

CUYAHOGA FALLS CITY COUNCIL
Minutes of the Council Meeting

November 26, 2007

- Call to Order:** Mr. Walters at 6:35 p.m.
- Roll Call:** Mrs. Hummel, present; Mr. Gorbach, present; Mrs. Colavecchio, present; Mr. James, present; Mrs. Ritzinger, present; Mrs. Klinger, present; Mrs. Pyke, present; Mr. Barnhart, present; Mr. Flinn, absent; Mr. Mader, present; Mr. Walters, present.
- Invocation:** Mrs. Colavecchio
- Pledge of Allegiance:** Mrs. Hummel
- Approval of Minutes:** The minutes of the November 13, 2007 regular Council meeting were approved as submitted.
- Reports and Communications:** 1. A Notice from the Ohio Division of Liquor Control of a license transfer from JAS Art Inc. dba Cashmere Cricket, 2097 Front Street, to Bryan Leopold LLC dba The Stuffed Artichoke at the same location.

New Legislation
(First Reading)

Temp. Ord. B-159 (Finance)

An ordinance providing for current operating expenses of the City of Cuyahoga Falls by appropriating, re-appropriating and transferring money within and for the various funds hereinafter set forth, and declaring an emergency.

Temp. Ord. B-160 (Finance)

An ordinance making the annual appropriation for the current expenses, other expenditures and the capital outlays of the City of Cuyahoga Falls for the fiscal year ending December 31, 2008, and declaring an emergency.

Temp. Ord. B-161 (Finance)

An ordinance adopting the report on staffing for the City of Cuyahoga Falls for the year 2008 and declaring an emergency.

Temp. Ord. B-162 (Finance)

An ordinance enacting Section 923.02 of the Codified Ordinances and declaring an emergency.

Public Hearing

Sub. Temp. Ord. B-112

An ordinance amending Section 1131.03(H)(9) of the General Development Code and declaring an emergency.

Mr. Walters announced that the public hearing was regarding regulating the number of pawn shops and payday loan facilities within the City. He added that public hearings are required whenever there is a potential change to the City's general development code.

Mr. Guerra stated this legislation started in Council. The general development code allows pawn shops and payday lenders as conditional uses in C-1 Districts. This legislation would further limit such facilities in C-1 Districts throughout the City. The change is to 1131.03(H)(a) and would require they be located 1 per 10,000 population. Planning staff recommended the proposed change be made to Table 1131-1. It would simply provide a definition and descriptions while the other location would establish uses. The table deals with what is allowed and not allowed. The Planning Commission is recommending approval.

Mrs. Klinger distributed a handout. She pointed out that page 6 showed all of the payday lending stores that were open in the City, page 7 showed locations and page 8 showed the only two stores that would be in business today if the Code was in place in the 1990's.

For: Tom Allio, Executive Director of the Catholic Commission, spoke as representative of members of IHM's Social Concerns Group. He also serves as Chair for the Ohio Coalition for Responsible Lending. He stated other governmental entities who have gone on record in support of H.B. 333 include Cleveland, Dayton, Youngstown, Wooster and Summit County Counsel. The house bill would, among other things, cap interest rates for loans in Ohio. Payday lending is a creation of the Ohio General Assembly and did not exist before 1996. The number of stores has jumped from 106 to 1,603. Payday lending is a \$2 billion industry that charges \$318 million in fees. Summit County takes in \$13.3 million in fees alone. There is no interest rate cap for payday lending in Ohio, which is 391%. The terms and fees exploit the borrowers. Currently, there are 513,000 Ohioans caught in a debt trap from which they cannot escape. This, in turn, impacts the already overburdened charitable and emergency services. Cuyahoga County currently has 1.5 payday lenders per 10,000 population. Summit County has 1.2 and Cuyahoga Falls has 1.39 per 10,000. Payday lenders do not advance the quality of life of citizens. The first hearing on H.B. 333 is December 12. He is hoping it will take affect in 2008. Supports are up against a powerful lobby but are optimistic that protection will be provided to consumers in need.

Against: None.

For: Ed Davidian, 1819 Beacon Hill Circle, stated he has previously been before Council on this issue. The facts are clear. Payday lenders charge outrageous lending rates. It is unbelievable that this can happen in our city and state. The lobbies are powerful and they have a lot of money. They will continue to fight because there is a lot of money to be made by the payday lenders. This business is hurting mostly the lower middle class, which consists primarily of the elderly and single parents. Foreclosures are on the rise. The list of people waiting for housing assistance is at an all time high. The State Legislature has done nothing on this. There are 28 states who have banned payday lending. There is no reason for them to be in our City. Summit County had three lenders when this began. There are now 65. The average person must pay the loan back within 14 days. If they don't, the lender deposits the check. If it bounces, the borrower incurs a fee from the bank and also a fee from the payday

lender. To compound matters, the State Legislature allows the lender to charge an additional \$20. With the bounced check, the borrower can now be tracked as a criminal. He is proud to live in a City that tackles social issues and feels we need to analyze what we can do to ban these predators. He suggested establishing a City-wide credit union to help those with short-term small loan needs.

Against: None

Mrs. Klinger stated this is one small step. We need to do a lot more at the State level because that is where the battle needs to be fought.

The public hearing ended and B-112 was assigned to the Planning & Zoning Committee which will be meeting on December 3.

Reports of Council's Standing Committees
(Third Reading)

Planning & Zoning

Temp. Ord. B-146

An ordinance amending Appendix C of Title 5 of the General Development Code, and declaring an emergency.

Mrs. Hummel moved to amend Exhibit A regarding the charge for each residential various request from \$125 to \$75, second by Mr. Gorbach. Motion passed, voice vote (10-0). Mrs. Hummel moved to adopt amended Temp. Ord. B-146, second by Mrs. Pyke. Motion passed, voice vote (10-0).

Finance & Appropriations :

Mr. Gorbach stated he had been requested by Administration to table B-147 and B-148.

Temp. Ord. B-147

An ordinance authorizing the Director of Public Service to enter into a contract extension with Waste Management for the disposal of municipal recycle materials, and declaring an emergency.

Mr. Gorbach moved to table Temp. Ord. B-147, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Temp. Ord. B-148

An ordinance authorizing the Director of Public Service to enter into a contract extension with Countywide Recycling and Waste Disposal Facility for disposal of municipal waste, and declaring an emergency.

Mr. Gorbach moved to table Temp. Ord. B-148, second by Mr. James. Motion passed, voice vote (10-0).

Temp. Ord. B-149

An ordinance authorizing the Director of Finance to enter into a contract extension with James G. Zupka, CPA, Inc. for professional auditing services, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-149, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Temp. Ord. B-154

An ordinance providing for the issuance and sale of \$1,400,000 notes, in anticipation of the issuance of bonds, for the purpose of constructing a public festival site to be known as Falls River Square, including an amphitheatre, pavilion, outdoor ice skating area and water fountain and related improvements, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-154, second by Mr. James. Motion passed, voice vote (10-0).

Temp. Ord. B-155

An ordinance providing for the issuance and sale of \$1,250,000 notes, in anticipation of the issuance of bonds, for the purpose of improving Front Street from State Route 8 to Oakpark Boulevard, Hudson Drive from Front Street to State Route 8, and Bailey Road in and around its intersection with Front Street, by widening the pavement and constructing or reconstructing curbs, sidewalks, and driveway approaches, and installing traffic signalization, sanitary and storm sewers and water lines, where necessary, together with all necessary appurtenances and related improvements thereto, and acquiring real estate and interests in real estate therefor, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-155, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Temp. Ord. B-156

An ordinance providing for the issuance and sale of notes, in anticipation of the issuance of bonds, in the principal amount of \$19,900,000 for the purpose of paying a portion of the costs of constructing a community recreation center and acquiring real estate and interests in real estate therefor, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-156, second by Mr. James. Motion passed, voice vote (10-0).

Temp. Ord. B-157

An ordinance providing for the issuance and sale of notes, in anticipation of the issuance of bonds, in the principal amount of \$900,000 for the purpose of paying costs of constructing sanitary sewer lines in Kellybrook Drive and Antoinette Drive and of constructing sanitary sewer lines in Monroe Falls Avenue as part of the Second Street and Vincent Street combined sewer separation project, together with, in each case, all appurtenances relating thereto, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-157, second by Mrs. Klinger. Motion passed, voice vote (10-0).

Temp. Ord. B-158

An ordinance providing for the issuance and sale of \$500,000 notes, in anticipation of the issuance of bonds, for the purpose of improving State Road from the south corporation line to Portage Trail, including by constructing or installing concrete curbs, catch basins, storm sewers where required, roadway asphalt, concrete driveway aprons and concrete sidewalks, traffic signalization and control, and signage where required, together with necessary appurtenances thereto, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-158, second by Mr. James. Motion passed, voice vote (10-0).

Mr. Gorbach stated he distributed an e-mail to Council members with the proposed budget discussion schedule. He also indicated Mr. Brodzinski would have the budget to Council members by December 1. The dates for budget discussion are set for December 3, December 10, December 17 and December 27.

Public & Industrial Improvements:

Temp. Ord. B-150

An ordinance authorizing the Director of Public Service to enter into a contract or contracts with URS Corporation to provide professional engineering services for the Federal Emergency Management Agency Mitigation Project on 6th and 7th Streets, between Silver Lake Avenue and Lincoln Avenue, and declaring an emergency.

Mr. James moved to adopt Temp. Ord. B-150, second by Mr. Mader. Motion passed, voice vote (10-0).

Temp. Ord. B-151

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with the Ohio Department of Transportation to proceed in the upgrading and replacement of signage on State Route 8 in the City of Cuyahoga Falls, and declaring an emergency.

Mr. James moved to adopt Temp. Ord. B-151, second by Mrs. Ritzinger. Motion passed, voice vote (10-0).

Temp. Ord. B-152

An ordinance proposing to cooperate and authorizing the Director of the Ohio Department of Transportation to proceed in the construction and system integration of a freeway management system on State Route 8 in the City of Cuyahoga Falls, and declaring an emergency.

Mr. James moved to adopt Temp. Ord. B-152, second by Mr. Mader. Motion passed, voice vote (10-0).

Public Affairs:

No report.

Community Development:

No report.

Schedule of Committee meetings

Planning & Zoning	December 3, 2007, 6:15 p.m.
Finance	December 3, 2007, 6:20 p.m.
Public Improvements	Subject to call.
Public Affairs	December 3, 2007, 6:25 p.m.
Community Development	Subject to call.

Miscellaneous Business:

Mr. Gorbach moved to excuse Mr. Flinn, second by Mrs. Pyke. Motion passed, voice vote (10-0).

Mr. Gorbach moved to adjourn, second by Mr. James. Motion passed, voice vote (10-0). The meeting adjourned at 7:10 p.m.

Don Walters, Council President

Cathleen J. Beebe, Clerk of Council