

**Cuyahoga Falls City Council
Public Improvements Committee Meeting
February 3, 2003**

Members: Mr. Walters, Chair
Mr. Bauer
Mrs. Pyke

Mr. Walters called the meeting to order at 8:100 p.m. Mr. Bauer was absent.

The minutes from the January 21, 2003 Public Improvements Committee meeting were approved as submitted.

Legislation Considered

Temp. Ord. No. B-14
Temp. Ord. No. B-15
Temp. Ord. No. B-16
Temp. Ord. No. B-17
Temp. Ord. No. B-18

Temp. Ord. Nos. B-16, B-17 and B-18

Mr. Walters stated the Assessment Equalization Board reports on the reconstruction projects have not been received and, therefore, these Ordinances were going to be held. However, since there appeared to be several residents in the audience who came believing the legislation would be discussed, Mr. Walters wanted to give them the opportunity to speak. Mr. Arrington stated that he hoped they would be ready to discuss the legislation on February 18 but could not guarantee it.

Bob Ritchie, 1663 23rd Street, stated it was his understanding that regardless of what the Equalization report said, they were to come before Council to discuss the problem. They have been misinformed, underinformed and noninformed. There seems to be a bit of disagreement. His understanding is that it is up to Council to change the proposal because of the way it has turned out. The Assessment Equalization Board cannot address the problems the residents feel they have. It is up to Council. They were told they would be informed of this meeting and they were not. They were told that letters would be going out to residents. They were told they would be allowed to speak on this issue. He would like some good information on what they need to do, how they need to proceed and who is going to inform them properly. Mr. Walters stated this is the forum to air grievances. Mr. Arrington apologized for the residents being there. He indicated there have been some spirited discussions on the project. The plan was that Equalization Board would present its report with dual alternatives. We

are still waiting for the actual report. He does not have control over that. As far as notification goes, the law requires that the residents be notified of the Assessment Equalization Board meeting and those notices were sent out by the Law Department. In terms of what is to be discussed at Council meetings, residents need to rely upon their Council representatives to notify them of that. Mr. Walters stated the next date they would be discussing the legislation would be on the 18th and suggested that the residents call first to make sure it was going forward. Mr. Ritchie took issue with Mr. Arrington's statement. They were told that all residents would be notified from Mr. Arrington's office. He did not say it was a requirement. He wanted to clarify this. Mr. Walters stated the residents were all welcome to speak tonight.

Mr. Barnhart stated that this has been a problem from the beginning. He takes responsibility for making promises but he made them based on what he was told by the City. On March 16, they met at Quirk to discuss what could be expected for financial relief. There are three things that would qualify for equalization: (1) oversized lots (the average on 23rd is 45 feet wide, and everyone would pay the same for the first 45 feet and then 20% on anything over the 45); (2) side lots who have property abutting 23rd Street (there are four that face Chestnut that would be assessed 20% per foot on the side lot); and (3) driveway approaches (there are four or five houses who enter from the alley, and it is felt if the City is not replacing a driveway, a resident should not pay for one). Also, if a resident recently replaced their driveway, they would not have to pay for it to be repoured. These guidelines have been established. When residents came to the meeting, they were informed that if they received a break, the remaining amount would then be paid by everyone else on the street. They barely met the 60% requirement of residents on the street wanting the improvement. Several people were promised equalization and signed up based on that. The street is now finished. They are asking Council to go along with the equalization. It has done so on other streets and Mr. Barnhart does not think the City can renege. He wants to make sure the people are treated fairly. He also stated that the Law Department should establish some guidelines so that there is an understanding on what will and will not be equalized. This would make the equalization boards' jobs easier and would be fair to all citizens.

Mr. Ritchie stated the major sticking point was the 100% financing. The residents have to pay the whole amount so if he gets reduced, everyone else gets increased. But they were also given a dollar amount. They were told to come to Council to rewrite the resolution to take out the 100%. Mr. Arrington stated the issue is how do we legally get to the dollar amount from the equalization board. He feels that mechanism is in place. He amended Section 2 of the resolution to allow Council to accept a percentage that was different from the percentage that was listed in the resolution to proceed. Regarding the comments concerning costs that were quoted to the residents, the assessment to the property owners will not exceed that amount. No one will be assessed more than the estimate given. The City presented a report to the Assessment

Equalization Board at 100% because the project is finished. The Board will provide a report to Council based on that 100% along with an alternative report. Mr. Barnhart stated that unless the resolution is amended, the residents will pay 100%. Mr. Arrington stated that is why all three resolutions are being treated the same insofar as the amended Section 2 language. Mr. Walters read Section 2 to the residents.

Tom Lucas, 2280 Chestnut, stated that better communication would have helped regarding the 100% contained within the neighborhood. Communication is the key.

Mr. Flinn asked if the resolutions are the same as what we had in the past. Mr. Arrington said they were not. He did not agree on how it was done in the past. If the total amount of assessments does not match the original resolution, it needs to be amended. Mr. Flinn asked if the new language would lower the amount. Mr. Arrington stated the City will still pay the difference.

Janice Gill, 1744 23rd Street, stated she had 90 feet of property. The law says what the law says, but they were told certain things and you go with that understanding.

Mr. Arrington stated they were working with the Assessment Equalization Board to produce the result that the residents were promised. They are not working against the result.

Mr. Ritchie stated if this had all been explained at the beginning, the project would probably never have gone ahead. They went ahead with it with bad information. The Equalization Board could not solve the 100% problem. The residents were told that in order to solve that problem, they had to come to Council.

Mrs. Carr agreed they had to improve their communication. It was always the plan that this neighborhood would pay the full cost of this project. There is no grant award funding for this. They will do a better job in explaining in the future.

Mr. Arrington stated they are waiting for the Equalization Board report. He will speak to the Chairman to get that done.

Linda Fuller, 1720 23rd Street, stated when they purchased their homes, they knew they were paying for a certain amount of yardage. If someone doesn't want to pay for their curbage, she should not be penalized.

Mrs. Hummel realizes they are frustrated. Council is still waiting for the report. She stated there is no reason why the report is still not finished. There was some misinformation going around. This Council has been asking for standardization for two years. We will get a standardized process or we won't do

these projects. She voted for the 23rd Street project because the residents were paying for 100% of it. They want to treat everyone fairly. She stated she was at the Assessment Equalization Board meeting two months ago and it is time that they give Council a report. There is no reason why it is not here. She is not berating the three individuals. If they choose not to give a report, then don't give one. We are not on opposite sides.

Temp. Ord. No. B-14

Mr. Walters read B-14 (second reading). Mr. Brodzinski stated for the last two years the program was \$526,000. The work came in at \$325,000. Final change orders came in from what was originally awarded in the contract. The total value went up \$92,000 which is still under the \$526,000. The difference between the \$92,000 and the \$54,000 is \$38,000 which is paid for by Issue 2. Mrs. Hummel asked if there was water work done. Mr. Brodzinski stated there was. Mrs. Hummel asked if the money was coming out of the 2002 or 2003 budget. Mr. Brodzinski stated it was coming out of 2002.

Committee recommended bringing out B-14.

Temp. Ord. No. B-15

Mr. Walters read B15 (second reading). Mr. Brodzinski stated this was the same as B-14 except there was no water work done. It is a 50/50 split with the State. The City is only paying 30%. This project came in way under budget. Mr. Bell added that sidewalks and additional landscaping accounted for the cost overrun. Mr. Walters asked when the final inspection would occur. Mr. Bell stated they were going to wait until spring because there are still some landscaping issues.

Mrs. Pyke stated she is trying to get another Assessment Equalization Board hearing for B-17 and B-18 this week and will get a report to Council in time for the members to review before Monday. She stated she would appreciate it if the rules could be suspended so they could hold a committee meeting the same night as Council. She agrees we have to have a better way to do these projects but she does not want to lose the State Issue 2 money so they need to move forward.

Committee recommended brining out B-15.

Meeting adjourned at 9:18 p.m.