

**Cuyahoga Falls City Council  
Minutes of the Public Affairs Committee**

**February 5, 2018**

**Members:** Mike Brillhart, Chair  
Drew Reilly  
Vic Pallotta

Mr. Brillhart called the meeting to order at 6:54 p.m. All members were present.

**Legislation Discussed:**

None.

**Discussion:**

Ms. Lowery Lockard, 1764 10<sup>th</sup> Street, thanked Council for the opportunity to speak. She also stated that she wanted to thank Adam Miller and Russ Iona for taking the time to work with her about the situation that they have been experiencing with the HUD Loan Program in Cuyahoga Falls. Her family has experienced that could have all been avoided with a very simple solution, which would be to complete the work that had been contracted for, fix the work that had been done poorly and do the work correctly, professionally and quickly. She has come to this point after almost 18 months of meetings, talking, phone calls, texts, letters and arguments. There are still 19 items that were contracted that still are left undone or done very poorly. She has put the simple solutions suggested in writing. They've been matched to the items in the HUD contract that was originally signed with page numbers and paragraph numbers. Photos were included, along with a request to rectify and what they wanted those rectifications to be.

Ms. Lockard stated that her mother is 77 years old, a lifelong resident, a Cuyahoga Falls High School graduate and has been in community service in this city her entire life. She went into the hospital for a 15-minute gallbladder surgery and never walked again because of blood clot in her spinal cord. She is now a complete paraplegic. Because of that injury, she goes to dialysis regularly and has a medically-fragile condition that is monitored with regular nursing, home physician visits and a full-time aide. Ms. Lockard stated that her mother wanted her to make sure to say that she appreciated the opportunity for Ms. Lockard to come here and talk, because this situation has been very frustrating and upsetting for her. A few years ago, she contacted the Passport Program in the State to have renovations made to her mother's home to make it ADA accessible and compliant, as well as making it easier for her to get around. This was done with Pete Niger Contracting, who does a lot of the work in Cuyahoga Falls and other areas through Passport. He renovated the bathroom to have a roll-in shower, widened all the doors in the first floor and installed a fire escape, which they were told was necessary, because, if the power goes out in her mother's house, her wheelchair ramp would not work.

Mr. Colavecchio informed Ms. Lockard that her three minutes to speak were up.

Ms. Lockard stated that 19 things are not done. She has asked the City, on several occasions, for help and was told by the City that if they do not sign the contract, that they will force close and pay the contractor, even though these items are not done correctly. She thinks ADA accessibility

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is an issue. The Fire Marshal has agreed with her. Still, she has gotten letters from the City saying they don't care, she is going to sign the contract or else.

Mrs. Pyke made a motion to allow Ms. Lockard to speak for three more minutes, second by Mr. Pallotta. Motion passed, voice vote (11-0).

Ms. Lockard stated that all 19 items are on the HUD contract. They are basic renovations or fixes to things that were done inappropriately. The banister on the front porch was supposed to be a new, custom-made banister based on a railing that is on a house across the street that's similar. She, the contractor and the representative from NDS spent much time in the community looking at different banisters and agreed on the one across the street. When the banister showed up, it was a used piece of metal from some commercial building, with scrapes, cracks and a hole in the bottom of it. When she questioned it, she was told they had to take what they got. It certainly is not accessible. It sticks out two inches into the porch and doesn't meet the bottom of the stairs and, basically, is just ugly. If she had installed that, herself, she is sure that they would have gotten a letter from the City stating it did not meet the beautification standards in the community

Ms. Lockard stated that the crown jewel of this project is the driveway. Because her mother is a paraplegic and must be transported to and from dialysis and other things, it was important to get this fixed, because it was a 45-year-old driveway that was cracked, broken and raised. After an \$1,100 additional change order, because the contractor said there was things that had to be jackhammered underneath, they are now waiting on the bill from Dominion, because, in the process of doing that, they broke the gas line. She had to take her mother to a hotel room to stay until it was fixed. After four months, the concrete has not only had settlement fractures, which they said were acceptable in concrete, but it's fractured and buckled. Quarters fit through all the cracks in the driveway that are now there. She was told that is the standard for the contractor to tell if it needed to be replaced or just filled. She was told the reason this happened was because it was a poor subgrade, there is no mesh in the driveway and the driveway wasn't sealed, all of which were called for in the contract. They had received a letter from the City that the fence had to be replaced. That was part of the process in this project of getting this loan. First, the fence was put up backwards and not to code; then four pieces of the fence were left out and not replaced. They were told that those would not be replaced under this agreement, because someone had deemed they were fine and didn't need replaced. She spent several weeks fighting to get the pieces that they had put back to what is code in the City of Cuyahoga Falls. It was crooked and not flush. It was on the neighbor's property line.

Mr. Colavecchio stated that Ms. Lockard's additional three minutes to speak were up.

Ms. Lockard stated that she has several pages of these issues that she could share with Council. She and her family ask for help to get this taken care of, so her mother's home is accessible and safe.

Mr. Brillhart thanked Ms. Lockard for her concern. He stated that he has asked Mr. Russell Balthis, Law Director, to speak, because the City has been heavily involved for many, many months. Mr. Balthis thanked Ms. Lockard for coming this evening and expressing her concerns

to Council. He has reviewed the file and much of what was said this evening is inconsistent with the documentation in their file. The City, along with NDS and the contractor, have been working diligently, since late November, to successfully complete and close out this project. To date, these services have been largely unsuccessful due to not having been given access to the property. The City has been in consultation with the United States Department of Housing and Urban Development and has received confirmation from them late last week that they agree with the course of action the City has been taking to reach resolution. He stated that he would like to add that this has been an incredibly unique case. The contractor in question has been working with NDS for the past 20 years and has not received any complaints. He has also done previous work in the City through the CDGB program with no complaints. He has been vetted by the Better Business Bureau and has had no complaints. Mr. Balthis stated that he personally has served on the Loan and Grant Committee over the past three years, and the CDGB Program has been known to be successful in helping residents with low-to-moderate incomes make much-needed repairs to their homes. He is proud of the work they continue to do in the community. Mr. Balthis stated that he would like to extend an offer to sit down with Ms. Lockard and her attorney to try to resolve this matter and work with any complaints. Ms. Lockard stated that she would more than happy to sit down with him again.

Mr. Gorbach stated that Ms. Lockard had used some language that made it sound to him that some of the people working for the City have been rude. He asked her if any City employees have been rude. Ms. Lockard stated that everything that has been discussed comes back with letters that are threatening that if they don't sign off and they don't do this, it will be signed off. She is not asking them to do anything that isn't in the contract and that wasn't done. It was done wrong. It's all things that they've touched. Mr. Gorbach stated that he has read through the timeline and the notes, as well as copies of the e-mails, and he didn't read anything that was rude. As Mr. Balthis indicated, there has been, for whatever reason, a lack of access. Some of it was because of appointments that her mother had, and that is perfectly reasonable. There is really no motivation, quite frankly, for anyone in this City to act rude to anybody. While he appreciates Ms. Lockard's answer that she thinks they have, he didn't see any evidence of that. Ms. Lockard stated that there were occasions where, during meetings, she tried to explain what the problems were and was told not to speak; that they were going to tell her what they were going to do, and she would have to accept what they're saying.

Mr. Gorbach stated that Mr. Balthis made an overture to meet with Ms. Lockard, and she accepted that. He hopes that that happens. He has been on Council for a little while, and CDBG is usually a win, win for everybody. The homeowner benefits from having updated appliances or furnaces, the neighborhood benefits in that there's exterior work being done, and the neighborhood looks good. It increases property values. Everybody is usually happy, so this is unique. He has never heard of a situation where things have not gone well, and it concerns him. The City wants to move forward and wants this money to go into the neighborhoods. Everybody here on Council will preach that they want more money going into the neighborhoods. This is a great way to do that. They want this to become successful. He appreciates Mr. Brillhart holding this hearing and allowing Ms. Lockard to speak.

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Mr. Balthis stated that if anyone on Council would like to see any of the letters or the correspondence, he will be happy to provide it. Mr. Brillhart stated that he has been privileged to that information, and it's quite extensive. He stated that he would highly encourage Ms. Lockard to work it out through the Law Department. Mrs. Pyke asked if Ms. Lockard was under any deadline, right now, to get something done. Ms. Lockard stated that they were given a deadline of last Friday to plan with the contractor to come in to do the four things, out of nineteen, that they agreed to fix. She tried to reach the contractor three times last week and got no response. She e-mailed the Development Department, and was told, in an e-mail, that she had until 4:00 for him to come in. They were out of town that weekend and haven't had an opportunity to try to reach the contractor, nor has he reached out to make any arrangements. Mrs. Pyke asked if this was contained in correspondence, so Council can see that information. Ms. Lockard said it was.

Mr. Brillhart stated that he highly encourages that this meeting happens as soon as possible. He asked Mr. Balthis if he could report back to Council at the next committee meeting if a meeting is held and there's some resolution. Mr. Balthis stated that he would be happy to stay late, if that works for Ms. Lockard, and set a meeting today for them to meet. If they can do that within the next two weeks, he will be happy to report to Council how that meeting goes. Mr. Iona stated that he has reviewed the correspondence. It is becoming a he said, she said. That is always bad dealing with a Law Department and a private citizen. He looked at the driveway, and, in a few months, it has cracked. The quicker the meeting with the Law Department and Ms. Lockhart takes place, the better.

The meeting adjourned at 7:11 p.m.