

**Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
June 21, 2010**

Members: Mark Ihasz, Chair
Kathy Hummel
Jeff Iula

Mr. Ihasz called the meeting to order at 8:30 p.m. All members were present.

The minutes from the June 1, 2010 Committee meeting were approved as submitted.

Legislation Discussed:

Temp. Ord. A-81

Temp. Ord. A-82

Temp. Ord. A-83

Temp. Ord. A-84

Mr. Ihasz stated he was going to change the order and begin with A-83, then A-84, A-81 and A-82.

Discussion

Temp. Ord. A-83

An ordinance amending Section 505.10 of the Codified Ordinances, and declaring an emergency.

Chief Conley stated they currently have legislation which states that animals would be quarantined by the Police Department. This legislation makes the owner responsible for quarantining the animal and for the costs associated with it. A quarantine is required for ten days to determine whether the animal has rabies or other conditions that the City would need to be aware of. Mr. Ihasz asked if there was an instance that brought this about. Chief Conley couldn't remember a particular incident. You have to be aggressive with a vicious animal. They had one that was supposed to be quarantined and it was found outside of the fenced area. That is what precipitated the legislation so that the City can go back after the owner for any costs incurred by the Police Department's handling of the matter. Mr. Arrington clarified that the City hasn't quarantined dogs for a long time. Typically, it was an owner. Recently, a dog got out. Currently, there is no way to enforce it. This legislation is to clarify that the owner is responsible and states the penalty for failure to follow it.

Committee recommended bringing out Temp. Ord. A-83.

Temp. Ord. A-84

An ordinance amending the traffic control file by providing for installation of various traffic control devices, and declaring an emergency.

Chief Conley stated this was to grant dual left-turn lanes westbound on Graham at State Road. It helps reduce congestion and moves traffic faster through the intersection. They have seen this work and it works well. The second issue is prohibiting parking from the intersection. Currently, the sign is at 50 feet and there is some space between the sign and the first driveway. It has been reported that people try to squeeze into that space. It was felt if the restriction was set to 60 feet, that would solve the problem. Mr. Ihasz stated he drove to both places. The road is already marked on Graham. It seemed odd to go through the intersection at first. The second is on Norwood. The sign has been moved closer to the drive even though a car was still trying to park at the time. Mrs. Pyke stated she originally liked the idea of the

dual left turn from Graham onto State. However, she was at the credit union and observed that the traffic was backed to Giant Eagle because cars no longer have a right-turn only lane at the light. Also, people were not able to get out of the video store. Chief Conley stated there was a learning curve for motorists to let people out. Hopefully, with the dual lane it will relieve a lot of congestion. The dual left on Bath Road at Graham works. Mrs. Pyke stated she was just surprised that traffic backed up. The right-hand lane was never clear. Her question is does the City own property in front of Family Video because now there needs to be a right-turn lane designated. Mr. Demasi stated he also sat and observed the intersection but did not see any problems. They will continue to monitor it so if there is a condition that does not go away, they will make an adjustment. Mrs. Colavecchio stated she has seen it both ways. Prior to the dual left, the traffic was in the left lane. It has now been distributed between the two lanes. She agreed that people missed the right turn lane. Chief Conley stated someone had also suggested that the Broad Blvd. exit ramp be made a dual left. Mr. Ihasz stated he spoke with Capt. Davis. If people cut through Family Video to avoid the light, the City has a shortcut ordinance to handle that. He asked about the timing on the lights being changed. Mr. Demasi stated that has not happened yet. They are going to wait through the learning curve and evaluate it after six or eight months.

Committee recommended bringing out Temp. Ord. A-84.

Temp. Ord. A-81

An ordinance authorizing the Mayor to execute the Summit County Intergovernmental Memorandum of Understanding for Job Creation and Retention and Tax Revenue Sharing, and declaring an emergency.

Mr. Arrington stated the City entered into this agreement with other cities for tax sharing in case a business moved from one community to another. When the City entered into the original agreement, the agreement had been loosely written. The language has now been tightened. The substance has not changed. Section 2 has clear definitions on what does and does not create an economic incentive. It also clarifies the fact if one business moves from City A to City B, only those cities share the income tax. It clarifies a departing city and a destination city. There are provisions for partial relocation and split relocation. Section 3 encourages two cities to negotiate a tax sharing agreement. It may or may not mirror this broader agreement. If they do reach an agreement, that agreement controls over this one. If they cannot agree, this agreement would govern. It also defines two separate tiers. If a community signs the agreement, it will receive an extra 5% in grant applications. The Attorney General indicated it is a lawful condition. Mr. Ihasz asked if Stow signed. Mrs. Syx stated Stow will not be participating. Mr. Ihasz asked about JEDZ. Mr. Arrington stated a negotiated tax plan supersedes this agreement. Mrs. Colavecchio commented on Section 6 and asked if there would be any situation where the City would not know about the departing business within the 180 days. Mr. Arrington couldn't think of any. If a business was leaving, the Income Tax Department would know because they would not be receiving income tax. Mrs. Colavecchio asked if there was a structure in place to routinely check on this. Mr. Arrington stated they would not see a drop in revenue but in the normal day-to-day business, they would know if businesses are leaving. Mr. Rubino asked if there was anything to get excited about with this opportunity. Mr. Arrington stated the reasons cities are signing is for the 5% but he could not tell the effect it was going to have. He said the agreement dealt with communities fighting over businesses that would be relocating within Summit Count. They need to look at businesses in Pennsylvania or New York and get them to come here. Mr. Rubino asked if there was some other way the City can get 5% rather than get in on this. Mr. Arrington did not know of any.

Committee recommended bringing out Temp. Ord. A-81.

Temp. Ord. A-82

An ordinance enacting Chapter 111 of the Codified Ordinances, titled "Council Rules" and declaring an emergency.

Mrs. Colavecchio gave a short introduction. The ad hoc committee was formed to review Council Rules. Members were Mrs. Hummel, Mrs. Klinger and Mrs. Colavecchio. Hope Jones acted as liaison. The meetings were open to the public. The first meeting was held on February 22 at 5:00 and the last was on June 1. The meetings were quite productive. The value of the experience from those who have been on Council for a couple of decades was quite insightful. She approved the minutes from April 26 and June 1. They compared the current rules to rules from various other municipalities such as Lorain, Tallmadge, Upper Arlington, North Canton, Summit County and Akron. Some differences were noticed right away. One was that there was no cover page, table of contents or subtitles. They also brought the Rules up-to-date and made it gender neutral. They will discuss the substantive changes tonight. It was her recommendation to hold this ordinance and discuss it again after everyone had a chance to review it. Some added sections include language dealing with executive sessions, e-mails, confidentiality, discipline of a council person, meeting postings, offering copies of documents to the public, changes to the organizational meeting and election of officers. Once this is approved, the City will make copies for everyone on Council and add an appendix to the back.

The Committee assigned sections to various Committee members. The first section was Organization which was assigned to Mrs. Klinger.

Organization. Mrs. Klinger stated she spelled out the procedures of the organizational meeting. It identifies the Clerk to be sworn in and eliminates the election of Sergeant-at-Arms and Chaplain who will now be appointed by the President. The meeting of the Committee-on-Committees will be held publicly just like other committee meetings. There will be an attachment to the Rules of all the committees so that Council can reference it and know what Committees need appointments made and which committee that member needs to be a part of.

Officers. Mrs. Hummel stated that for Election of Officers, she referenced the Charter where it describes the election of President of Council for a period of one-year. They mirrored what the Charter says for that. In Section (g), she referenced the Charter on how the Clerk is selected and how long the Clerk serves. They made several changes to the duties of the Clerk. They delineated all those the Clerk has been doing that were not written down anywhere. Previous Rules had duties spread everywhere.

Meetings. Mrs. Colavecchio stated that in section (a) they spelled out where meetings were held and also reworded the last sentence to make it sound more positive. Section (e) is a new section. They took it from the Ohio Revised Code. They noted that other cities had implemented it in their rules and felt it should be in these rules as well. Section (f) states that notices should be posted. Section (g) was made to be more positive. It spells out what a person in the public needs to do if they want advance notice of the meetings. Section (i) has minor language changes. There was a section in Meetings that required the Clerk to maintain a record of notices given and they moved that to Clerk's Duties.

Committees. Mrs. Klinger stated it is the same as before. They just cleaned up some language by putting the negative in the positive. The biggest change was the explanation of legislation in section (j). It will now expire in six months in Committee. Mrs. Pyke pointed out there was a typo in section (i) where it should state "in the event" instead of "in the even."

Legislation. Mrs. Colavecchio stated that Ms. Jones took this section. In section (a) they changed the deadline for supplying the Law Department with new ordinances. Instead of the second Friday before a meeting it is noon on the Wednesday before. Section (b) is new. Section (d) was language that was in the

old rules but they made a point of putting it under Legislation at this time. They clarified that the reason an ordinance was being presented as an emergency should be spelled out at least orally by the presenter.

Voting. Mrs. Colavecchio stated the Voting section was moved to follow Legislation so that things were more chronological. Sections (g) and (h) are new. Section (g) states that Council will follow Roberts Rules of Order, Newly Revised. Section (h) gives the Clerk the ability to make substantive changes to legislation as long as the President signs off. Mrs. Pyke asked how would the President would give consent. Mrs. Colavecchio stated they did not put anything in particular but felt the President would initial and date the changes. Mrs. Pyke requested that to be spelled out. Mrs. Colavecchio made a note of that.

Conduct of Business. Mrs. Colavecchio stated this was assigned to Ms. Jones. Section (c) on Decorum deals with how Council would reprimand a member of Council who was disruptive. She found a section in another city's rules and adapted it. It discusses reducing the offending member's pay by 1/26th reduction of annual salary. That would be voted on by Council, however, the offending member does not vote. In section (g), they added the last sentence. In order to address concerns of the public on why Council has documents that the public cannot see, now, in addition to making copies for Council members and the Clerk, there must be at least two additional copies provided to the public to be passed around each side of the room. One thing that was discussed was the use of technology and putting some documents or parts of documents up on a screen for the public to view. There was a lot of conversation about section (j) regarding the process for a person to address Council. The individual would be allowed to speak longer with Council's consent. If someone wishes to address Council, they must give at least 12 hours' notice and list the topic to be discussed. They would notify the President who will then refer them to the corresponding committee, and their presentation would not exceed five minutes. Comments often exceed that time but there needs to be a starting point. It is no one's intention to shut the door on someone wanting to speak to Council. They are just trying to get everyone's word in. This is designed to curtail much of the duplication that Council hears.

Membership. Mrs. Hummel stated she referenced the Charter for qualification for membership to run for Council. She also noted a procedure if a Council member would choose to resign. Section (d) dealing with the Certificate of Election is new. It was felt that it would be a good procedure that the Clerk has it on record as being official with the HR Department that individuals are employed by the City as a Council member. Section (e) deals with extended absence of a Council member without being excused. Mrs. Hummel added the comment that the Clerk was also present at all of the Committee meetings and took the minutes. She contributed some thoughts as well.

Miscellaneous. Mrs. Colavecchio stated that sections (i) and (j) are new. Section (i) is on confidential information. There is no penalty but it is clear that Council has a duty to maintain confidentiality of matters that are personal in nature to the City. Section (j) has a requirement that if an e-mail relating to any pending litigation is sent to two or more Council members, that it be attached to the minutes. Mrs. Pyke suggested that language also be added that if a question is asked during a meeting and an answer is given in writing, that it, too, be attached to the minutes.

Mrs. Colavecchio, again, recommended that this legislation be held so that everyone could look through it. If there are any other issues, typos, or language that should be added, it can be discussed at the next Committee meeting.

Don Nelsch, North Haven Blvd., asked if a copy would be posted on the website. Mr. Arrington stated it would but not until it is passed. Mr. Nelsch asked if the 12-hour notice on speaking to Council applied to someone speaking on legislation discussed during committee meetings, like he is doing now. Mrs. Colavecchio stated it applied to someone who wanted to speak on an issue that was not related to

anything pending. She added if anyone wanted a copy of this draft, it would be provided. However, it would not be on the website until it was passed.

Committee recommended holding Temp. Ord. A-82.

Meeting adjourned at 9:40 p.m.