



Caucus & Regular Council Meeting Minutes
Tuesday, May 24, 2022
7:00 p.m.

CAUCUS:

The caucus meeting was called to order at 7:03 pm.

ROLL CALL: S. Scaffide, S. Barr, D. Walker, G. Bellan, D. Post, K. Labbe & B. Furey

ABSENT:

ALSO PRESENT: Ted Yates, Mayor
Matt Vazzana, Law Director
Sarah Buccigross, Finance Director
Shannon Collins, Clerk of Council
Zach Hebebrand, IT

Presentations:

No presentations this evening.

Items for Discussion:

Amy Mohr, City Engineer spoke about the Ethan's Green Sewer Outfall Lining. She stated the project was recommended and funding was received for the amount \$250,000 of the \$500,000 estimated total cost with construction in the fall to meet the grant criteria. The money will need to be moved up in the budget to this year and the project will need added to the bid list which would need a motion this evening.

No items for discussion this evening.

Audience Participation:

Bruce Baldwin – 3310 Cannon Road

Mr. Baldwin stated the signs are still out that he talked about a while ago. He thanked the city for patching Hadden Road, Route 82 and the grass at the Blue Top looks good but said the parcel next door is bad along with others in town. Stated the property on Depot still needs cleaned up behind the old Millsville.

No further audience participations at this time.

Pending Legislation:

Ordinance 56-2022 - Mr. Scaffide stated this ordinance will be on its second reading tonight. It is to amend the policy for contracts for capital improvement projects between \$25,000 but is less than

\$50,000 to have the mayor obtain three quotes with a few exceptions including, if it is for personal or professional services, the expenditure is made pursuant to the cooperative purchasing program, or it is not possible to obtain three quotes. If the mayor enters into a contract pursuant to this policy the mayor shall notice council of these actions.

Resolution 57-2022 – Mr. Scaffide stated this resolution is to confirm planning commission’s approval for the site plan for the Gumbo Project. Planning Commission approved this project at their meeting on Monday, May 16th.

Resolution 58-2022 - Mr. Scaffide stated this resolution is to confirm planning commission’s approval for the site plan for Summit Sound. Planning Commission approved this project at their meeting on Monday, May 16th.

Ordinance 59-2022 – Mr. Scaffide stated this ordinance is for the purchase of a 5 ton dump truck. This was approved by the Capital Improvement Board and is in the budget. Total cost with upfitting, rustproofing and 2 way radio is \$205,463.41. This will be on an emergency tonight so the truck can get ordered as soon as possible.

Resolution 60-2022 – Mr. Scaffide stated this resolution is to enter a mutual aid agreement with the Summit County Sherriff’s office Major Crime Scene Investigation Unit.

Miscellaneous:

Mr. Furey asked the city look into the Reminderville Dispatch agreement.

Mr. Scaffide stated that he will be making a motion in the regular meeting for a D5 liquor permit for Hong Hai Properties, Inc.

No further miscellaneous this evening.

Meeting adjourned at 7:13 pm.

Regular Council Meeting:

Mr. Scaffide called the Regular Council meeting to order at 7:30 pm.

ROLL CALL: S. Scaffide, S. Barr, D. Walker, G. Bellan, D. Post, K. Labbe & B. Furey

ABSENT:

ALSO PRESENT: Ted Yates, Mayor
Matt Vazzana, Law Director
Sarah Buccigross, Finance Director
Shannon Collins, Clerk of Council
Zach Hebebrand, IT

INVOCATION & PLEDGE OF ALLEGIANCE:

Mr. Furey bestowed the Invocation and Pledge of Allegiance.

APPROVAL OF MINUTES:

MOTION: TO APPROVE THE MINUTES FROM THE REGULAR COUNCIL MEETING OF MAY 10, 2022 AS AMENDED

Moved by B. Furey, seconded by D. Walker

Upon roll call motion passed unanimously

AWARDS & PRESENTATIONS:

No awards or presentations this evening.

AUDIENCE PARTICIPATION:

Glenn Pleta – 2238 Old Mill Road

Mr. Pleta stated the lot on Old Mill used to be an open field. Some buildings went up and they were able to dress the area to no look bad. This proposed building is outrageous. Old Mill Road is a beautiful road. The trees were all cut down. There will be issues with getting mail across the street because of the increased traffic. He showed pictures before and after with the proposed site. Asked council to really look at what is going in on Old Mill Road.

Erika Paci – 9822 Ridgewood Drive

Ms. Paci spoke about the barking dogs next door who bark from 6am-11pm every day. She asked how the city can help resolve this issue because calling the police doesn't work because when they get there the owner makes the dog be quite. She stated it has been going on for two years.

Laurie Facsina -2950 Cannon Road

Ms. Facsina stated in 2012 city council passed ordinance 97-2012 without the vote of the people. In 2014 a judge ruled ordinance 97-2012 was unlawful. The law director at the time, stated the city would revert back to the old code. She stated there have been seven buildings built with unlawful code.

Sean Beckett – 8029 McGhee Lane

Mr. Beckett stated there are some pretty good ordinances in place that protect neighbors. He stated that the Old Mill site was cleared before some steps were taken. He stated some practices were not followed. He thinks the city should think before passing the Old Mill legislation this evening.

Sue Clark

Mrs. Clark stated that Resolution 57-2022 is to be voted on tonight. She asked council to think about the residents who should have never been put in this situation. She stated council members work for the people. She stated there are three parcels of land in the city where commercial, industrial and residential meet. She asked the city to be proactive with these locations and look ahead.

Mr. Scaffide asked how many more we had that signed up to speak on the Old Mill property. Mrs. Collins stated there are eight more signed up. Mr. Scaffide stated that the council rules stated only three can talk on the same matter. He stated council will allow three additional speak tonight.

Dawn Sutkowski – 2445 Old Mill Road

Mrs. Sutkowski talked about the Planning Commission minutes from March 2, 1992. She stated they were talking about the first build on the large plat of land. The points in that meeting that are relevant to their concerns are that: the entrance on Old Mill would be for car traffic only and the entrance on Darrow Road was for truck traffic; the question of how to service the large portion of the property east of the proposed building and the planning commission see how this property would ultimately be developed (the project Gumbo site). The motion read given an additional lane on 91, entrance to line up opposite Case Pkwy S., ten feet to be dedicated along Old Mill, any future development of the back property will necessitate the construction of a dedicated road to city standards. The motion passed unanimously.

She read a statement that Mark Sutkowski had prepared. It stated the planning commission asked for some changes but in the end the design came back and approved. She stated that it has been said to be neighborly but is the developer being neighborly. Why is there an emergency tonight? She stated that the residents were encouraged to email their concerns. A few more trees were added but nothing else. What is the plan B when water may go bad? Who will pay for this? She stated it should be tabled until there are answers.

Lynn Clark – 2238 Old Mill Road

Mr. Clark spoke about project Gumbo. He stated that the city is keeping taxes low by bringing in businesses but it should be done in an environmentally responsible way. His oath as a licensed engineer is to protect the safety, health and welfare of the public and additional requirements. He stated just because he lives on Old Mill these are his professional opinions. Water issues should be regarded as very important. He has consulted with a hydrologist and reported what they looked at and found. He stated there are fractured sandstone. He stated the conclusion was this site is high risk and requested a more in-depth hydrology report and scientific data.

Matt Epele – 2668 Old Mill Road

Mr. Epele stated that he is deeply concerned without residents' concerns are addressed. The 1992 planning commission members saw the potential issues and addressed them. The residents are at the meeting to be neighborly but the developer is not. He stated that he is a truck driver by trade and holds his CDL with additional endorsements. He has seen first-hand the noise and pollution these type of locations create. This should not be allowed on a residential street. He asked what the plan B is?

Steve Humel – 2238 Old Mill Road

Mr. Humel talked about permits and property. The Campbell property would have to get a permit to drop any trees and couldn't do it until November if larger than three inches in diameter. There are drainage laws and diverting water may be considered but only with proof of benefit.

Warner Mendenhall – 190 N. Union Street, Akron

Mr. Mendenhall understands there has been some confusion that has grown on 1149.09 regarding height regulations. He represented Sally Gaydosh in 2012 regarding 97-2012 which was stricken by the judge from the zoning record. He stated that he is also a litigator on the first amendment. When you limit public participation on an issue there are issues that come up. There can be limitation on time, place and manner.

Mike Turle – 9930 Forest Lake Drive

Mr. Turle asked why there is an emergency clause on 57-2022. He stated there is no reason to push this through. He also asked that all residents get to speak. He spoke about the road for old mill project should be on Darrow, the properties brought up by Mrs. Clark should be looked at.

Mr. Scaffide stated it is not going to be on an emergency tonight.

Sally Gaydosh – 9250 Liberty Road

Mrs. Gaydosh thanked Warner Mendenhall for coming to represent the city residents. She stated he has represented the residents of the city multiple times. She wished Sam the best of luck as being mayor.

No further public participation this evening.

Mayor Yates thanked the residents for coming tonight. He asked that we add an executive session to the agenda this evening regarding litigation.

Mr. Scaffide responded to Ms. Paci's comments regarding the dog issue. He stated he has been working with the law director and police chief. The neighbor has been cited and they have paid the fee. Mr. Scaffide stated that he is not sure what the next step is within the law. Mr. Vazzana stated he has reviewed the file and charges have been filed. There are also civil actions that the resident can look into.

MOTION: TO AMENDED THE AGENDA TO ADD AN EXECUTIVE SESSION REGARDING PENDING LITIGATION.

Moved by B. Furey, seconded by G. Bellan

Upon roll call motion passed unanimously

MOTION: TO ENTER INTO AN EXECUTIVE SESSION TO DISCUSS MATTERS PURSUANT TO OHIO REVISED CODE § 121.22(G) (3): PENDING LITIGATION

Moved by B. Furey, seconded by G. Bellan

Upon roll call motion passed unanimously

Mr. Scaffide reconvened the meeting and report that pending litigation was discussed in executive session.

COUNCIL COMMUNICATION AND REPORTS

Karen Labbe - Parks & Recreation, JEDI, Fitness Advisory, Twins Day, Districting

- Stated there was a Districting Commission meeting on 5/12. Mr. Vazzana went over the rules and duties with the commission. Next meeting will be on 5/31 at 6:00pm.
- The next JEDI meeting will be on 6/13 at 6:00pm.
- The next Parks & Recreation meeting will be on 6/23 at 6:30pm.
- The next Twins Days meeting will be on 6/1 at 6:30pm.
- Donations for the food bank can be made Monday-Friday from 9:00a-3:00p.

- Nothing to further report this evening.

Greg Bellan – Finance, Golf Advisory, Public Works, Public Safety

- Attended the Finance meeting earlier this evening. The committee talked about the new PAFR report which will be an easy way to digest the financial information. They also discussed some major project updates. The next Finance Committee meeting will be on 6/28 at 6:00pm.
- The Golf Advisory Board met on 5/17. Mayor Yates filled in for Mr. Bellan. The members were sworn in, election on chair and vice-chair were done and staff reports were given.
- The next Public Safety Committee will be 7/12 at 6:00pm.
- The next Public Works meeting will be on 6/14 at 6:00pm.
- Nothing further this evening.

Daisy Walker - Charter Review/Oversight, Chamber, Community Relations, JEDI

- Attended the Finance Committee meeting earlier this evening.
- Attended the Stonecreek HOA meeting on 5/17.
- Attended the school board meeting with the mayor and presented Martin Aho with a proclamation on behalf of the city.
- Nothing to further report this evening.

Sam Scaffide – BZA, Public Works, Public Safety

- Condolences to the family of Bill LaFavier who was the city law director from July of 1982 until November 1987.
- Asked for a moment of silence for the victims in the Texas school shooting today.
- Stated that the Ravenna Road repaving will begin on 6/6. The road work will take place from Glenwood to E. Idlewood.
- BZA will meet on 5/25 at 6:30pm.
- Nothing further this evening.

Scott Barr – Planning, Public Safety, Volunteer Fireman’s Board, Community Relations

- Planning Commission will meet on 6/6 at 7:00pm.
- The next Public Safety Committee meeting will be on 7/12 at 6:00pm.
- Nothing further this evening.

Bill Furey – ARB, Finance, Treasury Investment, Tax Incentive, JEDI

- Stated ARB met on 5/19 and heard four cases. Their next meeting will be on 6/2 at 6:00pm.
- The next JEDI meeting will be on 6/13.
- The CIC will meet on 6/9 at 5:00pm...
- Nothing further this evening.

David Post - Environmental, Finance, Capital Improvements, Public Works

- Finance Committee met earlier tonight.
- The next Public Works meeting will be on 6/14 at 6:00pm.
- Environmental Commission will hold their shred day on 6/25 from 9am-12pm at the Service Garage.
- Nothing to further report this evening.

MAYOR'S REPORT:

- Attended the CVCC Career Day and Signing Day on 5/11.
- Attended the State of the Schools event.
- Attended the school board meeting and presented a proclamation to Martin Aho.
- Stated the Police Department held a moment of silence at the Miktarian Memorial during Police week and also incorporated a Blessing of the Badge.
- Stated that there were some CERT members who assisted with a medical emergency and we will be recognizing them at an upcoming meeting.
- Stated the Memorial Day Parade and service will begin at 10:30am on Monday, May 30th.
- Nothing further this evening.

DEPARTMENT HEAD REPORTS:

Sarah Buccigross – Finance Director

- Gave a short report on income tax revenue for the month of May. There was \$2.79 million over last year of \$2.58 so we are up about 8%. YTD \$10.7 mill over \$9.9 last year.

No further Department Head reports this evening.

LEGISLATION

ORDINANCE 56-2022 - AN ORDINANCE AMENDING THE POLICY FOR THE HANDLING OF CONTRACTS FOR CAPITAL IMPROVEMENT PROJECTS IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS.

Read by S. Collins

Mr. Scaffide stated this ordinance now stands on its second reading.

RESOLUTION 57-2022 - A RESOLUTION CONFIRMING THE PLANNING COMMISSION'S APPROVAL OF THE FINAL SITE PLAN FOR PROJECT GUMBO DATE STAMPED RECEIVED MAY 10, 2022; AND DECLARING AN EMERGENCY

Resolution 57-2022 was passed over this evening.

RESOLUTION 58-2022 - A RESOLUTION CONFIRMING THE PLANNING COMMISSION'S APPROVAL OF THE FINAL SITE PLAN FOR SUMMIT SOUND, DATE STAMPED RECEIVED MARCH 2, 2022; AND DECLARING AN EMERGENCY.

Read by S. Collins

MOTION: TO ADOPT RESOLUTION 58-2022 AS AN EMERGENCY

Moved by S. Scaffide, seconded by G. Bellan

Upon roll call motion passed unanimously

ORDINANCE 59-2022 - AN ORDINANCE AUTHORIZING THE PURCHASE OF VEHICLES AND EQUIPMENT FOR USE BY THE SERVICE DEPARTMENT AS PREVIOUSLY APPROVED THROUGH THE CAPITAL IMPROVEMENTS BUDGET; AND DECLARING AN EMERGENCY.

Read by S. Collins

MOTION: TO PLACE ORDINANCE 59-2022 ON THE THIRD AND FINAL READING AND DECLARING AN EMERGENCY

Moved by S. Scaffide, seconded D. Walker

Upon roll call motion passed unanimously

MOTION: TO ADOPT ORDINANCE 59-2022 AS AN EMERGENCY

Moved by S. Scaffide, seconded by B. Furey

Upon roll call motion passed unanimously

RESOLUTION 60-2022 - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MUTUAL AID AGREEMENT WITH SUMMIT COUNTY FOR THE PROVISION OF SERVICES BY THE COUNTY SHERIFF'S MAJOR CRIME SCENE INVESTIGATIVE UNIT.

Read by S. Collins

MOTION: TO ADOPT RESOLUTION 60-2022

Moved by S. Scaffide, seconded by B. Furey

Upon roll call motion passed unanimously

UNFINISHED BUSINESS, NEW BUSINESS, MISCELLANEOUS

Mr. Bellan:

- Nothing further this evening

Mrs. Walker:

- Nothing further this evening

Mr. Scaffide:

MOTION: THAT CITY COUNCIL DOES NOT OPPOSE THE NEW LIQUOR PERMIT FOR HONG HAI PROPERTIES, INC., LOCATED AT 8941 WILCOX DRIVE AND AUTHORIZE THE CLERK TO SUBMIT THE FORM TO THE OHIO DIVISION OF LIQUOR CONTROL.

Moved by S. Scaffide, seconded by K. Labbe

Upon roll call motion passed unanimously

- Nothing further this evening

Mr. Post:

MOTION: TO ADD THE PHASE 2 OF THE ETHAN'S GREEN SEWER OUTLININGG PROJECT TO THE 2022 BID LIST.

Moved by D. Post, seconded by B. Furey

Upon roll call motion passed unanimously

- Stated that the comments made that council does not care are incorrect. Most members have come to the site and talked to the neighbors.
- Nothing further this evening

Mr. Barr:

- Nothing further this evening

Mr. Furey:

- Thanked all the Veteran's for their sacrifices.
- Stated Lt. Donato is taking donations and registration for this year's Josh Miktarian Memorial Golf Outing.
 - Stated Our Community Hunger Center is in need of food. Their website has a list of the items in they are in need of www.ochc-food.org
- Nothing further this evening

Karen Labbe:

- Nothing further this evening

Mayor Yates:

- Nothing further this evening

Mr. Vazzana

- Nothing further this evening

Mrs. Collins

- Nothing further this evening

Mrs. Buccigross

- Nothing further this evening

ADJOURNMENT:

Meeting unanimously adjourned at 9:07pm.

Attest:

Sam Scaffide
President of Council

Shannon Collins
Clerk of Council