

Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
November 15, 2010

Members: Mark Ihasz, Chair
 Kathy Hummel
 Jeff Iula

Mr. Ihasz called the meeting to order at 7:02 p.m. All members were present.

The minutes from the November 1, 2010 committee meeting were approved as submitted.

Legislation Discussed:

Temp. Ord. A-139
Temp. Ord. A-140

Discussion

Temp. Ord. A-139

An ordinance authorizing the Mayor to enter into an agreement with Summit County to provide for the enforcement of state building codes within the territorial jurisdiction of Cuyahoga Falls, to request an administrative rule change permitting such enforcement, authorizing certain separation benefits for affected employees accepting alternative employment with Summit County, and declaring an emergency.

Mrs. Carr stated they began looking at this over a year ago. They are not on track with revenue numbers. Over the past 20 years, only four years have been in the positive. They need to try to at least break even. The last time they broke even was in 1999. The loss for 2009 was \$310,000 and for 2008 it was \$260,000. There is a projected loss for 2010 as well. They spoke with the County about a year ago. While there is no state mandate to have one department for the whole county, it is being encouraged. Other cities are considering a merge as well. Her goal has always been to save jobs and to deliver service in the most efficient and effective way possible. If this merge does not occur, they will need to make cuts in other places. They are running out of places to put people. If she has any chance to get these employees moved, it's now. If she waits, the County may take employees from another jurisdiction. As far as a benefits comparison between the two entities, nothing would be apples-to-apples. She stated under ordinance, an employee must be with the City for ten years in order to get sick leave pay-out. She asked the County what they could do with these employees. The County said they would like to take four employees but she only had three to give them. However, there is another person qualified to go from Community Development. This is a way that money can be saved in the General Fund without people losing jobs. She added that Connie Krauss, Director of Development, and John Labriola, Chief Building Official, were present on behalf of Summit County.

Mr. Ihasz asked what location the building inspectors would be reporting to. Mr. Labriola stated they would be reporting to the Tallmadge Avenue Job Center. That is also the same location that residents would obtain any needed permits. Mr. Ihasz stated that the City has three housing inspectors so if one goes to the County, that would leave the City with two. He asked if that will be adequate. Mrs. Truby stated it would be. For 8 of the last 20 years, the City operated with two inspectors. A lot of things have changed over the past several years to help this. 30%-40% of field inspections are from citizens' complaints, 50% are from the inspectors' travels and 2%

3% are from Council. Mrs. Hummel stated that while some of the fees look fairly comparable, she pointed out that the County has a \$50 application fee for each permit so that would be added onto the information given to Council. Mr. Labriola stated that most of the County's permits have a \$50 application fee except those for hot water tanks. The permit fees are almost a wash when you consider commercial application fees and permit fees. Basically, commercial permits are cheaper and residential permits are slightly increased. Mr. Walters asked if getting the extra people from the City would help the County's bottom line since the permit fees do not cover labor costs. Mr. Labriola stated it would. The administration is already in place with clerical staff and it is a priority with him to be customer friendly. Mr. Walters asked if the City of Akron had a home base for their permits. He would rather have a County home base in Cuyahoga Falls for residents' needs here. Mr. Labriola stated that the Residential Code of Ohio states that all building permits go through Summit County. Akron has a location that receives all plans and requests for permits. The County would work with Cuyahoga Falls Administration. The County needs City approval before it can issue any permits. Mrs. Truby stated it would be handled similar to the way it is handled now. They would have a document stamped and signed for the individual to then take to the County. Mr. Walters asked if there was a County union representative present who could comment on whether these moves would be lateral moves into the County. Ms. Krauss stated that was a union question. One thing they have done is transfer some of the County's inspectors to the weatherization program temporarily. By 2013, they would go back to the Building Department. Mr. Walters acknowledged that the state may have a mandate at some point. He asked what department within state government would handle that. Ms. Krauss stated it would be the Department of Commerce. The County has also heard from the State Board of Building Standards that they would love to see only 88 building departments because they oversee all of them. It would be easier for them if all of the building departments were consolidated within each county, and they have indicated that this is the way they would like to see things go. Mrs. Pyke asked who would handle building violations. Mr. Janis indicated it would be the County's Law Department. The City has a relatively minor amount of violations.

Bernie Garner, Vice President of AFSCME 2662, stated he is a building and zoning inspector with the City of Cuyahoga Falls. AFSCME 2662 does not welcome this change at all. He felt with a slight restructuring, the Building Department could probably be the most efficient in the state. It would be a grave mistake to let this control leave the City. He commented on Mrs. Carr's belief that the state will be requiring all building departments to merge into one county department within the next five years. He attends seminars and the consensus is that most people do not want to be consumed by their county departments. He feels if this happens, the citizens of Cuyahoga Falls will suffer greatly. He also feels the State Road project is another reason the City should not give up control. He did not feel that certain individuals in City administration who were planning to sign off on plans were qualified to do so. He then read an e-mail from his attorney to Mr. Janis that stated he was respectfully asking Council to vote "no" on this legislation because he did not believe it was in the best interests of the citizens of Cuyahoga Falls.

David Gruccio, 2333 16th Street, has lived in the City for 65 or 66 years and has had wonderful service from the building inspectors and Community Development department. He has come into both departments over many years and has had individualized conversations with the inspectors. He will miss that. It is very valuable for the City to maintain trust with its residents.

Mrs. Carr stated that the same individualized conversation will be with the County. The only difference is instead of the jurisdiction being at the City level, it will be at the County level. Some of the inspectors mentioned could be the same ones citizens deal with now. She added that the City and County both follow the same state code. Mr. Gruccio praised the people in the building inspection department who helped him over the years. He is concerned about saving jobs but he doesn't want the City to settle for less.

Eric Prange, Richmond Road, asked if there was a cost to the City for the County to operate the City's building department. Mrs. Carr stated there was no transfer of money. The County would receive revenues from the permits. Mr. Prange asked if this legislation represented the entire Building Department. Mrs. Carr stated that one clerk will be kept with the City.

Mark Walters, 112 Morrison, is the President of AFSCME 2662. He stated that on the surface this is about budget. The numbers are not encouraging. He is concerned that this proposal will affect more than just the budget. The Union's numbers have reduced significantly. In 2006, there were 168 members. In 2010, there are only 128 members. That is a 25% reduction. AFSCME gave the Administration all concessions it asked for last year, and new concessions have begun anew. In addition to this legislation, there is talk about outsourcing the cleaning personnel. He asked who would be next. He stated the level of service that the City currently provides will not be the same at the County level. Fees will significantly increase. There will be a \$4,000 to 5,000 pay cut for these employees, and they will be losing seniority which means they'd be the first to be laid off. He realized that Council will not make this decision lightly. Mrs. Carr responded that the Union is only losing members in Local 2662. The employees will still remain AFSCME union members it will just be with the County. They could talk hours on concessions but it is not the total picture. As far as Mark Walters' question of "who is next," she has always tried to save jobs whenever possible. There have been no layoffs in AFSCME but they do not have enough money to support this department. If this legislation does not pass, there will be layoffs somewhere. She reminded everyone that she could always just call the Union and give them a 30-day notice that the positions are being eliminated. This legislation is a plan that can save those jobs. The jobs may not be with the City, but at least the individuals will have jobs. They have been reassured by Russ Pry that he has no intention of laying off any County employees. She is aware this is difficult but she is trying to save as many jobs as possible. Mayor Robart stated that no one likes change, but the economy has forced cities all over the country to make decisions they did not want to make. They still have to deal with the ramifications of the economy. It helps that the City has a good relationship with the County. Russ Pry is looking at what he can do for Cuyahoga Falls.

Mike Serdinak is a licensed plumber in the City and has a good reputation. The cost to pull a permit for a hot water tank with the County is \$35. That is double the fee in Cuyahoga Falls. He will now have a hard time telling his customers it is now \$35. He has no complaints about the County's Building Department. He is just concerned about the permit cost. The economy is not getting better.

Bill Davis, 718 Woodbrook, has lived in the Northampton area for 37 years. Before the merger, he had to go to Summit County for permits but did not have much luck. He hates to see the City go the other way from being a good city. He cannot see the advantage to what the City is trying to do. If it is about money, he did not feel the City needed to spend \$1.7 million to be told how to be more efficient by buying light bulbs, etc. He felt the solution is to be more fiscally responsible.

Kenny King, Sutliffe II, has been in Cuyahoga Falls all his life and the City has done a good job for him.

Dave Reynolds, 2206 Pinebrook, moved to the City 15 months ago. Shortly after his move, he had issues with his home that he did not anticipate. He was directed to the Building Department and met with

Charles Nettle. He found Mr. Nettle to be professional, knowledgeable and friendly. He helped him with the situation he was facing and made him feel at home.

Rick Bline, 263 Crawford Circle, stated he has lived in the City his whole life, and operated his business here for over 25 years. There is no other community like this in this area. The bottom line is to ask what is the best thing for residents. The County does a good job but their inspections take a lot longer. Cuyahoga Falls issues same-day permits. The County wants two days' notice before an inspection. Akron is the same. They are just too big. If the City needs more money, why don't they just raise the fees? People have to pay money to get services. There is no way he can ever be convinced that residents will receive the same service they get now.

Mr. Mader expressed this thanks to the people who gave their input this evening. The only question he has is whether the Administration looked into raising rates. This City is a great place to live, and our community is known in the area of being the best. His question is whether raising rates to correct the financial problem in the Building Department is feasible. Mrs. Carr stated she did not have the numbers in front of her but from the deficits, she would have to raise the fees significantly. In 2006, Administration requested an increase in fees and not all Council members agreed so they did not make another proposal. The City has a window of opportunity here that they do not want to miss.

Mrs. Hummel thanked the contractors who came. It was important for her to hear how this would affect their businesses. She asked what the County's turnaround was on inspections. Mr. Labriola stated they respond immediately in an emergency. Because of weatherizing, they currently are one to two days behind. He also clarified that they do need the building inspectors.

Mrs. Klinger requested the Finance Director's numbers of internal services if the Department was eliminated. Mr. Walters asked if the housing inspectors could handle the workload with only two inspectors. Mrs. Truby stated that productivity among employees differs greatly. They actually got more work accomplished when they had two inspectors than the years they had three. She added that 95 percent of her budget is salaries and benefits. She has been able to meet budget projections by not backfilling a position, but she currently has one person in planning and three in housing. She needs to go to two in planning and two in housing. This merger will provide her department the ability to meet budget projections without anyone losing their job. Mrs. Pyke asked to see the figures that were the result of Council not approving the previous fee increase request, and then take the County rates and apply them to 2009 and 2010 permits to see what the revenues would have been.

Mrs. Hummel moved to bring A-139 out for a vote next week without a recommendation by the committee, second by Mr. Iula. Motion passed, 3-0.

Temp. Ord. A-140

An ordinance authorizing the Director of Public Service to enter into an energy purchase agreement known as the "AMPGS Replacement Energy Schedule," with American Municipal Power, Inc., and declaring an emergency.

Mrs. Carr stated this was a proposal to purchase power because we are in the AMPGS group. AMP checked to see if the City could make power purchases to fill in the gaps. They feel it is a good price and something the City needs to consider. The price is lower than if they went with the power pool. It will be over six years. Rick Lloyd with AMP stated that the demand is one way to measure and energy is another way. Power prices are good compared to historical data. Morgan Stanley guarantees they will absorb the carbon taxes that may come up in the future. The pink area on the chart is the day-to-day types of prices. If the economy picks up, power prices will go up. Mr. Ihasz asked how much power the City generates. Mr. Lloyd stated the City does not generate power. It purchases power.

Mrs. Hummel moved to approve bringing A-140 out of Committee with a favorable recommendation, second by Mr. Iula. Motion passed, voice vote (3-0).

Miscellaneous Business

Bob Philips, 2574 23rd St., asked if he could get a status on the State Road Shopping Center. Mrs. Truby stated they are working on putting together agreements with retailers, and a sign will be going up soon on the property. There is a lot of work going on behind the scenes. They will be coming forward with announcements on which retailers are coming in. She offered to e-mail him a rendering that had been provided to Council.

John Drumm, 2781 Tift Street, stated he owns property on Norwood St. which continually experiences sewer back-ups. The most recent was on July 23 when the basement was ankle deep in raw sewage. He was referred to Moral Claims and filed a claim on September 7. They told him he did not fill out the paperwork. They also told him he needed to go through Project Partner. Meanwhile, he still had sewage coming into the basement every time it rained. Hope Jones of the Law Dept. informed him that the City's insurance representatives felt that the City may not be liable because Norwood sits low in the terrain. He proceeded to do research and obtained information showing he sits at the top of the terrain. He was then told by Ms. Jones that his moral claim would not be heard in this City. He stated the result of his Project Partner inspection showed his downspouts were draining into the sanitary sewer. He disagreed that it caused his problems because water from the drains is clear yet the water that backs up into his basement has solid material. Mr. Janis recalled Mr. Drumm's claim. Mr. Drumm had not spent any money. The City only reimburses people for expenses they have incurred. It does not reimburse based on estimates. On Mr. Drumm's claim, there was no evidence of where the backup was coming from so they asked him to participate in Project Partner. It was then determined he had an illegal hookup. Russ Kring stated this home is similar to the other homes in the surrounding area. The inspection showed the foundation drain tile drains into the floor drains which then goes to the sanitary sewer. Roots encroaching into the lateral were another problem. Mr. Janis added that maintenance of the sanitary and storm laterals is the responsibility of the home owners. Once Mr. Drumm completes Project Partner, he can come back before Moral Claims again. Each claim is based on its own merit. It would be a different type of claim if he resolves the issues raised in the inspection. Mr. Drumm stated that it is illegal after 180 days. Mrs. Carr clarified that the 180 days is to give homeowners time to fix the problem. She stated Mr. Drumm is correct about the water going into the drain being clear, however, that water floods his laterals which then causes the sewage to back into the home. Mr. Kring stated they found heavy roots at 48 feet, 52 feet and 78 feet. The Y connection into the sewer main is at 90 feet, which is where they stopped.

Mr. Mader asked if it is not due to the fact that the roof drains were tied into the sanitary sewer that causes an accumulation of water which results in backups. Mr. Kring agreed that clean water added to the sanitary sewer causes the backups. He added that they have done 2,500 of these inspections. Mr. Mader stated there are a lot of homes in that neighborhood and they all contribute to the problem. Fresh water should not enter the sanitary sewer. It only creates a problem. Mrs. Carr added that Project Partner is a voluntary program and is no longer required by the City when a home sells. She does not want Moral Claims listening to a claim unless the homeowner has successfully completed Project Partner. Mr. Drumm stated that the City cannot guarantee he will not have any more problems if he spends the money to have this done. Mrs. Carr stated they never make guarantees but every home that they fix, helps an entire neighborhood. Mr. Drumm stated he has six claims. Mr. Kring had the dates of the claims. On April 2, the main was flowing fine; in January, 2008, the sewer was fine, and two days before that, the sewer was flowing fine. It was the same in December, 2004 and in December, 2006. If it was a problem in the main, everyone on the street would be having an issue. Mr. Drumm stated he had wanted to install a backflow preventer at one time but was told those were illegal. Mrs. Carr stated that is not the case. They have been allowed since 2003 or 2004. She said she would be happy to help him work through

Project Partner and also help him with a backflow preventer. Mr. Demasi stated they do not encourage installing a backflow preventer but would help. Mr. Walters stated he has been involved with this since the beginning of the problems. If the homes that are upstream are also illegally tied into the sewer, that is also a cause. Mrs. Carr stated they can put door hangers at the homes. Their goal is to fix the problem but participation in Project Partner is on a voluntary basis.

Mr. Ihasz referred Mr. Drumm to follow-up with Russ Kring and Paul Janis.

Meeting adjourned at 9:45 p.m.