

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

September 24, 2018

- Call to Order:** Ms. Nichols-Rhodes at 6:30 p.m.
- Roll Call:** Mr. Brillhart, present; Mr. Colavecchio, present; Mr. Gorbach, present; Mr. Iona, present; Mr. Iula, present; Mr. James, present; Mr. Miller, present; Ms. Nichols-Rhodes, present; Mr. Pallotta, present; Mrs. Pyke present; Mr. Reilly, present.
- Invocation:** Mr. Brillhart
- Pledge of Allegiance:** Mr. Iona
- Approval of Minutes:** The minutes of the September 10, 2018 Council meeting were approved as written.
- Reports and Communications:** A Notice from the Ohio Division of Liquor Control regarding the transfer of permit from Rolanano LTD, 1683 State Road, Cuyahoga Falls, Ohio, 44223 to 1683 State Gas, Inc., 1683 State Road, Cuyahoga Falls, Ohio.

New Legislation (First Reading)

Temp. Ord. A-79 (Planning & Zoning)

An ordinance authorizing and approving the conditional zoning certificate for Darby's on 59 to construct and operate a brewpub at 2762 Front Street (Parcels 02-16420 and 02-16421) in an E-1 Employment District, and declaring an emergency.

Temp. Ord. A-80 (Finance)

An ordinance authorizing the Director of Finance to enter into a contract, without competitive bidding, with Tyler Technologies, Inc. (formally New World Systems Corp.) for software maintenance and customer support of the City's licensed public safety systems software, and declaring an emergency.

Temp. Ord. A-81 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Windstream Corporation for service of POTS lines which support alarms, elevators and dispatch non-emergency numbers throughout the City, and declaring an emergency.

Temp. Res. A-82 (Public Affairs)

A resolution expressing support for and urging passage of Issue 6, Woodridge Local School District tax levy, at the general election to be held on November 6, 2018, and declaring an emergency.

Temp. Ord. A-83 (Public Affairs)

An ordinance authorizing the Mayor to enter into an agreement with the International Association of Firefighters, Local 494, effective July 1, 2018, and declaring an emergency.

Temp. Ord. A-84 (Public Affairs)

An ordinance authorizing the acceptance of approximately 1.12 acres of property (Parcel 02-03586) from Roger A. Herbst, and declaring an emergency.

Temp. Ord. A-85 (Public Affairs)

An ordinance authorizing the Mayor to enter into a license agreement with Front & Center LTD, for the purpose of constructing and maintaining a pedestrian walkway/stairway to the rear of the Levinson Building at 2231-35 Front Street, which is located on Parcel No. 02-13108, and declaring an emergency.

Temp. Ord. A-86 (Public Affairs)

An ordinance authorizing the Mayor to enter into a license agreement with Crooked River Holdings LLC, for the purpose of maintaining an emergency exit door from 2156 Front Street (Parcel Number 02-08048 to Parcel Number 0207229) in Cuyahoga Falls, Ohio, and declaring an emergency.

Reports of Council's Standing Committees

(Third Reading)

Planning & Zoning

Temp. Ord. A-69

An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for Premier OEM at 3479 State Road, and declaring an emergency.

Mr. Brillhart stated that, regretfully, as much he likes to see progress, he is not comfortable with supporting this legislation, because he is not comfortable with the water runoff. He has full confidence in the City engineers and the City people but is not comfortable with EDG.

Mr. Colavecchio moved to adopt Temp. Ord. A-69, second by Mrs. Pyke. Motion passed, voice vote (9-2). Mr. Brillhart; Mrs. Pyke

Temp. Ord. A-70

An ordinance accepting the Planning Commission approval, findings and conditions of the Cavalier Trail Storage Facility site plan, and declaring an emergency.

Mr. Brillhart stated that he also cannot support this legislation, once again, because of the water runoff. This project really doesn't add anything to the City as far as any additional income. There are no employees going to be added. Mr. Colavecchio stated that it was brought out, last week, that there is a drainage system that this would go into. While this does not add anything as far as employment to the City, they do not want to be giving businesses reason to move out and seek other locations, so that is a consideration, too. He would love to see a long-term plan for water runoff, because this is the City's industrial park and there's going to be more expansion. That is what everyone wants, as long as they can contain the water. As far as this specific ordinance, he is satisfied.

Mr. Colavecchio moved to adopt Temp. Ord. A-70, second by Mr. Iona. Roll Call: Mr. Brillhart, No; Mr. Colavecchio, Yes; Mr. Gorbach, No; Mr. Iona, Yes; Mr. Iula, Yes; Mr. James, Yes; Mr. Miller, Yes; Ms. Nichols-Rhodes, Yes; Mr. Pallotta, Yes; Mrs. Pyke, No; Mr. Reilly, Yes. Motion passed, voice vote (8-3).

Finance & Appropriations:

Temp. Ord. A-71

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for City-wide tree removal, trimming, and stump grinding, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. A-71, second by Mrs. Pyke. Motion passed, voice vote (11-0).

Temp. Ord. A-72

An ordinance providing for the issuance and sale of Notes in the maximum principal amount of \$1,800,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of constructing waterlines in Graham Road, together with all appurtenances thereto, and declaring an emergency.

Mr. Gorbach stated that they didn't have a lot of comments on this at the committee meeting. Finance stuff can be a little dry, but the first person they speak with when they want to do something is Mr. Hoffman. He stated that he appreciates all the work Mr. Hoffman does in keeping the City's finances in order and looking at these notes and bonds and ensuring that the City is in the right place in the market at the right time.

Mr. Gorbach moved to adopt Temp. Ord. A-72, second by Mr. James. Motion passed, voice vote (11-0).

Temp. Ord. A-73

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 2463 12th Street and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. A-73, second by Mrs. Pyke. Motion passed, voice vote (11-0).

Public & Industrial Improvements:

Temp. Ord. A-74

An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, for construction of a Law Enforcement Training Facility, located at 3497 Wyoga Lake Road, and declaring an emergency.

MR. JAMES: The only thing I can think of is let's get it going.

Mr. James moved to adopt Temp. Ord. A-74, second by Mr. Colavecchio. Motion passed, voice vote (11-0).

Public Affairs:

Temp. Ord. A-75

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

Mr. Brillhart moved to adopt Temp. Ord. A-75, second by Mr. Pallotta. Motion passed, voice vote (11-0).

Community Development:

Temp. Res. A-77

A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council concerning Enterprise Zone and Community Reinvestment Area Tax Exemption Agreements within the City of Cuyahoga Falls, and declaring an emergency.

Mr. Reilly moved to adopt Temp. Res. A-77, second by Mr. Gorbach. Motion passed, voice vote (11-0).

Temp. Ord. A-78

An ordinance authorizing the Mayor to enter into an Enterprise Zone Tax Incentive Agreement with Williams Land Corp and the County of Summit, and declaring an emergency.

Mr. Reilly moved to adopt Temp. Ord. A-78, second by Mr. Gorbach. Motion passed, voice vote (11-0).

Schedule of Committee Meetings

Planning & Zoning:	October 1, 2018, 6:30 p.m.
Finance:	October 1, 2018, 6:35 p.m.
Public Improvements:	Subject to Call.
Public Affairs:	October 1, 2018, 6:40 p.m.
Community Development:	Subject to Call.
Special Committee:	October 1, 2018, 6:45 p.m.

Ms. Nichols-Rhodes moved to dissolve into executive session to review collective bargaining negotiations with the City’s negotiating team and pending litigation, second, Mr. Iona. Roll Call: Mr. Brillhart, Yes; Mr. Colavecchio, Yes; Mr. Gorbach, Yes; Mr. Iona, Yes; Mr. Iula, Yes; Mr. James, Yes; Mr. Miller, Yes; Ms. Nichols-Rhodes, Yes; Mr. Pallotta, Yes; Mrs. Pyke, Yes; Mr. Reilly, Yes. Motion passes, 11-0. Council dissolved into Executive Session at 6:50 p.m.

Ms. Nichols-Rhodes moved to dissolve out of Executive Session; second by Mr. James. Roll Call: Mr. Brillhart, Yes; Mr. Colavecchio, Yes; Mr. Gorbach, Yes; Mr. Iona, Yes; Mr. Iula, Yes; Mr. James, Yes; Mr. Miller, Yes; Ms. Nichols-Rhodes, Yes; Mr. Pallotta, Yes; Mrs. Pyke, Yes; Mr. Reilly, Yes. Motion passes, 11-0. Council dissolved out of Executive Session at 7:27 p.m.

Miscellaneous Business

Mr. Bryan Hoffman, Finance Director, stated that in General Fund revenues, Admissions Tax is up. There has been record attendance at Blossom which has helped that. The City budgeted about \$640,000 this year in that revenue line item and is on a pace to make approximately \$675,000 this year. Short-term interest rates have gone up this year, and the City is on pace to have a good year in interest income. Interest income is already \$169,000 over last year. The budget was \$650,000 this year and is at \$505,000 right now. Municipal Tax is down \$589,000, or 3.6 percent. Last month, it was 3.9 percent. One reason the Municipal Tax is down is the tax that is being collected at the state level. The State is still accelerating through their program. They are anticipating trying to get an extra month, because there are other municipalities who have been complaining about receiving some of their funds. The State is going to try to have two distributions in December of this year. The other reason Municipal Tax is down is the transition over to RITA. As with most transitions, there is some disruption there. In Leisure Time Fund revenues, the Natatorium is down

\$28,869. That is considered flat. That is a large number, but there is some variation from one month to the next. It is still at top attendance. Waterworks was up \$59,836. There won't be any more revenue into that fund, and everything has been settled out there. Brookledge and Downview are both down about the same percentage. That is more weather related than anything else, but they are still seeing some good numbers out there. Mr. Hoffman stated that, under Expenses, the Self-Insurance Fund had a decent month. He anticipates these hospitalization and dental claims to normalize. The City did hit its stop loss on two large claimants. There is a third claimant, but he doesn't believe that there is a lot more coming through there, so that should to normalize as the year goes on. This was up quite a bit more last year. The Self-Insurance Prescription is up quite a bit, as well. It is the one item they have been really focusing on this year. This year, the City did change to CVS/Caremark. Part of that contract includes some rebates, and those rebates aren't factored into that number. They anticipate those rebates to be \$50,000.

Mr. Iona asked if the admissions tax at Blossom is a flat fee or a percentage. Mr. Hoffman replied that it is a percentage of admissions set at 3 percent of the purchase price. The City receives admissions tax from four separate places: Funny Stop, Cinemark, Carnival Fours and Blossom. He would remind Council that, with Cinemark, there are six or seven more years in the contract that states all the admissions tax received from Cinemark goes back to Stark up to \$129,000 per year. The City hasn't got to that number yet, so all that admissions tax from Cinemark went back to Stark. Mr. Colavecchio asked what the City would be getting from Cinemark if it was receiving that money. Mr. Hoffman stated that he can forward Council that information. It's somewhere in the \$70,000 to \$90,000 range.

Mr. Iona stated that he has maps of the City of Cuyahoga Falls that the Chamber of Commerce and various businesses have put together. He has package for each Councilperson. He will bring them in next Monday. He also brought in a program from the Octoberfest for Council. The City has a variety of festivals, with the main ones being Festa Italiana, the Irish Festival and the Octoberfest. All three of them have been home runs this year. He has had the pleasure of volunteering at all three of them at different times. If Council didn't attend it, they missed a great event and should plan on going to it next year. Ms. Nichols-Rhodes stated that she would like to recognize Bob Goldstein, who is present. He is the Facebook Operator of Downtown Information. People ask him all kinds of questions, and he calmly and politely answers them. He posts all the events that are happening and the progress on Front Street. It's really a tremendous resource. A lot of people use that resource for information, and she would like to thank him very much for doing that.

Mr. James moved to adjourn, second by Mr. Iula. Motion passed, voice vote (11-0). Meeting adjourned at 7:36 p.m.

Mary Nichols-Rhodes, Council President

Dana M. Capriulo, Clerk of Council