

**Cuyahoga Falls City Council
Minutes of the Community Development Committee**

November 6, 2016

Members: Adam Miller, Chair
Vic Pallotta
Paul Colavecchio

Mr. Miller called the meeting to order at 7:33 p.m. All members were present.

Legislation Discussed:

Temp. Res. B-93

Discussion:

Temp. Ord. B-93

An ordinance authorizing the city of Cuyahoga falls to transfer real property formerly known as the mud run gun club to the community improvement corporation of Cuyahoga falls to facilitate the redevelopment of the property, and declaring an emergency.

Mr. Guerra stated that this ordinance is to allow for the transfer of the property to the CIC, so the CIC can apply for US-EPA Brownfield Cleanup funds. The application is due November 16th, and this legislation would transfer the property prior to that, so they could apply under the CIC name. There are some requirements when making application for cleanup funds, and one of them is a liable property owner cannot apply for the funds. The City is not liable for the property. The contamination was caused by the Gun Club prior to 1994, 1995; however, because the City purchased the property knowing that it was contaminated, the City is technically liable under Federal regulations. In 1994, a Phase I assessment was done. Around 1994, 1995, there was a scenic easement put on the property that they couldn't use the Gun Club. When the City purchased it in 1994, of course, it wasn't used, but, because of the way the Federal requirements are stated, potentially the City could be liable for it. The US-EPA suggested that they find a nonprofit party that would be eligible to apply for the cleanup funds. Usually, there's one round a year. It's usually in November, December. There's a public meeting next Monday, at 3:00 p.m., to discuss the application.

Mr. Colavecchio asked what the timeline is for the cleanup and then the improvements. Mr. Guerra stated they would find out whether they receive the funds probably February, March or April; then there's a process they must go through. In 2009, the City conducted a Phase II on the property. At that time, they were looking at moving all the contaminated soil with the lead pellets to a landfill, but it was decided it was too expensive to do it that way. This process they are looking at now goes along with what they wanted to do in the Mill Pond-Mud Brook Greenway Plan, in which they are going to cap the lead with a clay hard soil and then, on top of that and use it for storm water retention. It's a complicated process, but it needs to be done in the next two to five years. This process costs a lot less than having to haul all the contaminated property to a landfill.

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Mrs. Klinger asked if the total cost of the cleanup was known. Mr. Guerra stated that it was approximately \$625,000. Mrs. Klinger asked what the long-term plan is once it's in the hands of the CIC. Mr. Guerra stated that the transfer is for applying for these funds, and then it would be transferred back to the City. It would be part of that Greenway area. It is just a way for the City to legally meet the Federal requirements to apply. The CIC must have it for three years. After that period, it would hopefully be cleaned and be turned back to the City.

Mrs. Pyke asked why the CIC would not be held responsible. Mr. Guerra stated that it is because they don't own the property. The way the process works is when application is made for these funds, a new Phase I will have to be done. The CIC is doing the Phase I, knowing that, within a six-month period, they're applying for the funds. It's just the way the Federal regulations are set up that it's a project happening. Because it's contaminated, they're purchasing it to clean it up. Mrs. Pyke asked how much it will cost the CIC to do a Phase I. Mr. Guerra stated that Phase I is \$2,000. Mrs. Pyke stated that she thought there was no funds left in the CIC. Mr. Guerra stated that there are some funds in the CIC, but not a lot. Mrs. Pyke asked if Mr. Guerra could let her know how much is in the CIC before they vote next week.

Mr. Pallotta asked if there is any possibility of that contamination leaking and being in that retention basin. Mr. Guerra stated that the EPA has approved the capping of it. They will oversee that. The lead is on top of the ground and doesn't move. It has been there since the 1980's. What they would do is just make sure it's in place and cap it. There would be some restrictions. It would be perpetually open space. There will be some restrictions about digging in that area. To move the contaminated soil at Salt Creek, it cost almost \$3 million. In that case, it could be redeveloped. In this case, it is always going to be open space. The EPA is aware of it. It's an approved way of keeping that contamination in place, and it costs a lot less. Mr. Pallotta stated that he was worried about the leaching of the contamination into the watershed. Mr. Guerra stated that it is not going anywhere. As part of the process, the City did testing of the whole area. They know where the lead pellets are. There is not a lot of contamination.

Mr. Pallotta moved to bring out Temp. Ord. B-93 with a favorable recommendation, second by Mr. Colavecchio. Motion passed (3-0).

Mrs. Pyke stated that she would like to make sure that everybody understands that Council will be voting on this next week. There will be adequate time to get this grant in by passing it on Monday.

The meeting adjourned at 7:44 p.m.