

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

January 23, 2017

Members: Vic Pallotta, Chair
Adam Miller
Jerry James

Mr. Pallotta called the meeting to order at 7:05 p.m. All members were present.

The minutes from the November 21, 2106 and December 19, 2016 meetings were approved as written.

Legislation Discussed:

Temp. Ord. B-7

Discussion:

Temp. Ord. B-7

An ordinance authorizing the Mayor or his designee to apply for a grant through the Ohio Public Works Commission's Clean Ohio Conservation Fund and if awarded, to enter into a grant agreement with the Ohio Public Works Commission for the Dickerson Run Nature Preserve Project, and declaring an emergency.

Mr. Pallotta stated that Mr. Iona will give Council the particulars of this ordinance since he sponsored it. Mr. Iona asked Mr. Neil Hess, from EnviroScience, to give Council an overview of what they want to do. Mr. Hess stated that he would like to thank the Administration and Council for giving him the opportunity to be here and present this tonight. He stated that EnviroScience is an ecological consulting firm in Stow. His specialty at the firm is to raise money, through grants and several other means, to create nature preserves and parks. He also does a lot of stream and wetland restoration projects and raises a lot of financing to help manage those problems. His firm had a role in the very successful removal of the dams in Cuyahoga Falls that are on the Cuyahoga River. Mr. Hess stated that he does this type of thing all over the state and makes application for many grants every year. A little while back, this property owner asked him how this property might be competitive for a grant for nature preserve purposes. He did multiple site visits and quite a bit of research on the property, and, through that process, became very excited about the project and thinks it has many merits as a nature preserve and to be competitive for Clean Ohio funding.

Mr. Hess stated that he has prepared a list of frequently-asked questions that he would like to go over. The first question is is it a worthy project. He thinks it is worthy use of the grant funds. It would protect approximately 40 acres of land. It is all mostly-forested land. There is a stream that runs through the property named Dickerson Run. This project would help protect water flowing from that stream. There is also several thousand feet of what are called primary headwater streams on the property that would be protected, as well. That is very important for water quality and water quantity protection. The property has several wetlands that will be protected. It is near the entrance to the Cuyahoga Valley National Park, so it helps to protect the esthetic beauty of the

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area. It's also near the Woodridge Schools, so it provides the potential for future outdoor education and opportunities for students. They have written a letter of support for the project. Another question that he is often asked is if the entity makes the application, will the applicant have to pay any money. The Clean Ohio Program requires at least a 25-percent matching share component. On this project, one of the ways the matching share component can be achieved is through the donation of land value. The landowner has agreed that he would donate that matching share value so that the project can be accomplished at, ultimately, no cost to the City of Cuyahoga Falls. The matching share component would take care of the purchase price and the due diligence to pay for the property. It would also include some costs to do a little bit of natural resource improvement to the property; some tree planting and removal of some invasive plant species that are on the property. Most of those things, the grant would pay for directly. The money to purchase the property and to pay for the survey and the title work would all get wired into closing from the Clean Ohio Fund with no out-of-pocket expense from the City. There are a couple small due-diligence items like the appraisal and a Phase I Environmental Assessment. The easiest way is to pay for those ahead of time and then get reimbursed. The City will be reimbursed 100 percent for those expenses. If that is not something the City wants to do, they can work with the selected vendors to see if they would wait until property closing and be paid that way. Mr. Hess stated that he would not only write the grant application, but he would also manage it for the City so they would not have to expend resources on that. As he prepares disbursements, the City would have to review those and make sure they are acceptable, and then he would submit them to the Clean Ohio Fund on the City's behalf. Another frequent question is what is this going cost in the future. What is being proposed is a nature preserve. They are not proposing any parking lots or anything that costs money to build or maintain. The ongoing cost would be very minimal to nothing to the City for that, as well.

Mr. Hess stated that he thinks it is a great opportunity and he hopes Council would share that opinion. If Council does this project and likes it, he would be happy to work with the City to see if there are any other opportunities in the future where they might be able to utilize this funding. Not only can this funding help to do projects like this nature preserve; this money can be used to restore streams. A lot of times, he will go to a community that has a stream that's actively eroding or is unstable; maybe it's threatening some infrastructure nearby. They would look at it to see if they can restore it, using this funding to do a natural stream restoration that not only benefits water quality, but can also be used to help protect that infrastructure that is nearby. A lot of communities just aren't aware that these kinds of opportunities are out there. He always likes to emphasize the potential that if this is a good experience, his firm can talk to them about seeing if they can replicate it in the future. Mr. Hess stated that he apologizes for presenting it to the Administration and Council at this late juncture, but it takes a while for everything to come together. The grant is due this Friday. Mr. Iona stated that this project is located on Haas Road. Haas Road is obviously a rural area, but there are some gorgeous houses in Crown Point. Years ago, the gentleman that owned the property was going to put in a development, and he met with all sorts of grief, lawsuits and other problems. People did not want another development. Finally, the builder and the owner of the land said they were going to take a pass on it. The owner recently called him. They sat down and had a discussion on exactly what he's doing do. Mr. Iona stated that what he likes about Ward 8 is its rustic nature. A nature preserve keeps with the theme of a rustic area. It doesn't cost

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the City anything to get involved in it. There is no maintenance cost to a nature preserve. It is also going to help with the storm water mitigation. It is right next to some homes, so people are going to love it. He would recommend that Council vote on it and approve it so that they can apply for the grant. Mr. Hess stated that this end grant has about \$2.7 to \$2.8 million available for the entire county. He is still finishing the application, but the grant application would not be nearly that full amount. Mr. Iona stated that he likes their chances. He asked the last time the City received a grant. Mr. Hess stated that it looks like Cuyahoga Falls has received one Clean Ohio Grant in approximately 2000 or 2001.

Mr. Pallotta stated that, while on the bus tour, he had an opportunity to speak with Bob Genet, the Deputy Director of Community and Economic Development. He said that there is some money left over from last year for this grant. As long as the criteria fits the grant, it seems like there was a pretty good chance that it's going to pass. Mr. Hess stated that he thinks it is a great project. They don't know what the competition is going to be like. It is possible that several people will apply this round. Mr. Pallotta asked what would happen if the grant fails. Mr. Hess stated he doesn't know what the landowner would decide to do, but they won't receive the Clean Ohio money. Mr. Pallotta asked who is liable if someone were to be injured on this nature preserve. Mr. Balthis, Law Director, stated that, normally, that would be protected under the City's immunity. If the City took particular actions, it could expose itself to certain types of liability, but, as a rule, immunity would cover it if something were to happen on that property. He doesn't see any significant or even mentionable legal liabilities that this would add to the City. Mr. Pallotta asked who would be responsible. Mr. Balthis stated that, normally, if someone is harmed in a National Park, it is their responsibility. They are not necessarily able to sue. His understanding of this project is that, at this point, it doesn't include any type of trails or any type of public engagement. There might be opportunities down the road with partnerships with Woodridge where there could be trails and things like that. In the future, if trails or places for people to go were to be created, the City would have an obligation to maintain them, as it always does. Mr. Pallotta stated that they want to make it accessible to high school or junior high school students. Mr. Balthis stated that if a use like that were to be designed with the school district in the future, that would be great, but it would be something the City would want to look at very closely and negotiate with the school district to enter an agreement that would clearly align those types of issues; liabilities, maintenance costs and all those things.

Mrs. Klinger stated that she remembers when this development came before Council. It was a long, painful meeting. She is happy to see this now being a preserve and that they aren't building homes. This is a nice ravine area with waterways in it and a nice watershed area. She is thrilled that Council is going to hopefully support and hopefully get the money to keep this natural. Ms. Nichols-Rhodes ask if this is the type of grant where a certain amount of money would be requested and they come back with a lesser amount awarded. She also asked how long the process would take. Mr. Hess stated that rules of the program are that they fund every project in the order that the committee scores them. If someone finishes first, they must fully fund them. They do that all the way the line until the bubble project, if there is one. If Cuyahoga Falls were that bubble project, they would offer the City X number of dollars, whatever is left in the fund this round, and it would be up to the City to decide whether they would want to accept it. It is a fairly long and

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involved process. There are 19 districts in the state, and he works in almost all of them. He believes this one takes two to three months to find out whether they will get the grant. He believes it will probably be the end of March, early April, when they would know the results; then it takes a little bit longer to get through the administrative process for the grant.

Mr. Miller moved to bring out Temp. Ord. B-7 with a favorable recommendation, second by Mr. James. Motion passed (3-0).

The meeting adjourned at 7:23 p.m.