

# Cuyahoga Falls City Council

## Minutes of the PUBLIC AFFAIRS COMMITTEE Meeting

### September 7, 2004

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

Mary Ellen Pyke brought the Public Affairs Committee to order at 6:48 p.m. All member of the Committee were present.

#### Scheduled legislation (second reading):

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| A-127 | An Ordinance amended Section 103.02 of the Codified Ordinance, and declaring an emergency. |
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Mayor Robart indicates when we were designing signs for the downtown, the black/gold was providing a classier more tailored look to our city seal. The more we thought about changing the seal, the more we liked the new look. The red, white, and blue city seals have been sent out over the years, yet it may be time to elevate the seal to a new plateau. The colors are the only change. The significance of seal is not changing.

*The committee recommends bringing out Temp. Ord. A-127.*

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| A-128 | An Ordinance amending Section 522.02 of the Codified Ordinances, and declaring an emergency. |
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Valerie indicates we are going to invoke a non-smoking campus along our properties & the Natatorium. Students at CFHS to smoke are using the parking lot. There will be public areas for smoking such as the center courtyard at the city building. We are making this campus (Civic Center) smoke-free. The entire Natatorium area will be smoke free except for a special receiving area. The police will be able to fine them with a minor misdemeanor. Valerie wants to establish a healthy environment. Police Officers who currently smoke by the back garage will have to smoke in the designated areas only. Smoking is prohibited in ANY city vehicle.

Mr. Flinn feels this is a wonderful ordinance that is necessary. Mr. Gorbach wants the schools to be informed if this legislation passes, so that they can notify the students. Mrs. Hummel states this ordinance only applies to Second Street through Fourth Street (this block/Civic Center). Alcohol will be permitted in the Community Room of the Nat only with the renter being obligated to pull the permit.

Don Nelsch, North Haven Blvd., the dental office has hired a policemen to monitor his parking situation. This ordinance may force smokers to retreat to his parking lot. He now may have to hire someone to clean up cigarette butts. Is there anything the city can do to help him? Mr. Arrington states we can't regulate smoking on private property. The police, however, can regulate trespassing.

Mrs. Alicia Dorio, 1841 Olympic Street, feels that the cigarette smoking by the students bothers her. Police and school officials should enforce this ordinance.

*The committee recommends bringing out Temp. Ord. A-128 as amended: delete line 21-22, and adding to line 28 "or any other area as directed by the Director of Public Service."*

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| A-129 | An Ordinance amending Sections 927.01 and 927.99 and repealing Section 927.02 of the Codified Ordinances, and declaring an emergency. |
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Mr. Arrington states there are still some housing that has downspouts connected to the sanitary sewers. This ordinance gives us some enforcement authority to correct it. The downspouts must be run to the streets. In many of the houses built prior to 1964, this was a common practice. Virgil indicates there will be a cost for fixing it. This will be assessed to the homeowners, like the mowing program. The cost of the pipes, labor etc. will be included. Mary Ellen would like a rough estimate of costs. We are very aware of what a nuisance these downspouts are to our water situation. The people want this to be enforced to help with this situation. Anything that is putting storm water into the sanitary sewer is covered by this ordinance. The footer drains are more of an issue, by far, than the downspouts according to Valerie Wax-Carr.

Mrs. Hummel is in favor of this and recognizes the problems we have had. The time frame of 30 days may be hard for residents to abide by. Virgil states that once a problem is identified, there are discussions with the homeowners and attempts to correct the problem. We will only start enforcement procedures after they are not in compliance. Mrs. Hummel would like to have some sort of cost assessment to warn the residents of the potential cost. The ordinance states the city will be charging the residents for city

assessments along with additional costs. Virgil states this was for the residents who force the city to do the repairs. Our inspectors will evaluate repairs completed by the city and that cost will be passed onto the resident. Valerie states this ordinance was to provide enforcement to homes built prior to 1964. Mrs. Hummel would like to see the additional legislation prior to voting on this. Mrs. Pyke would like a range or cost assessment prior to passing this legislation. Mr. Walters feels that the cost may be hard to estimate until mandatory assessments of the situation are evaluated. Mr. Gorbach questions "person of control" language. Virgil states renters will notify their landlords and assessments for city repairs will be put on their county bill if not complied with.

Don Nelsch, North Haven Blvd., indicates a majority of the homes in this city were built prior to 1964. I am concerned that if the downspouts do not connect to the footer drain, but connect to the storm sewer, that you are now requiring residents to change my footer drain. The footer drain could not be causing the problem and you are forcing residents to go through a tremendous expense to put in a sump pump and resolve this problem. The wording of the ordinance concerns me. Virgil states that unless there are issues with Mr. Nelsch's street, the city isn't in the business of going out to make peoples lives miserable. We are not the storm water Gestapo. We are only responding to areas of flooding problems.

Mrs. Dorio indicates the residents are paying \$2 for storm water. Mrs. Dorio indicates residents are not all rich. The first flood was because of a 100-year flood and the second flood was because of my drains. Why didn't the city fix this after the first flood? Now the city is putting another responsibility onto the residents. Mrs. Pyke indicates several of the streets in Ward 2 have had their infrastructure updated. From 1998 we have reconstructed streets that include water, sewer, and sanitary lines. The city is assessing the areas where the problems have been noted. We are looking at homes prior to 1964 to address their building problems. Mrs. Carr indicates this is a high priority to this city. We work on it everyday. Residents feel burdened by the \$2, yet this is a common practice amongst cities. We are ahead of the game. McCoy assessed the infrastructure and it took time to address this problem privately and publicly with residents. Six homes connected wrongly can affect 200 homes. So privately, we need to manage the homeowner's problems. We are trying to fix the problems. There were 3% of the residents who were affected by flooding and there are residents who are giving us grief over the \$2 fee. As a city, we have to balance the approach to this problem.

Mrs. Dorio continued to express her concern over her feeling that the city has neglected the flooding issue. Mrs. Carr and Mr. Arrington state we paid victims through the Moral Claims and Mrs. Dorio over \$4000. We are the only city to help our residents through these floods.

## **Miscellaneous Business:**

### *Presentation on the Flood Prevention Initiative plan by Valerie Wax-Carr, Peter Bell, and the Administration.*

Mrs. Dorio reiterates that residents don't have a lot of money. Many of us haven't recovered from the 2003 floods. The problem is having the money, not fixing the problem. She also wants to express her concern over the 96-gallon trash containers. Breaking down the garbage and trash is a hassle. Not all the residents are able to break down the trash. She has problems with blood pressure, her wrist, and her husband had bypass surgery. To break down our trash, who is going to pay the liability if we get hurt doing this? The residents don't have health insurance and they can get hurt doing this. Mary Ellen Pyke and Debbie Ritzinger will stay after to attempt to address Mrs. Dorio's concerns.

The Public Affairs Committee Meeting was adjourned at 9:00 p.m.