

City of Olmsted Falls
Minutes of a Special Council Meeting
Monday, May 8, 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 meeting to order at 7:00 p.m. Roll call was conducted. Councilmen Linda Garrity, Jim Haviland, Bob Sculac, Edward Gorski, Paul Stibich, Terry Duncan, and Kyle Miller were present.

Also Present: Gregory Sponseller, Law Director, Bruce Rinker, Special Counsel for the City, Don Sheehy, City Engineer, William Traine, Asst. Safety Director, Chad Gluss, Fire Chief, and Mike DeSan, Asst. Finance Director. Audience: 19

New Business:

The Olmsted Falls City Council will hold a Public Hearing on May 8, 2017 at 7:00 p.m. for the purposes of conducting a Council Administrative Hearing with regard to the question of the existence of a public nuisance of the private bridge over Baker's Creek on East River Road and to determine the right, necessity and reasonable means for abatement of any nuisance.

Mr. Sponseller stated that Mr. Rinker is special counsel to the city on this particular matter. He is an attorney and principal at Mansour Gavin Law Firm and former Mayor of 23 years in Mayfield Village.

Mayor Donegan indicated that there are residents from East River as well as Northwood, which is the cul-de-sac that has the less than adequate access point to the back property on East River Road.

Mr. Rinker stated that he is a land use attorney and has been practicing with the firm of Mansour Gavin for a little over 20 years, overlapped with his full/part time work as Mayor in Mayfield Village. He would like everyone to understand what tonight is supposed to do so that we all have a good understanding and the scope of this meeting. He stated that there was a resolution that City Council adopted April 25th. This resolution went through three readings and identified as Resolution 16-2017. Our hope tonight is to try and establish a factual basis involving what has been presumed to be a public nuisance. We are not here to make a decision tonight, Council has the discretion, ultimately, as to what kind of decision it wishes to make. His role is to advise the City and especially the Council on what his understanding would be of the law, the quality of evidence ultimately, the basis for any decision will make. Tonight we want to be more informal than formal, in fact, as he reviews a number of the items he believes it will be a review for everyone. He does not believe there will be anything new or earth shattering. However, because this is a problem that has endured for so long and does not believe anyone will dispute the fact that this is a problem. We want to try and understand a little better just exactly what is going on and if something is to be done, what will be done. He will give an overview, the city's engineer Don Sheehy is also in attendance as well as Fire Chief Gluss and both will want to speak to some of the health and safety issues that we believe are involved. Thereafter, Council will have the opportunity to ask any questions that Council members would like to ask and then we would turn the floor over to the

audience. Everyone will have a chance to be heard. He would ask that the audience bears in mind that the goal this evening is not to arrive at a solution as much as point the direction as to what an ultimate solution would be. Because this involves private property and there are private property interests involved, he believes therein lies some of the historic conundrum that has been faced because trying to resolve this privately simply has not worked out, for whatever reason. The goal is not to point fingers, not to lay blame, but to recognize there is a situation that needs to be addressed.

He then reviewed the GIS map (see attached). The bridge rests on each of the three specific properties, Boesken, Nyland and Schetzow. The bridge itself is private and thereafter there is access to seven additional properties. He understands that there are people present this evening from the Northwood area where the access point is located. The significance of the access point is strictly for emergency vehicle access. He believes there is a chain that serves as a gate to the emergency entrance with the idea that this would be used only for vehicular access. Since the middle of last summer the property owners advised everyone that they would close the bridge down for vehicular access. He does not know what extent there are vehicles that still use it but it behooved the property owners to let everyone and it is his understanding that for the most part there is informally an understanding that this access point along Northwood serves basically as ingress and egress to these otherwise land locked properties. He referenced resolution 16-2017 and will read through a number of points. Council adopted this legislation not as a final decision but as preliminarily at something where there is a certain presumption of information. Much of what we will do tonight is to review the points to validate what we believe to be true, what is factual, not supposition, we are not here to render a decision on property rights as we are on the condition of the bridge. He stated that any materials that are addressed this evening can be made available for everyone. This is all to be as transparent as we can be. It is another reason we do not seek to reach a decision tonight as much as to get information out. He stated that East River is a private vehicular drive and includes this bridge that was constructed, we believe, sometime in early 1900's.

He stated that in conjunction with the private drive the bridge has historically provided access over Baker's Creek to specific parcels of property. A structure of the bridge rests upon a portion of three individual parcels and further provides access and ingress to seven other adjacent benefitting properties. In addition to the private usage this is the access point for safety vehicles and personnel as well as other very basic health and safety maintenance functions. In the resolution that Council adopted there was a list of owners and the handout given tonight was updated to include the one property that transferred ownership earlier this year. A note historically that prior and current administration's diligent efforts to secure unanimous consent to reach a consensus upon abatement of the bridge's unsafe condition have been unsuccessful and necessitated legislative action. City records show that easily over 30 years ago city officials and residents alike recognized that there were some problems with the bridge but they couldn't reach a decision on how to address those problems. Fast forward another 10 years, the then fire chief published a letter and delivered to the residents saying that the bridge had recently been downgraded to carrying vehicular weights of no more than 3 tons and there isn't an emergency vehicle that is at or under 3 tons. In other words, the vehicles are too heavy for the bridge. The chief at that time alerted everyone to some of the adjustment that would have to be made. The fact of the matter is structurally the bridge was recognized as posing real problems for access just for safety vehicles alone.

Mr. Rinker stated that the city has further tried to facilitate dialogue and knows that Mr. Sponseller has met on more than one occasion and not only this administration but prior administrations have tried to figure out a way to solve this problem. Recent efforts by city officials to address the

problem still have not been able to resolve it and so finally the city engaged the services of a civil engineer, Chagrin Valley Engineering. He also mentioned the emergency access, sort of the alternative route out of a default mode that the city has been required to use. He wants to reiterate the purpose of the meeting “whereas Council authorizes the administration to notify all of the above listed property owners, at which time Council shall entertain objections, consensus, evidence and other pertinent information regarding Council’s intention formally to ascertain the existence of a public nuisance and thereafter to determine reasonable means for its abatement and the steps to be taken therefore.” Ultimately this is a decision Council will have to face, not tonight, we are not sure when, a lot will depend upon the exchange of information and the discussion going forward. He believes he can speak for the administration and state that we would still entertain dialogue. We know there are some people that would like to see a resolution but again cost factors are a problem. Eight years ago former Mayor Blomquist received a quote from the county engineer it was about a quarter million dollars for a conventional bridge. They trimmed that down to a smaller bridge to keep with current dimensions but the cost was still estimated at \$150,000 to \$160,000. More recently, Mr. Sheehy has in a very preliminary estimate proposed a cost of \$100,000 to replace the bridge. The money is a big issue for everyone to consider.

Mr. Sheehy then showed and reviewed the report submitted by CVE Engineering (see attached). The way the bridge was designed is a strange configuration, he speculates that the beams were laid upon an existing deck and then a concrete top was poured. Sometime later, the concrete deck that was underneath collapsed into the river. The beams were laid the wrong way, to get the strength out of them they need to be laid vertically. Due to the way the beams were laid there is no way to inspect to see how badly they have rusted, but, you can see quite a bit of rust in the joint between the two beams which is concerning. The east bank sits on a sandstone shelf along the bank of the river and has been undercut a foot or more in places. Mr. Rinker asked what the significance of the undercut was. Mr. Sheehy replied that as this continues to be undercut you will run the risk of the shelf collapsing. The sandstone on the west abutment wall is not of the same quality as the sandstone on the east side of the river. It is weathered and is crumbling in a lot of different areas and is not as stable or sound as the east abutment. The south corner of the west abutment is significantly deteriorated. It is cracking and settling and at some point someone placed a 4 x 4 wooden post in an attempt to hold up the edge of the beam, which is a huge concern. Mr. Sponseller indicated for the record, that the picture showing the post is Figure 9 of the report field inspection and observation from William Sheehy.

Mr. Sheehy stated that there is a concern for either a partial or total collapse, especially on the southwest abutment. There are structural design problems with the way the bridge was originally installed. Since the wide flange beams were installed side to side you are only getting about 5% to 10% of their strength. Mr. Rinker stated that on the last page of the report it states “the loss of a single beam could trigger a complete collapse of the remaining structure.” Mr. Sheehy stated that it is a combination of how the beams were laid, if the bridge fails it could create a domino effect where the whole bridge would cascade down into the channel. Mr. Rinker indicated that the report also states “given the poor condition of the substructure and the unknown structural integrity of the bridge deck, complete removal and replacement of this bridge is recommended.” Mr. Sheehy indicated that is the only way fix the bridge as there is no good way to retrofit what is there and requires removal of the deck and establishment of new abutments and some type of new structure to span the creek.

Mr. Rinker asked Mr. Sheehy to explain what has been completed and what still needs to be completed. Mr. Sheehy indicated that he looked at what the minimum would be to install a new bridge. There are pre-fabricated metal truss structures that could be installed with a crane. These would be manufactured off site, brought in with a truck and the crane would place the new truss. This is the least expensive method of replacing the bridge and designed to handle the weight of emergency vehicles. The problem regardless of what type of new bridge is installed is the abutments on both ends that the bridge needs to rest on, the existing bridge would need to be demolished, new abutments placed on both sides and then the new bridge could be put into place, with an estimated cost of \$100,000.00. Mr. Rinker stated that there was a discussion regarding an alternative to the bridge being an access point, by creating a different connection overland off of Northwood. Mr. Sheehy indicated that it would be close to 1,000 feet of pavement if you begin at the Northwood cul-de-sac and end at the bridge. Mr. Rinker asked what the cost would be for that type of city street. Mr. Sheehy replied that this is a former quarry site which means you would need to cut into rock and would be a complicated design, he would estimate that the cost would be at least \$400,000 to \$500,000.

Mr. Rinker stated that there is a fire chief directive dated March 1992, essentially this directive states that the bridge cannot support emergency vehicles. The vehicles would need to stop short of the bridge if there was a working fire in order to access the structure. In 2008 a subsequent letter was addressed to the Council President from Former Chief Timothy Potts. He asked Chief Gluss to give a basic understanding of how not having this bridge impacts his response. Chief Gluss replied that the department is tasked with stopping prior to the bridge; unloading all the equipment needed and walk across the bridge. If the property was farther east of the bridge they would access from Northwood. With the current size of the ambulances and overgrowth it is difficult to make the turn so a lot of times the same thing would take place and the paramedics would need to walk to the property with their equipment. The fire truck would need to stop west of the bridge and carry the hose over the bridge; if the addresses are close to the east side we would use Northwood and carry hose to the property due to the fact that the fire truck would not be able to make the turn onto East River road from the access road. This is a time consuming process and would take the fireman five to seven minutes after arriving on the scene. Mr. Rinker asked if that was a significant delay in response times. Chief Gluss stated that a fire doubles in size every minute. Not only is this a time factor for the department to secure a rescue but also tasking the fire fighters before they can even begin fighting the fire. Mr. Rinker asked about mutual aid. Chief Gluss replied that the city has mutual aid from Strongsville, Berea, Columbia Township and Olmsted Township but they are at least five minutes away. Mr. Rinker asked, in the chief's opinion, does he feel his department needs access to that bridge. Chief Gluss replied absolutely in order to cut lifesaving minutes off his response time. Mr. Rinker asked if the chief would suggest two access points to a subdivision like this with homes clustered together. Chief Gluss replied ideally it would be required.

Mr. Rinker stated that Chief Potts indicated in his letter in 2008 that if there was inclement weather, for example, snow or a lot of rain and mud, the turning radius would be difficult. Chief Gluss stated that he drove down to the area today and there is probably seven to nine potholes that are significantly deep; there are also two gas lines; the fire equipment would hit at least one of those lines making the turn into the area.

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.

Mr. Sponseller stated that in the report from the engineer there was reference to the failure of the fence and rail along the side of the bridge; if the fire department would have to respond to a property on the other side of the bridge and it was in the middle of winter would carrying equipment across there create an additional hazard with snow and ice. Chief Gluss replied absolutely.

Mr. Rinker stated that he believes these properties are all on septic systems and asked how they would be maintained and serviced. Mr. Sheehy indicated that the tanker trucks are designed to carry 3,000 to 5,000 gallons of water and you would not want to access over the bridge as that would definitely not be a safe position. Mr. Rinker asked how garbage pickup was handled. Mayor Donegan stated that residents walk their individual garbage over the bridge to cans located on property across from Ms. Boesken. The residents on have creatively dealt with that situation but potentially there are no city services available.

Mr. Rinker indicated that he would take comments from the public. Bear in mind tonight's goal is for Council to get an understanding of the circumstances and how to determine what type of solution could be viable.

Mary School, stated that with all due respect to Mr. Rinker he indicated that tonight was about finding out what the issue is, but we have been trying to find out what the issue is for 13 years and it is a double edge sword, its maybe the condition of the bridge and then the other issue is who is responsible for paying for it, this is what she would like to address this evening. She is coming from a different position and the conviction is trying to be made that the bridge is unsafe. She is not prepared to agree with that statement at this point in time, arguably there is somethings that look questionable but she wants more facts. She stated that from the time this bridge issue began, the residents of East River Road, who are not bridge owners, have been subjected by the bridge owners and this city's government to evasiveness, vagueness, back pedaling, partial truths and in some instances untruths. In more than one instance committing or proposing actions that are not legal. She stated that we have heard what these gentlemen have said and she cannot compete with a professional engineer to try to convince Council otherwise, but, she wants Council to hear what they are saying. We are interpreting the worst possible scenario and she believes there are other ways to address the issue that she would like Council to consider. On 02/26/15 Mr. Sponseller sent a letter to all East River Road property owners saying a general visual review of the bridge shows that the bridge is in an apparent state of disrepair, such that it appears unsafe. On 11/29/16 Mr. Sponseller wrote "as you know this bridge is a hazard and a life safety issue that must be resolved." Again, we go to the extreme verbiage. She stated that at one of the meeting with Mayor Donegan Mr. Sheehy was present at which time he stated that the bridge was so unsafe "he would never take his car over it again" following those comments the police drove over that bridge routinely. On 07/20/16 Greg Sponseller wrote to the residents "it has come to our attention that the owners of the property upon which sits the private bridge have unanimously determined to close that bridge due to its unsafe condition" this happened on July 23, 2016. She stated that at a Council meeting on 03/28/17 the resolution was introduced we heard the same things again. In point three, "the bridge is creating a life threatening condition that potentially constitutes a nuisance." In point nine, "the city has engaged the services of the city engineer to undertake preliminary evaluation of the bridge"; Council 13 years we are now doing preliminary evaluation of the bridge. By point 12, "the Council and the Mayor have reason to believe that the condition of the bridge is so unsafe as to constitute a public nuisance." She stated that at that time where is the proof, where are the facts, they weren't there. At the end of the meeting we requested a formal report on the evaluation and condition of the bridge as well as a cost breakdown; Mr. Sponseller had indicated that he would include those things

in a packet of materials that he would send out; we received that packet on 04/04/2017 but no formal report, no cost delineation as to the viability of the bridge as promised. All that was in the packet was a repeat copy of Mr. Sponseller's letter of 2/26 repeating again that the bridge is in an apparent state of disrepair and a copy of his 11/29/16 letter saying "as you know the bridge is a life safety issue." The city seems to be employing the strategy, and this is at the time of her writing which was just this past week, if you keep repeating something over and over again eventually people will accept it as fact. This theme is being continually repeated and these are all direct quotes from the city; "the bridge is unsafe;" "it looks unsafe;" "this is a life safety issue;" and "it must be replaced." The city's recommendation is that the bridge be replaced with another private bridge and yet in all of this having been repeated now for 13 plus years not one piece of paper, not one formal report from anyone, city or owners, that declares what weight the bridge will bear now nor any other factual proof of its false or its capacities. We hear tonight "well it may" "it could;" we do not have any facts. She stated that Mr. Sheehy indicated that no one can get under to examine the bridge but why not, we do everything why can't we get under the bridge. This is and has been nothing but words, accompanied by an exhaustive attempt by the bridge owners to engage the assistance of the city to force the rest of us to pay for the bridge that is privately owned by the Boesken, Scheutzow and Nyland parties. These strategies do not go unnoticed by us. To put the cherry on top of the cake just recently our attorney, Mark Porter, was told by the city's law director, Greg Sponseller, that there is and she is quoting directly "no documentation on the bridge evaluation." She stated that she would like to speak about the bids, the first one in 2011 from Michael Benza was almost \$231,000; in April of 2012, John Guzik in a memo to neighbor's Paul Scheutzow has secured quotes from contractors resulting in an estimate of about \$60,000; the option that the city was putting forward for the \$231,000 to help they would pay \$49,000. In January of 2016 John Guzik's memo following a meeting with Don Sheehy, the city service director and Mayor Donegan "Don estimated that a concrete pre-fab bridge would be around \$35,000 and the total cost would be between \$80,000 and \$100,000;" 03/15/15 – Garry Thompson to John Guzik "if the building department, the city engineer and the law director would stay out of it a simple box culvert will work at a substantially reduced cost to all of you;" 03/16/16 – Greg Sponseller to Baker's Creek Property owners "the city engineer has provided an estimate of \$100,000 for the replacement of the bridge. The city would contribute 10% of the cost and the remainder would be divided among the consenting property owners payable in two ways" which he went on to describe. Has the word repair been removed from the realm of possibility, we don't know what it really looks like underneath, nobody has looked, we take some visuals from the sides, we paint the worst scenario but no one has really professionally studied it at least to our knowledge because we have no report. She stated that you have an engineer who says this and that, she has become skeptical over the years, we have been at this for 13 years and she is skeptical. She wants to see it on paper, she wants someone to commit to the problem on paper. She stated that when she has proposed there has been an outright refusal by the city and the bridge owners and that was in at one of the informal meetings to entertain the idea of purchasing a military bridge with side railings and holding the weight of a tank and using the solid ground on either side of the bridge for support; so much less expensive. Why would the owners and the city deny consideration of such an option?

She stated that throughout this bridge issue the city, particularly the Mayor, has emphasized the idea of fairness and being neighbor's to everyone, in fact, Greg Sponseller once commented that the Mayor leads from the heart, which is a beautiful quality in its own right but a quality that needs to be tempered when you serve in this position. Every person on this Council and every person in this audience has a different definition of what is fair. There will never be consensus on that. That is why the law, what is legal, is what must govern our decision. In one of our meetings in 2016 Mrs.

Hahn, and she gave me permission to speak for her, in utter frustration stated to Mr. Sponseller “I don’t care about what is fair I want to know what is legal.” Mr. Sponseller circumvented a direct answer until she asked him to please answer the question if the bridge fell who would be responsible. After 12 years of trying to get that question answered Mr. Sponseller acknowledged that ultimately the bridge is the legal responsibility of the owners; that admission took 12 years to receive from this city, however, in the very next meeting Mr. Sponseller clarified that “he may have misspoken about some of the things in the last meeting.” Keep in mind we are talking about two different things, the bridge and who is paying for the bridge. Another incident Ms. Hahn experienced during the course of one of the meetings in late 2016, Gayle Boesken a bridge owner, became very upset and left crying from the room and was followed by a member of this sitting Council who happened to be present at the meeting. This Council member was overheard by Ms. Hahn telling Gayle “don’t worry honey we will manage to get it paid for – don’t worry we will get it done.” When this Council member noticed Ms. Hahn moving in her direction the member said to Gayle “you call me and we will have lunch and discuss it.” Upon reflection, she is formally requesting that this council member recuse themselves from this issue and this vote because it is clearly evident that this council member has already made a decision. The cost of this bridge has had large variances it has ranged from the initial bid of \$231,000 to \$60,000 up to \$80,000 and now \$100,000. Her last knowledge is that the city has promised a \$10,000 payment toward the bridge.

Mrs. School stated that she attended the Council meeting on March 28th when costs were being approved for city improvements or purchases every issue was accompanied by formal written bids and a vote for expenditures not to exceed an exact amount to the penny. Yet in 13 years of dealing with this city not one formal bid has been offered to the residents on this issue. You do not conduct your city business this way and she feels certain that you do not conduct your personal business this way. The city has no hesitancy to ask us to do just that. The city’s approach to this entire matter is totally unprofessional, it boggles the concept of common sense, it insults the necessity of bids and budgeting and is frankly insulting to those of us who are being asked to put out thousands of dollars. She stated that Mr. Sponseller quoted in one of his letters “the bridge is on private property, as part of a private access driveway and as private property is required to be maintained by the private owners.” Three parties own the bridge, the mantra however seems to be we own the bridge, we own the property that sits on the bridge, we will close the bridge without the permission of the other residences, but, when we want to build a new bridge we are going to require you to help pay for it, that is what our issue is. It was and is the responsibility of each one of us to know what we are buying when we buy it. The Nylands did so and took the responsible steps of carrying significant insurance for the bridge in order to protect themselves, she can’t speak for the other two owners. Mr. Scheutzow, a bridge owner, has tried to convince both Mrs. Hahn and Ruth and her in private discussions that we did not have an easement over the bridge. He also in a private meeting with the residents presented a document entitled “bridge and conformity access and utility easement agreement” no attorney was there to explain the five pages of very legal language, but, it had a lot to do with our easement over the bridge, replacing it, future responsibility, and maintenance. She stated that Mr. Scheutzow asked them to sign the document and offered to take all the signed documents to a notary friend of his who would notarize all of them, his purpose being to save us time and trouble, red flags went up for several people and no one signed that document to her knowledge. She stated that the owners of the bridge had no legal right to close the bridge and yet they did. We the residents never said or did anything by way of a response. The Boesken, Scheutzow, Guzik, Norton, and Norton residences technically have no legal right to use the road owned by Mrs. Hahn, they have no legal right of ingress or egress over that part of the road and yet they use it on a daily basis. The large trucks have done significant damage to the privately owned

part of the road that includes Hahn, Abramovich and Sterkel and still we have said and done nothing. This road will literally cost thousands of dollars to redo. Ruby's part alone has had a bridge bid of \$15,000, will the bridge owners pay for that, will the city ask them to pay for those repairs out of sense of fairness and neighborliness. If the bridge owners refuse will the city take them to court, that is what is happening to us, the non-bridge owners. She can imagine what reaction would be forthcoming and yet she sees these two issues as exactly the same. Every resident in buying their property had the legal expectation to believe that their deed provided them the legal protection that it said it did. We bought the right of ingress and egress over that bridge as did every other non-bridge owner. We did not purchase with the requirement that we would have to maintain a bridge. Please keep in mind that we are talking two separate issues, the bridge condition versus who pays for it. For 30 years she has known that to be so, yet all of a sudden the rules change. The city is trying desperately to convince us that the law doesn't really mean what it says, that our deeds don't really mean what they say, that we really don't have the legal right of ingress and egress. If all of this is true the law means nothing. We can try anything we want, we can do anything we want even if it's not legal, we can be allowed to close an access bridge illegally; we can make false claims about the bridge which have no basis in proof or fact in order to do what we want to do. We have not only the backing of the city but the initiative of the city who has the wherewithal to threaten all of us with a court case by declaring the bridge a nuisance with no factual proof and in that way can put all of our names on that lawsuit. That is what is happening. She cannot say how disappointed she is with the city's administrative governess on this issue. Her last point is the access road. She emailed the Mayor and Greg Sponseller a request to please repair the access road so that it was at least passable. Mr. Sponseller contacted her and said that there were two reasons that the city could do nothing, one was because the city only had an easement on the road, when she reminded him that the city in fact owned the land his response was you may be correct on that. She stated that Mr. Sponseller's second comment was that the road had to stay as it was for safety reasons. Again, she implores council to use their common sense. She stated that Northwood is set for 25 mph, kids play on the road, they play baseball, ride their bikes from time and memorial kids play on the street. Somehow on that access road we have to make it so impassable that you cannot travel more than one to two miles per hour and still have your car intact by the time you get to the end of it and yet it will not be repaired to make it at least passable. She is asking council members to get into their cars and drive the road. She would challenge them to drive it after a rain because it doesn't drain so you cannot see the holes. While you are on the road take a left and go down to the bridge and see the condition that the road has taken since all of the vehicles have come down, this road was in excellent shape before all this happened. So, that comes out of our pocket to repair because it's a private road but along with the bridge. She thinks that some of the things that are happening are done out of a sense of coercion and intimidation. The residents of East River road the non-bridge owners are not cooperating, we are not doing what the bridge owners in cooperation with the city want us to do, so pressure is being continually applied a little here and a little there. You are not going to pay for the bridge so we will close it. We will make you travel a longer distance to get where you are going; we will require an 80 year old woman to push her garbage down over the bridge because using one of the city's trash cans is too heavy for her to push when its filled, so she has to take a little hand cart and roll it down the road in all kinds of weather. No more driving your car over the bridge to process your garbage or recycling. We will keep the access road in such a torn up state with major pot holes to make your driving terrible to coerce you into participating in fixing this bridge; it makes no difference to us that your cars are being damaged or that the high water causes you to slide into Mrs. Kosco's fence or that her fence is being ruined because of the continual dampness. It doesn't matter to you that our part of the private road is being ruined, the cost of which will have to come out of our pocket but don't ask the

bridge owners to pay for that. Taking ones responsibility for one's private property doesn't apply to the bridge owners it only applies to us. Most of all let us really use the ultimate intimidation a lawsuit, telling you that if you don't agree to help pay for the bridge we are going to declare the bridge a nuisance and then we will be able to put all of your names on it even though you don't own the bridge. This will surely get you to pay. She has a proposal, she is asking Council to step back and reflect on what she has said. She is asking for Council to do the courage thing, which is to do the legal thing. Every person is to be responsible for their own property and maintenance. Engage an engineer to actually evaluate and test this bridge to see what capacities it has right now and what failings it has, not just pictures. If a legitimate test appraisal says it needs to be replaced look at the military bridge. Tom Norton has a lot of experience in this and she is sure he would be willing to help, cost could probably be reduced by 60% but when she suggested this before it was dismissed, unacceptable. Don't simply dismiss it as it will withstand the weight of a tank as she previously mentioned. If any of the owner's property has to be surrendered they should be compensated by a reduction in the portion of their cost. She is asking the city to please help the owners find the easiest way to finance this and with your help. To show a good will gesture to the rest of us by making the access road passable. She thanked Council for their courageous attention.

Ted Hahn – stated that when his parents purchased their property in 1959 they looked at the property and decided to rent for the first year so they could hire an attorney to research the property and find out what there was for easements and right-of-ways. They found out that there is an easement for the property adjacent to them which is 9620 so they have maintained an open access to said lot and other lots as they have been developed since then. My parents have let everyone cross their private property. They have not complained like the other neighbors have done to us. They have maintained open access for their lots as their deed requires. Their deed is the same as the other neighbors. We have an easement and right-of-way to cross Baker's Creek. The owners of that said property decided they were going to close it, it was their private property, and there was nothing we could do about this because the city was backing them on every step. It is not our fault that they decided never to look into their responsibilities as the property owners and if they did they have just failed to accept the responsibility of their property. Since this has started if they put \$2.00 a day a piece, what is that a cup of coffee, into maintenance of their property like the rest of the neighbor's on the street have maintained theirs this would not be an issue and that would be just shy of \$40,000. There is a lot of maintenance that could have been done on that bridge for that amount of money. He knows that money is tight but \$2.00 a day that's getting ridiculous that they cannot afford it. Now, one of the property owners bought as a financial investment, which is great and the American way, but he is one of the owners that decided he did not want to put no money into maintenance of his property, he wants to pass that onto the other owners on the street even though he makes money every month off said property. It is not our responsibility to maintain his property; it is not our responsibility to pay for his maintenance of his property. That is what we are getting to at this point. As far as bridge safety; he has been in the construction business for over 40 years and has worked on many bridges. The inspection that they have done, like Mrs. School has said, they have just looked at the bridge. Has anyone actually opened up to see where those beams continue out to? He shows a picture of a 4x4 as they just want to demonstrate the worst potential problems that could happen, which in the matter of safety should be taken into consideration. Before you get prices and determine that the structural integrity will not support this you need to inspect it properly and not just take pictures and show a deck that has nothing to do with the bridge that is being supported now. Yes, you say the beams are turned in the wrong direction which probably did affect the integrity and strength of those beams but have you done any research what strength they will hold. Now, the price is \$100,000 to fix it but how did you come up with these prices. Once the

inspection is done and we find out the integrity of the bridge will support the traffic all that is needed is resurfacing he has no idea what the cost would be but is sure it would be less than \$100,000. Would the owners be satisfied or because they made the decision that they want a new bridge and their neighbors to pay for it is that the only solution that they will accept. Now, as our representatives you have been pushing this issue on us, you take care of it that is what is fair. We feel that if the owners would have put \$2.00 a day into the maintenance of their property that would have been fair but that is all opinions. We asked you to look at the actual integrity of the bridge before you decide what it is don't just take pictures or roll the window down and say I'm not going to drive across it. The fire department says that they can't get there which is an important issue. The fire chief said that he would need help from the other cities just to get ladders down there but doesn't the city own ladders, how are they supposed to put out a fire if they don't own ladders. You keep relying on the ambulances but what about a fire truck how will they get down there. You have closed the access road down to the minimum, which the city owns even though they keep saying they don't, how are they supposed to get across. You will not get a 40 foot fire truck across the bridge so that issue has to be addressed separately even when the bridge is repaired so it has no bearing on fixing the bridge. We have a right to cross the bridge our documents say to freely come and go; it doesn't say you pay for it so you can freely come and go. We have maintained our property so the other residents can come and go as our deed requires, what is the difference for them doing what they are required to do. He does not want to drag this out but that is the way we see it. He thanked Council for their time.

Gary Sterkel stated that he recently purchased the property at 9600 East River Road which if you travel to the left from the access road to my property. This road is basically part of the damage area. One problem he sees, even if we pay for the bridge to get resurfaced, where will the maintenance money come from and who will be responsible for that? Until we have an answer on any of those questions he does not see how we can continue even figuring \$100,000 for the bridge because in 20 years we may be in the same situation. He leaves it up to Council to figure that out because obviously we cannot agree on anything. Mayor Donegan stated that what has been mentioned over the course of the last several years is some sort of homeowner's association which the residents would have to legally form to pay into for the maintenance.

Mr. Sponseller stated that the scope this evening is to determine whether or not there is a nuisance condition and whether or not the bridge is in a condition that requires abatement of that nuisance. If it is determined that it is then the remedial action would come at a later hearing, which means we cannot get to Mr. Sterkel's question until we answer the first questions. Mr. Sterkel stated that the first question was answered by the closing of the bridge; doesn't the bridge need to be replaced because we are in a situation where we can't access it. Mr. Sponseller stated that Ms. School brought up some questions challenging this position and there are some legitimate questions. The engineer has articulated his reasons as well. This issue has to be taken one step at a time and the first step is to determine whether or not a nuisance condition exists. The focus tonight is the condition of the bridge in general to determine whether or not there is a nuisance condition. If Council deems there is a nuisance the remedial question is then presented to Council and a determination made on how to remedy the situation.

Joy Kosco, 9674 Northwood, stated that she is the parcel that is right next to the access road. Ms. Kosco asked if this was the first time the entire situation was presented in this type of environment with all the factual information. Mayor Donegan replied no. Ms. Kosco indicated that she reviewed minutes and this is the first formal meeting that she has been able to attend. She attended

informal meetings at which time she was told that they didn't want to hear from her, but, unfortunately that resident is not present tonight. She stated that when you speak about the access road and she knows that the nuisance we are talking about is the bridge however that access road has become a nuisance for all of us on Northwood so, it's kind of like let's do a 50/50 here. The reason she is mentioning this is because she has seen police officers coming through there and literally bottoming out their car to even patrol the area. She then thinks dollars signs because the cars are getting impacted from maintenance. Secondly, we have a large truck that drove over there and there is a big storm drain there that backed up and went into her yard. They had to back up truck to suck the sewage out of the storm drain. Another occurrence was a car that broke down and it took them a little over 45 minutes to remove the vehicle and completely blocked access to the homes. When you are speaking of 1,000 feet onto her property and she is unsure what was considered in the \$400,000 to \$500,000 figure. She asked if the city was speaking of imminent domain to push 1,000 feet onto our property. Mr. Rinker replied no. Ms. Kosco stated that you may not be now but that's more dollar signs down the road to do that. Then there are gas lines and maintenance on the road that has not been done. She does have pictures of the road all the way through and dated back to February 2015. The bridge may have been closed after February 2015 but this road has been getting access by residents back there since then and has not been getting maintenance. The sign access to the road states something like "no vehicles allowed" and is basically emergency vehicles only and like she said a police officer cannot drive back there without bottoming out. It has gotten to the point where she is out there digging dirt, she is a widow, and is digging dirt from underneath my fence so it does not rot because there are puddles of mud against it; you cannot see what color she stained the fence; she has put reflectors on every post so you can see her fence because it has gotten hit. She replaced the entire panel herself. This is time taken away from her son such as today as well. All night long there are cars coming up and down there. There's a partial semi pickup truck and it's like she lives next to a truck stop. It is to the point where it actually sets off her ADT alarm in the middle of the night; can you imagine how scary that would be. The vibrations of the vehicles going by in the middle of the night at 3:00 a.m.; 3:30 a.m.; 4:00 a.m. She is a working mother working 40 plus hours a week; her son is involved in sports and she is constantly driving him around; she is taking care of her son and has no one to back her up to drive him around; she is dead tired because she can't even sleep through the night because of the access road that has been open since February of 2015. The last time there was maintenance on this road was March of 2015 and is the last time any gravel was put in. She does have pictures to back it up and it is more and more around her fence. Now, she lives in Olmsted Falls and is the only member of her family that does, before her husband passed he wanted to move her because of the school system. She stuck with the plan to keep her son in the schools. Her family asks why she doesn't move closer and send him to private school, she tells them this is a good city. Now, they come over for the holidays and ask what is that; she had a parent pick up her son for carpooling for sports and asked what was going on next to her house. She would rather live next to a brick alleyway in Cleveland than to live next to what she lives next to right now. It keeps her up all night long. Before the quiet use to keep her up now she finally got use to that and she gets woken up all night long. She doesn't know who is coming and going. She is not getting any rest and it is to the point that she feels that her security is being threatened because she doesn't know who is coming and going out of that road, it's not just the resident's back there. We use to have strangers come through this road accidently sometimes but not was often as now. Yes, there are kids there but my god that road needs maintenance. Just like Mrs. School said you drive that road and if you have a 4x4 imagine what it would be like. Better yet get into a police car that we are all paying for the maintenance on and might need to get back there and get stuck in the mud. She has had people get stuck in the mud as well as spinning their tires. Never mind, the hillbilly handmade reflectors,

because she isn't going to buy reflectors she made them herself, and drill those on the posts so no one hits her fence because they keep getting closer and closer, again more time from her son. They are also on her flower garden. She has been fair she does not call all the time. She went to the meeting that she was not necessarily invited too because she wanted to listen in so that she could understand why she is inconvenienced and why she has her nuisance. She understands but to be honest she wouldn't agree to anything either if she did not have figures in front of her and doesn't think any of us would. You don't buy a car before knowing the price and how long you will have to pay for the car. She wants to speak up about the road and something needs to be done about it. It is embarrassing it's an absolute embarrassment in the condition it is right now. She doesn't know what she will do if an ambulance tries to go down it and they can't get to the person that needs help cause they are stuck in the mud. One more thing she would like to mention as another suggestion, you mention that it would be \$400,000 to \$500,000 to eminent domain, or 1,000 feet on each side but instead of that there is an empty lot on parcel #291-14-031 and recently there was a disagreement between two neighbors and therefore all the trees have been taken off of that parcel so it is easy to measure that and see if maybe possibly that is a better interest to turn that into an access road to where you leave the emergency access road on Northwood however it comes out of the other cul-de-sac. She is mentioning that because she believes the price for the lot is \$35,000 or \$40,000. Why not pay \$40,000 for a cleared lot. She mentions this because her home has been impacted since February 2015.

Ted Nyland, 9630 East River Road, stated that he is one of the bad property owners not taking care of their property. He lives on the west side of Baker's Creek about 40% of the northwest corner of the bridge is on his property. He has no need for the bridge on his property as far as he is concerned. He receives no benefits from having the bridge on his property; it is the east side property owners that must have the bridge to gain ingress and egress to their properties and allow the city services, safety personnel and others to reach their property in a timely manner. He would also say that he does not need any easements from those property owners on the east side of the bridge as we have no need to access their property. One thing he has looked up we assume that all the east side property owners have written or implied easements relative to the bridge so they can cross his property and they receive all the benefits from existence of this bridge. Two articles he found on the internet discuss easement maintenance. Courts have ruled that easements that lack any written statements concerning maintenance are then by default the easement owners are burdened with maintaining the bridge and they talk about having easements for the bridge, this indicates they are responsible for maintaining the bridge since we have no use for it ourselves. They also say in those lawsuits that the owners' costs should be split based on the amount of benefits received from the bridge. We support your resolution as far as calling the bridge a nuisance. He thinks that we are finding out what direction you will take.

John Guzik, 9615 East River Road, stated that he is two residences from the bridge on the north side of the street. He has been a resident for 16 years. He was aware of the situation of the private bridge prior to purchase. The former owner of his house actually handed a file to him containing decade's worth of information, past news articles, reports, and letters to and from the city all regarding the bridge. This has been going on as a topic of conversation for quite some time. He fully supports the idea that it is a nuisance and does not think that any of us have disputed that, though certainly from different sides. It definitely impacts our day to day life. His wife, 2 kids and himself are impacted on a daily basis. We use to drive our children down to the intersection of Sprague and East River Road to get on the school bus every morning but had to stop that routine when the bridge was closed and drive them now to Northwood. When we purchased the property

we bought for a number of reasons but a large part of it was the character of the area. We enjoyed being on a single lane private road, right now we access our home through a development that wasn't the character of the home that we bought. Certainly understandable this is an emergency situation and are traveling on an emergency easement it's just an ongoing emergency that has taken several years. We are very much interested in getting past this. He understands that the goal of this meeting is only to declare the nuisance but very much like his recently new neighbor are interested in the long term resolution to this not just a quick determination but a long term resolution. Something desperately needs to be done and the sooner the better.

Paul Scheutzow, 9625 East River Road would like to thank the city for being an arbitrator in this situation because this has been going on for a long time. He does not think it takes a rocket scientist to realize that the bridge is in desperate need of replacement. He totally understands the nuisance aspect that the city is taking on this. The city really has no responsibility and are doing this over and above to try and help the residents find a solution for this even helping out monetarily and would like to thank the city for considering us as a part of the city. He stated that he and John have not tried to coerce anybody as far as this bridge goes. He and John have spent countless hours, a lot of effort through the years trying to come up with a solution. We have had many meetings at John's house to try to get the community together back there to figure out what to do. He personally has not tried to coerce anyone to put in any amount of money. It has just been a way to look at it because everybody benefits from that bridge, every one of the residents back there uses that bridge and has used it for a long long time. He had the county engineer out years ago and they declared that bridge in very bad condition years and years ago and he could probably go back and find the county engineer that he spoke with. The county did come out and evaluate it. If we can come up with a solution as Mr. Nyland said they own about 40% of the bridge, he owns about 10% of the bridge, doesn't know if he owns it but it is on his property, Gayle Boesken probably has about 50%. He knows that if it came down to the three of us paying our shares he wouldn't have a problem paying 10% of his share but Ms. Boesken, who is a single mom, with limited resources would have trouble coming up with her portion. Again, everyone benefits from that bridge; our property values are tied to that bridge. Our properties are worthless without a good way to get to our property. He also has other property that has an easement on it and Mr. Nyland brought up the aspect of if you have an easement you have a responsibility to maintain what you are ingressing and egressing over. The other property that he owns that has an easement on it the people that go across it maintain what they are crossing over. He hopes that we can come to some sort of resolution. We have tried to resolve this for years and does not believe we are any closer today than we were five years ago. He appreciates the city's help in this effort and hopes we can come to an equitable solution.

Jay Hanlan, 9678 Northwood, stated that he is two houses down from Ms. Kosco. He would like to thank the city for taking the time to investigate the bridge and all the detailed work that has been done to show everyone how a public nuisance that it is. He is present to advocate for the 23 children that live in the cul-de-sac. Him and his wife are teachers and moved to Olmsted Falls because he valued the school system, when he purchased his home it was his dream house, on a quiet cul-de-sac with neighbor's that you could not create better. When he was deciding to purchase his home and looking at the cul-de-sac there were a bunch of squares on the ground and he asked what they were for and was told they were the baseball diamond because kids played baseball there. There is an understanding that you will treat your neighbor's with respect and your kids will play there. People today have spoken about worst case scenario's crossing the bridge and that is what the city is saying, but, what about the worst case scenario if one of his little girls gets hit by your semi-trucks driving through my cul-de-sac. No one talks about that. What about his property

values. His friends come to his house and see a gravel road that is not acceptable has been this way for two years. He has heard residents talking about repairing that gravel road but that is ridiculous and should not be next to someone's house. He understood the situation with emergency vehicles and that is common sense and doesn't want to put officers at risk more than we have to and was something he was willing to live with. When they took the pole out and chain down a little part of him just died because he could not believe that a city like this would allow that to happen. What has he done to deserve that; what has his children done. He has plenty of pictures of kids playing basketball and now they can't access what we bought because of someone else's problems. As he stated there are 23 children that are being affected by a 30 year old problem that he does not think we should suffer from anymore. He appreciates Council listening but does not think that it is fair for you to replace one hazard situation with another.

Todd Fennell, 9672 Northwood, stated that he lives on the other side of the access path. He thanked Council for taking the time to listen to everyone this evening. Obviously, he took the time to listen to what they had to say. We are here for the kids first. He understands that this is a meeting to determine a nuisance level. Obviously living next to the path he has his own nuisance level. A residents children are nice young men and do not speed through the path but do drive diesel trucks with after market exhausts on them so when they are coming through there he knows for a fact that they do set off Ms. Kosco's home alarm. We have our own set of nuisances and seem to be caught in between another set of neighbor's who have an ongoing problem or issue. At what point does this no longer become our issue. We do not know the proposal money wise, as far as what each person will have to pay. To him most of it sounds reasonable. He is not going to say that he would pay for it but if it was a reasonable dollar amount and there was only certain people who were unwilling to pay he is willing to get rid of that nuisance in his own way if that is the way it has to be. He does not access the path; does not drive down the bridge it is just on a daily and nightly basis he is affected with what goes on on the path. He played a short video of the noise that goes past his house on a daily and nightly basis. He knows everyone has their own set of nuisances and these are his personally. He does not know the condition of the bridge. He wants his kids to be safe and wants to live back in quiet peaceful house. He wants to watch tv and 10:00 at night and not have lights coming into his family room and not have his windows rattling. The path is 14 feet away from his house. He has lost approximately three to four feet of grass and on a weekly basis when he mows his lawn he picks rocks out that have been spun up into his yard. He believes that the resident are all very respectful and do not speed through the area. He is not necessarily blaming them as they go through there but the problem just continues to grow on a daily, weekly and obviously yearly basis. The problem does not seem closer to ending. Lots of people have had their own proposals, his proposal is if the city actually does own the access path close it, don't fix it, close it. They seem to think that the bridge could be passable, is passable, possibly willing to pass it on their own, close it. He asked if Council was voting this evening on the nuisance. Mayor Donegan replied no just gathering information this evening. As a Councilwoman she walked the bridge and she little girls passed on their bikes and those little girls grew up to babysit her son and have graduated from nursing school; that is how long this has been going on. She understands that residents purchased a home on a cul-de-sac with the idea that their kids could play in it.

Robert Krupka, 9700 E. Northwood stated that he believes everyone understands that it makes sense and everyone benefits from having that bridge corrected. He does not believe any here could honestly say that was not the case. He thinks the issue is that a lot of people are digging their heels in and do not want to relinquish their stance. If we are talking about that type of dollar amount spread out of that many parcels other people that don't even have access to that bridge are willing to

step up and throw their hat into the ring. He believes that we need to find something that makes sense. Again, it is a long standing issue, if everyone keeps digging in it will not get resolved. Everyone benefits from the bridge being corrected, that just doesn't go for the folks on Northwood who have different sets of issues from the folks that actually have to use the bridge on a daily basis. He stated that driving your car up and down that path every single day, mud, maintenance, he thinks it makes sense for everyone to use common sense and try to get this squared away.

Mark Porter stated that he represents Ruby Hahn, Mary School and Ruth Koehl. We have heard much about who benefits and who doesn't; people who have an access road cut next to their property; it is a real problem for everyone. Tonight's event is primarily to determine whether or not there is a nuisance. But, an ancillary question to that is who is the cause of the nuisance; and the answer to that question must be the property owners who own a piece of the bridge. Ruby Hahn takes care of the private road that runs from the bridge back and has been doing that for years. It has cost her money. She has money that will be due to fix the road at some point in the near future depending on what happens with the bridge and that is a cost she has born without complaint. She allows her neighbor's free use of that road up until the bridge was closed. The bridge was closed and all the residents on East River Road are deprived of their easement. There has been talk about whose easement and what is the easement and what the easement does. He is glad that the city had the engineer look over the bridge but as Mary pointed out it has not been weight tested so we do not know exactly how strong the bridge is and you do not want to find out the hard way that it only takes 1,000 pounds and not 1,500 pounds when you drive over it. Mayor Donegan replied that is what she is afraid of. Mr. Porter replied with good reason. He thanks Council and the Mayor for looking into this as the city has the power to resolve this. Yes, he knows it is money, he is a village councilman in South Russell and everyone doesn't want to talk about money because it's a private road and a private bridge. You have all kinds of residents present who are here hoping that the city will help resolve the issue one way or the other. A nuisance determination that finds that the property owners are responsible for it is perhaps within something that the city will do. As far as the easements are concerned, the title documents that were attached to the package this evening do not go back far enough. The bridge, it appears, came from a deed from 1877 when the Baker family, for whom Baker Creek is named, sold the property to the Rocky River Stone Company. Over time the stone company sold their interest in the property but they had the right to build a railroad and put tracks down on this property and that can only mean that the track would have gone over Bakers Creek so there had to be a bridge. In 1942 the people who owned, Mrs. Bout and Mr. Arff, gave an easement to a woman by the name of Elizabeth Coinder to cross over "the creek." Most of the present residents got their property from the Rainey's who took title later after. From a legal point of view, the easement to cross the bridge has been there since at least World War II. All these folks who bought did so subject to that easement. The people on the east side had the right to use it. The people who owned the property that made up the bridge have to maintain it. We are all talking about money here but the obvious solution, regardless of what is found in terms of nuisance, is to take the bridge and you will solve the problem. You will solve the Northwood problem, the Scheutzow problem, everyone's problem gets solved by that. He knows that Council is considering nuisance and who is at fault for the nuisance and he looks forward to that determination but when we are talking about big picture solution that is the solution – take the bridge, fix the bridge and then it is city property. While doing that you might as well take the road that Ruby Hahn has been maintaining all these years, she has spent her money so the city didn't have to.

Mr. Sponseller stated for the record he would like to indicate that Boesken, Abramovich and Ms. Norton are present. He asked Mr. Sheehy to address the nuisance issue based on the report and

inspection. Mr. Sheehy stated that a question was brought forward regarding the inspection that was completed and whether or not we could get underneath the bridge. We were in fact able to get under the bridge, the point we were trying to illustrate and maybe it was not clear, was that there is a concrete deck on top of the steel beams and he cannot see between the steel beams and the concrete deck. The only way to investigate that is to either do a load testing by loading it up with heavy vehicles or weight and wait for it to collapse or destructive testing to drill cores into that deck to see what kind of condition it is in. The destructive testing only further weakens the bridge so outside of what we would typically do or recommend for this type of bridge. Mr. Sponseller stated based on his 30 years of experience and the report that he has seen and visual inspection do you have an expert opinion as to the extent of the condition of the bridge. Mr. Sheehy replied that the bridge as it currently stands, the bridge abutments are in a state of severe deterioration and in jeopardy of collapsing. The bridge deck is resting on those abutments. There is no solid design criteria for the bridge deck as it currently is configured so even if the deck was in brand new condition it's not designed by an engineer and it is sitting on abutments that are falling apart. His recommendation would be the same, the bridge deck is in disrepair and needs to be removed and the bridge abutments need to be rebuilt further back away from the edge of the existing abutments.

Mr. Rinker stated that he would request from the property owners if they have any documentation, Mr. Guzik made representation that he had some, we would like to review those. To reiterate the goal this evening was as much as possible to get facts and information. We have received good insights and opinions. As with many opinions there will be a lot of disagreements and are goal, as he previously stated, is not to point fingers but try to deal with the issue. We have heard from a number of residents through the whole course of the evening. He knows that Council and the administration are trying to find a way that will in fact be a long term solution. In terms of procedure, again tonight, his request would be that the meeting in effect be continued to recognize that there is no action being taken but, the forum is essentially open. At some point there will have to be closure and in consultation with the law director his understanding is that Council will probably be looking for some sort of findings to make which is why other information would be useful.

Mary School indicated that if she heard correctly some of the Northwood residents are interested in contributing to the bridge and asked the administration to pursue that issue. Mayor Donegan stated that these residents have always reached out.

A special meeting to continue this discussion will take place on June 5th beginning at 7:00 p.m.

Mr. Sponseller indicated that if at any time we here at the city can help facilitate discussions toward resolving this issue informally he would be happy to do that. That does not require Council's direct there is no sunshine law associated with that it would simply be an opportunity to talk and perhaps reach some sort of creative resolution. Mayor Donegan stated that she also attempted to Mr. Porter to try and determine a resolution. We have been aware that Northwood has been gracious beyond words to remedy the situation but she believes this issue needs to be remedied with those that are affected. She believes that the residents need to be concerned about long term maintenance.

Mr. Sponseller indicated that the documents that were referenced to by Mr. Rinker, Fire Chief Gluss and Mr. Sheehy and the packets provided to the public will be submitted to the clerk for the record. He indicated to Mr. Porter that if he has additional documents he would like to review that as well or anyone else.

Mr. Miller asked if the service department could check on some additional maintenance for the access road in the meantime and perhaps adding some additional stone. Mayor Donegan stated that however this breaks down we will help repair the access path.

Mr. Sculac stated that he would like to comment regarding Mr. Scheutzow's comment about the city not having responsibility to do this. He would say that the city does have a responsibility even though it is a private road and that is to come up with some sort of resolution or help the residents come up with a resolution. He believes that as much as the administration and Council can do he would hope that we could facilitate whatever the response will be and do in a quick fashion. He knows that this issue has been on the table for quite some time as he served on Council back in the 90's and this issue was on the table at that time as well. Mayor Donegan stated that this is not an easy issue and the city could have ignored it and told the residents to deal with it, like we have been. She believes the city poorly planned for this issue with the access road and it is not a popular topic and we have tried to be as honest and as supportive as we can to get this resolved.

Mr. Sponseller stated that we are postponing this issue to a date certain which is June 5th at 7:00 p.m.

Adjournment

Mr. Sculac moved to **postpone this hearing** until Monday, June 5th at 7:00 p.m.; Mr. Gorski **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 9:02 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council