

**Cuyahoga Falls City Council
Minutes of the Community Development Committee**

January 21, 2025

Members: Joe Siegferth, Chair
Brian Ashton, Vice-Chair
Mary Nichols-Rhodes, Susan Spinner, Meika Penta

Mr. Siegferth called the meeting to order at 6:52 p.m. All members were present.

The minutes of the November 4, 2024 Community Development Committee meeting were approved as written.

Legislation Discussed:

Temp. Ord. B-6 (Sub. Dated 1/16/25)

Temp. Ord. B-7

Discussion:

Temp. Ord. B-6 (Sub. Dated 1/16/25)

An ordinance amending Chapter 561.01 Nuisances, and declaring an emergency.

Mr. Matt Dickinson, Deputy Law Director, presented Temporary Ordinance B-6 (Sub. Dated 1/21/25) to Council. The City of Cuyahoga Falls wishes to update what is considered a nuisance.

Section 561.01 of the Codified Ordinances of the City of Cuyahoga Falls is hereby amended to read in full as follows (new text in Bold Underline, Deleted Text in Strikethrough:

561.01 NUISANCES. The following items on private property are declared to be nuisances.

- (a) Any weeds which are spreading or maturing seeds, or about to do so, namely ragweed, ~~goldenrod~~, poison ivy, poison oak, **burdock, thistles, leafy spurge, field bindweed, tree of heaven, sumac, bamboo** or any other noxious or poisonous weeds or vines;
- (b) Any grass in excess of eight inches in height;
- (c) Any roots of trees which obstruct any portion of a sewer located on City property or within City easements **or damage a sidewalk to the point it requires repair**;
- (d) Any shrubs or bushes located within twenty feet of the intersection of two or more streets and abutting either the sidewalk or the normal sidewalk location if the shrubs or bushes exceed two feet in height above the surface of either the sidewalk or the normal sidewalk location;
- (e) Any tree, plant, bush or shrub the branches or trunk of which obstruct or impede traffic on any street or public place. Branches overhanging within nine (9) feet of the surface of any sidewalk or within thirteen and one-half (13 ½) feet of the surface of any street shall be deemed prima-facie to obstruct or impede traffic thereon;

Community Development Committee
January 21, 2025 – Page 2

(f) Any tree or branch of any tree which is in danger of falling due to decay or rot or any other reason, or any tree which contains any disease or insects which can spread to other trees ~~provided, however, that paragraphs (a) and (b) above shall not apply in those areas located in R-1 Zoning Districts.~~

Mr. Siegfert stated that this is a substitute ordinance as goldenrod was taken out as a nuisance.

Mr. Dickinson stated that this legislation is an amendment to the existing legislation. They had heard through some Council members that they were concerns in the community and complaints about invasive plants spreading from yard to yard, so they added some plants into the nuisance ordinance. They added bamboo and also added burdock, thistles, leafy spurge, field bindweed, tree of heaven and sumac. These are what the State code considers nuisance plants. They are also amending Section C to include nuisance trees. In the past couple of years, there have been trees located on someone's private property next to a sidewalk and the roots are popping up the sidewalk. The City wants to repair the sidewalk, but in order the repair the sidewalk they would have to cut the roots of the tree which would make that tree unstable. It was decided to move this to this section so that when that comes up, they can deal with it before it becomes an issue and they can get the sidewalk and everything fixed all at once.

Mr. Dickinson stated that Mr. Rob Kurtz, Planning Director, and Charles Nettle, Housing Inspector, were present to answer any questions. Goldenrod was originally on the list of nuisance plants, but after contact by a resident who pointed out that goldenrod is native to the State of Ohio and is not terribly invasive, he checked with Parks and Recreation and they suggested the planting of goldenrod as one of the things that butterflies and bees like to eat.

Mr. Siegfert stated that one note of order is the substitute ordinance is dated for January the 16th. They will need to include that date in that legislation as written if this makes it out of committee to Council next week for a vote.

Mrs. Spinner stated that this will come as a huge relief to some neighbors who have received a lot of damage from invasive bamboo. She asked if people who currently have these plants are grandfathered in if there is a complaint or issue. Mr. Dickinson stated that that is their intent.

Ms. Nichols-Rhodes thanked everyone for being involved in this. She asked how often bamboo is sited as a problem or is it the same few houses that have it. Mr. Nettle stated that they get a few complaints from elderly residents who used to be able to handle it and now cannot keep up with it anymore physically as it comes across the property line. Ms. Nichols-Rhodes thanked Ms. Ella George for bringing goldenrod to Council's attention.

Ms. Loza thanked the residents for coming and bringing this to Council's attention and also thanked Mr. Dickinson for his hard work on this.

Mr. Jerry Alexander, 25 Alameda Avenue, Cuyahoga Falls, stated that he is one of the residents that has an issue with the bamboo. He asked how they intend to enforce this ordinance. Mr.

Community Development Committee
January 21, 2025 – Page 3

Dickinson stated that they would enforce this ordinance through the normal housing procedure. They would get an order from the housing inspector to abate their nuisance plants and be given a timeframe to do so. If they do not, they would receive a citation for not obeying that and that would go to Mayor's Court.

Mr. Alexander asked what a person can do to keep it out of his yard. It's a constant battle. Mr. Dickinson stated that, once this is passed, Mr. Alexander should tell the Housing Department if he is aware of any bamboo that is spreading. Hopefully, they will use this tool to abate it through that process and they will have to get rid of it so it doesn't spread anymore.

Mr. Siegferth asked Mr. Nettles to take them through similar examples in the way that process is handled. Mr. Nettles stated that, with all violations, they are going to get a notice to comply and a letter. They will then do a reinspection. If they do not comply, they either handle it and bill the resident and or they deal with Mayor's Court. They would give the resident a notice and if they still did not comply, they might receive a notice from the prosecutor to come in for a meeting for noncompliance and take it court. Court costs and fines add up, and those are effective ways to do it. They have never had anything specific to bamboo. If the law says they can enforce it, then they can help you. They are going to get a warning notice and a timeframe. The only time there is no warning is if it is an emergency tree situation where they have to remove it immediately or it will cause harm.

Mr. Ashton moved to bring out Temp. Ord. B-6 (Sub. Dated 1/16/25) with a favorable recommendation, second by Mrs. Spinner. Motion passed (5-0).

Temp. Ord. B-7

An ordinance implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of the Merriman Valley Schumacher Community Reinvestment Area in the City of Cuyahoga Falls, and declaring an emergency.

Mr. Rob Kurtz, Planning Director, presented Temporary Ordinance B-7 to Council. The Council of the City of Cuyahoga Falls ("City Council") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City of Cuyahoga Falls that have not enjoyed reinvestment from renovation or new construction. The City Council desires to establish the Merriman Valley Schumacher Community Reinvestment Area to include the properties depicted on the map attached to this ordinance as Exhibit A, and incorporated by reference herein, A survey of housing as required by the Ohio Revised Code 3735.66 has been prepared and is attached to this ordinance as Exhibit B, and incorporated by reference herein. The maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities. The renovation of existing structures or the construction of new structures zoned Mixed Use and Mixed Use Flex in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted.

Community Development Committee
January 21, 2025 – Page 4

Mr. Kurtz stated that this is an implementation step for the Merriman Valley-Shumacher Plan. One of the objectives in the plan was to allow for redevelopment and development of some of Akron-Peninsula Road and West Portage Trail. In fact, they altered some of the permitted uses so they can get the uses that they desire, like eating places, breweries and those sorts of things. They were specific in that intent and so the code was changed to allow that sort of use. This is a tool to facilitate that potential redevelopment. This can be on a vacant or underdeveloped lot or it can be on a former industrial building that can be expanded. This is a tax incentive that would follow through with the original plan's intent. The properties involved in this CRA are limited to those that are zoned MX and MXF. Those are the commercial zonings in the new district. Again, it does not apply to a residential project.

Mr. Siegfert stated that when they went through the coding process of the Master Plan, there were some restrictions on certain types of special businesses, such as car dealerships and storage units. That is still the case. None of that has changed. This is geared towards maybe lodging for the parks, eateries, restaurants, with a big picture plan down the road to connect Cuyahoga Falls to the Valley with walkability and connectivity.

Mr. Ashton moved to bring out Temp. Ord. B-7 with a favorable recommendation, second by Mrs. Spinner. Motion passed (5-0).

The meeting adjourned at 7:07 p.m.