

**Cuyahoga Falls City Council
Minutes of the Public Affairs Committee**

June 18, 2018

Members: Mike Brillhart, Chair
Drew Reilly
Vic Pallotta

Mr. Brillhart called the meeting to order at 7:29 p.m. All members were present.

Legislation Discussed:

Temp. Ord. A-54

Temp. Res. A-55

Discussion:

Temp. Res. A-54

A resolution of intent to appropriate certain property along Howe Avenue between Main Street and Buchholzer Boulevard, and declaring an emergency.

Mr. Tony Demasi, City Engineer, stated that their right-of-way consultant has been working diligently on the Howe Avenue Project to get the property owners on board and signed with the necessary easements. As of today, 17 of the 21 property owners have signed the easements. Of the four remaining, two have said that they will sign, but they have not returned the documents yet, one is not returning messages and one just will refuse to sign altogether. At this time, they need to begin the appropriation process to remain on schedule. This process begins with a Resolution of Intent to appropriate. During this process, the City will continue to negotiate with the property owners, but if they cannot come to an agreement within 30 days, the City will return with an appropriation ordinance and will file with Summit County Probate Court for appropriation cases against the four properties.

Mr. Brillhart asked if they anticipate that anything could delay the project. Mr. Demasi stated that as long as the City files the appropriation cases by September 1, they will remain on schedule. Mrs. Pyke asked if these easements will interfere at all with the property owners' parking lots. Mr. Demasi stated that they will not. Mrs. Pyke asked if there is something specific that's keeping these individuals from signing. Mr. Demasi stated that he doesn't want to get into too much detail about what the City is negotiating. If Council would want to discuss it later or go into Executive Session, he can certainly do that. Mrs. Pyke asked if the easements will be affecting any of their parking. Mr. Demasi stated that he doesn't believe there are any property owners that would be losing any parking. If they would be, they would be justly compensated. Mrs. Pyke stated that she wouldn't be against going into Executive Session next week before the vote to hear why people don't want to grant an easement. Mr. Russell Balthis, Law Director, stated that if Council wishes to go into Executive Session on this, they would need to meet the hurdle of litigation being imminent or pending. He stated that he would be more comfortable going into Executive Session at the next step, because that would then show that good-faith negotiations are happening, but it's

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not going to work out. In 30 days, if the City has to move forward with appropriation, it would then be easier to meet the Revised Code guidelines of imminent litigation, because the City would then be ready to file something in Probate Court.

Mr. Colavecchio stated that it sounds like some property owners are just not being responsive. He asked if these are very small sections of property that are being taken, or if some of the parcels are larger sections. Mr. Demasi stated that, as far as he is aware, none of the four property owners are opposed to the project. One reason may be a dollar amount that they can't come to terms with. The other two property owners have said that they are just days away from having their counsel sign the documents and return them to the City, so those might even be in the mail. If they receive them, then they would simply institute a substitute. This just gives the City the ability to go to the next step. One property owner has not been responding over the last few weeks. It could be a vacation issue. At the end, it could be just down to one. Mr. Colavecchio asked if they are just talking about a few thousand dollars; in that case, he wouldn't see the need for an Executive Session. Mrs. Pyke stated that they could not discuss it. The only way they would know that would be in Executive Session. Mr. Balthis stated that this process is what is called a quick take. If the City did have to go to court, it wouldn't slow down the process. The City would be able to appropriate the property and get the right to continue the project. The Court would just have to determine appropriate compensation.

Mr. Reilly moved to bring out Temp. Res. A-54 with a favorable recommendation, second by Mr. Pallotta. Motion passed (3-0).

Temp. Ord. A-55

An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

Police Chief Davis stated that there are two items that came from the Traffic Control Committee for discussion tonight. The first is to prohibit parking on both sides of the street on Seattle Street from Northmoreland Avenue to Oneida Street. That was brought to the committee by Councilman Reilly. It's a very narrow street with very limited parking. Mr. Reilly has had neighborhood meetings, discussed it with the residents, and they were in favor of doing this. The second item is to remove the 15-minute parking restrictions from two parking spots on Front Street in front of the Watermark Building. These were put in place when there was a cupcake shop there and they were sending out and picking up things. Unfortunately, it is now hindering some of the parking issues on Front Street. The building owner is also in favor of doing this. Mr. Reilly stated that he sent out three letters, knocked on every door and held a neighborhood meeting for people to attend, and no resident was opposed to restricting parking on both sides of Seattle Street.

Mr. Pallotta moved to bring out Temp. Ord. A-55 with a favorable recommendation, second by Mr. Reilly. Motion passed (3-0).

The meeting adjourned at 7:37 p.m.