

Cuyahoga Falls City Council

Minutes of the PUBLIC AFFAIRS COMMITTEE Meeting

October 18, 2004

Chair: Mary Ellen Pyke; Vice Chair: Terry Mader; Member: Jerry James.

Mary Ellen Pyke brought the Public Affairs Committee to order at 7:40 p.m. All member of the Committee were present. The minutes from October 4, 2004 Public Affairs Committee meetings were approved as submitted.

Scheduled legislation (second reading):

A-150	An Ordinance to approve current replacement pages to the Cuyahoga Falls Codified Ordinance, and declaring an emergency.
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Mr. Arrington indicates this is a regular ordinance that allows our ordinances to be compared to the state codes. We do this every year. Walter Grange regularly does this for us and is a company out of Cleveland, OH.

The committee recommends bringing out Temp. Ord. A-150

Miscellaneous Business:

Frank, Mitch McCoy and Don Galamore of McCoy Associates are present to outline the Executive Summary for the City's Report Card. Their presentation covers the data reconnaissance/collation, the testing/analysis and finally the report and recommendations from both the Private and Public areas.

Valerie indicates the city has as many problems as the private ones. The Ohio EPA is pleased to see how we are progressing. The Victor Avenue is out for RFQ's for design work. We would like to correct that by 2005 and recognize the urgency of this project. The two big areas we discharge water into are Mud Brook and the Cuyahoga River. There are five large discharge areas, and in this study, McCoy studied three.

Mrs. Hummel asks the residents response to their report cards. The city can monitor by the permit process to tell whether or not the private side is being addressed according to Valerie. It is currently a handful vs. what really needs done. The city has not solicited the residents to get their home fixed and many residents are waiting to see what funding is available.

Mayor Robart indicates that many residents are waiting to see what type of fall out from the legislation is coming along with any funding mechanism.

Ted Papp, are these areas a problem of storm water backup? Franklin Avenue is where I live, but I wasn't aware of any problems on our street. McCoy smoke tested some areas on Franklin. Valerie indicates there was more than one issue on Franklin Avenue.

Howard Carter, Purdue Street. The left side of the street had all the water because of the slope. I didn't report it to the city but don't want to live through this again.

A-137	An Ordinance creating Chapter 1306 of the codified ordinances, titled "Point of Sale Inspections", and declaring an emergency.
A-129	An Ordinance amending Sections 927.01 and 927.99 and repealing Section 927.02 of the Codified Ordinances, and declaring an emergency.

Virgil indicates the substitution doesn't change anything with this ordinance and nothing new is "illegal". Since 1964, this ordinance has not been enforced. We have never cited anyone for 927.01 Code Violation. We didn't recognize the city had a problem and didn't correlate this problem with an enforcement issue. The McCoy study has identified a problem. Court action with a charge to the homeowner of a minor misdemeanor is a small fine, at best. Virgil doesn't intend or have the desire to take law-abetting citizens and charge them with minor misdemeanors. A129, to highlight the changes, starts with a time frame of 180 days. Under the new substitute, anyone can call the city to have the work

done and be assessed for it. They will be put on the list and be a part of the program. Virgil doesn't envision enforcement, but more cooperation. The 3rd major change is when the work is completed, we will assess over a period of 5 or ten years (depending on the cost). If we find we need to do work on the city's right of way, the city will bear the entire cost for that area. We would restore the land to flat dirt. The homeowners can fix/landscape at that point. A slab of sidewalk will be handled by the city. Under Paragraph A, the resident can appeal to the Board of Building Appeals. Secondly, there can be hardship deferments for the people who have financial difficulties. Finally, for the residents who don't fix the problem within 180 days, the City can site the homeowner with a second-degree misdemeanor and get an injunction to get access to the property or charge a surcharge to the sewer bill of 100% until the resident cooperates. We will emphasize the cooperation and getting the job done. With Substitute A137, it has many changes but the bottom line is the same. The city will provide an inspection to find the status of what the sewers/drain system is. This program will be beneficial to new homebuyers. The program is voluntary. The city can provide this service free of charge to let them know what they are buying. We will give an inspection along with a certificate that can be shown to the buyer.

Valerie thanks Council for reviewing the process and allowing the Administration to recognize the issues at hand. Mr. Walters is especially commended for his thorough knowledge and issues he brought forward.

Virgil states we do not need a search warrant to look at a persons lateral on their private property. There is a level of privacy expected and the courts have upheld this decision.

Valerie indicates the city has a contract with Dynamerica who is doing our camera work. There is a camera that pops up and looks specifically at laterals and she is investigation the cost and potential purchase for the city. We have submitted budget numbers and she is not sure whether we will have the camera right away. We will keep using Dynamerica (to do our camera work) who is under contract with the City, until the camera is purchased.

Virgil indicates the interest on the assessment would be at the rate the city receives at the time of the work. The Engineering Department will be doing the inspections and certifying the certificates, not the Community Development Department.

Valerie indicates the Clean Water Act has a lot of legislation that pertains to us cleaning up the water problems. NPDES & EPA procedures want our legislation "beefed" up. Our legislation must back up the NPDES requirements.

Jerry James indicates that various areas of the Falls that have been unaffected by the floods. Are we going to inspect randomly? Virgil states we are not going door-to-door with residents. Valerie states the residents with report cards will be analyzed. In the future, as homes are transferred and sold, we will continue throughout the city.

Tim Gorbach indicates he likes this legislation being labeled a "program". As a free program, I think this is a service that we would offer for free and I would like to know about how many can the city handle on an average? Do we have the personnel? Valerie indicates she would like to try a pilot program. Initially we will have a rush and may have to supplement with a contractor. Secondly, can a resident hire their own contractor? Virgil states if the resident is opting for the assessment, then they must use the city's contractors. If the resident wants to pay up front, then you pay and hire a contractor directly.

Don Walters asks about the coordinated efforts we will do with the residents. Some residents may be defiant and not work with us. Valerie states we can observe smoke testing without the residents being home. Smaller sections of testing would be done. A basement wall leak into the sanitary sewer could be used under this legislation and this concerns Don since we aren't in the waterproofing business. Virgil will correct this language with an amendment.

Mrs. Hummel asks about the funding of the areas. The sanitary funds may be able to be used along with the \$2 sewer fee being collected. Valerie has asked the auditors if this is a "kosher" use of the funds. Are we going to control the fee or "not to exceed" amount to the residents? Some of the bigger projects may incur large assessments. Valerie indicates we will need a formula for a good bid and future estimates. Mrs. Hummel feels the McCoy Study has helped her along with the good discussion and three amendments this evening. Mrs. Hummel would like to hold this ordinance another couple of weeks to allow the realtors a chance to voice their concerns with the final piece of legislation.

Mr. Brodzinski indicates the users appropriate the sewer fund and some of that money is used for capital improvements. We would love to fix everything tomorrow, but we would have to raise sewer rates to everyone in the city. Mayor Robart indicates the realtors will not support any type of legislation.

Mr. Potts feels we have massaged this ordinance enough and would like to get it out to the residents as soon as possible. Mr. Gorbach feels that he is comfortable with the amendments. He is not comfortable with using the \$2 fee to fix a private residence. This is a piece of legislation that we worked together on with the Administration to get to this point. Another couple of weeks will not hurt. Mary Ellen would like to have a committee meeting next week to discuss the amendments. We can bring it out or hold it over at that time. Mrs. Hummel reiterates that we need to show this final draft to the realtors/residents for their comments. Mr. Flinn feels that there is not any hurry for the legislation, so lets hold it for two weeks.

Mrs. Klinger indicates that 4 weeks ago, we were scared. Mary challenged this legislation and drove it to a buyer's market. Carol had a realtor review the draft and unfortunately, they are not here this evening. She is pleased with how this has transformed thus far.

Don Nelsch, North Haven Blvd., feels that we can make a decision and act on this new legislation. He encourages the committee to bring it out for a vote.

Mary Ellen concludes there will be a Public Affairs Meeting next week during the Council Meeting.

Held Legislation:

A-79	An Ordinance amending sections 1309.26 and 1309.30 of the Codified Ordinances of the City of Cuyahoga Falls, and declaring an emergency.
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The Public Affairs Committee Meeting was adjourned at 10:16 p.m.