

CUYAHOGA FALLS CITY COUNCIL

Minutes of the Council Meeting

May 24, 2021

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

Pledge of Allegiance: Mr. Stams

Approval of Minutes: The minutes of the May 10, 2021, Council and Committee-of-the-Whole meetings were approved as written.

Reports and Communications: None

New Legislation

(First Reading)

Temp. Ord. B-35 (Finance)

An ordinance appropriating Community Development Block Grant COVID-19 funds, in the amount of \$233,720 for the Community Development Block Grant fund, and declaring an emergency.

Temp. Ord. B-36 (Finance)

An ordinance authorizing the Director of Public Service to execute a modification of Contract No. 8266 with Perrin Asphalt Company for the annual resurfacing and/or repair of various streets, and declaring an emergency.

Temp. Ord. B-37 (Public Improvements)

An ordinance authorizing the Mayor to enter into a License Agreement, without competitive bidding, with AMP Transmission, LLC for the AMPT 69 kV Conversion Project, and declaring an emergency.

Temp. Ord. B-38 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with a firm or firms, for concrete pavement repairs to various streets, and declaring an emergency.

Temp. Ord. B-39 (Public Improvements)

An ordinance authorizing the Director of Public Service to enter into a Cooperative Agreement with the City of Akron, Ohio, to share the cost of engineering and construction for the resurfacing of portions of Riverview Road, Akron-Peninsula Road, Smith Road and Portage Trail, and declaring an emergency.

Temp. Ord. B-40 (Public Improvements)

An ordinance authorizing the Director of Public Service to apply for Federal Surface Transportation Block Grant funds programmed by the Akron Metropolitan Area Transportation Study for the resurfacing of Broad Boulevard, between State Road and 2nd Street, and declaring an emergency.

Temp. Ord. B-41 (Community Development)

An ordinance authorizing the Mayor to enter into a Community Reinvestment Area agreement with Parfait Properties, LLC, and declaring an emergency.

Reports of Council's Standing Committees

(Third Reading)

Planning & Zoning

Temp. Ord. B-15

An ordinance approving a regulatory text amendment to Table 1131- 1 Zoning Districts and Uses to allow Vehicle Wash/Detailing as a conditional use in MU-3 Sub-Urban Center and MU-5 Urban Center Districts, and declaring an emergency.

Mrs. Spinner thanked the Administration for the requested responses to questions that were brought up at the last committee meeting.

Mr. Balthis stated that he would like to amend Temporary Ordinance B-15 to remove MU-3. The end rule would be to not allow car washes in MU-5, but allow them to apply for a conditional use permit in MU-5. It puts the City in a better position to protect residential areas. Line 11 would be amended to remove "MU-3 Sub-Urban Center and," to read "Wash/Detailing as a conditional use in MU-5 Urban Center Districts." And, in addition, in Line 27, remove "MU-3 and" and the "S" in "columns." It would then read "conditional use symbols in the MU-5 column in Table 1131-1, and then corresponding amendments to the exhibit to reflect that. He stated that he would also like to add, "any other amendments deemed necessary or appropriate in the opinion of the Law Director and within the intent of this amendment."

Mrs. Spinner stated that she agrees with and supports the proposed amendment to this ordinance. It would reduce the impact of car washes being built near residential neighbors while allowing future projects to move forward in MU-5 areas.

Ms. Nichols-Rhodes stated that she would like to thank the Administration and Council for considering this amendment. It was great that everyone was willing to take a second look to figure out what made the best sense was to not have so many residential areas impacted by this legislation. She stated that she is in favor of this amendment.

Mr. Balthis moved to amend Temp. Ord. B-15, second by Mrs. Spinner. Motion passed, voice vote (11-0).

Mrs. Spinner moved to adopt Temp. Ord. B-15 as amended, second by Mr. Miller. Motion passed, voice vote (11-0).

Finance & Appropriations:

Temp. Ord. B-31

An ordinance authorizing the Mayor to enter into a Subaward Grant Agreement with the Institute for Intergovernmental Research for the Comprehensive Secure and Responsible Drug Disposal Program in an amount not to exceed \$99,774 for the purchase of drug disposal bags and to make the necessary appropriations for the same, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-31, second by Ms. Nichols-Rhodes. Motion passed, voice vote (11-0).

Temp. Ord. B-32

An ordinance authorizing the Mayor or his designee to enter into a contract or contracts, without competitive bidding, with Atlantic Emergency Solutions, Inc. for various vehicle repairs, supplies and equipment used by the Fire Department, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-32, second by Ms. Nichols-Rhodes. Motion passed, voice vote (11-0).

Temp. Ord. B-33

An ordinance authorizing the Mayor to enter into a contract or contracts without competitive bidding with AT&T Corp. for the procurement of Public Safety Answering Points and related equipment and software, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-33, second by Mr. Iula. Motion passed, voice vote (11-0).

Temp. Ord. B-34

An ordinance authorizing the Director of Law to enter into a settlement agreement in the case of B.W. et al. v. City of Cuyahoga Falls, and declaring an emergency.

Mr. Gorbach moved to adopt Temp. Ord. B-34, second by Ms. Nichols-Rhodes. Motion passed, voice vote (11-0).

Public Improvements:

No Report.

Public Affairs:

No Report.

Community Development:

No Report.

Schedule of Committee Meetings

Planning & Zoning:	Subject to Call.
Finance:	June 7, 2021, at 6:30 p.m.
Public Improvements:	June 7, 2021, at 6:35 p.m.
Public Affairs:	Subject to Call.
Community Development:	June 7, 2021, at 6:40 p.m.

Miscellaneous Business

Mr. Gorbach stated that he wanted to make Council aware he has received a few calls, and that the calls will probably increase pretty soon once this goes live on Bath Road. Ascot Industrial Park, located across from the post office is Akron's industrial park. Last year, they cut a road in leaving that industrial park going onto Bath Road. It is a single lane that is going to be used for egress when they are doing maintenance work in that industrial park and the State Road exit would not be available. Last fall, stop signs were put up and taken down three times. They are back up. He stated that he would like to thank Mr. Tony Demasi, the City Engineer. This is not a City of Cuyahoga Falls' project. It is not on City of Cuyahoga Falls' property and the City's Engineering Department has nothing to do with this project. Mr. Demasi made a call to the engineer in Akron to get some information. It seems that these stop signs are going to go live in the next couple weeks. Once they go live, more phone calls will be going to various Council members. When Council members do get the phone calls, they should direct those individuals to call the City of Akron Engineering Department and not the City of Cuyahoga Falls Engineering Department. A lot of people leave that industrial park around 3:30 and then another set leave around 5:00, but the stop signs are there for east/west on Bath Road and then coming out of the industrial park. This is a dangerous place to exit without any stop signs. They will see how it goes and, hopefully, it would not be a disruption for too long of a period. Mr. Demasi did inquire as to the length of time

that they may be up, and the answer was it could be two weeks or two months. They did not really know and are relying on the contractors to do the work.

Mr. Brillhart stated that he appreciates Mr. Gorbach bringing it up. When those signs went up, he had five calls immediately. A lot of Ward 5 people drive that way, and it is a horrible waste of gasoline to have to stop right there. He totally agrees with need to highlight this is the City of Akron, although there is no designation of the border where that is. That is Akron, and that is who people should be upset with.

Mr. Stams stated that he has also received e-mails and phone calls regarding this. His concern is that the stop signs remain after the work is done. He asked if there is any way they can find out if those are going to be permanent or temporary. Mr. Gorbach stated that Mr. Demasi was assured by the City of Akron that it will be temporary. They will come down once the work is completed as decided by Akron.

Ms. Diana Colavecchio stated that Cuyahoga Falls has received a National Endowment of the Arts Grant for \$50,000. Only three have been received in the history of the entire county. They are currently contracting with a company to serve as manager of that grant. Hopefully, it will be presented in the next packet. This grant will allow them to match the funds and then they will be hosting a couple events on the riverfront area. They selected one nationally-known environmental artist. She will be putting together a piece of public art that is a celebration of the culture and the history of the river. They will have another artist yet to be named who would be affiliated with a Native American tribe. They are extremely happy that that artist will engage local artists in that project. There will be public events and public art on the riverfront. The City's new Public Art Board will assist in overseeing this project. Mr. Brillhart stated that he was excited about this. It is absolutely fabulous, and he appreciates all the work that Ms. Colavecchio done on this.

Mr. Hoffman stated that he sent out Report 21 last Monday by e-mail. In the General Fund revenue side, they continue to see fairly good numbers. The property tax settlement had the sizable increase they anticipated once they received some of the County's numbers in January. That is roughly a 10-percent increase to our property tax revenues. There have been a lot of announcements out at Blossom Music Center for shows, and that was the one line item that they did not receive revenue from last year. They have been trying to keep up with the shows that have been scheduled at this point in time. Currently, 15 to 18 shows have been scheduled. They normally see in the mid-twenties. In the shared Local Government Funds, they continue to see strong numbers. They anticipate beating their budget number this year on those numbers.

Mr. Hoffman stated that, as indicated on the top of page 5, they are continuing to see some strong income tax numbers through April of this year. They have been hesitant to move the needle thus far on what they anticipate seeing at the end of the year, because of the fluctuations they have had in individual filers in this year. Last year, the tax deadline was moved to July, and then, this year, it was moved again to May, so comparing year over year is difficult. Withholding tax is going strong and a good sign that the economy is coming back in Cuyahoga Falls. In the Street Construction Maintenance Repair Fund, they are not seeing the gasoline tax coming back. They

are not getting as many miles on the roads as they saw pre-pandemic. More people are starting to drive and use gasoline and, therefore, the gasoline tax will start to come back. One area that was hardest hit last year was the Natatorium and the Leisure Time Fund because they had to shut things down. This year, they are starting to see some life, but not enough yet to see how quickly it is going to come back. They have done a really nice job at the Natatorium mitigating and doing all they can to keep members and people coming in during this time. As things start to open up, they will get a better sense on how quickly that will come back. Regarding Brookledge and Waterworks, Council is going to see a big number in 2021 versus 2020. That is due to the shutdown, and that will start to normalize as time goes on. At Waterworks this year, they hope to have the same restrictions and to see some better revenue numbers at that facility. Mr. Hoffman stated that, in the Self-Insurance Fund, that fund, as talked about last year and this year, as well the Hospitalization and Dental Line Item is down roughly \$400,000 from 2020. In 2020, at that point in time, they were just getting into the pandemic. What they continue to see is those costs for hospitalization and dental are down across the board. They still feel that that is very temporary. As individuals start to have those elective surgeries and other medical procedures, they anticipate those costs continuing to normalize.

Mr. Hoffman stated that the City of Cuyahoga Falls received a little over \$17 million in American Recovery Act dollars. They anticipate the first of what they call tranches to be received soon. Guidance came out from the Federal Treasury a little over a week ago and it describes some of the things they already knew about the dollars, and gave pretty broad uses of those dollars in categories that are listed in the account. He has attended several webinars and has spoken with other cities, and they are continuing to look at ways they can use those dollars. Council will see them on Report 21, and he wanted to give them that information sooner than later. They will be talking about how they are going to be using those dollars soon.

Mr. Brillhart asked how many of these tranches there are going to be and are they are going to be equally divided. Mr. Hoffman stated that they are supposed to be getting two, half this year and then another half next year about this time. They have until 2024 to be able to spend these dollars, so they want to make sure that they do it right. They want to make sure that they just do not spend money to spend money, and that the City gets the best value, and they invest properly into the City.

Mayor Walters stated that from what he has been hearing from attending Zoom calls with the State and the Federal government, it looks like the revenue recovery portion, meaning if the City was short \$5 million in normal revenue, has fewer spending restrictions, but anything that's not revenue recovery is very restrictive. They are trying to get more guidance on exactly what that means. As time goes on, they are going to fine tune it, but it is still quite vague. They are going to be reserved and wait a little bit until they get more guidance, and then they will involve all of Council in that process.

Mr. Brillhart announced that on June 7, 2021, Council will meet in the Natatorium at 6:30 p.m. He stated that he would like to give a shoutout of gratitude and appreciation to the Mayor, Administration and Mr. Konich for the Zoom meetings. At the beginning of 2020, he would have

never thought, in a couple months, Council was going to be conducted via Zoom. It was conducted very well, and he hopes that message is passed along to everyone involved in making it successful.

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

Michael Brillhart, Council President

Dana M. Capriulo, Clerk of Council