

**Cuyahoga Falls City Council**  
**Minutes of the Public Affairs Committee Meeting**  
**June 6, 2011**

**Members:** Mark Ihasz, Chair  
Kathy Hummel  
Jeff Iula

Mrs. Hummel called the meeting to order at 7:00 p.m. Mr. Ihasz was absent

The minutes from the May 16, 2011 Committee meeting were approved as submitted

**Legislation Discussed:**

Temp. Ord. B-54

Discussion

**Temp. Ord. B-54**

An ordinance amending Section 505.18 of Part 5 of the Codified Ordinances, relating to feeding of birds, and declaring an emergency.

Mr. James stated that the past three weeks have been a rough ride. After close deliberation, he has come to the conclusion that the City already has ordinances on the books to address this matter. Some of the language was a little obscure so he felt that may be why they were overlooked. He took no issue as to why he brought this ordinance forward and would do it again if it meant helping his constituents. That is one thing a Council person has to do. He has not initiated much over the years, but he has done a lot behind the scenes. He must take every call and concern of his constituents seriously. He's taken a few calls over the years complaining about bird feeders, so this was the catalyst of why he sponsored the legislation. He stated this matter falls under a nuisance ordinance and another one that deals with garbage. So, he will be withdrawing B-54 and asking the Administration that when there are similar issues, that the housing inspectors use their due diligence. With these existing ordinances, maybe these matters can be enforced better. He accepted the blame for not digging deep enough to make sure something didn't already exist. He did not mean to put the City on the map internationally. This matter has been discussed in Australia, India and England. But he would do it again if there was something his constituents felt was a problem that was not already addressed on the books. There has been a lot of information and knowledge shared on the proper handling of bird feeders, bird seed, and rodents. He pointed out that just because it does not happen to you, it doesn't mean it's not happening to other people. He thanked everyone for their indulgence. Mrs. Hummel did not believe Council needed to take any further action on this ordinance. Since it is withdrawn, it will simply go away. She stated that residents who had come to discuss their concerns on this ordinance could still speak if they wished to. Mrs. Truby stated that the Housing Division is aware of each and every ordinance as they pertain to the Code, and none of the ordinances were overlooked in this case.

Mila Theiss, 2607 Woodward, thanked Mr. James. They had been calling the City inspector who had told her there was no ordinance on this. Everyone said there was nothing they could do. She spoke to the Garden Club and asked their opinion and whether they had any ideas. The president is a former City health inspector who was not able to be present tonight. She had stated there are ordinances because feeding improperly will cause a serious rodent problem, especially by rivers and near Waterworks. Mrs. Theiss' neighbor has not stopped throwing seed on the ground. She invited everyone to come and sit on her deck or look out her bay window. She also has pictures. The neighbors behind her are having trouble

with rodents as well. In the summer, birds do not need to be fed everyday like they need to be fed during the winter. There is enough food out there for them to eat. She stated she will have the president of the Garden Club come to Council next week to speak about this.

Sherry Nank, 2602 Sylvan, asked how the head of the housing department could not know of the ordinances when the Theisses went to him. Mrs. Truby stated she had already responded to that. She was not there that day so she does not know what was said. Mr. Nettle is on vacation and was not able to be present tonight. Mrs. Hummel suggested that Mrs. Nank call and discuss the matter with Mr. Nettle when he gets back. Council does not plan to discuss this matter again. Mrs. Nank felt it was an embarrassment to the City when citizens go to them and are told there is nothing on the books when, in fact, there is. She asked if the department had cutbacks. Mrs. Truby stated she was trying to avoid it but felt she needed to read her response to Council dated May 23, 2011 (copy attached). Mrs. Nank asked if the housing inspectors were allowed to stop by the house just to see how things were going. Mrs. Truby stated they need to get a call. Mrs. Nank asked if the department lost inspectors to the County. Mrs. Truby stated those were in the building department. She reiterated that there are ordinances on the books to address this situation, and her department responded on the same day or the next day.

George Theiss, 2607 Woodward, asked how Mr. Nettles can do his job if he cannot go onto someone's property. Mrs. Truby stated that often times the issue can be seen from the neighbor's property. Mr. Theiss stated that Mr. Nettles indicated he could not go onto someone's property. The last time Mr. Nettles was there, he was looking at flowers and chimneys, and Mr. Theiss' cat was dropping rodents at their feet. People are having things chewed and others are putting out traps. He has old cars in his garage and is worried the rodents will damage them. He felt that Mr. Nettles turned his head when he was there. The cat dropped three rodents at their feet. Mrs. Truby stated that Ms. Syx took photos and indicated that the cat brought a dead chipmunk. Mr. Theiss stated there were three. The foot supply is there and it is not going away. Someone needs to step in and do something. He needs help. He worked hard for everything he has.

Mr. James stated in all fairness to Mr. Nettles, he has always responded immediately when Mr. James would call. He does not know what was said and can only go by what the Theisses have told him. He felt Mr. Nettles has always been on the up-and-up and does his job well. Perhaps sometimes he may not have been aware of an ordinance. Mr. James stated he was told that the City had something on the books to enforce this. He is not debasing anything the Theisses said, but he has found that the housing inspectors have always done a good job. He did not want anyone thinking that Mr. Nettles does not do his job.

Mrs. Pyke asked if there had been any requests to bait the sewers for rats. Mrs. Carr stated they bait sewers all the time but they are hearing there are mice in this situation and not rats. Mrs. Pyke told the Theisses that the City could bait the sewers but warned it would also kill the cat. Mr. Theiss stated they only had one rat. The rest are chipmunks and squirrels. Mr. James stated that in the other three instances before this one, all three were rats. Two locations were off Oak Park and one was on Sylvan. The elderly lady there had her cat bring the river rat right to her doorstep. Mrs. Carr stated again that they can bait the sewers but it will not correct the problem. Mr. James did not feel they were having a huge issue with rats.

Donna Klett, 2593 Woodward, asked about an inspector being permitted on a property he is inspecting. From what she recalled, the ordinance permitted him to go onto property as required to inspect the nuisance. Mr. Janis stated that all of the City's ordinances follow along with the constitution which requires a search warrant before searching a property to find a violation.

Mrs. Hummel indicated that one of the inspectors had been banned from a property but the others were still permitted to inspect it. She stated that this ordinance has been withdrawn and there have been no other issues so there will be no further discussion.

With regard to the ordinance on outdoor composting, Mr. James and Mr. Janis are still working on this and looking at language. Mr. James is committed to withdrawing the language requiring residents to purchase some kind of container to do their composting. He will let the press know when it will be discussed.

Meeting adjourned at 7:30 p.m.



## City of Cuyahoga Falls

Development Department  
2310 Second Street  
Cuyahoga Falls, Ohio 44221  
Phone: 330/971-8135  
Fax: 330/971-8366



*Susan L. Truby, Director*

*Jennifer L. Syx, Deputy Director  
Fred R. Guerra, Planning Director*

May 23, 2011

President Diana Colavecchio  
Cuyahoga Falls City Council  
3414 Haggarty Way  
Cuyahoga Falls, Ohio 44223

**Subject: Temporary Ordinance No. B-54**

Dear President Colavecchio:

On May 16, 2011, the subject ordinance regarding the amendment of Section 505.18 of Part 5 of the Codified Ordinance relating to the feeding of birds was held in the Public Affairs Committee. At that time I was asked to have Housing Inspector Charles Nettle at the next committee meeting to discuss. Due to the fact that there are five Mondays in May, the next meeting will be scheduled for Monday, June 6, 2011, at which time Mr. Nettle will be on vacation out of state.

Therefore, I have elected to provide you with all the pertinent data relating to this case and then if you still need Mr. Nettle at a future meeting, we can schedule another date.

The process for filing a complaint with the Development Department is as follows. When a public complaint is made, we follow up on all requests in an effort to either validate the concern or file. If code violations are found, orders are then issued to the property owner for compliance. Follow up visitations are performed to insure that the required action has indeed been accomplished in the required amount of time provided.

Mr. and Mrs. Theiss' original complaint was made on 2/17/11. Mr. Nettle inspected the Klett property on 2/18/11 and orders were issued to Ms. Donna Klett on 2/18/11. Naviline entries maintained and the order letter written by Mr. Nettle regarding this complaint is enclosed. On 2/23/11, Mrs. Theiss called Mr. Nettle for a second time indicating that the neighbor had begun the clean up, however, they were discarding the birdseed into the compost area. Mr. Nettle was unable to reach the neighbor by phone as the telephone number listed in the city's utility accounts had been disconnected. Mr. Nettle then left his business card at Ms. Klett's property on 3/2/11. On 3/3/11, Ms. Klett left a message for Mr. Nettle and he returned the call on 3/4/11. A conversation with Ms. Klett ensued and afterwards, Mr. Nettle also called Mr. Theiss back to report on the conversation.

On 3/14/11, Mr. Theiss called to complain that there were dogs digging in the compost area. On 3/16/11, Mr. Nettle left a message for Ms. Klett regarding this complaint. On 4/1/11, Ms. Klett returned the call to discuss the current complaint and to update Mr. Nettle with the status and gave Mr. Nettle permission to visit her property. On 4/1/11 (the same day), Mr. Nettle visited the Klett property to observe if the clean up had taken place. At that time, Mr. Nettle had compliance on this issue and the case was closed. Mr. Nettle additionally provided Mr. Theiss this same information.

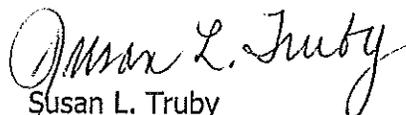
On April 5, 2011 Mr. Theiss met with Mayor Robart during his First Tuesday Program. Also enclosed are the documents pertaining to that visit.

On 5/10/11 Mr. and Mrs. Theiss called the department and requested that Mr. Nettle visit their home again to view the Klett property. On 5/11/11, both Mr. Nettle and Ms. Syx visited the Theiss' and took photos of the Klett property (these were provided to City Council n 5/16/11). Mr. Nettle observed no violations during this visit. On 5/16/11, Ms. Klett called Mr. Nettle to inquire about the City Council meeting.

Since the City Council meeting on 5/16/11, we have had no correspondence with the Theiss' or Kletts.

In summary, all requests were handled in a timely manner and brought to resolution with City Codes. If you require any additional information, please let me know.

Sincerely,

  
Susan L. Truby  
Director

SLT/hma

cc: Mayor Don L. Robart  
Mr. Paul Janis, Law Director  
Ms. Jennifer Syx, Deputy Director  
Mr. Charles Nettle, Housing Inspector  
All Council Members

Attachments

Property Information

Address: 2593 WOODWARD RD  
CUYAHOGA FALLS, OH 44221  
Location ID: 122990  
Parcel No./Lot: 02-08217  
GEO Number: CF0012402015000  
Zoning: R-4 MEDIUM-DENSITY RESIDENTIAL  
Subdivision:

Case General Information

Case status: CM Complete  
Status date: 4/05/2011  
Case type: ESC Orders - Exterior Struct Compl  
Reported date: 2/17/2011  
Origination: CC Citizen Complaint  
Default inspector: CN Charles Nettle  
Credit balance: .00

Owner Information

Owner name: DONNA M KLETT &  
Address: RAYMOND III MARTINEZ  
2593 WOODWARD RD  
City: CUYAHOGA FALLS, OH 44221  
Phone: 0  
Notice: Y  
Flip: Y

Violations

| Type     | Status | Location | Quantity | Date Established | Date Resolved |
|----------|--------|----------|----------|------------------|---------------|
| PW-303.1 | IC     |          | 1        | 2/18/2011        | 4/05/2011     |

Case Data

Description Data

Active Inspections

| Type                           | Insp ID | Schedule Date |
|--------------------------------|---------|---------------|
| No scheduled inspections exist |         |               |



**City of Cuyahoga Falls**  
Community Development Department  
2310 Second Street  
Cuyahoga Falls, Ohio 44221



Susan L. Truby  
*Director*

Jennifer L. Syx  
*Deputy Director*

Fred R. Guerra, AICP  
*Planning Director*

Phone: 330/971-8135  
Fax: 330/971-8366

**COPY**

February 18, 2011

Case No: 11-00000106

Donna M Klett & Raymond III Martinez  
2593 Woodward Rd  
Cuyahoga Falls, OH 44221

**RE: 2593 Woodward Rd, Parcel No: 02-08217, Cuyahoga Falls, Ohio**

Dear Donna M Klett & Raymond III Martinez:

A recent inspection conducted at the above premises revealed several conditions, which we suggest be corrected to comply with the Housing/Property Maintenance Code. Since it is our desire to obtain voluntary compliance whenever possible, we wish to call existing conditions to your attention.

The enclosed Housing/Property Maintenance Code compliance form will advise you of these conditions and what corrective measures should be taken.

Although this inspection is visual in nature, it represents a sincere effort to evaluate the structure and its basic equipment. This evaluation should not be construed however, as a guarantee that no faults exist or will not develop in the future. The City of Cuyahoga Falls does not assume any responsibility for the condition of the property.

Should you desire any assistance, please feel free to contact this office.

Sincerely,

Charles Nettle  
Housing Inspector  
330 971-8145

Enclosures

**Sent Regular & Certified Mail: 7007 0220 0003 7695 1306**

**1371.99 PENALTY**

Any person who violates any provision of this Code shall be guilty of a misdemeanor of the first degree. Each day's failure to comply with any such provision shall constitute a separate violation. (Ord. 55-1999. Passed 3-8-99.)

As a reasonable amount of time, as stated in the code, a period of **thirty (30) days** will be allotted to allow you to comply. Extensions of time will be granted as long as a willingness to comply is expressed, and continuing progress is made towards effecting compliance.

**PROCEDURE FOR APPEALS MAY BE FOUND ENCLOSED**

**Date: February 18, 2011**

**Case No. 11-00000106**

**Charles Nettle**

### **1355.05 RIGHT TO APPEAL; HEARINGS.**

(a) Any person affected by any notice and order which has been issued in connection with the enforcement of any provision of this Housing Code may request and shall be granted a hearing on the matter before the Housing Appeals Board, provided that such person shall file in the office of the Housing Inspector a written petition requesting such hearing and setting forth the name, address and phone number of the petitioner and a brief statement of the grounds for such hearing and appeal from any order of the Housing Inspector. Petitions shall be filed within ten (10) days after the day the notice and order is served, and shall be accompanied by a deposit of twenty-five dollars (\$25.00), which deposit shall be returned to the petitioner if the appeal is granted in substance. Upon receipt of such petition, the Housing Inspector shall set a time and place for a hearing before the Board and shall give the petitioner written notice thereof. The hearing shall be commenced within a reasonable time after a petition has been filed. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice and order should be modified or withdrawn. The failure of the petitioner or his representative to appear and state his cause at such hearing shall be grounds for dismissal of such petition.

(b) Upon hearing, the Housing Appeals Board may affirm, amend, modify, or withdraw such notice and order, and the petitioner and the Housing Inspector shall be notified in writing of such findings.

(c) The proceedings at such hearings, including the findings and decision of the Board and reasons therefore, shall be summarized and reduced to writing and entered as a matter of public record in the office of the Housing Inspector. Such record shall also include a copy of every notice and order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the State. (Ord. 82-1973. Passed 4-23-73.)

### **OBTAINING PERMITS**

All repairs, alterations, additions, etc., must be done in accordance with the Summit County Division of Building Standards. Necessary permits must be secured before work begins. Information regarding permits and requirements may be obtained from the Summit County Building Standards Office, 1030 E. Tallmadge Avenue, Akron, OH 44310, 330 630-7280.

S Case other action text

File Commands Help  
SUNGARD PUBLIC SECTOR  
NaviLine



Save Cancel Exit Spell check Time stamp

Case number, type: 11 00000106, Orders - Exterior Struct Compl  
Inspection, date: Notation 030211

March 3, 2011 8:18:59 AM nettle.  
on 2.23.11 The neighbor called and stated that the owners  
had begun the extensive cleanup, however they are throwing  
the discarded bird seed/feed/waste into the compost bin  
abutting the attached garage. On 2.24.11 I tried to call  
the owner but the phone was disconnected, On 3.2.11 I left  
my card to call taped to the dwelling mailbox.  
May 23, 2011 8:24:34 AM nettle.





Save Cancel Exit Spell check Time stamp

Case number, type: 11 00000106, Orders - Exterior Struct Compl  
Inspection, date: Notation 040111

April 5, 2011 8:08:20 AM nettle.  
on 3.14.11 The neighbor called to complain about dogs digging in compost/additional bird feed, On 3.16.11 I left a voice message for owner Donna Klett @696.0137. On 4.1.11 I received a return call from Donna Klett @696.0137 she stated she bought a can for storing the excess used bird feed etc which she keeps in the garage, also she stated she had begun turning her compost pile as warmer weather allowed, she stated it was OK to come do an inspection of the property today. Later on 4.1.11 I observed the rear patio much cleaner and there were containers and a tumbler in the garage. Later I received a call from the neighbor and I gave him the status. I also left a voice message for the owner that I was closing the case.  
May 23, 2011 8:28:51 AM nettle.





Save Cancel Exit Spell check Time stamp

Case number, type: 11 00000106, Orders - Exterior Struct Compl  
Inspection, date: Meeting - Outside City Bldg 051111

May 23, 2011 8:13:31 AM nettle.  
on 5.11.11 At the request of neighbors Mr & Mrs George  
Theiss, Jennifer Syx and I met them at their property to  
view the neighbors property. Jennifer took some photos & I  
observed no violations. On 5.16.11 I received a call from  
owner Donna Clett, she asked about the upcoming proposed  
legislation, I informed her to contact her Councilman Jerry  
James. I informed her that I had been out to the property  
recently due to the neighbors request along with a  
supervisor, and we observed no violation.  
May 23, 2011 8:29:23 AM nettle.  
May 23, 2011 8:29:30 AM nettle.



# Mayor's First Tuesday April 2011

City of Cuyahoga Falls  
Mayor Don L. Robart

Assigned to: Jen Syx

Date: April 5, 2011

Name: George & Mila Theiss

Address: 2607 Woodward Rd

City: Cuy. Falls

Zip: 44221

Phone: 330-920-9725

Email: gmtheiss@yaleo.com

Nature of Visit: Complaint

TREES ON Neighbor's Devil strip

Problem AT neighbor's House

Charles HAS gone AS far AS HE CAN go.

- ① Compost pile - is really a garbage pile
- ② 10 Bird Feeders
- ③ RATS & MICE

\*2593 Woodward - Donna Klett

Lied to Charles

Raymond Martinez

House is falling apart

unsanitary conditions

What is happening with garbage - NOTHING IN TRASH CANS!

ORDINANCE on Compost piles

ORDINANCE on Bird Feeders



# City of Cuyahoga Falls

Office of the Mayor  
2310 Second Street  
Cuyahoga Falls OH 44221-2583

Don L. Robart  
*Mayor*

Phone: 330-971-8200

Fax: 330-971-5696

E-mail: [mayor@cityofcf.com](mailto:mayor@cityofcf.com)

April 18, 2011

Mr. & Mrs. George and Mila Theiss  
2607 Woodward Rd.  
Cuyahoga Falls, OH 44221

Dear Mr. & Mrs. Theiss,

It was certainly a pleasure speaking with you during my April First Tuesday program. This program, now in its eighteenth year, continues to be successful in bringing in many citizens with various needs, concerns, and points of interest. Although we may not be able to solve all problems, I do believe that our citizens leave with the feeling their Mayor and city government are approachable and willing to listen to their concerns.

I referred to the Development Department for details in order to follow up on your concerns. Charles Nettle, Housing Inspector, issued orders to Ms. Klett to clean up the accumulation of birdseed and waste. He has been working with her since February to resolve the issue, which is now complete. Further, Mr. Nettle inspected the compost and found it to be normal composting material. Mrs. Klett has complied with everything the City has asked her to do.

While we do not currently have authorizing legislation to regulate composting or bird feeders, we will certainly investigate your recommendation for composting guidelines.

Thank you for using the First Tuesday program.

Sincerely,

  
Don L. Robart  
Mayor

DLR/rle



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