

Cuyahoga Falls City Council
Minutes of the Public Affairs Committee Meeting
July 7, 2008

Members: Kathy Hummel, Chair
Vince Rubino
Ken Barnhart

Mrs. Hummel called the meeting to order at 8:25 p.m. All members were present.

The minutes from the May 19, 2008 committee meeting were approved as submitted.

Legislation Considered

Temp. Ord. A-74

Discussion:

Mrs. Hummel indicated that Temp. Ord. A-62 was still on hold per Administration.

Temp. Ord. A-74 (Public Affairs)

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

Ms. Jones addressed questions brought up at the previous committee meeting. There are no public agencies available to help homeowners with their portion of clean-up costs, which average approximately \$3,000. She believed the cost Mrs. Hummel had of \$15,000 - \$30,000 may have included replacing carpeting, cabinetry, etc. whereas her cost deals strictly with clean-up. She added that the public cost is difficult to calculate. In 2006, the DEA cost was \$3,000 per lab, with some costing up to \$150,000. She stated they calculate Cuyahoga Falls' costs to be \$1,000 to \$1,500 and includes labor and equipment.

Mark Onesta of BioClean Services, 6381 Chittendon Road, Unit C-6, Hudson, indicated he is the owner of the company and a past DEA Meth Contractor. He believed a clean-up cost of \$5,000 is typical but can vary greatly depending what is inside and how bad it is. A house can range from \$5,000 to \$10,000. Costs above that are very unheard of unless it was a large house and included outbuildings. The house at 611 Sackett was \$9,000 due to the nature of the home. The cost included post-testing. Pre-testing was approximately \$800. It was a larger home and had a lot of items to dispose of. Mrs. Pyke asked whether the house included outside clean-up as well. Mr. Onesta indicated it was inside only. Mrs. Pyke asked whether this legislation covered outside clean-up. Mrs. Jones indicated it did and added it included dump sites as well. Mrs. Pyke asked what byproducts of meth were tested. Mr. Onesta stated they were testing for meth only. If the result comes back hot, they had to have been using a number of toxic ingredients to make it. Mrs. Pyke asked whether large quantities of individual products could make a person sick. Mr. Onesta felt that they could. She asked if a certificate was issued once a house tested clean. Mr. Onesta indicated that the final report contains the lab results indicating that the home is clean and safe. If the results do not indicate that, then they continue to perform clean-up until it meets the safe level.

St. Perry Tabak stated that one could buy the products in the City but just because they are in your home, they are not toxic. It is when they are used together in combinations to produce meth. Ms. Jones stated they are still working with the police and Building Dept. for standards of safety thresholds. Currently, there is a standard of less than 1 microgram per 2 s.f. to be clean. If the level is above that, the cleaning

process continues. Mr. Onesta indicated his company uses a standard of .05 micrograms or less. He bases that on the State of Colorado's standard. He added that if a home is really bad, his company may not be able to get it below the standard. Ms. Jones added should that be the case, clean-up would either continue or the owner would need to start looking at replacing pipes, drywall, etc.

Mrs. Ritzinger asked what the initial level was at the Sackett address. Mr. Onesta stated the basement was an 8-10, which is high, the first floor was not high, the second was so-so and the attic was 5. Those are typical for a medium meth lab. She asked what he had to do to get the read below .05. He stated the residence had exposed insulation, which had to be removed as well as the carpet and items which were left. The home was approximately 1,800 s.f. He stated that cabinets and vents can also be affected. Sgt. Tabak added that this particular home had the waste from meth production stored behind a hidden wall, and was a larger scale meth lab operation for our area.

Mrs. Pyke asked where items, such as carpet, are put when they are removed. Mr. Onesta stated they are put in a dumpster. Clean-up measures do not say they cannot do that and all items go to a landfill. With regard to certification, Mr. Onesta indicated one does not need to be certified by the EPA to do this work. He, personally, has a great deal of experience and training to meet DEA status. There are many companies doing this type of clean-up who have no training whatsoever. Mrs. Hummel stated that is something the City should address to insure companies have some kind of certification. Ms. Jones indicated they are looking at some type of clean-up standards that would be included in Exhibit A. They would also put those into an RFQ. Ohio does not really have anything so she is looking at other states to come up with something.

Mr. Barnhart asked when Mr. Onesta's company is hired to perform a clean-up, is there some sort of a guarantee if the home cannot be brought below the acceptable level. Mr. Onesta indicated they write into the contract that if they cannot meet the level, they will not accept the money.

Mr. James asked about the safety of leaving hazardous materials in the dumpsters. Mr. Onesta indicated they hose the materials down to limit any dust particles going airborne. They also remove the dumpsters from the property at the end of each day. They are not left unattended for neighborhood children to explore.

Mrs. Colavecchio asked at what level Mr. Onesta would determine a property to be so severe that it would be a health threat to an occupant, and did he feel .05 was a safe level in his opinion. Mr. Onesta stated that any level over .05 could be dangerous to any occupant. A level of 8-10 would be very dangerous. There was a house in Akron that came in at 50. A level of 30 or higher is difficult to decontaminate. She asked if he ever had to do a hotel or motel where the levels got into the HVAC. Mr. Onesta stated that motels do not hire him because they do not want to pay. They do not want proper testing or clean-up. Mrs. Colavecchio asked if there was a point in time where the meth level would drop if nothing were done. Mr. Onesta stated it would diminish due to ventilation but he did not know that timeline. With regard to property notification, she asked for his opinion on the number of years the City should require notice be given to future buyers/renters that the property once contained a meth lab. Mr. Onesta stated that after a home has been cleaned and tested below acceptable levels, it is inhabitable. There are no proper guidelines. The meth will not come back through the walls. In certain states, it is on record until the clean-up is completed, then it comes off.

Mr. Mader stated this is a new problem that cities are faced with. He asked if there is insurance coverage. Mr. Onesta indicated the house on Sackett was covered due to pollution exclusion, but normally, there is no insurance coverage.

Mr. Walters asked about the smoking of meth. Mr. Onesta stated that 80% of toxins are released in the air, and that having heavy users in an area would be the equivalent of a small lab. Mr. Walters asked whether landlords had a legal obligation to report suspicions of meth labs on their properties. Ms. Jones stated they do not. Mr. Walters felt the City would be discouraging landlords from reporting this if they get hit with a hefty fee. Ms. Jones stated that if charging the homeowners for public clean-up were a bone of contention, Administration was agreeable to eliminating that language from the legislation. However, the public should not have to pay the charges relating to the clean-up of the property. Mr. Walters asked if the City had any liability if someone became sick after moving into a house that was certified as "safe." Ms. Jones stated the City could always be sued but felt confident it would prevail in such a situation.

Mrs. Pyke asked if testing included air quality and carpets, etc.. Mr. Onesta indicated they test hard surfaces such as walls, ceilings, counters. They do this via swab testing and take 8 to 20 samples at one house.

Mrs. Hummel stated she spoke with the woman at Realty One handling the clean-up at the meth house on her street. The woman would not give any specific information but said that pretesting averages \$1,300 to \$2,000 based on the size of the property and the number of samples. Clean-up can be \$10,000 to \$35,000. Post-testing is usually rolled into the clean-up cost but is performed by a third party. Mrs. Hummel stated that one of this woman's concerns is that the realtor was in the house looking around and he did not know the house had contained a meth lab and was, therefore, dangerous. Her request was that part of the notification be to the mortgage holders. Capt. Davis stated the legislation indicates that the particular property would be posted and they would make sure that posting was placed somewhere conspicuous where it could not be easily removed.

Mrs. Hummel also questioned the timeline on page 2 regarding how much time property owners have to provide copies of documentation required by the City. Ms. Jones agreed that those numbers seemed too tight and would revise the legislation to adjust them to be more in line with the criteria given by Mr. Onesta. Mrs. Hummel indicated that Ms. Jones was working on the standards as an attachment so that everything would be included in the legislation. This is an important issue for the community. She thinks it would be appropriate that property owners are responsible for specific clean-up and testing but not held responsible for public cost. She had one additional comment with regard to allocating CDBG money for clean-up of these properties and felt perhaps the way to approach it was to help if the properties were owner occupied by offering 25% and asked Mrs. Truby to consider that in next year's budget. Mrs. Truby felt that was an excellent idea and felt it would help the landlords make better business decisions on who to rent to.

Paula Suveges, 31 Orrville Avenue, feels she is a victim here. She confirmed that the City was going to remove all of the public costs. She also took offense to Administration's comments that she makes bad business decisions. She does her own due diligence as best she can to ensure she rents her property to someone worthy. She feels most people in the Falls do not like landlords or tenants and that Administration does not want the City to be a rental community. She takes offense to all of that. With regard to the definitions section of the legislation, she asked what the definition of neighbor was on line 94. Sgt. Tabak stated it was neighbors whose property touched the affected property, as well as any others who would be affected. It would be up to the Chief Building Official or the police department. He felt the number of neighbors notified would depend on the level of contaminant, or whether there was a well or a dump site. It will be case-by-case. He thought if it was a simple, small lab, it would just be the neighbors on each side of the property. With this ordinance, the property will also be posted so anyone in the area will know. If it is determined they are dumping waste into a live well, it would be prudent to notify a larger number of people who are sharing that well. Mrs. Hummel apologized for comments Mrs. Suveges deemed to be disrespectful. The City is trying to get this issue in the open so there is something that is in place to get properties cleaned up. Mrs. Suveges said landlords just do not feel welcome.

Dennis Bates, 730 Woodbrook, as president of the landlords association, accepted Mrs. Hummel's apologies. He agreed that the issue of meth labs does need to get resolved and felt that posting the property should be adequate. However, once the property is brought into compliance, that should be the end of the story. Mrs. Hummel agreed that once a property is cleaned up and the City is notified, no further notification to future buyers or renters should be required. Ms. Jones stated that Administration is still concerned about that and will not take that requirement out of the legislation, however, Council can amend it on the floor. Mrs. Hummel stated if it is clean, it is clean and there is no reason to keep notifying people at the location.

Fatima Rida of Fourth Street, agreed that the City needs to get these people but she felt everyone is waiting until the meth lab becomes a situation. She felt there needed to be laws before it becomes an issue. For example, there should be quicker ways for landlords to evict people if the landlord suspects a meth lab. Sgt. Tabak stated if a landlord saw something like that, they should advise the police and let them take care of it. Ms. Jones added that faster ways to evict tenants is not something this Council can legislate.

Mrs. Klinger confirmed that this ordinance required a notice to be served when someone is growing marijuana. She asked if it would go back in time or is the legislation from this point forward. Ms. Jones indicated she had given that thought and feels the City can go back and require the notification. Mrs. Klinger stated, in light of that, that the City could then 100 years from now still require notification. She asked if Ms. Jones really believed that someone's health still would be negatively affected 100 years from now. Ms. Jones stated it would probably not. Mrs. Klinger felt that perhaps notification should only involve meth labs. Ms. Jones stated they can carve that out so that it does not pertain to drugs that do not leave residue.

With regard to notification, Mrs. Colavecchio pointed out that Mr. Onesta stated the affects of a meth lab dissipates over time and that a safe level is a safe level. She stated if Ms. Jones had scientific information to the contrary, she would like to hear that because she is very much against the indefinite disclosure requirements. Homeowners must disclose leaky basements that occurred within three to five years and then it is tossed. She thinks there should be some drop off once the meth is cleaned up. She also wondered how it would be policed and enforced especially if it is for sale by owner.

Ms. Hummel stated the Committee would continue to hold the legislation and work on amendments and come up with guidelines which will become a part of the attachments.

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

The meeting adjourned at 9:50 p.m.