

Cuyahoga Falls City Council
Finance Committee Meeting
June 30, 2003

Members: Mr. Gorbach, Chair
Mr. Schmidt
Mr. Barnhart

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

LEGISLATION CONSIDERED

Temp. Ord. No. B-96
Temp. Ord. No. B-97
Temp. Ord. No. B-98

DISCUSSION

Temp. Ord. No. B-96

Mr. Gorbach stated that Mr. Brodzinski asked that this legislation be held.

Temp. Ord. No. B-97

Mr. Gorbach read B-97 (second reading). Ms. Furlong stated this is currently a part-time position that they would like to change to full-time now that the stockroom is completed. Mr. Gorbach added that the position was full-time in the mid 90's and was changed to part-time but employees would hire in, train and then leave. Administration is requesting it be changed back to full-time to help keep someone in the position. Mrs. Carr stated that after the building and grounds departments merged and the stockroom was completed, they recognized that the position needed to be full-time. They will be adding a full-time position and decreasing a part-time.

Committee recommended bringing out B-97.

Temp. Ord. No. B-98

Mr. Gorbach read B-98 (second reading). Mr. Gorbach stated this legislation concerned the Ascot Motel. Mr. Bell stated they want to remove the debris of 14 outbuildings on the site. The main structure was damaged by fire on May 19. On May 29, orders were sent to the owner to remove the debris and demolish the building. The owner had 15 days to comply. It was not taken care of as of today. They are asking permission to remove the buildings and doing a rough grade.

Mr. Gorbach asked if we would be removing the walls of the basement. Mr. Bell stated they will crack the floor, tear out the walls and fill with clean fill. It will cost roughly \$20,300 to do all of this.

Ken Martin, 1 Cascade Plaza, Akron, Ohio, is the attorney representing the property owner, Mary Jo Foster, and stated for the past two years, Mrs. Foster has been working with the City in an attempt to find a remedy for this property. In the latest proposal six months ago, the property was under consideration by the City to provide a fire training site. That fell through for particular reasons. At that time, Mrs. Foster was very cooperative and held off searching for other options since the City was interested. She has recently been working with Mr. Zaremba. She was also contacted by a nursing home operator who was interested in the property. The Zaremba subdivision looks very promising, but they plan to continue to work on finding other viable options. They had recently been informed by the Summit County Development Department that the area was considered blight and that there were funds to clean up blight areas. However, the funds were not available to Mrs. Foster because Cuyahoga Falls was no longer a participant in that program. He said it would be financially difficult for Mrs. Foster to clean up the property herself. They are hoping to conclude arrangements with Zaremba or get some funds from the County or from the City to fund the project or share in the funding. Because of the existence of tunnels, cisterns, septic systems, leach bed, and underground mines, he stated Mrs. Foster wanted indemnification from the City in the event that some of the items are damaged and that she would receive compensation for the damage because it would affect the sale price of the property. He requested more time to explore options and pursue getting funding. Mrs. Foster is also interested in getting the property cleaned up.

Mr. Gorbach stated this property has been vacant for as long as he could remember, and wonders if the City is remiss for not forcing the issue years ago. He stated the City does not want to place a financial burden on Mrs. Foster. The situation is different now because of the rubble and the safety hazard it presents. Likewise if a home is damaged by fire, the owner would have to bring the property up to code or tear it down. He asked Mr. Brodzinski what the City was going to do with the cost. Mr. Brodzinski stated it would be certified to the County. Half of the payment will be due in January and half will be due around July. Mr. Gorbach stated regardless of any potential agreements, the property has been in a critical state since the middle of May. He indicated the City wants to be as accommodating as possible but does not want to grant any extensions. He asked Mrs. Truby if any promises were made concerning the City purchasing the property. Mrs. Truby stated there was not and she provided Council with a chronology of events. She also added that there were stipulations to the blight funding Mr. Martin mentioned; specifically, that the property would have to be developed as low-income housing. Mr. Gorbach asked if Mrs. Foster had a time line for her plan to clean up the property. Mr. Martin stated they have not had a

great deal of time to work with the City on that in terms of their recent discovery of the availability of blight funds.

Mary Jo Foster, P.O. Box 3197, Cuyahoga Falls, stated that the blight program had had been available for many years and is a sore spot with her. Those funds should have been made available to her whether they existed prior to January or next year and would benefit each and every person in the area whether there was low income housing or not. She felt it was discrimination to her. She stated she was adamant that the issue be researched.

Mr. Gorbach stated the term of "low income housing" was being thrown around and has no relevance to what is being addressed today and was inappropriate. He added that by law, the property needs to be brought to code or leveled.

Mr. Schmidt stated that Council is not going to meet to vote until July 14 and suggested it may help if Mrs. Foster could come up with a letter in the meantime that indicates there is a commitment from the County to tear it down. Mr. Martin was not sure that could be accomplished in that timeframe. Mr. Barnhart has stated this property has been an eyesore to the Community and is an unsafe property. The City does not have time to delay and allow the property to sit in the state it is now and have some kids get injured. If we give more time, then the property needs to be fenced. We should not wait for someone to be hurt on the property.

Mr. Potts stated he worked with Mrs. Foster on the removal of the trailers. This has been a blighted property for a long time and should have been removed long before this. The fire just accelerated the situation. He indicated there was a demolition permit taken out two years ago. He receives complaint after complaint from constituents about how the property looks. The residents have looked at it for long enough. As far as a development from Zaremba, Mr. Potts isn't sure he would agree to a residential development on State Road. That area is zoned C-I-P and the City doesn't want it developed residential. He felt the City needed to move forward as quickly as possible. Mr. Schmidt clarified that he was not suggesting that Council hold this legislation. He agrees that the matter needs to move forward. Mr. Walters asked how large the property was. Mrs. Foster said it was a little over eight acres. Mrs. Pyke stated that just because you apply for funding, it doesn't mean you will get it. This property needs to be cleaned up. Mrs. Klinger stated this was eight acres of land on Chart Road. She has a difficult time asking taxpayers to spend tax money to clean it up. She is opposed to any moneys being used for this property other than what we are doing today. We need to proceed. It should have been done a long time ago. Mr. Flinn asked Mrs. Foster how long she was the owner of the property. She indicated she received a power of attorney in 1997 but it has been in her family since the 1940s. Mr. Flinn concurred with what the other Council members have said. This property is an embarrassment to the City. He feels for Mrs. Foster to ask for public funds to knock it down is wrong. He stated she had two weeks to

remedy the situation on her own. Otherwise, the City was going to proceed. Mrs. Hummel stated she also agrees that the City needs to proceed. Until 1997 or 1998 when the evictions began, the property was an income-producing property. It is an affront to taxpayers to ask for tax dollars to clean it up. She supports the legislation.

Carol Whidden, 3430 Kellybrook, has lived there a long time and is concerned about the health hazards. She asked what will happen to the pipes sticking out of the ground where the trailers were. Mr. Bell stated that anything that is sticking above the ground will be removed and the ground leveled.

Fran Ciraldo, 468 Chart Road, agrees this needs to be done quickly. It is a serious health hazard and she is concerned about the children in the neighborhood.

Denise Leipold, 3411 N. Hampton, is angry that Mrs. Foster feels she should have been told about the availability of grant funds. When her own children were going to college, she had to do the research to see what funds and loans were available to them. No one came to her about what was available. It was her responsibility just like it was Mrs. Foster's responsibility to find out what she could do. She felt it should have been taken down when it burned the first time.

Denise Bell, 133 Ravens Hollow Drive, stated she drives past the property six to eight times a day and stated she sees children playing in the rubble. The caution tape has been torn down and no other precautions have been taken to assure public safety. This needs to be addressed now.

Don Nelsch, 2545 North Haven Blvd., asked if there was any liability insurance on the property. He would not want to see the City involved in a lawsuit. Mr. Gorbach deferred the question to Administration. Hope Jones stated the City's insurance covers the property once the City takes possession. She also stated that the City gave Mrs. Foster 14 days to do something. She had the right to appeal but did not. At this point, there is no liability on the City whatsoever regarding the property.

Frank Thompkins, 124 Chart Road, stated he supports the City's opinion and actions at this point. He stated he saw rats and other rodents and animals prior to the fire. He asked if the demolition included the trees that were damaged in the fire. Mr. Bell stated it does not but he will have Asplin look at the trees. Mr. Gorbach stated if the trees need to be taken down, they will.

Al Gilbertson, 697 Chart Road, stated the property was an eyesore. The buildings have been unsecured for years and have harbored vagrants and rodents.

Gary Whidden, 3430 Kellybrook, stated he was on the Merger Commission. One of the things that impressed him most about the City was its Code.

Mrs. Foster stated she does not disagree with anything anyone has said. She stated the \$20,000 quote does not get the property demolished and ready for construction. The quotes she received were between \$54,000 and \$100,000. She stated the Fire Marshall indicated the trees were o.k. She also stated she has liability insurance on the property. She agreed the property is an embarrassment. She worked to turn it around to the best of her ability.

Mr. Gorbach reiterated that the City does not want to create a financial hardship for her, but it does need to be taken down. He stated Council will vote in two weeks and pointed out that the \$20,300 is just an estimate. Sometimes there are unforeseen circumstances and the amount could be more. Mr. Brodzinski stated they got a quote of \$20,300.

Mr. James stated he is also concerned about children playing in the area. He is in full support of this legislation.

Committee recommended bringing out B-98.

Meeting adjourned at 7:30 p.m.