

Streets and Alleys Committee  
June 27, 2016

Present: Committee Members Fleck, Larmore, and Buxton; Council Members Clausen, Scott, and Sovinski; Mayor Hazel; Safety-Service Director Hitchcock; Auditor Strawn; Law Director Moore.

Committee Chairman Fleck called the meeting to order at 6:00 pm for discussion of the City sidewalk program.

Mayor Hazel distributed a copy of Resolution 1-68-R which established the sidewalk program along with a copy of ORC 729.01 regarding the construction and repair of sidewalks and gutters.

CM Larmore stated the curbs and gutters are stated in the program to be the responsibility of the property owners. Mayor Hazel explained when he was Safety-Service Director in the past, the curb and gutters were not assessed to the property owners. CM Larmore stated the recent street repairs with curb and gutter replacement have not been assessed to the property owners, but if a section of a street's curb and gutter goes bad the cost should go back on the property owner for replacement. He also suggested a quicker way of getting the money back when assessing for sidewalks replacement, instead of assessing for five years.

Mayor Hazel stated his concern is the property owner having a wider sidewalk being required to maintain a larger sidewalk than other residents.

CM Sovinski stated at one time 100% of the curb and gutter were assessed back to the property owners. He recalls several streets that were petitioned by the property owners to be improved. At the time, the City's policy was that the street would be rebuilt if the property owner's petitioned it, and the curbs and sidewalks would be assessed back to the property owners at 100%. Curbs were put in by the property owners originally because the City requires contractors to put curb and gutters in new subdivisions. Property owners were also responsible for 50% of new storm sewers.

CM Scott stated he looked at this sidewalk program as having one square in his sidewalk that needs to be replaced. When he built his home 10 years ago, the installation of sidewalks were included in the lot purchase. North Main Street's issue with the curb and gutter being almost gone should not be laid on the property owners. The responsibility of the homeowner is to repair the sidewalks in front of their home.

Mayor Hazel asked if it is appropriate that the City front the money to repair the sidewalk and assess the homeowner. CM Sovinski explained the process of assessing homeowners for sidewalks repairs. He reported each homeowner that is affected needs to be notified and given an estimate of how much the repair would cost.

Director Hitchcock asked if the curb and gutter for Brandon Ave. should be assessed back to the property owners. CM Larmore stated a precedence has been set when a big street project is completed. He suggested the sidewalk program require the homeowners to maintain their sidewalks, but not be assessed with a street repair project.

Mayor Hazel reported sidewalk repairs estimates came in at \$364,000 in 2012 with only \$40,000 set aside for the sidewalk program. If the sidewalk program is done as in the past, the City needs to front the entire estimate. The current sidewalks repairs is assessed at 98% to the property owner and 2% paid by the City. Mayor Hazel stated he struggles to have the homeowner be responsible for 98% of repair for the sidewalk if it is deteriorating due to weather.

CM Buxton asked if he is told to fix his sidewalk, what would stop him from suing the City for making him pay to fix it since he is already paying extra tax for sidewalks repair. Law Director Moore replied the City is not tied to any particular location, it is more of a needs based program.

CM Clausen stated if someone is forced to fix a sidewalk out of need, could the money be credited back to them if the walk is replaced in a street project. Mayor Hazel stated it would be difficult to do this.

CM Sovinski suggested when a street has no curb and gutter, the initial installation should be assessed to the property owners. The City should then be responsible for maintenance of the curb and gutter. Mayor Hazel stated the project has to have a functional purpose to be put in. CM Scott stated Myers Road is a legitimate complaint of having no sidewalks.

CM Larmore suggested the initial installation will be assessed, and when a street is reconstructed the City will pick up the replacement costs. The last decision that needs to be made is the percentage assessed to the property owner for maintenance of their sidewalks.

Mayor Hazel again stated he does not believe 98% is a reasonable assessment and asked the council members for guidance on setting the percentage. Members suggested administration run numbers for the best approach and present it to council.

A draft form of revisions will be created by Administration and presented at another committee meeting.

Chairman Fleck adjourned the meeting at 7:00 pm.

Submitted by Joan S. Wurster, Clerk of Council