

*City of Olmsted Falls*  
**Minutes of a Special Council Meeting**  
**Monday, June 5, 2017, at Olmsted Falls City Hall**  
**26100 Bagley Road – Council Chambers, 7:00 p.m.**

The Pledge of Allegiance was recited. Mayor Ann Marie Donegan called the Special Meeting to order at 7:13 p.m. Roll call was conducted. Present: Councilmen Linda Garrity, Jim Haviland, Bob Sculac, Ed Gorski, Paul Stibich, Terry Duncan, and Kyle Miller.

Also in attendance: Gregory M. Sponseller, Law Director; Mr. Bruce Rinker, Special Counsel for City of Olmsted Falls. Audience: 15.

**OLD BUSINESS**

Continuation of hearing regarding Baker's Creek Private Drive Bridge – Mr. Sponseller indicated that this meeting is a continuation of a special council meeting on May 8, 2017 relative to Resolution 16-2017 regarding the Baker's Creek bridge matter. He stated that tonight will be a presentation by owners of the property and their counsel.

Mr. Rinker stated that he will recap information and documentation that has been submitted to date. He did note with Mr. Porter ahead of time that he did provide Mr. Sponseller and himself with copies of different deeds. He stated that the last meeting was to elicit information all residents felt was essential and we basically have two different neighborhoods that provided the information. As Mr. Sponseller indicated, tonight we would like to wrap up the evidence and information. Should the residents wish they will again have an opportunity to address Council if they feel there is additional or supplementary information or commentary they would like to provide. There was an extensive discussion last time, with that being said, we know that the city is desirous to make sure everyone has fair and full opportunity to be heard on the issue. Following that he knows that council would like to consult with legal counsel but does assume that we will collectively look to an end point where Council will consider legislation. The steps between now and then will be discussed at some point later this evening. To recapitulate as far as exhibit or documentation provided that Council has discretion to consider a part from the public commentary all of which was recorded. There was a bridge inspection report and the consulting engineer for the city provided his testimony regarding that report, gave a power point presentation along with a written report. Whether or not there will be supplemental material provided by the engineer he is unsure, but, does not believe there will be. We provided an aerial map which showed the relationship of the different parcels, not only those that use the bridge, but other properties especially those in the cul-de-sac area where there is an emergency vehicle access for the city that has currently become the default access drive for landlocked properties since the bridge has been closed. We have 10 deeds to different parcels and candidly we have not made a comparison with those provided by Mr. Porter so there could be some additional deeds. All the deed information provided will be sorted and compared. We had the police and fire chiefs discuss some of the safety issues. The administration and Council have made certain that there has been full notification and a full opportunity to be heard, the record will reflect that as well.

Mr. Rinker stated that there were also Plannign Commission meeting minutes from September of 2009, essentially to put in historical context to show that this is in fact not a new issue, by any stretch of the imagination, and that past administrations and Council have pretty consistently tried to wrestle a solution. Again, in big picture this is a nuisance that has to be abated, something has to be done to correct this situation, it is not safe as it is now and ultimately we believe that the resolution has to be to solve this problem.

Mr. Rinker indicated that he will open up the floor again to those who would like to address Council. As before, please identify yourself, name and address, so that we may have a full record.

Mr. Mark Porter, stated that he appreciates the time Council has provided to him and his clients. Last time he was present he mentioned a deed that was made in connection with the River Road property and it was specifically referenced in the September 30, 1942 deed from Mrs. Botts and Mr. Arff to the Lewis Family, which refers to the easement and grant thereof. He would like Council to be aware that he went back to the record to see if this deed was actually recorded because the 1942 deed simply references an engineer's number, does not give a volume or page number in the county records. The deed was recorded at Volume 5408 Page 540. Essentially there is a deed between the owners on November 7, 1941 and that deed granted Elizabeth Goenders the right to transit over the banks of the creek and that is the bridge and because of that this covenant runs with the land so the people who own the bridge today take subject to that easement. His clients are the ones on the other side of the bridge, of course, and they are the ones who need the bridge more than probably other residents. But, he would also like to point out that the city needs the bridge too in order to get ambulance, fire trucks or any kind of heavy equipment back there to service the residents, who of course pay taxes for that privilege. The city needs to be able to get emergency vehicles back there and has not been able to do so because the owners of the bridge closed the bridge last year in July as this Council is well aware. The problem that we have moving forward is his clients are cut off and so is everyone on the street. The residents on the cul-de-sac, as we heard during the last meeting, are not happy with the thought of heavy trucks and equipment driving in between their properties and spraying mud all over the place. He knows that the Council is not in a favorable position because you have residents that want you to do something and it costs a lot of money, but, it is incumbent upon the City and this Council to do what is right for all the residents which includes Ms. School, Ms. Kohl and of course the Hahn's as well as all the other residents in the area. The three properties bought the property knowing it was their bridge and Ted Hahn pointed out last time that had maintenance been done over the years we would not be here under these circumstances. For that reason he asks Council to declare a nuisance, hold the three property owners subject to make the repairs to the bridge and in the alternative if the City is willing that it takes the bridge by Quit Claim Deed from the property owners and make it a city bridge and city street so emergency vehicles can access the properties in the back.

**Paul Scheutzow, 9625 East River,** stated that he has owned his property for 15 years and been in the construction arena for 45 years. He stated that 12 years ago he contacted the Cuyahoga County Engineer who sent out Jeff Horvath, a bridge inspector, to look over the bridge and 12 years ago he declared that the bridge was in need of replacement. The bridge was in serious disrepair and should be replaced. In the last 12 years he and his neighbor John Guzik have tried to come up with solutions for the neighbor's to replace the bridge that was in desperate need of replacement back then. We came up with different ideas, had many meetings about this within the neighborhood. The brick wall we kept hitting was money, there were people that had it, people that didn't have it, people that could borrow it and those that couldn't borrow it or wouldn't borrow it to pay for their

fair share of replacing the bridge. That brings up to where we are today. He spoke with the County Engineer again last week, the supervisor of bridge inspections, and he said that he would rely on the City Engineer's determination as far as the condition of the bridge. The City Engineer stated that we have rotten posts with a chain link fence attached. He is not an expert but would say that a 2 ton car hitting that will not keep it from going over the edge. On the south end there is a 4x4 basic fence post holding up the south end of the bridge. It is probably not on the 10 most approved ways of supporting a bridge. The bridge has been in dangerous condition for a period of time. Now, because that bridge happens to be on the property of himself and two other landowners we felt it was a major inconvenience, but, it is also a major inconvenience if someone gets injured or killed on the bridge, which is a potential. We did not close the bridge because we decided one day to screw everyone up, including the city and the neighborhoods, we didn't want to see anyone injured or killed. As far as easements, some people may have easements to cross the land that the bridge is on but, he does not think that dismisses them from maintaining the property that they have given free right to cross over. There is legal precedence for this very subject that we are talking about, people that have easements but if there is no clause on that easement for the owners of the property to maintain it then it defaults back to the people who are actually using the land that they are crossing over. He would say its fine that they have an easement, but, that does not exempt you from maintaining that which you are using. He stated that because of the money issue he believes that this proposition by the City for the residents there is no money out of pocket, the amount that people would have to pay on a monthly basis is less than what people pay for a cable TV bill over a period of time. This is not an outrageous amount it is a great idea and they are willing to do all the legal work, find the low cost financing and it would solve the problem of safety and security of a good bridge and give the good people of Northwood their peace and serenity back.

Mr. Sculac stated that a few years ago there were a number of meetings with a previous council person and there were some ups and downs with people wanting to pay, unable to pay, or didn't feel that they were obligated to pay. He asked if Mr. Scheutzow had a recollection of what those individual costs would have been per individual. Mr. Scheutzow indicated that he had a plan for a bridge probably 10 years ago that would have cost \$35,000. Mr. Sculac asked if that was per resident. Mr. Scheutzow stated that cost was for the entire bridge. He stated that the previous administration looked at this issue and came in with a cost of \$250,000. He put together a plan with Columbia Steel for a bridge that would allow for an ambulance and fire truck to traverse the bridge. The cost to each of the residents would have been \$4,000 and people had trouble coming up with that amount of money. The proposal from the city is a good plan for the residents as there will be no out of pocket money needed and is the price of a cable tv bill per month. As far as he is concerned, this issue could be solved very easily.

Mr. Miller stated that Mr. Scheutzow mentioned a legal precedent regarding owners utilizing an easement would also be responsible for the maintenance. He asked in Mr. Scheutzow's estimation what would he consider the percentage of the split between the owners of the bridge and those receiving a direct benefit from the bridge. Mr. Scheutzow replied that the fair thing to do is split it up equally between everyone getting use of the bridge, himself included. This bridge just happens to be on three the property of three individuals. When he purchased his property he did not require that the bridge be removed and he never dreamed we would be in this situation.

Mr. Rinker stated that within the September 1, 2009 Planning Commission minutes on Page 4 there were references made that former County Engineer Bob Klaiber had an estimate of a quarter of a million. "Mayor Blomquist indicated that there was another quote for \$160,000 for an 18' wide

bridge.” Clearly, we have talked about different sums of money, at the end of the day he believes this will come down to what are appropriate specifications per the engineer.

Mr. Sponseller stated that Mr. Porter is present on behalf of specific individuals and does believe that all the property owners are present. He indicated that present are: Mr. & Mrs. Nyland, Mr. Scheutzow, Norton, Guzik, School, Kohl, Abramovich. Again, this is a continuation of the hearing from May 8<sup>th</sup> and a reminder notice was sent out by the Clerk as a courtesy last week.

**Ted Nyland 9630 East River Road**, stated that the \$250,000 estimated cost was for a two lane bridge, compared to what we are possibly discussing now which is a single lane bridge which would replace what is currently there. He stated that two of the three owners of the bridge are on the east side, his residence is on the west side and he would like Council to remove his property from this issue. From his standpoint he has no use for the bridge. We agree that the owners on the east side all have easements to use his property and if there wasn't a bridge they would expect us to build a road so they could access their property, he does not believe any court would follow that logic. As far as he is concerned he is on the west side and should not be held financially responsible for the residents to use his property to get to theirs.

**John Guzik 9615 East River**, stated that what he is about to state will hopefully add information but not a great deal of opinion. As Ted Nyland noted the costs that have been received over a number of years are all estimates so we know they are only as good as someone can ballpark as nothing was put out to bid, and varied dramatically from essentially a private driveway style bridge to a fully engineered highway HS20 load rating that would be required for fire departments. Again, over the course of many years people have had a lot of different reactions to these numbers based on the amount of engineering and construction that would be involved. Ultimately, he believes as a project that multiple residents cannot come to a solution on their own it is at our request the city's responsibility to do something, whether that is to take ownership of the bridge, which has been discussed repeatedly, dedicating the road up to either side of the bridge, or actually identifying that it is the responsibility of the homeowners and encouraging the residents to do something. He believes that as a bare minimum is the responsibility of the city to do what the residents as individuals cannot. He is hoping at the end of this process we end up with something tangible. His hope is that there is a long term solution. He is afraid that whatever gets done, if it is not ultimately owned by the city or maintained by someone other than individuals we will be back at this same situation. He hopes that the lifespan of the bridge will be 30 to 35 years but something could happen for example, a flood, tree falling or someone crashing through the guard rail that would again put us in a position of needing to put effort and money into the bridge if it is a privately owned piece of property there is not legal standing for who is responsible for the maintenance and ultimately we could be right back in this situation in a very short amount of time. Nobody anticipates that and nobody hopes that to be the case but it is a real possibility. He is sure there is legal precedence for how this ought to be addressed one way or another he would like to see closure to it. He brought with him tonight a binder full of information. He does not know what information would be beneficial but does date back to the late 60's and early 70's as far as letters to and from the City of Olmsted Falls, even back to the point when it was Westview. There have been statements made by the legal counsel of Olmsted Falls and is documented, although he does not know to what extent in the city's files, but he has paperwork that may be of some benefit to someone. He would be happy to review the information with anyone and has offered it before to the city. Ultimately he is hoping for some kind of resolution for closure as well as thinking of the long term so this issue does not reappear before council in the future.

Mayor Donegan stated that if it would be as simple as the city taking over the bridge that could have possibly been done but, we have private streets within the city and the reason for those private streets was considered during the planning stages of those development areas. Taking on something private would be significantly precedent setting. The city has a lot of issues we are still wrestling with regarding private streets and not having access to some of the city services that they pay taxes to. We want to be very cautious which is why we have attempted in earnest to bring together as much as we can with a creative solution. She stated that a long term solution clearly needs to be addressed as well or we will be right back to this same situation in the future.

Mr. Sculac stated, hypothetically, if the city were to take this property over is anyone aware if the property owners would be willing to deed that portion of the property they currently own over to the city. Mr. Sponseller suggested that Council move into executive session later this evening. For the edification of the property owners, when you mention three owners, that would be the three owners of the property in which the bridge sits. In looking at that issue it is clear from the engineer that the right-of-way width would not meet standards for a road and therefore there would be additionally takings, which would require additional compensation. Nonetheless, the road could not be dedicated as a public right-of-way because it does not meet road standards and is a private drive. Mayor Donegan stated that some of the properties being discussed are right up against the roadway, for example Ms. Norton home is against the roadway and we would have to take a lot of her front property, from a visualization. She stated that the city normally does not help residents navigate private issues but because of the safety issue she did get involved.

Mr. Guzik stated that the Mayor mentioned other private streets within the city that have gone through planning and hence essentially created with the intent of private streets. He asked if there were other streets within the city limits that pre-dated and did not go through planning because this did not go through a formal planning process. Mayor Donegan indicated that it would have to be old Westview so she could not answer that question. She stated that generally speaking, the city does have private streets and were put in for reasons and the precedence we would set for private streets and the baring on the services would be overwhelming at best. Mr. Guzik asked if it would be acceptable to the city as a private drive. He stated that people have batted around the idea that it is no different than a bridge on someone's driveway, which happens all the time, though ultimately people that are walking that do not live on this street have an expectation if you are on someone's private driveway that it would be maintained no different than a private driveway. People that are walking from other neighborhoods or driving on this bridge believe it to be a city street, we know otherwise because we have been in this process but most people do not have that understanding. Mayor Donegan indicated that Ruby Hahn has had to endure the cost of the gravel is not fair either as she has had to maintain that private drive.

Mr. Sponseller stated that procedurally it is his anticipation that Council will move into executive session under pending or threatened imminent litigation to discuss this to some extent and come back out of executive session, with no action being taken. He would indicate that it would be appropriate for anyone whom has additional information to submit that to Council by Wednesday, June 14<sup>th</sup>. He anticipates that at the second meeting in June we would have draft legislation on the agenda to either determine the existence of a nuisance, if that is found, and indicate potential remedies.

Mr. Nyland asked what the resolution was for that Council voted on April 28th. Mr. Sponseller indicated that resolution expressed Council's intent to ascertain the existence of a public nuisance of the private bridge over Baker's Creek on the private drive in order to hold this hearing. Mr. Rinker indicated that the resolution categorize the problem but did not provide a solution.

**Mary School, 9580 East River Road**, stated that first of all there has been a sign posted on the access road on her side that reads "drive like your kids live here" and she would like to know if the city put up that sign. Mayor Donegan replied no and does not sound like a sign the city would put up. She asked if the sign was put up recently. Mrs. School replied that the sign was put up at the end of the last meeting. She stated that someone puts up the sign and then someone pulls it down and throws it on the ground.

Mrs. School asked if there was a reason that last month's meeting minutes are not available online. Mr. Rinker stated to clarify he has not reviewed them and does not know if they are available. Mrs. School replied they are not. Mayor Donegan indicated that minutes are not posted until they are approved, Council received a draft copy of the minutes.

Ms. School stated that the last meeting on May 8<sup>th</sup> you promised us notification of this coming meeting in a timely fashion. She received her notification at 5:00 p.m. today for a meeting at 7:00 p.m. Mayor Donegan indicated that this meeting was set and she asked the clerk to send a reminder. This meeting was scheduled at the last meeting on May 8<sup>th</sup>. Mrs. School agrees with that and there is no debate but this is not the first time this has happened this is about the 4<sup>th</sup> time this has happened. We have two hours, if someone forgot that the meeting was today. She stated that some of her statements today you will think is offensive and she apologizes but she has to speak. This particular issue of notification is either inept or purposeful and she would like to know what that is. One time she does not have a problem with three or four times yes she does. Mr. Rinker stated that if there really is an issue with process he would ask that Ms. School stated her basis for her objection, which she has done, but, the whole purpose of discussion tonight is to supplement your position on the substance and merits of the issue and it doesn't appear that we are doing that. His understanding is that Ms. School was present at the last meeting and she was given notice, in terms of the process this is one where we are trying to work with the residents to come up with a solution based upon input as to what the issues are, as they believe them to be, to the merits of the problem. He would suggest that complaining about other meetings where the notice isn't adequate leads us away from the issue. Ms. School stated that she hears Mr. Rinker but that does not mean she is not going to say what she wants to say. Mr. Rinker replied that he simply asks that for the benefit of everyone here, she keep the comments focused. Ms. School indicated that she believes everyone present wants to hear this, she knows they do. Mr. Rinker asked Ms. School to focus on the evidence. Ms. School stated she has been at the podium for one minute. She stated that her point being, as she stated, one time ok, four times she is wondering if it's inept or purposeful. She asked if anyone has yet determined the weight that the bridge will bear now. Mr. Sponseller stated, with all due respect, he understands the engineer was at the previous meeting and presented evidence, at that time she raised her objections at that point, we have heard that evidence. If there is additional items she would like to present we would like to hear those, but, if it is a rehash of what was presented at the last meeting it is not particularly germane. Ms. School asked if Mr. Sponseller believes that the people who have spoken before her have not repeated what they said the last time, she has listened to it and it has been repeated. She thinks that you do not want to hear objections and she is objecting. Mr. Sponseller stated that she has every right to object and state her objections but throwing out the questions in terms of evidence that has been presented. Ms. School replied it is

a simple answer, do you know what the weight of the bridge will bear now. Mr. Sponseller replied he does not have the answer for that; the engineer's report is in the record. Ms. School stated she does not believe there is an answer. She indicated that Mr. Scheutzow stated that a piece of 4x4 was added to the bridge and she believes it was done by the city. She is only giving information that she has heard, whether you agree or not. Mayor Donegan stated that the city did not place that piece of wood on the bridge. Ms. School replied we disagree. She stated that when Mr. Scheutzow made the comment that because we use the bridge it doesn't exempt us from maintaining it, well where is the reverse because all of the people now, including the owners and everyone else, is using our part of the road, then does it exempt them from not paying for our repairs. She stated that Mr. Scheutzow also mentioned a bid of \$35,000 and this is the first time in 12 years that she has heard \$35,000, it was \$231,000; \$60,000; \$80,000 and your recent offer of \$100,000. There was never \$35,000 and if it was that cheap then why were the owners making an issue and Mr. Scheutzow said "it's the price of a cable bill" she replied no it's the price of a cable bill for 20 years every month. If you do not do it then you have a lien on your property. She stated that she has a point from the last meeting that she is sure Mr. Rinker will object to because it doesn't apply to the bridge but she has to speak. When she heard that we do not have ladders in our city to take care of us back there, we have no protection back there. Mayor Donegan indicated that was not what was said. Ms. School stated we have no portable ladders. Mayor Donegan indicated that is not what the fire chief said. He indicated that they would have to carry the ladders over. Ms. School indicated that when Mr. Hahn asked the question the Mayor indicated that we have to get ladders from another city. Mayor Donegan indicated that was not true, the fire chief said that we needed to carry ladders over. Mr. Haviland stated that when we were discussing access he asked how the fire department got their ladders to the scene and he said that he had to carry them. They also mentioned mutual aid that would be needed by other cities. Ms. School stated to correct her understanding the City of Olmsted Falls has portable ladders to carry. Mayor Donegan replied yes and she did not correct Mr. Hahn. She then read from the minutes "Mr. Haviland stated that along with carrying the hoses the firemen would also need to carry ladders and other equipment, Chief Gluss indicated that this would be something a mutual aid company would have to do and they would need to be walked down into the area." She indicated that there is no such thing as a city of our size, a city with our taxes, wouldn't have ladders. The point is they would need to be carried. Ms. School stated she doesn't know how she would have heard that and when Ted speaks he will reinforce that he heard it to as did other people. Mayor Donegan indicated that the Clerk transcribed the minutes verbatim. Ms. School asked if a decision was made on the recusal on the individual from Council. Ms. Garrity indicated that Ms. School was referring to her. She stated that she has thought about Ms. School's comments to a great extent. She was asked to attend the meeting back in November by the Mayor because at that time she was Council Pro-Tempore. She indicated that she has been a nurse for 40 some years and considers herself a devote Catholic. The Mayor had asked her to follow the woman, whom she never met before in her life, didn't even know her name and couldn't tell you her name now, who was obviously distressed, to follow her into the kitchen with a box of Kleenex, which she did. When she left Council Chambers, she is a nurse, and a mother, and a catholic and she considers herself a very spiritual person, she offered this woman Kleenex and she remembers saying God will take care of this, she was feeling despair she told her God and she believes that, she doesn't have to believe that as a councilwoman but as a resident, female, mother, nurse, etc., she said God will take care of this. She stated that she will not recuse herself from voting. Mayor Donegan stated that from a recusal perspective it is up to each individual council person to recuse themselves based on the judgement and conscience. Ms. School stated just so Ms. Garrity knows she is a Catholic also, in fact, she is a former Sister of Notre Dame and she has no trouble believing her. The only thing she is looking for her is honesty and clarity. In the meeting where we were discussing the LGBTQ

she was impressed that Ms. Garrity was the only one who spoke about the negative aspects, possibly, and so she is happy to take her word. She just wants everyone to be honest. She is tired of the evasiveness of this whole issue, 12 years and all of a sudden we have to pay or we will perhaps be put in a position to be in a lawsuit. It is outrageous. All she is asking for is honesty and openness on your part. Mayor Donegan stated that this has been an issue for more than 12 years, she walked the bridge as a Councilwoman when there were two little girls biking across there and they are now both registered nurses and have been practicing for many years. This goes far beyond 12 years. She believes that it is unfair particularly by stating the evasiveness, it is not in our jurisdiction to handle any private matters. We were asked and we have spent a lot of time on this issue and did not handle other pressing issues with our city to try and help adjudicate this matter. These kinds of issues are not fun and Ms. School has the right to her opinion but that opinion is not necessarily fact, the evasiveness she feels is horribly unfair. Any particular reference to anything else does not necessarily dictate our lack of honesty. She considers herself a devote believer in God as well, one thing does not have anything to do with the other. She takes slight issue with Ms. Garrity's comments but if she indicates what she said is what she said then that is what she said. But, to continually say that we are being evasive and that we just decided in January of 2014 that we were going to adjudicate this bridge and have to assess the residents because we have nothing better to do is really unfair. Ms. School indicated that she did not make that statement. The Mayor just stated this issue was not within her purview so why are we making it within purview. Mayor Donegan stated that this issue has been documented for 30 years, she doesn't need an engineering degree, there is some conspiracy floating around that we put the 4x4 to make it look worse than it is which is absolutely absurd. Ms. School asked why the Mayor said "if you guys don't settle it then we are going to take this to court and put all our names on it." Mayor Donegan stated this is a safety issue. Ms. School stated it was an issue for the owners of the property.

Paul Scheutzow would like to address one of Ms. School's statements. He indicated that Ms. School stated over the last year there has been more traffic over Ruby Haun's property. He is the last house before everyone crosses the bridge; everyone goes across his property before they get over the bridge and for 15 years he has maintained the road in front of his property. There have been 15 years of Ms. School and everyone else driving across his property, he has poured concrete and put in gravel and has never said one word to one neighbor about that. He did this to be a good neighbor. Now, in the last 30 years he would say that Mary School and Ruth Koehl have probably put more wear and tear on Ruby's property driving in the other direction than anyone has in the last year. He stated that the point is everyone has used his section of the road and he has maintained it personally out of his own pocket and never complained to any of the neighbors about taking care of the road.

Mr. Sponseller reiterated that the purpose of tonight is to hear evidence presented by property owners that are effected by the legislation and the issue before Council. He would suggest hearing from one other property owner and then Council move into executive session under 121.22(G)(3) to discuss this matter further.

**Ted Haun, 9618 East River Road**, stated that Mr. Scheutzow made a statement that he had a cost of \$35,000 and he feels that having a lien put against our property for a cable tv cost, which it may or may not be, but we feel that if he would have been putting \$3.00 a day, if you want to get to a tit for tat situation, which we are doing, a cup of coffee then we wouldn't be here today. Now, as far as him maintaining the property for all these years, he has put in stone there as well to help maintain that part of the road. Now, we are getting into areas that are not germane to what we are attempting

to settle. He stated that we know the construction site has limitations to it, there will never be a double lane bridge there, it will always be a private bridge, the city has no choice they cannot incorporate property that is not there to build a bridge. We have to maintain it as a private bridge there is no way around it. Now, we have had easements and the right-of-way for 60 years, everyone has agreed with those and now some new property owners feel they are not fair. He doesn't know legally how that will work out but he guesses that down the road we will find out. We are trying to save money for the property owners, he is not going to pay for it as it is not his responsibility, we have maintained ours all along, if you want to cut a four foot strip and find out exactly where those beams go and what condition those beams are in, you may be able to resurface the bridge which is being done all over the country today to save money for the taxpayers in most instances but in this situation it will be for the private property owners. The estimated cost is \$100,000 but it may come down to \$35,000 but no one wants to take the time to examine it. Mayor Donegan stated that we have to be delicate in private matters. Mr. Haun stated that the city has gotten themselves into a situation that they should not have been in because its been a private situation all along. Granted now some of the newer neighbors do not agree with what their responsibilities as property owners are, he does not know why they feel this way but they do and he guesses they have a valid point in their minds, same as we have a valid point in ours. Mr. Scheutzow stated that the cost was \$35,000 and if he would have been putting a couple dollars a day into the maintenance of the bridge he wouldn't be here today, none of us would be. It is never going to be a double lane bridge, why not have someone inspect it, cut a trench and find out where the beams go because the pictures only show an old deck of a bridge that was built 90 years ago. They do not show what the deck above it incorporates. He does not understand why the city is getting involved in something that is a private situation, it will never be a bridge that will carry 24 hour traffic or semi's going back and forth on a daily basis. This is a private bridge and he has built probably 10 of them in this type of situation in his lifetime. The costs that keep being thrown out are astronomical, \$200,000; \$175,000 now we are at \$100,000 and now you want everyone to accept that cost, not the Mayor personally but some of the individuals in this situation. At what point will we stop and ask just what is the legal aspect of this; who is responsible as private property owners to accept the responsibility? As far as the safety goes, no one knows what the safety of that bridge is, granted the railings look bad but if someone would have done some maintenance in the last couple of years they wouldn't look like they do today. We do not know where the beams stop; he feels that they go further than the old deck; but until it is opened and examined no one knows. At what point will be find out.

Mr. Miller stated, with all due respect, we have been here for approximately 2 hours and 15 minutes and would ask that we conclude the meeting, if there were no other owners that wanted to speak. Mayor Donegan stated that this meeting is specifically for the owners to present evidence.

Mr. Rinker would ask that residents submit any type of documentation, in order to get away from the argumentation, and more to presenting information that residents feel would be of value for council to consider.

Mr. Scheutzow stated that the \$35,000 cost was an estimate over 10 years ago.

Mr. Rinker stated that Mr. Guzik has provided a full binder of documents. For the benefit of Council and the record, he will take the binder to his office and make sure a duplicate copy is made and then return the binder to Mr. Guzik.

Mr. Sponseller stated that any additional supplemental evidence or any legal arguments that the residents want to present please submit by next Wednesday.

Joy Kosco stated that as times move on things that are considered historical change. The bridge was originally built, she believes as Google only takes you so far, there was an old railroad track that went through that area and there was a crane that would take Berea sandstone out of the quarry, this is over 100 years old. This provided jobs for our original settlers in our area. Churches were actually built on 252 for the individuals that worked in the quarry. She is just making a statement that maybe there is a loophole for some additional assistance to widen the bridge for storm drain maintenance. She stated that the Mayor was part of an article in 2016 that a bridge has to actually be a certain height and width in order to handle any debris coming through because there have been a few major floods that do develop from this area. She is just throwing out ideas to make sure we don't out rule them. Mayor Donegan asked if Ms. Kosco could keep her comments germane to evidence. Mr. Rinker indicated that if he understands Ms. Kosco she is suggesting that there could be additional monies to help defray costs. Ms. Kosco replied that is what she is thinking could there be grant money available or storm maintenance grant money, is there something we could allude to like the original settlers and created the churches but maybe if the city does take it over to prevent further maintenance. Mayor Donegan indicated that the city is not interested in taking over the bridge. Ms. Kosco stated that there are always a loophole. This is a historical area. As they do the flood remapping it might assist the area because it does flow into the Rocky River.

Mr. Sculac moved to **adjourn** into executive session pursuant to ORC 121.22(G)(3); Mr. Gorski **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:22 p.m.

Mr. Sculac moved to **adjourn** into regular session; Mr. Gorski **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mayor Donegan indicated that special meetings will be scheduled for June 19, 2017 at 6:30 p.m. which will be an executive session; as well as July 11, 2017 beginning 6:30 p.m. She also indicated that she nor Ms. Duncan will be in attendance at the June 27, 2017 Council meeting and Mr. Sponseller will not be in attendance at the June 19, 2017 special council meeting.

Mr. Sculac moved to **adjourn**; Ms. Garrity **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Meeting adjourned at 9:45 p.m.

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*Ann Marie Donegan, Mayor*

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*Angela Mancini, Clerk of Council*