

Cuyahoga Falls City Council

Minutes of the PUBLIC AFFAIRS COMMITTEE Meeting

October 25, 2004

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

Mary Ellen Pyke brought the Public Affairs Committee to order at 6:36 p.m. All member of the Committee were present.

Scheduled legislation (second reading):

A-137	An Ordinance creating Chapter 1306 of the codified ordinances, titled "Point of Sale Inspections", and declaring an emergency.
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Mr. Arrington indicates there are no further changes to this ordinance other than the three that came out of last weeks Committee meeting. In addition to the three changes, on line 81, there was wording included to indicate the work does not include waterproofing. Mr. Walters is comfortable with the new corrections.

Michael Foley, 2449 17th Street, indicates it isn't fair to hold a homeowner responsible when they are the 2nd, 3rd, or fourth owner. The city passed the inspection at the time and to go back now and say it is illegal is wrong. People have been dealing with these water problems for a long time and to hurt a person's investment at the time of the house sale is wrong and unethical. This law can make people responsible, but it won't be just or lawful. Please find another way to fix this without hurting the homeowners.

Mr. Arrington indicates that is has always been illegal to tie into the sanitary sewers. It was illegal 40 years ago and it is illegal today. These ordinances are beefing up the existing laws. This ordinance is legal, lawful and more palatable. Valerie Wax Carr indicates the plumbing fees and costs for repairs have been verified with local/certified plumbers in our area. The average repair for a sump pump installation and to correct downspouts averaged \$1500.00. Affected residents came to the administration and asked for this legislation. We can provide a camera to determine where the footer drains are hooked in. We will assess and determine to what degree of a problem there is. Mr. Walters questions what type of degree is being considered and what type of implementation will there be? The legislation is important but just as important is the implementation of this procedure. With many of the footers being made of clay tiles, many of them will be damaged. Who will determine the procedure and type of degree on who will be forced to correct the problem?

Mr. Arrington indicates there is a potential list of residents who will request this service and it will take us some time to get through the problems before we cross an "iffy" situation. We have a current list of 900 homes. And there are city infrastructure issues along with private issues that have to drive the correction of this problem.

Mrs. Hummel indicates that Council members should be first in line to have the camera survey their laterals. If hers is not correct, she will correct it, but if after digging up the problem and there is any issue about the problem, she doesn't feel she should be responsible for it. We discussed initially using "targeted" areas, but this legislation does indicate targeted areas. This is for all residents.

Tom Sullivan, Tallmadge Road, indicates he had his laterals TV'd and it was very easy to tell the problems and to what degree.

Mrs. Klinger indicates the McCoy study crystallizes the importance of the storm water ordinances. For example, McCoy televised 802" of an 8" line on Franklin Avenue and found 25 out of 25 sanitary laterals were leaking. From her research, she has learned that an 8" sanitary sewer can handle wastewater form up to 200 homes. However, it takes only 8 sump pumps, or 6 homes with downspouts connected to the sewers to overload the same 8" sanitary sewer. Based on this statistic the residents appear to be a significant contributor to the problem on Franklin Avenue with 25 out of 25 leaky sanitary laterals. How much more evident do you need? The McCoy study clearly recommends strengthening the ordinance that prohibits the connection of clean water sources into the sanitary sewers. No one in council has raw sewage in our basements during these storms and if you did you would be demanding that this legislation be

implemented immediately. Remember the first storm occurred in May of 2003, which is a year and a half ago. We have studied this carefully and now it is time to act.

Mayor Robart commends Council for this difficult decision. It is refreshing to see this Council fix the problem and work together to get the legislation right.

The committee recommends bringing out Sub. Temp. Ord. A-137

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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Virgil indicates that this Ordinance is the inspection provision that piggybacks with A-137. Sellers of real estate have to do a disclosure form for any sale of property. On page #2, paragraph B, there is a place for sewer disclosure and this information can be included at that spot. The words “The buyer understands the free inspection is available”. This also applied to “For Sale by Owner” contracts. This provided relief of criminal liability. The realtors can help us educate the public as much as possible about these inspections.

Jim Camp, 5533 East Boulevard, Jackson Township, President of the Akron Board of Realtors, thanks the Administration for meeting with us and allowing us to work with you to secure this cooperative effort. This is a great program with voluntary inspections. We will educate 1800 realtors who list properties in Cuyahoga Falls. Hopefully, this legislation will encourage residents to secure the efforts prior to a point of sale offer.

Mr. Gorbach indicates this is a State of Ohio form, can we change it? Virgil indicates realtors will write it in. This is a buyer driven program. If the language isn't on the form, a civil suit may follow.

Bill Zawiski, 1249 Mack Drive, is with the EPA and indicates that dispensing clean water into the sanitary sewer has been illegal for years. The city's overflows and capacity management have to set language down to have an enforceable code, which these pieces of legislations are doing. The City of Cuyahoga Falls is doing as well as expected to comply with the EPA regulations. It is imperative to remove the clean connections and correct the water into the sanitary sewer.

Valerie indicates we provide 180 days to fix if a lateral is determined to be illegal. In 1964 it was still illegal and the EPA has continued to update and

Mrs. Klinger indicates the first draft of both pieces of storm water legislation was a legitimate response to residents that had raw sewage or storm water in their homes during the last 17 months and felt that our laws must be strengthened to address this problem. City Council and other public officials responded with extreme criticism of the proposed legislation and it showed no signs of support for the change. However, Mary Ellen Pyke worked closely with Valerie Wax-Carr and changed the point-of-sale legislation from a mandatory inspection to a voluntary inspection which could be conducted at any time. Then after further public discussion, Mary Ellen had a meeting with Jim Camp, Virgil and Valerie who made more improvements to the legislation. This resulted in point-of-sale legislation that voluntarily covers all home sales.

Once an infiltration problem is discover on the part of the homeowner, A-129 is implemented. Again, Mary Ellen worked with Valerie and came up with a payment plan for the homeowner and provided an extended time line to correct the problem. Further changed were proposed by others such as Don Walters and Tim Gorbach which provided an appeal process and added a 100% penalty or surcharged to the homeowner's sewer bill if the problem was not fixed. Ken Barnhart and other Council Representatives wanted hardship language added to the legislation. So the finished product is a collaboration of suggestions from many people, or the democratic process.

The committee recommends bringing out Sub. Temp. Ord. A-129

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 7:30 p.m.