

**CUYAHOGA FALLS CITY COUNCIL**  
**Minutes of the Council Meeting**

**October 9, 2023**

- Call to Order:** Mr. Balthis at 6:30 p.m.
- Roll Call:** Mr. Ashton, present; Mr. Balthis, present; Mr. Brillhart, present; Mr. James, present; Ms. Loza, present; Mr. Miller, present; Ms. Nichols-Rhodes, present; Mrs. Penta, present; Mr. Siegferth, present; Mrs. Spinner, present; Mr. Stams, present.
- Invocation:** Mrs. Spinner
- Pledge of Allegiance:** Ms. Nichols-Rhodes
- Approval of Minutes:** The minutes of the September 25, 2023 Council and Committee-of-the-Whole and October 2, 2023 Special Council meetings were approved as written.
- Reports and Communications:** None

**New Legislation**  
(First Reading)

**Temp. Ord. B-112 (Planning & Zoning)**

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 12,300 sq. ft. auto body and repair building for Caliber Collision, and declaring an emergency.

**Temp. Ord. B-113 (Finance)**

An ordinance authorizing the Mayor to enter into a contract or contracts for the purchase of a portion of certain real property known as 1749 Main Street, and declaring an emergency.

**Temp. Ord B-114 (Finance)**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with A. Crano Excavating for the installation of a new 18" storm sewer and associated appurtenances on Front Street, from The Glens subdivision to Sackett Avenue, and declaring an emergency.

**Reports of Council's Standing Committees**  
(Third Reading)

**Planning & Zoning:**

**Temp. Ord. B-108**

An ordinance accepting the recommendation of the Planning Commission for the construction of a 13,900 sq. ft. office/industrial building and three (3) self-storage buildings located at 4204 Wyoga Lake Road, and declaring an emergency.

Mrs. Spinner moved to adopt Temp. Ord. B-108, second by Mr. James. Motion passed, voice vote (11-0).

**Finance & Appropriations:**

**Temp. Ord. B-104**

An ordinance authorizing the procurement of Pro-Construction & Renovation, LLC to provide housing rehabilitation services and declaring an emergency.

Ms. Nichols-Rhodes moved to adopt Temp. Ord. B-104, second by Mr. Brillhart. Motion passed, voice vote (11-0).

**Temp. Ord. B-105**

An ordinance authorizing the Director of Public Service to enter into a contract or contracts with Bell Equipment for the purchase of a Leaf Vacuum Truck for use in the Street Division, and declaring an emergency.

Ms. Nichols-Rhodes moved to adopt Temp. Ord. B-105, second by Mr. Miller. Motion passed, voice vote (11-0).

**Temp. Ord. B-106**

An ordinance authorizing the Mayor to apply for, accept, and enter into a Water Supply Revolving Loan Account Agreement with the Ohio EPA on behalf of the City for planning, designing, and constructing water facilities, designating a repayment source for the loan, and declaring an emergency.

Ms. Nichols-Rhodes moved to adopt Temp. Ord. B-106, second by Mr. Brillhart. Motion passed, voice vote (11-0).

**Temp. Ord. B-107**

An ordinance authorizing all actions necessary to accept the Ohio Emergency Management Agency's ARPA First Responder Retention Incentives Grant, making necessary appropriations therefore, and declaring an emergency.

Ms. Nichols-Rhodes moved to adopt Temp. Ord. B-106, second by Mr. Miller. Motion passed, voice vote (11-0).

**Public Improvements:**

No Report.

**Public Affairs:**

**Temp. Res. B-109**

A resolution supporting Issue 17, the Summit County Developmental Disabilities Replacement Levy, and declaring an emergency.

Ms. Loza moved to adopt Temp. Res. B-109, second by Mr. Miller Motion passed, voice vote (11-0).

**Community Development:**

**Temp. Ord. B-110**

An ordinance authorizing the Mayor to enter into a Community Reinvestment Area Agreement with 4204 Wyoga Lake, LLC, and declaring an emergency.

Mr. Ashton moved to adopt Temp. Ord. B-110, second by Mr. Siegferth. Motion passed, voice vote (11-0).

**Schedule of Committee Meetings**

Planning & Zoning:	October 16, 2023, at 6:30 p.m.
Finance:	October 16, 2023, at 6:35 p.m.
Public Improvements:	Subject to Call.
Public Affairs:	Subject to Call.
Community Development:	Subject to Call.

**Miscellaneous Business**

Mr. Chris Steiner, 407 Filmore Avenue, Cuyahoga Falls, addressed Council in opposition to the Sheetz Gas Station and asked that the City take measures to limit the what he termed the nuisance the gas station will cause.

Mr. David Guthrie, 321 Tyler Avenue, Cuyahoga Falls, addressed Council in opposition to the Sheetz Gas Station and cited concerns about crime and safety.

Mr. Gregory Warnick, 3143 Oakwood Drive, Cuyahoga Falls, addressed Council in opposition to the Sheetz Gas Station. He cited concerns about noise and crime and the fact that it will be opened 24 hours.

Mr. Lorin Hileman and Mrs. Wanda Hileman, 325 Moulton Avenue, Cuyahoga Falls, spoke in opposition of the Sheetz Gas Station and invited members of Council to visit his house and see how they will be effected by the gas station.

Ms. Christie Robinson, 401 Filmore Avenue, Cuyahoga Falls, addressed Council in opposition to the Sheetz Gas Station. She is concerned about the lights shining in her bedroom window and stated that she drives by an existing Sheetz at 4:45 a.m. and it is busy. She also stated that it is not a totally touchscreen drive-through and it is a noise nuisance.

Mr. Brian Peninno, 635 Roosevelt Avenue, Cuyahoga Falls, addressed Council in opposition of the Sheetz Gas Station.

Mr. Balthis stated that he appreciates everyone taking the time to come and speak. The Administration and Council has no say on this issue and Council will not be voting on this issue. The way the zoning laws are written, property owners have certain rights and, if the City tried to stop them, they would have a pretty strong lawsuit against the City for infringing on their rights. He stated that he understands their concerns about screening and lighting and about crime. The City has ordinances restricting the way the light works with LED lighting and those will be things that will be enforced. If lights are shining on their property, please let the Administration know, or contact him or any member of Council.

Mr. Balthis stated that he has heard suggestions that Council could change the zoning at this point. That is not something permissible. Once somebody moves forward on a project, they cannot change zoning. The last time the zoning was changed was in 2005, and that was after many community meetings and input. As far as crime is concerned, the police department is second to none and they would be on it. That is something they take seriously in the city and they will monitor very closely. He stated that will stay after the Council meeting and will be happy to speak to anyone, but he does not want to mislead them and make them think that they can stop this.

Mr. Balthis stated that Ms. Violet Peninno, 329 Tyler Avenue, Cuyahoga Falls, was present before the meeting began in order to voice her opposition to the Sheetz gas station, but left because she does not drive at night.

Mr. Stams stated that he grew up in Cuyahoga Falls not far from where this Sheetz gas station is to be developed. He is sympathetic. He has been fighting this fight in Ward 8 for the last six years. There are e-mails from people from Ward 8 that he has gotten supporting them. It is unfortunate it is not going before Council.

Mr. Miller thanked Council for making things clear on the record. He is happy that so many residents came out to voice their opinions on this issue. It is important. There have been a lot of conversations back and forth and they did not want to misconstrue anything. Mr. Steiner was correct when he said that there is nothing that the City can do to stop this. He wants to make sure they understand that. Sheetz has not purchased the property or the liquor license yet. There are still

opportunities to have continued discussions with Sheetz, but he will say, from talking to the Planning Commission, the Police Chief and the Mayor, the City is going to make sure all the concerns raised are addressed and limited to the best of their ability. They do care and do understand their concerns and they are going to do their part to make this the best it could be if it goes forward.

Mayor Walters thanked everyone for coming. This is his neighborhood, as well. He lives 1700 feet away. He grew up 900 feet away, on Madison. Ironically, he worked and was a manager at this property for 10 years when it was a grocery store. He represented that area on City Council for 10 years and now as Mayor. He does not think Sheetz is a right fit at that location, but that is not up to him. The City does not own the property. He, the Administration and Council all took an oath to uphold the laws that are on the books and that is what they are bound to whether they like it or not. In certain cases, it goes to the law, which is why it does not go to Planning Commission or City Council for approval. It is an internal review in order to make sure they check the boxes so they match the law, and they can't stop them.

Mayor Walters stated that he did contact Sheetz and asked if there is another location or spot. They are honed on this spot. He stated to them that he has concerns about 24/7 in that location and can they operate at reduced hours and the answer was no. Again, the zoning law allows the 24/7. They could change the laws in the future for the City as a whole. That is done approximately every 25 years, and was last done in 2005. He represented Ward 6 at that time. There were numerous community meetings held at Lincoln School where they looked at the entire map of Ward 6 and decided what they would like it to be going forward, and the zoning they have now was pretty much the consensus. He will do everything to protect their safety.

Mayor Walters stated that Mr. Teodosio who runs the BMV located there is present tonight. They are going to work hard with him to keep the BMV in the city. There are traffic concerns at this intersection. Sheetz will have to hire a licensed traffic engineer to do a complete study and they will have to make changes to the entrance and exit to make it safe. As Mayor, he is the Safety Director and directly in charge of Police and Fire. He listens to the police radio all day every day and hears every call in the city. There are a lot of things that go on at Sheetz. He speaks to the Police Chief daily and lot of those are indicative of that location. The two nearest stations they have to that location, the one at Bath Road and Graham and at Sixth Street and Oakwood Avenue have very little calls, if any, and it is usually when someone locks their keys in the car. There is time to review the zoning codes. They can do that in the coming year. The commercial areas are there for a reason. There is a high traffic count and it is set for people to get in and out. At every business in Cuyahoga Falls that is located on long stretches of road, there are people who live directly behind every one of those businesses. They are on their side and are going to do everything to protect the residents in the area.

Mr. Chris Steiner, 407 Filmore Avenue, stated that the speaker system that they use at Sheetz has a recorded greeting that announces when anybody pulls up to it and they have a two-way communication back and forth. He urged that they honor the codes that are in place and asked if that is going to be allowed to happen or are they going to be able to shut them down and say they cannot do that.

Mr. Balthis stated that he was going to adjourn the meeting and he would stay afterward to discuss this with him. The Community Development Department Director and the Planning Department Director are also present and they could have a quick discussion to address that and see what additional information they can give him. Residents can e-mail or contact them if they have specific questions and they will get answers to those.

Mr. James moved to adjourn, second by Mr. Brillhart. Motion passed, voice vote (11-0).

Meeting adjourned at 7:16 p.m.

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Russ Balthis, Council President

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Dana M. Capriulo, Clerk of Council