

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

December 13, 2021

Call to Order: Mr. Brillhart at 6:30 p.m.

Roll Call: Mr. Balthis, absent; Mr. Brillhart, present; Mr. Gorbach, present; Mr. Iula, present; Mr. James, present; Ms. Loza, present; Mr. Miller, absent; Ms. Nichols-Rhodes, present; Mrs. Penta, present; Mrs. Spinner, present; Mr. Stams, present.

Invocation: Mrs. Spinner

Pledge of Allegiance: Mr. Brillhart

Approval of Minutes: The minutes of the November 22, 2021, and December 6, 2021, Council meetings were approved as written.

Reports and Communications: A Notice from the Ohio Division of Liquor Control regarding Transfer Permit Number 89308460005 to Tiki Underground, LLC, dba Tiki Underground, 1832 Front Street, 1st Floor and Basement, Cuyahoga Falls, Ohio, 44221 from 1832 Front Street, Inc., dba Hunts Bar & Grill, 1832 Front Street 1st Floor and Basement, Cuyahoga Falls, Ohio, 44221.

Mr. James moved to excuse Mr. Balthis and Mr. Miller from tonight's Council Meeting, second by Mr. Iula. Motion passed, voice vote (9-0).

New Legislation

(First Reading)

Temp. Res. B-118 (Finance)

A resolution requesting the Summit County Fiscal Officer to make advance distribution of tax receipts payable to the City of Cuyahoga Falls, and declaring an emergency.

Temp. Ord. B-119 (Finance)

An ordinance providing for supplemental and/or amended appropriations of money for current operating expenses and capital expenditures of the City of Cuyahoga Falls, and authorizing the transfer of appropriations within and for the various funds hereinafter set forth, and declaring an emergency.

Temp. Ord. B-120 (Finance)

An ordinance amending the Codified Ordinances of the City of Cuyahoga Falls, Ohio Title 7, Chapter 941, Refuse Collection and Disposal, establishing definitions, rates, and regulations for the collection and disposal of solid waste in the City of Cuyahoga Falls, Ohio, and declaring an emergency.

Temp. Ord. B-121 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain materials and supplies for use by the Sanitation Division during 2022, and declaring an emergency.

Temp. Ord. B-122 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain materials and supplies for use by the Street Division during 2022, and declaring an emergency.

Temp. Ord. B-123 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain services, materials, supplies, and equipment for use by the Electric Division during 2022, and declaring an emergency.

Temp. Ord. B-124 (Finance)

An ordinance amending ordinance 100-2020 authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain materials, supplies and services for use by the Garage Division during 2021, and declaring an emergency.

Temp. Ord. B-125 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain services, materials, and supplies for use by the Garage Division during 2022, and declaring an emergency.

Temp. Ord. B-126 (Finance)

An ordinance authorizing the Mayor, as Director of Public Safety, or the Director of Public Service to enter into a contract or contracts, according to law, for the purchase or lease of various vehicles and related equipment for use by the City, and declaring an emergency.

Temp. Ord. B-127 (Finance)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of the City's requirements of certain services, materials and supplies for use by the Water and Sewer Division during 2022, and declaring an emergency.

Temp. Ord. B-128 (Public Improvements)

An ordinance levying special for the repair or replacement of sidewalks and drive approaches in the Sidewalk and Drive Approach Repair and Replacement District, for the year 2021, and declaring an emergency.

Temp. Ord. B-129 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement or adjustment of concrete sidewalks, drive approaches and curbs at various locations in the City of Cuyahoga Falls, and declaring an emergency.

Temp. Res. B-130 (Public Improvements)

A resolution creating for the year 2022 a Sidewalk and Drive Approach Repair or Replacement District containing such streets, alleys, or public roadways within the corporate limits of the City of Cuyahoga Falls, declaring the necessity of repairing or replacing the sidewalks and drive approaches abutting on such streets, alleys or public roadways within said corporate limits and providing the method for levying special assessments, and declaring an emergency.

Temp. Ord. B-131 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for stabilization of the Cuyahoga Riverbank, behind Ledgewater Falls Condominiums, and declaring an emergency.

Temp. Ord. B-132 (Public Affairs)

An ordinance authorizing the Mayor to execute the participation form for settlement with Janssen/Johnson & Johnson pursuant to the One Ohio memorandum of understanding and consistent with the material terms of the July 21, 2021, proposed settlement agreement, and declaring an emergency.

Temp. Ord. B-133 (Public Affairs)

An ordinance establishing the authorized staffing of the Fire Department, and creating the position of Deputy Fire Chief, and declaring an emergency.

Temp. Ord. B-134 (Public Affairs)

An ordinance amending Codified Ordinance Title 5, Chapter 129, Police Department, Sections 129.01 and 129.05, and establishing the authorized staffing of the Police Department, and declaring an emergency.

Temp. Ord. B-135 (Public Affairs)

An ordinance establishing compensation levels for non-bargaining employees of the City of Cuyahoga Falls for calendar years 2021, 2022, 2023 and 2024, and declaring an emergency.

Mr. Gorbach moved to dissolve into Executive Session to discuss pending litigation with legal counsel, second by Mr. Iula. Roll Call: Mr. Brillhart, Yes; Mr. Gorbach, Yes; Mr. Iula, Yes; Mr. James, Yes; Ms. Loza, Yes; Ms. Nichols-Rhodes, Yes; Mrs. Penta, Yes; Mrs. Spinner, Yes; Mr. Stams, Yes. Motion passes, 9-0. Council dissolved into Executive Session at 6:40 p.m.

Mr. James moved to dissolve out of Executive Session, second by Mr. Gorbach. Roll Call: Mr. Brillhart, Yes; Mr. Gorbach, Yes; Mr. Iula, Yes; Mr. James, Yes; Ms. Loza, Yes; Ms. Nichols-

Rhodes, Yes; Mrs. Penta, Yes; Mrs. Spinner, Yes; Mr. Stams, Yes. Motion passes, 9-0. Council dissolved out of Executive Session at 6:51 p.m.

Mr. James moved to recess Council to hold a meeting of the Public Affairs Committee, second by Ms. Nichols-Rhodes. Motion passed, voice vote (9-0). Council recessed at 6:51 p.m.

Mr. Gorbach moved to reconvene Council, second by Mr. Iula. Motion passed, voice vote (9-0). Council reconvened at 6:53 p.m.

Mr. James moved to recess Council to hold a meeting of the Committee-of-the-Whole on Temporary Ordinance B-117, second by Mr. Gorbach. Motion passed, voice vote (9-0). Council recessed at 6:54 p.m.

Mr. James moved to reconvene Council, second by Mr. Iula. Motion passed, voice vote (9-0). Council reconvened at 6:56 p.m.

Reports of Council's Standing Committees
(Third Reading)

Planning & Zoning

Temp. Ord. B-102 (Sub. Dated 12/6/2021)

An ordinance accepting the Planning Commission's recommendation for the approval of a Conditional Zoning Certificate and Major Site Plan for the construction of a 5,550 sq. ft. car wash facility for Sgt. Clean Car Wash, and declaring an emergency.

Mrs. Spinner moved to adopt Temp. Ord. B-102 (Sub. Dated 12/6/2021), second by Mr. James. Motion passed, voice vote (9-0).

Temp. Ord. B-105

An ordinance authorizing the Mayor to enter into a License Agreement with E&J Inc, for the purpose of constructing and maintaining a sign in the City Right of Way located at 1561 Akron-Peninsula Road, and declaring an emergency.

Mrs. Spinner moved to adopt Temp. Ord. B-105, second by Mr. James. Motion passed, voice vote (9-0).

Finance & Appropriations:

Temp. Ord. B-91

An ordinance establishing annual appropriations of money for the current expenses, capital expenditures and other expenses of the City of Cuyahoga Falls for the Fiscal Year ending December 31, 2022, and declaring an emergency.

Mary Nichols-Rhodes thanked Mr. Gorbach for his efficiency in running the Finance Committee budget meetings. She also thanked Mayor Walters and the Administration for putting forth their vision creating a synergy that has amazed her and that has allowed the City to progress and Mr. Bryan Hoffman, Finance Director, and his staff for their tremendous amount of work in putting the budget together. Mr. Gorbach echoed Ms. Nichols-Rhodes in acknowledging everyone's hard work facilitating the 2022 budget process.

Mr. Gorbach moved to adopt Temp. Ord. B-91, second by Mr. Iula. Motion passed, voice vote (9-0).

Temp. Ord. B-106

To create a Tax Increment Financing Area encompassing certain parcels of real property in the area generally located along Front Street and 2nd Street each between Chestnut Boulevard and Sackett Avenue; to declare improvements to those parcels to be a public purpose and exempt from real property taxation; to require the owners of those parcels to make service payments in lieu of taxes; to establish a tax increment equivalent fund for the deposit of the remainder of those service payments; authorizing school compensation payments; and to declare an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-106, second by Ms. Nichols-Rhodes. Motion passed, voice vote (9-0).

Temp. Ord. B-107

An ordinance authorizing the Mayor to enter into a real estate purchase agreement with PJT Pointe West, LLC, according to law, in a total amount not to exceed \$300,000.00, utilizing Community Development Block Grant funds, for the purchase of certain real property known as 1863 Second Street (Parcel 02-08369), 1869 Second Street (Parcel 02-00900), and 1877 Second Street (Parcel 02-00535), together with an agreement for the demolition of existing blighted structures, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-107, second by Mr. Iula. Motion passed, voice vote (9-0).

Temp. Ord. B-108

An ordinance authorizing the Mayor to enter into a contract or contracts for the purchase of certain real property known as 1816 Front Street (Parcel 02-12842) in an amount not to exceed \$300,000.00, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-108, second by Ms. Nichols-Rhodes. Motion passed, voice vote (8-1). (Stams)

Temp. Ord. B-109

An ordinance authorizing the Mayor to enter into a contract or contracts for the sale of certain real property known as 1704 Front Street (Parcel 02- 04691), and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-109, second by Mr. Iula. Motion passed, voice vote (9-0).

Temp. Ord. B-110

An ordinance approving and authorizing the execution of a development agreement between the City and the Summit County Land Reutilization Corporation concerning the development of certain real property located in the city, the acceptance of a declaration of covenants and imposition of continuing priority lien relating to the imposition of a minimum service payment obligation on the Summit County Land Reutilization Corporation and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-110, second by Ms. Nichols-Rhodes. Motion passed, voice vote (9-0).

Temp. Ord. B-111

An ordinance authorizing the Mayor to enter into a contract with Fidelity Security Insurance Company and/or its subsidiary EyeMed Vision Care for the administration of the City's self-insured employee vision care services insurance plans, for a period not to exceed three years, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-111, second by Mr. Iula. Motion passed, voice vote (9-0).

Temp. Ord. B-112

An ordinance authorizing the Mayor to enter into a contract or contracts with Medical Mutual Services, LLC for the administration of the City's self-insured employee medical plans, and for stop-loss insurance coverage related to said plans, for a period not to exceed one year, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-112, second by Ms. Nichols-Rhodes. Motion passed, voice vote (9-0).

Temp. Ord. B-113

An ordinance authorizing the Mayor to enter into a contract or contracts with Pro-Flex Administrators, LLC., for the administration of the Section 125 Flexible Spending Account Plan, Health Reimbursement Account Plan, Health Savings Account Plan, Retiree Medical Reimbursement Account Plans and COBRA Services, for a period not to exceed three years, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-113, second by Mr. Iula. Motion passed, voice vote (9-0).

Temp. Ord. B-114

An ordinance authorizing the Mayor to enter into a contract or contracts, without competitive bidding, with NEOGOV for human resources and payroll management software and related services for a period not to exceed three years, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-114, second by Ms. Nichols-Rhodes. Motion passed, voice vote (9-0).

Public Improvements:

No Report.

Public Affairs:

Temp. Ord. B-115

An ordinance establishing the maximum hiring age for original appointments to police officer at forty (40) years of age at the time of examination, and declaring an emergency.

Ms. Loza moved to adopt Temp. Ord. B-115, second by Mr. Iula. Motion passed, voice vote (9-0).

Temp. Ord. B-132

An ordinance authorizing the Mayor to execute the participation form for settlement with Janssen/Johnson & Johnson pursuant to the One Ohio memorandum of understanding and consistent with the material terms of the July 21, 2021, proposed settlement agreement, and declaring an emergency.

Ms. Loza moved to adopt Temp. Ord. B-132, second by Mr. Iula. Motion passed, voice vote (9-0).

Community Development:

Temp. Ord. B-100

Creating the Pine Ridge Tax Increment Financing Incentive District; declaring improvements to the parcels within the Incentive District to be a public purpose and exempt from real property taxation; requiring the owners of those parcels to make service payments in lieu of taxes; establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of those service payments; specifying the public infrastructure improvements that benefit or serve parcels in the incentive district; and declaring an emergency.

Mrs. Penta moved to adopt Temp. Ord. B-100, second by Ms. Loza. Motion passed, voice vote (9-0).

Schedule of Committee Meetings

Planning & Zoning:	Subject to Call.
Finance:	December 20, 2021, at 6:30 p.m.
Public Improvements:	December 20, 2021, at 6:35.
Public Affairs:	December 20, 2021, at 6:40 p.m.
Community Development:	Subject to Call.
Committee-of-the-Whole:	December 20, 2021, at 6:45 p.m.

Miscellaneous Business

None

Mr. James moved to adjourn, second by Mr. Iula. Motion passed, voice vote (9-0).

Meeting adjourned at 7:20 p.m.

Michael Brillhart, Council President

Dana M. Capriulo, Clerk of Council