

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

September 28, 2020

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

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

Invocation: Mrs. Spinner

Approval of Minutes: None

Reports and Communications: A Notice to Legislative Authorities, Objection to Renewal of a Liquor Permit, from the Department of Commerce, Division of Liquor Control, stating that all permits to sell alcoholic beverages in your political subdivision will expire on December 1, 2020. To maintain permit privileges, every permit holder must file a renewal application.

A letter from Mayor Walters, dated September 25, 2020, requesting Council approval of his appointments to the Public Art Board.

Mr. Brillhart moved to recess Council for a Committee-of-the-Whole meeting to be held, second by Ms. Nichols-Rhodes. Motion passed, voice vote (11-0). Council recessed at 6:32 p.m. and reconvened at 6:38 p.m.

Report of Special Committees

Mr. Brillhart moved to approve Mayor Walter's appointments to the Public Art Board, second by Mr. Gorbach. Motion passed, voice vote (11-0).

New Legislation

(First Reading)

Temp. Res. A-61 (Finance)

A resolution accepting the amounts and rates of taxation as certified by the Summit County Budget Commission, authorizing the necessary tax levies, certifying such authorization to the County Fiscal Officer, and declaring an emergency.

Temp. Ord. A-62 (Finance)

An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, without competitive bidding, with J&J Amusements, Inc. for new pitching machines for Downview Sports Center, and declaring an emergency.

Temp. Ord. A-63 (Finance)

An ordinance authorizing the Director of Finance to enter into a contract or contracts, without competitive bidding, with Wichert Insurance Services, Inc. for the professional services necessary to manage the City's risk management and insurance program and for the purchase of public entity insurance coverages, and declaring an emergency.

Temp. Ord. A-64 (Public Affairs)

An ordinance to approve current replacement pages to the Cuyahoga Falls Codified Ordinances, and declaring an emergency.

Temp. Ord. A-65 (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 deck on the rear of the Levinson Building (parcel no. 02-13108) which is also partially located on City of Cuyahoga Falls parcel no. 02-02861, and declaring an emergency.

Temp. Res. A-66 (Public Affairs)

A resolution expressing support for and urging passage of Issue 36, the Cuyahoga Falls City School District levy, at the General Election to be held on November 3, 2020, and declaring an emergency.

Temp. Res. A-67 (Public Affairs)

A resolution expressing support for and urging passage of Issue 43, the Woodridge Local School District levy, at the General Election to be held on November 3, 2020, and declaring an emergency.

Temp. Res. A-68 (Public Affairs)

A resolution expressing support for Issue 45, an operating tax renewal levy for the benefit of the Cuyahoga Falls Library, and declaring an emergency.

Temp. Res. A-69 (Public Affairs)

A resolution expressing support for and urging passage of Issue 47, Akron Zoo tax levy, at the General Election to be held on November 3, 2020, and declaring an emergency.

Temp. Ord. A-70 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, with the Karvo Companies, Inc., without competitive bidding, for emergency roadway repairs at 3345 State Road, and declaring an emergency.

Temp. Ord. A-71 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Trafftech, Inc, to repair epoxy pavement markings at various locations in the city, and declaring an emergency.

Reports of Council's Standing Committees

(Third Reading)

Planning & Zoning

Temp. Ord. A-48

An ordinance authorizing and approving the conditional zoning certificate to construct and operate a Conrad's Blue Falls Car Wash facility on Portage Trail Extension (Parcel 35-04006), in an MU-4 Sub-Urban Corridor District, and declaring an emergency.

E-mails sent to Council regarding Temporary Ordinance A-48 were read into the record by the Clerk of Council and were made an attachment to the minutes.

Mr. James stated that it has been a long and winding road. There has been a lot of contention and controversy related to tonight. He is proud of the due diligence and research of everybody. None of these decisions made tonight will be easy, yay or nay. He appreciates everything that was done by the developer. They tried to do everything they could; as a matter of fact, they did a little bit more trying to appease the residents. Everybody on Council and in the Administration has done their job, weighed the issues. Whatever their decision is, they take it from the heart, and they are doing what they feel is the right thing to do.

Mr. Stams stated that his words towards Council are to make an appeal. He has been part of this process from the very beginning, going back to the first Planning Commission when the vote was taken, and the approval was not met three to one. Ultimately, the Planning Commission, during the second meeting, did approve it six to zero. The issue at hand tonight is not the code. It is the interpretation of the code. He does not support this ordinance and the development of the car wash based on his interpretation of the application, specifically the review criteria under Section I of the application under Section D and bullet points 2 and 3. Under Bullet Point 2, it stated that the use shall be designed, constructed, operated and maintained as to be harmonious and appropriate with the existing plan character of the facility and will not change the essential character of the area. Council heard the letters read and testimony from the neighborhood. They would know firsthand what would be harmonious and appropriate for the neighborhood, not just environmentally, but economically. Council has heard from business leaders in the neighborhood that it does not benefit them or, in large, Cuyahoga Falls. An abundance of car washes, six or seven within a couple miles, fulfills the need for car washes in the area.

Mr. Stams stated that under Bullet Point 3 under the Review Criteria, he respectfully disagrees with the Planning Commission. He does not believe that these two items have been satisfied for the passage of this ordinance. The third bullet is the use is not hazardous or disturbing to existing or future planned neighboring uses and is not detrimental to the community. Whether it is hazardous or not, he does not know, but it is certainly disturbing. The hours of operation are 7 a.m. to 8 p.m., Monday through Saturday, and then opening at 8 a.m., on Sunday. The opening of the business at 7 a.m. and 8 a.m. is going to be disturbing. He has not seen any evidence if it is not going to be disturbing, as far as the noise, other than the testimony from the applicant. He does not have a study of the noise ordinance. He would like to see studies or something more concrete

than just the applicant's word. He certainly respects the Planning Commission and their integrity and hopes they respect his difference of opinion. Mr. Stams asked that Council please consider Council as an independent body that thinks of what is best for the community. If they are going to err, he would like to see Council err on the side of the citizens.

Mr. James stated that he would be remiss if he did not mention the residents. They obviously are going to be impacted by whatever decision is made. All of Council saw the e-mails and listened to all the concerns that were expressed. Council appreciates and respects the residents' voices in this.

Mr. Brillhart stated that he works with the residents, and the residents do not want this. It has been unanimous, so he is strongly going to vote no.

Mr. James moved to adopt Temp. Ord. A-48, second by Ms. Nichols-Rhodes. Roll Call: Mr. Balthis, Yes; Mr. Brillhart, No; Mr. Gorbach, Yes; Mr. Iula, No; Mr. James, Yes; Ms. Loza, Yes; Mr. Miller, No; Ms. Nichols-Rhodes, Yes; Mrs. Penta, Yes; Mrs. Spinner, Yes; Mr. Stams, No. Motion passed, voice vote (7-4).

Finance & Appropriations:

Temp. Ord. A-53

An ordinance authorizing the Mayor to enter into a contract or contracts with Adelman's Truck Parts for the sale of a 2015 Western Star 4700SB truck, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. A-53, second by Mr. Iula. Motion passed, voice vote (11-0).

Temp. Ord. A-54

An ordinance authorizing the Mayor to enter into an Intergovernmental Agreement with the Village of Boston Heights for the acquisition, installation, and operation of a Consolidated Computer-Aided Dispatch System to the Village of Boston Heights, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. A-54, second by Mrs. Spinner. Motion passed, voice vote (11-0).

Temp. Ord. A-55

An ordinance amending 8-2020 to authorize the Director of Law to execute a modification of contract with Roetzel & Andress, LPA for legal services related to Johnson Controls, Inc., and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. A-55, second by Mr. Iula. Motion passed, voice vote (11-0).

Temp. Ord. A-56

An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, for the purchase of a station alerting system for use by the Fire Department, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. A-56, second by Mrs. Spinner. Motion passed, voice vote (11-0).

Temp. Ord. A-57

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Jones & Associates Excavating, for repair of various culverts on City property, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. A-57, second by Mr. Iula. Motion passed, voice vote (11-0).

Public Improvements:

Temp. Ord. A-58

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the West Bath Road Drainage Improvements, and declaring an emergency.

Ms. Nichols-Rhodes moved to adopt Temp. Ord. A-58, second by Mr. Stams. Motion passed, voice vote (11-0).

Public Affairs:

No Report.

Community Development:

Temp. Ord. A-59

An ordinance approving and authorizing the Mayor to execute a Community Development Block Grant Economic Development Agreement with Kyocera SGS Precision Tools, Inc., in an amount not to exceed \$100,000.00 and declaring an emergency.

Mrs. Penta moved to adopt Temp. Ord. A-59, second by Mr. Iula. Motion passed, voice vote (11-0).

Temp. Ord. A-60

An ordinance authorizing the Mayor to enter into an Amended Economic Development and Lease Agreement with Summit County Developmental Disabilities Board (“Summit DD”); authorizing the Mayor to transfer real property located at 2361 Second Street to Summit DD; and authorizing

the Mayor to enter into a real property purchase agreement with Anthony E. Mandato and granting a future access easement to Summit DD, and declaring an emergency.

Mrs. Penta moved to adopt Temp. Ord. A-59, second by Ms. Loza. Motion passed, voice vote (11-0).

Schedule of Committee Meetings

Planning & Zoning:	Subject to Call
Finance:	October 5, 2020, 6:30 p.m.
Public Improvements:	October 5, 2020, 6:35 p.m.
Public Affairs:	October 5, 2020, 6:45 p.m.
Community Development:	Subject to Call.

Miscellaneous Business

Mayor Walters introduced the Ms. Kaylee Piper, the Executive Director of Downtown Cuyahoga Falls Partnership. She is going to do a phenomenal job. 2020 has been a difficult year, but if anyone has driven down Front Street during this time, it has been crowded. The weather has been nice. The patios have been crowded. Ms. Piper has been in Cuyahoga Falls most of her life and is also extremely excited for what is going on. She is going to take it to the next level. There are other downtowns being developed or are developed, and Cuyahoga Falls wants to stand out above the rest.

Ms. Piper thanked everyone for this opportunity. She is excited to keep the momentum going. She has lived in Cuyahoga Falls all but four years of her life, and now resides and raises her family here, so to be able to impact the community that she and her family resides in is exciting. She is excited to work with Council and keep it going.

Mr. Brillhart stated that he spends a lot of time downtown and welcomes Ms. Piper. There might be a lot of downtowns in this county that are under development, but Cuyahoga Falls is second to none. There is momentum. It is fabulous. The excitement and what Mayor Walters and Ms. Colavecchio have done is outstanding.

Mr. James and Ms. Nichols-Rhodes also welcomed Ms. Piper.

Mr. James moved to adjourn, second by Mr. Iula. Motion passed, voice vote (11-0). Meeting adjourned at 7:28 p.m.

Michael Brillhart, Council President

Dana M. Capriulo, Clerk of Council