



Northeast Ohio Regional Sewer District will go to trial to defend proposed fees

Published: Tuesday, August 30, 2011, 2:24 PM Updated: Tuesday, August 30, 2011, 2:47 PM

Laura Johnston, The Plain Dealer
By

CLEVELAND, Ohio -- The Northeast Ohio Regional Sewer District and communities suing over a proposed storm-water management fee have broken off settlement talks and will go to trial.

Cuyahoga County Executive Ed FitzGerald had initiated the talks, **corralling mayors and sewer representatives at the county administration building in April** and arranging for Cleveland State University Provost Geoffrey Mearns to mediate.

But after months of negotiating, including closed-door meetings FitzGerald held Monday with both sides, the two sides couldn't agree on the fee -- about \$57 a year for average homeowners, on top of ongoing double-digit rate increases for water and sewer services.

Two dozen Cuyahoga and Summit county communities are suing the sewer district over the charge, which would pay for projects to reduce flooding and control erosion across Northeast Ohio.

"It's over," said district executive director Julius Ciaccia. "We exchanged ideas, put issues on the table, but in the end could not bridge them."

The trial is scheduled for Oct. 31 in Cuyahoga Common Pleas Court.

A Cuyahoga judge **ruled in April** that the district has authority to oversee regional storm water issues. The trial will focus on whether the district can charge the fee, which some mayors have argued is an unvoted tax.

The district voted in January 2010 to charge homeowners, schools, businesses and churches, based on the amount of hard surface on their property. The fees would create a pool of \$38 million annually to pay for



Lisa DeJong, The Plain Dealer

Musk thistle grows along the banks of the Cuyahoga River, where sewers pour a dangerous chemical compound from some electroplating companies.

projects. For property owners like the Cleveland Metropolitan School District, the cost would top \$200,000.

FitzGerald told County Council Monday the process had "taken the parties as far as they can go."

It was his first failed attempt as a facilitator. In April, he brokered an agreement between the feuding Hunger Network of Greater Cleveland and Cleveland FoodBank. In June, he announced a merger study among four East Side suburbs.

Cleveland Heights Mayor Ed Kelley lauded FitzGerald's actions, adding that the talks may have some positive results in court.

"The county should be involved in this," Kelley said. "In the past, under the commissioner system, everybody just kind of recklessly went about their business. In this case, Ed showed to me a lot of leadership just to get involved. He could have just sat on the sidelines."

© 2011 cleveland.com. All rights reserved.