

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0040

Sponsored by: <b>Councilmember Greenspan</b>	<b>An Ordinance</b> amending Ordinance No. O2011-0024 dated 5/10/2011, which amended previous Board of County Commissioners Resolutions establishing charges payable for connection to the County's water and sewer supply facilities in County Sewer District No. 14 for the period 12/30/2010 - 12/29/2011 and County Council Ordinance No. O2011-0007; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, on June 2, 2005 Cuyahoga County, through its Engineer/Sanitary Engineer, established certain sewer and water connection fees for County District 14; and,

WHEREAS, in 2008, the Ohio Environmental Protection Agency ("Ohio EPA") distributed an Environmental Assessment to various Olmsted Township residents residing on Cook, MacKenzie and Stearns Roads affected by these Resolutions which indicated that the sewer connection fee could be paid by the property owner in yearly installments over a twenty year (20) period; and,

WHEREAS, this information from the Ohio EPA was incorrect and failed to set forth the connection charges as specified in Section 2 of Resolution No. 052208 and 052209, respectively; and,

WHEREAS, based upon the 2008 Ohio EPA communication, the residents of Cook, MacKenzie and Stearns Roads maintain that they relied on this inaccurate information and did not pay the connection fees earlier; and,

WHEREAS, on January 25, 2011, this Council passed Ordinance No. O2011-0007, which previously acknowledged the connection fee issue as outlined above, and amended Resolution Nos. 052208 and 052209 to reflect the water and sewer connection fees as established in 2008 and applied those rates to the current water and sewer connection fees; and,

WHEREAS, this Council finds that it would be an undue hardship for these property owners to be subjected to payment terms of less than over a twenty year (20) period as was originally communicated to them by the Ohio EPA, and finds that further amendment to Resolution Nos. 052208 and 052209 are required; and,

WHEREAS, Section 2 of Ordinance O2011-0024 provided that the repayment plan would be collected via the tax duplicate under the special assessment category. Upon further review, it was determined that the appropriate mechanism to collect the funds over the twenty year time frame is pursuant to Ohio Revised Code 6117.02 and that amendment is necessary.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1:** Cuyahoga County Resolution Nos. 052208 and 052209, each dated 6/2/2005, which established charges payable for connection to the County's water and sewer supply facilities in County Sewer District No. 14 for the period 12/30/2010 - 12/29/2011 and County Council Ordinance No. O2011-0007, are hereby amended to reflect a twenty (20) year repayment period for those affected property owners who are converting from a septic system to a main line sanitary system on Cook, MacKenzie and Stearns Roads.

**SECTION 2:** The twenty year repayment plan shall be based on the 2011 connection fee schedule, plus applicable interest at the rate of 3.52%, and will apply to those affected property owners that elect not to pay the connection fee in full by December 29, 2011. The twenty year repayment plan and collection of funds will be established in accordance with Ohio Revised Code 6117.02, and the Department of Public Works may require any additional assurances of repayment, including the procurement and recording of a mortgage loan document, if deemed appropriate upon consultation with legal counsel.

**SECTION 3:** This Ordinance is intended to alleviate the hardships on individual homeowners and property owners and is therefore not applicable to future developers that may seek this same accommodation.

**SECTION 4:** Further any affected property owners on Cook, MacKenzie and Stearns Roads who have previously paid sewer and water connection fees under the 2009, 2010 or 2011 rates shall be refunded any amounts paid in excess of the 2008 rates as set forth in Ordinance No. O2011-0007.

**SECTION 5.** It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members to Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

**SECTION 6.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the

public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Greenspan, seconded by Mr. Schron, the foregoing Ordinance was duly enacted.

Yeas: Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones and Connally

Nays: None

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County Council President

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Date

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County Executive

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Date

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Deputy Clerk of Council

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Date

Journal CC003  
August 9, 2011