

Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
November 17, 2008

Members: Kathy Hummel, Chair
Vince Rubino
Ken Barnhart

Mrs. Hummel called the meeting to order at 6:35 p.m. All members were present.

The minutes from the October 6, 2008, October 20, 2008 and October 27, 2008 committee meetings were approved as submitted.

Legislation Considered

Sub. Temp. Ord. A-74
Temp. Ord. A-116

Discussion:

Mrs. Hummel wanted to clarify a couple issues before discussing the legislation. The first was Sub. Temp. Ord. B-153 regarding the Mayor being able to appoint the Superintendent for Park and Rec. The original ordinance was dated 11-13-07 and the substitute is dated 11-30-07. She asked whether this ordinance is dead based on the November 13 date or does it wait until November 30. Ms. Jones indicated it is based on the 11-13-07 date so it is dead.

The second issue was regarding a liquor permit transfer for Falls Bootlegger liquor store. It currently holds a wholesale permit and a carry-out permit. The City has until December 1 to request a hearing. It has been indicated that Falls Bootlegger will need to have a conditional use permit to open at its new location and probably some site plan action as well. She wondered whether it would be a benefit to request a hearing. Ms. Jones stated it was not necessary. The business will not be able to open until it goes through the Planning Commission. Mrs. Hummel asked about the proximity to the church. Ms. Jones stated she would check that and notify Council if that is a reason a hearing should be requested.

Temp. Ord. A-116

An ordinance to change the name of Cochran Road to Paw Place from and including 222 Cochran Road East to the intersection with Cavalier Trail, and declaring an emergency.

Mrs. Hummel stated that Council had previously passed this legislation and then had a motion to reconsider because the name change impacts a private resident on that street. She asked whether Mr. Demasi had looked at the maps to determine whether the Humane Society's portion of Cochran Road could be changed without affecting the resident. Mr. Demasi stated he did not see an easy answer to the problem unless the Humane Society wanted to name their driveway Paw Place. That way, Cochran Road remains Cochran Road. He added that the resident lives directly across from the Humane Society.

Don Kaiser, 223 Cochran Road, stated that while he did not want a change in the name of the road to affect his address, he felt something should be done for the Humane Society. It has put a lot of money into improvements.

Mrs. Colavecchio stated that based on Mr. Demasi's comments and the fact that the Humane Society has no problem with the withdrawal of this legislation, it is her recommendation that it, in fact, be withdrawn.

Mrs. Hummel stated that part of the Humane Society's rationale is that they did not want customers thinking they could get to their entrance by going down Cochran Road, so it would not work just by changing the name of the driveway. Mr. Demasi added that if it is the Humane Society's intent to change its address, it needs to be changed across the whole frontage. Mrs. Hummel asked Ms. Jones whether Council could withdraw the ordinance. Ms. Jones stated Council should either bring the ordinance out for a vote or let it sit for a year until it gets stale. Mrs. Hummel preferred it be brought out for a vote.

Committee recommended bringing out Temp. Ord. No. A-116.

Sub. Temp. Ord. A-74

An ordinance enacting Chapter 1336 of the Codified Ordinances, titled "Clandestine Drug Labs" and declaring an emergency.

Ms. Jones discussed the changes she's made to the ordinance. She decided to attach the criteria as Exhibit A in order to make the ordinance as "clean" as possible. She stated it was her first stab at drafting the criteria and asked for feedback from Council members. Both she and Mrs. Hummel believe the federal government will be coming up with something but she has not yet seen anything on the EPA website. While Colorado, Washington, Oregon, New Mexico, Hawaii, and West Virginia all basically said the same thing, she chose to use New Mexico as a guideline because it was the easiest to follow and to understand.

Among other things, the document sets forth definitions, situations for what the chief building official does when notified there is a drug house in the City, and what a remediation company does before, during and after clean-up. One item with which she needs assistance is whether the firm that does the actual clean-up should be different than the one that does the post clean-up testing. She believes it should be but wanted Council's input.

Mrs. Hummel agreed based on previous conversations. The standard of practice is to use a different company to do the testing at the end. She asked about the penalty for an owner who fails to comply. Ms. Jones stated it is a first degree misdemeanor. Mrs. Hummel stated that the criteria talks about a property that has been remediated but does not say anything about removing it from the notification website. Ms. Jones stated there are actually two County websites: one for law enforcement and one for the Health Department. She stated if Council wanted the legislation to include removing a remediated property from the City's website, she could do that, however, if someone were to ask whether a specific property was ever cleaned up, they would have to tell them. Mrs. Klinger stated the issue was a moot point because the County does not take it off. She would like to make a modification to request the County that they at least note on their website that the property has been remediated. Mrs. Hummel agreed and felt as long as there has been remediation and the City requests that the County post that notice on its sites, there is no need to remove the property off the City's site. Mrs. Hummel asked about the measurement levels because they appeared to be high. Ms. Jones agreed and stated these levels were the same as New Mexico's. She converted them from feet to centimeters and, if her math is correct, the levels are in line. She said she would run the criteria by the representative from BioClean. Mrs. Klinger added that she checked the lead levels and those are within HUD standards.

Mrs. Colavecchio commended Ms. Jones on the good work she did on the legislation and criteria. She stated that on page 5 under *Use and Transfer of Property*, it does not spell out exactly when a property owner can sell or rent the property yet it states on page 6 under *Owner Responsibilities* that they can sell or rent after the chief building official has vacated the declaration of public nuisance. She stated it is spelled out in the ordinance but felt it should also be spelled out in the instructions to bring the pieces together. Ms. Jones stated she will look at that change to make sure it is consistent with the ordinance.

Mrs. Colavecchio asked if it was possible to use CDBG funds to assist with low-interest loans for clean-up. She also asked if the City would be providing a list of certified contractors to homeowners. Mrs. Truby indicated she will investigate the use of CDBG money. She felt that if the property were within the census block, the funds would be available but was not sure about outside the designated area. She would check. Ms. Jones stated if the ordinance passes, it is her hope that the City could pre-qualify contractors who could do the work and then give a list to homeowners.

Mr. Barnhart asked if there was any documentation from any of the states Ms. Jones researched that listed the cost of clean-up. Ms. Jones stated she did not check that on those states. Mr. Barnhart felt it would be nice to know the approximate cost for the homeowners.

Mrs. Klinger stated she would like notification to be extended to adjacent property owners as well as the neighbors at risk. She would also like to add "members of City Council" to the list of public officials to be notified because she feels it is important for Council to be informed.

Mr. Rubino asked about the language regarding the owner's agent. Ms. Jones stated the agent is designated by the owner and that the remediation firm would be the agent. Mr. Rubino was concerned about the language that the owner can designate anyone to be the agent and that the agent is the only one authorized to go into the house. He asked whether the owner was required to inform the City or any other official as to the identity of the agent. Ms. Jones stated there was not and added there are strict guidelines as to who an agent can be. The house is also secured with notices posted on the property, but she understood Mr. Rubino's concern and would check to see if she could tighten up the language.

Mrs. Hummel stated that in Section A under *Administration*, all property owners, including the mortgage company holding the title to the property, should receive notice, whether the property is in foreclosure or not. When the meth lab was discovered in the house on her street, it was not in foreclosure at the time. By the time the mortgage company got involved, several months had gone by. She felt that including the mortgage holder in the notification process would help move things along faster. With regard to the property owner's responsibility for costs on line 127, Mrs. Hummel asked if it was necessary to state what the property owner was not responsible for paying. She felt it should just state only what they do need to pay. Mrs. Hummel also confirmed that Council would be notified prior to a property being demolished. She added that Ms. Jones did a wonderful job on this and she appreciated the changes that had been made. She asked if Ms. Jones was comfortable making the changes and getting a draft to Council to be passed at the next Council meeting. Ms. Jones stated she would prefer discussing the revised draft during another committee meeting.

Committee recommended holding Sub. Temp. Ord. No. A-74.

Mrs. Pyke confirmed with the Clerk that Mr. Brodzinski's e-mail were attached to the minutes regarding the mayor's court. The Clerk stated she had only what was sent by Mr. Arrington. Mrs. Ritzinger stated she would check to see if she still had Mr. Brodzinski's e-mails and would forward them if she did.

The meeting adjourned at 7:30.