

Cuyahoga Falls City Council

Minutes of the PUBLIC AFFAIRS COMMITTEE Meeting

September 20, 2004

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

Mary Ellen Pyke brought the Public Affairs Committee to order at 7:42 p.m. All member of the Committee were present. The minutes from July 19, 2004 & September 7, 2004 Public Affairs Committee meetings were approved as submitted.

Scheduled legislation (second reading):

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

A-137	An Ordinance creating Chapter 1306 of the codified ordinances, titled "Point of Sale Inspections", and declaring an emergency.
-------	--

Valerie indicates that POS are not new to communities in Northeast Ohio. She would like to address a recent letter received by a resident named Mr. Blair. Currently, there are two studies being conducted on the water issue by the City of Cuyahoga Falls. 450 homes participated in this survey to help identify our problem areas. Out of the 450, 336 homes have infiltration problems, which is 74.6% of the homes. Of the smoke testing that was completed, the camera found that 75% was clean water going into the sanitary sewer. This is a sampling. From the sample, the city identified 8 areas that were problem areas. John Christopher is looking into bringing down another ordinance to address costs in fixing problems similar to the sidewalk program.

We need to get the clean water out of the sanitary sewers. This is not the residence fault, but a partnership to get this problem rectified. We have a full time maintenance crew to help us. We have boxes of tapes that McCoy has handed over to us and continue to look into the problems. Pipe Lining has been determined as a more convenient way to help with problems like this. Digging up the residence's property is more invasive. The EPA wants us to take care of the sanitary sewer overflows to avoid it reaching the lakes, rivers, and streams.

Point of Sale concept is not new. There are 14 communities with POS. Many of the communities are inspecting outside, inside, with quite a list of requirements. We are trying to focus on the storm water issues. The fee we put in there was \$100. Valerie feels if the city obtains a camera, there may be a possibility to do this for free like our home inspections.

Virgil states we can only site homeowners with minor misdemeanors who are discharging water incorrectly and this is not going to solve the problem. This ordinance gives the city the authority to go in and repair the problem if the homeowner doesn't do it himself or herself. The POS is just to provide us an avenue to fix a problem and identify it. Fixing the city's problems in the sewer is only the tip of the iceberg. We need to correct the footers and downspouts and the residence issues to completely resolve the flooding.

Clean water disconnect is listed on the other communities POS. Virgil states we are not trying to get into the middle of a real estate transaction. This is similar to a termite inspection. The buyer is made aware of what needs to be corrected. Virgil states the sidewalks, smoke detectors, and carbon monoxide portions of this ordinance will be removed from the substitute. This focuses on the storm and sanitary sewers only. We have the right to enforce ANY code violations. Virgil states there is liability with the EPA if we are knowingly discharging sanitary sewer into our waterways.

The average cost for downspouts adjustments is \$1500-\$3000 and the footer drains are also \$1500-\$3000 according to Valerie. If you are doing full waterproofing, you can get into ten thousand dollars. Mr. Bell states

this is only for footer drains that discharge into the sanitary sewers. If you do not have footers or they are inoperable, we are not looking at them.

Jerry James indicates why we are subjecting the entire city to this ordinance when there are selected homes that need addressed. Virgil states we would have to clearly articulate a substitute. Fair protection laws would be a problem. Valerie indicates there are areas outside of the 8 areas that were subjected to flooding. This isn't just for the 8 areas due to the fact that other areas were hit with flooding.

Mr. Walters would like to see us offer these for free. A homeowner is more likely to fix the problems. How do we determine what is a bad clay tile? Peter Bell states the flow and residual water leaving the pipe will give us a determination. Mr. Walters indicates that water from the downspouts averages on a 3,000 SF roof generates a cost to the city of \$100 to process the water. If we re-route the clean water from the sanitary sewers, the city will actually reduce the need to process this water and this will be more cost effective.

Robert Harvey, Bailey Road, is concerned that a sale of a home will be delayed due to a home inspection discovery. He would also like to waive the fee. How do I get a copy of the code of what I can/can't do when selling my home. Mayor indicates Mr. Harvey was institutional in creating a Charter City.

Virgil repeats that he doesn't want this to delay/interfere with the sale of the home, but to educate the buyer and correct water issues that it could be causing on our sewers.

Gail Davis, Hudson Drive, feels the city is covering up and trying to retrofit problems.

Cyndi Kane, Silver Lake Ave., as a realtor to assume the buyer is paying cash for homes is not true. It is a buyer's choice to not make repairs, but money will be a big issue on both sides of the table. Why is it the city who is crafting the language making the seller inform the realtor, when this will be formal legislation? Why are we handling this through real estate when the similarity to the sidewalk program is presented? There has to be a better way than through the real estate transaction.

Sandy Locassio, Lehigh Ave., a realtor who states that POS cause more problems than what they are worth. The buyer is usually unable to have the funds to correct the problem and this dissolves the deal. Separate the issues and focus on the water problem and not the home sale transaction.

Lou Bromer, Broad Blvd., a realtor/auctioneer, in a recent auction a home was unable to correct code violations and was not sold. How will you handle homes that have violations and no one is able to finance the repairs?

Jim Blair suggests that we purchase two cameras for mainline and residential. Anything contributing clean water to the sewers is a problem. Don't affect the whole city with this law but try to target these 8 areas first before you enact legislation. You will adversely affect this community with this law.

Jill Childers, Silver Lake Resident, a realtor, is concerned with the POS. The buyer agrees to do the work, who will do the escrow? Virgil states the ordinance only *discloses* the amount of money to fix the problem, not the actual money. We can't afford to continue the process of paying claims, etc. for water flooding. We will not hinder the sale of real estate. If there is a problem, the buyer should be aware and disclosed the code violations similar to termite inspections.

Jim Shepperd, 3009 Charles, how long will it take for the homes to sell vs. going door to door to correct it? Wouldn't it be easier to address it with the problem 8 areas?

Guy Famatakis, McShea St., the POS ends up being a joke. Storm water runoff is caused by all the building that is going on. I am frustrated and feel this process is hurting our property values.

Mrs. Nelsch, North Haven Blvd., this is far too broad of legislation. The footer drains, sanitary sewers, and down spouts should be isolated and corrected for this legislation. Get all the other stuff removed.

Garth Kennedy, Seattle Street, the runoff water can cause more problems. What kind of enforcement does the city have? New rules for homes will cause another inspection. Homes that are new should not have an inspection. Mrs. Carr will talk with Mr. Kennedy about his specific problems after the meeting.

Mary Ellen states that topography changes on property under an acre are not enforceable. We should have city legislation that addresses the smaller plats. She would like to see legislation.

Don Nelsch, North Haven Blvd., the certificate is only good for two years, why? Valerie states we took that language from other cities. We increased it to two years, most of them were one year.

Roy King, Northampton Township, are you going to replace the main sewers in these areas? We are lining sewers and replacing some sewers according to Valerie. Why don't we cut off the people who are misusing the sewers like we do with people who don't pay their bills?

Mayor Robart states we promised the people devastated by the floods that we would fix them. The realtors have expressed this will be a nuisance. It was a big nuisance to the residents that were flooded last year. If we are serious about doing something for the city and their homeowners we have to have serious actions. The studies have shown the footers and downspouts are a problem in homes prior to 1964. We need to have some meat to correct them.

Kathy Hummel would like to see the entire McCoy Study. She would like to see the City's report card and an outline of exactly what we have done in sewer repairs to date. Valerie indicates the Victor Ave. Sewer is being done at the cost of \$350,000. Kathy feels we are turning into the "footer-drain" police. Kathy's daughter lives at 7th/Washington and has to have 3 basement walls replaced at the cost of \$20,000. When discussing potential prices with this contractor, Kathy indicates they charge \$9 linear foot if there aren't lot of trees/roots to redirect downspouts to the street. Any type of French drain installation is extra. To dig up a basement, the cost is \$1200 per wall, with a sump pump installation of \$1400 (crock + electric), and to look at the footer issue it is \$560 for each corner (they can pull a block out from the interior). This ordinance was inappropriately brought before us and has caused anxiety amongst the community. Let's see the substitute and go from there.

The committee recommends Holding 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.
-------	---

(this ordinance held since it "piggy backs" with Temp. Ord. A-137)

Miscellaneous Business:

The Public Affairs Committee Meeting was adjourned at 9:22 p.m.