



# Cuyahoga Falls City Council

## Minutes of the City Council Meeting

### July 11, 2005

CALL TO ORDER

Mrs. Klinger at 6:33 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, absent, Mr. Flinn, present; Mr. Mader, present and Mrs. Klinger, present.

INVOCATION

Mr. Mader

PLEDGE

Mr. Barnhart

## APPROVAL OF MINUTES

The minutes of the Special City Council Meeting dated June 20, 2005 & regular Council meeting of June 27, 2005 were approved as submitted.

## REPORTS AND COMMUNICATIONS

- Ohio Division of Liquor Control, Beverage Merchant Transfer for Elaine & Steven Salyer
- Letter from Jonathan Martin (General Manager) of the Cleveland Orchestra (Blossom Music Center) regarding banning billboards
- United States Department of the Interior, National Park Service, John Debo Jr. regarding banning billboards

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

B-112	An Ordinance levying special assessments for the reconstruction of Albemarle Avenue from 9 <sup>th</sup> Street to Meriline Street and 9 <sup>th</sup> Street from Francis Avenue to Albemarle Avenue, including but not limited to driveway aprons, sanitary and storm sewers, water lines, catch basins, paving, restoration and landscaping, together with necessary appurtenances incidental thereto, and declaring an emergency.
B-113	An Ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the Reserve at East Bath Woods Storm Sewer Improvements, and declaring an emergency.
B-114	An Ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the construction of a Street Department Garage at the City Service Annex, 2511 Bailey Road, in the City of Cuyahoga Falls and declaring an emergency.
B-115	A Resolution declaring it necessary to reconstruct Williams Street from Prospect Avenue to Taylor Avenue, including concrete curbs, catch basins, water lines, and storm and sanitary sewers where required, roadway asphalt or concrete paving, concrete driveway aprons and concrete sidewalks where required, together with necessary appurtenances thereto, and declaring an emergency.
B-116	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 1993, and declaring an emergency.
B-117	An Ordinance amending the traffic control file by providing for installation of traffic control devices, and declaring an emergency.

Mr. Potts moved to conduct a Public Industrial meeting on the same night as Council, seconded by Mr. Barnhart. Motion passed. Voice Vote (10-0).

*Council recessed at 6:39 p.m. and reconvened at 6:44 p.m.*

## Public Hearings:

Council Clerk read Temp. Ord. B73. Mrs. Klinger requested public discussion on the legislation.

For this legislation: Tom Miller of Chuck Miller Development representing their client, LazyBoy Furniture indicates the wish to turn this parcel into a retail outlet and wishes the rezoning. Fred Guerra indicates that the Planning and Zoning Board is in favor of this rezoning from Light Industrial to Commercial.

Against the Legislation: No comments.

Public Hearing closed.

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

### **Planning and Zoning:**

*Temp. Ord. No. B-96*

Council Clerk read B-96 (third reading). Mr. Mader moved to adopt B-96, second by Mr. Potts. Motion passed. Voice Vote (10-0).

*Temp. Ord. No. B-97*

Council Clerk read B-97 (third reading). Mr. Mader moved to adopt B-97, second by Mrs. Hummel. Motion passed. Voice Vote (10-0).

*Temp. Ord. No. B-98*

Council Clerk read B-98 (third reading). Mr. Mader moved to adopt B-98, second by Mr. Potts. Motion passed. Voice Vote (10-0).

### **Finance:**

*Temp. Ord. No. B-99*

Council Clerk read B-99 (third reading). Mr. Flinn moved to adopt B-99, second by Mr. Gorbach. Motion passed. Voice Vote (10-0).

*Temp. Ord. No. B-101*

Council Clerk read B-101 (third reading). Mr. Flinn moved to adopt B-101, second by Mr. Barnhart. Motion passed. Voice Vote (10-0).

*Temp. Ord. No. B-102*

Council Clerk read B-102 (third reading). Mr. Flinn moved to adopt B-102, second by Mr. Barnhart. Motion passed. Voice Vote (10-0).

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

*Temp. Ord. No. B-103*

Council Clerk read B-103 (third reading). Mr. Potts moved to adopt B-103, second by Mr. Walters. Motion passed. Voice Vote (10-0).

*Temp. Ord. No. B-104*

Council Clerk read B-104 (third reading). Mr. Potts moved to adopt B-104, second by Mr. Walters. Motion passed. Voice Vote (10-0).

*Temp. Ord. No. B-106*

Council Clerk read B-106 (third reading). Mr. Potts moved to adopt B-106, second by Mr. Walters. Motion passed. Voice Vote (10-0).

### **Public Affairs:**

*Temp. Ord. No. B-107*

Council Clerk read B-107 (third reading). Mr. Mader moved to adopt B-107, second by Mr. James. Motion passed. Voice Vote (10-0).

*Temp. Ord. No. B-108*

Council Clerk read B-108 (third reading). Mr. Mader moved to adopt B-108, second by Mr. James. Motion passed. Voice Vote (10-0).

*Temp. Ord. No. B-109*

Council Clerk read B-109 (third reading). Mr. Mader moved to adopt B-109, second by Mr. James. Motion Fails. 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, absent, Mr. Flinn, no; Mr. Mader, no and Mrs. Klinger, no. Vote 5-5, Motion Fails.

*Temp. Ord. No. B-110*

Council Clerk read B-110 (third reading). Mr. Mader moved to adopt B-110, second by Mr. James. Motion Fails. 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, absent, Mr. Flinn, no; Mr. Mader, no and Mrs. Klinger, no. Vote 5-5, Motion Fails.

*Temp. Ord. No. B-111*

Council Clerk read B-111 (third reading). Mr. Mader moved to adopt B-111, second by Mr. James. Mr. Mader reads letters from the National Park, the Cleveland Orchestra and Clear Channel regarding their position with billboards. Roll Call: Mrs. Hummel, no; Mr. Gorbach, no; Mr. Walters, no; Mrs. Ritzinger, no; Mr. James, no; Mr. Potts, no; Mr. Barnhart, yes Mrs. Pyke, absent, Mr. Flinn, yes; Mr. Mader, yes and Mrs. Klinger, yes. Vote 5-5, Motion Fails.

### **Community Development:**

*No report.*

## **SCHEDULE OF MEETINGS**

Planning & Zoning Committee:

July 18, 2005 at 6:15 p.m.

Finance Committee:

July 18, 2005 at 6:20 p.m.

Public Improvements Committee:

July 18, 2005 at 6:30 p.m.

Public Affairs Committee:

July 18, 2005 at 6:35 p.m.

Community Development Committee:

Subject to call.

## MISCELLANEOUS BUSINESS

Mr. Potts moved to excuse Mary Ellen Pyke from this evenings meeting, seconded by Mr. Gorbach. Motion Passed. Voice Vote (10-0).

Mr. Flinn moved to recess into Executive Session to discuss pending litigation and review discussions about Health Care Plans, seconded by Mr. Potts. Roll Call: Mrs. Hummel, yes; Mr. Gorbach, yes; Mr. Walters, yes; Mrs. Ritzinger, yes; Mr. James, yes; Mr. Potts, yes; Mr. Barnhart, yes, Mrs. Pyke, absent, Mr. Flinn, yes; Mr. Mader, yes and Mrs. Klinger, yes. Council recessed into Executive Session.

Mr. Gorbach motioned to adjourn the meeting at 8:45 pm, seconded by Mr. Flinn. Meeting Adjourned.

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Carol Klinger  
President

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Melissa Wilkinson  
Clerk of Council