

Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
December 21, 2009

Members: Vince Rubino, Chair
Kathy Hummel
Ken Barnhart

Mr. Rubino called the meeting to order at 6:30 p.m. All committee members were present.

The minutes from the December 7, 2009 meeting were approved as submitted.

Legislation to be Discussed:

Temp. Res. B-136

Temp. Res. B-137

Discussion:

Temp. Res. B-136

A resolution to support and participate in the Balanced Growth Initiative Watershed Management Plan for Furnace Run, a tributary to the Cuyahoga River, and declaring an emergency.

Mr. Demasi stated that Furnace Run is a tributary to the Cuyahoga River in the northwest corner of the City. It lies upstream from Cuyahoga Falls. Last week, the communities were awarded a grant. They will form a team of 30 people from the different cities and townships who will meet monthly for ten months. One of the goals of the committee is selecting priorities for future land use. Three representatives from Cuyahoga Falls will be appointed. The first meeting is January 7, 2010 at Richfield City Hall. The City's area is all natural park so we would definitely be concerned about what happens upstream of us because it would impact the park. Mrs. Pyke asked if three representatives will be appointed from each city and township. Mr. Demasi stated that the number of representatives is based on certain criteria. A city will have two representatives and a township will have one. Additional people will be appointed based on the percentage of watershed area that is in their jurisdiction. Cuyahoga Falls will have three appointees plus two alternates.

Committee recommended bringing out Temp. Res. B-136.

Temp. Res. B-137

A resolution opposing the Northeast Ohio Regional Sewer District's attempt to assert jurisdiction to manage stormwater within communities in Summit County, Ohio where it provides wastewater services, and further opposing any proposed taxes, assessments or fees for the management of stormwater that are, or will be proposed by NORSD against Summit County communities and residents, and declaring an emergency.

Mr. Demasi stated that beginning in January, 2010, the Northeast Ohio Regional Sewer District plans to implement a storm water maintenance fee for communities in the service area. The fee is based on the size of a residential area. A small area would be \$2.85 per month; a large area would be \$8.55. Non-residential property will be charged based on the units. There have been meetings among Summit County communities to discuss the legality of this. The concern is that NORSD could expand from the current service area to the entire Cuyahoga River water shed. This resolution echoes the sentiments of the other Summit County communities. Mr. Rubino asked why NORSD thinks it has the right to do this. Mr. Demasi stated they are relying on a group of court orders. The Summit County Prosecutor's Office is currently reviewing those orders.

Hope Jones stated when this district was established in 1972 pursuant to a Cuyahoga County Court of Common Pleas Order and O.R.C. §6119, the purpose was to provide water to customers within and without the district and also to collect, treat and dispose of wastewater. NORSD is looking at the definition of “wastewater” which they believe gives them the authority to broaden their jurisdiction to include storm water. There is a legal opinion stating that is not the case. Ms. Jones agrees that the opinion has a few reasons NORSD’s jurisdiction cannot be broadened as it thinks it can. Another point in our favor is no Summit County Common Pleas Court judge was a part of the original action.

Mr. Rubino stated the City is joining with other communities in speaking against this movement. He asked if the communities have any legal recourse to stop it. Ms. Jones stated if NORSD forces the fee, the City would fight back because we are a charter community. If they continue going forward, every city and township in Summit County will file suit. Mr. Rubino asked what NORSD would provide for the fee. Mr. Demasi stated they are discussing making capital improvements, including upgrades, to their wastewater treatment plant and separating their combined sewer systems. It’s the same that we do although we do not have a combined system or wastewater treatment plant. The majority of work would be in Cuyahoga County and the Cleveland area.

Mrs. Hummel said that Section 1 states that NORSD provides wastewater services. She asked whether they do that now to Cuyahoga County. Mr. Demasi indicated they did. Mrs. Hummel asked whether there was any prospect of relief through the State legislature. Ms. Jones stated that is a possibility. The legislature could be asked to define what “storm water” is. Where NORSD claims to get this broad authority is that they are permitted to treat and collect waste and storm water but only if the storm water is mixed with some pollutant. They are basically claiming they can include every drop of rain that falls from the sky. Mrs. Hummel asked whether any of the jurisdictions opposing this are working with anyone in the legislature. Ms. Jones did not believe so. Mrs. Hummel felt it might be more cost effective than filing a lawsuit. She does not think the City needs yet another level of bureaucracy that it pays for when it does its own thing locally. Mr. Demasi added that the committee overseeing these funds will have no representatives from Summit County. There will also be no oversight from the Cuyahoga County Commissioners, either.

Mr. Walters thought this was previously done to the south of Akron. Mr. Demasi stated it was done in the Muskingham water shed. Mr. Walters said communities were very much opposed to that at the time yet that organization was successful in imposing their fee. Mrs. Hummel stated that is the Muskingham water shed which is administered by the Army Corps of Engineers. They have substantial fees on any property in that water shed.

Mrs. Klinger asked if the City has assessed what the total impact would be dollar-wise. Mr. Demasi stated he has not but based on their small, middle and large residential lot size definitions, most of the lots in the City would be considered middle by their definition. Mrs. Pyke asked how they would collect the fees. Mr. Demasi stated it would be added to the bills of cities currently within the district. If they decide to expand to cities outside the district, it is a guess as to how they might implement the fee. Mrs. Carr stated that the service directors in Cuyahoga County indicated that many of the communities are looking to start a storm water fee so NORSD is just trying to jump ahead of that curve.

Committee recommended bringing out Temp. Res. B-137.

Meeting adjourned at 6:50 p.m.