormous volume. It will be made available to Kathy and will be put on file with the Clerk of Council. Mrs. Hummel also asks Valerie what funds will be available since the Munroe Falls Avenue project won't go forward at this time. Valerie indicates they have not evaluated that yet, and feel it is possible to rebid the Munroe Falls Avenue project and start in the fall.

Valerie Wax-Carr indicates there are pamphlets available to residents on the Storm Water Utility Billing and provided Council members with a copy. This will be a part of their literature, but isn't going to be mass distributed.

Mr. Flinn motioned to adjourn the meeting at 6:59 p.m. seconded by Mrs. Pyke. Meeting Adjourned.

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Carol Klinger  
President

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Melissa Wilkinson  
Clerk of Council