

UTILITIES COMMITTEE MINUTES

OF MAY 14, 2018

Municipal Council of the City of Vermilion
Municipal Complex, 685 Decatur Street, Vermilion, Ohio 44089

In Attendance:

Vermilion City Council:

Steve Herron, President of Council; Monica Stark, Council at Large; John Gabriel, Ward One; Frank Loucka, Ward Two; Steve Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five.

Administration:

Jim Forthofer, Mayor; Tony Valerius, Service Director; Chris Howard, City Engineer; Amy Hendricks, Finance Director; Chris Stempowski, Fire Chief; Chris Hartung, Police Chief

Call to Order:

Steve Holovacs, Chairman, RESOLVED THAT this Utilities Committee comprised of the committee of the whole does now come to order.

TOPIC ONE:

Mapleview Ditch Restoration

Mayor Forthofer referred to the Mapleview Ditch project as it pertains to drainage in both Brownhelm Township and the City of Vermilion. This project affects quite a few of the Vermilion citizens. Although it's a county project, he felt an obligation to allow the citizens of Vermilion to voice their concerns and to hear firsthand from the engineer's themselves with what the plan is and how it affects Vermilion. He introduced Donald Romancak, Director of the Lorain County Department of Community Development, as well as the Assistant Director of the Lorain County Stormwater District, and Peter Zwick, Lorain County Chief Deputy Engineer.

Donald Romancak explained his primary expertise when it comes to stormwater is the finances of the district and how they pay for projects as they are proposed. This project was originally brought to their attention by Brownhelm Township as they applied for a community grant that was reviewed by the subcommittee of their Stormwater Advisory Committee. They selected this project along with a number of other projects, which was then reviewed by the Stormwater Advisory Committee as a whole that made a recommendation to their district board. The district board awarded and authorized them to move forward with this project. This is a ditch project that will be operating under ORC 6131 (single county ditch petition process). The way the project is designed; the stormwater district will pay for 100% of the construction of the project. Everyone in their notification received a yellow postcard which had several different numbers for assessment. Those are put there as required by Ohio Revised Code. The capital improvement will be paid 100% by the district. The costs of the design of the project, the cleaning out of the project, and the disposal will be borne by the district. There is a second number on the postcard which is the maintenance assessment. As a part of the ditch petition process they will impose an easement that will enable the county through the engineer's office to maintain the improvement, so it will continue to function. That cost will be borne by the district for those residents that are paying their stormwater

fees, so those residents who reside in Brownhelm Township will not be assessed. The assessment would be established and its collection would be suspended. The difference for the City of Vermilion residents is that they do not pay any funds to the Lorain County Stormwater District. Therefore, it's their policy that those assessments for maintenance would not be suspended from collection. However, they have run across this in the past with the City of Elyria on a ditch improvement in which the City determined it would pick up the cost for those maintenance assessments on behalf of their residents. J. Gabriel asked what the average monthly assessment amount would be for the Vermilion residents. D. Romancak was uncertain to the amount but said the total assessment is typically capped at 20 percent of what the construction cost would be, so it would be 1/5 of that and in a regular ditch maintenance program, the county engineer will assess what is needed on any given basis. If assessments are paid it can't be used for anything other than the maintenance of the Mapleview ditch. He said the assessment can vary from year to year.

S. Herron said Ohio law dictates the ditch process, but questioned who determines the amount of the assessment to be imposed on the taxpayers. D. Romancak said it's determined by the cost estimate which is developed by the county engineer, but ultimately it's by the final cost of the project. This is similar to a street assessment. S. Herron asked if the City of Vermilion would have any input on the cost of the assessment and D. Romancak concurred as the process follows state statute.

M. Stark asked if they have a total cost of the project. D. Romancak said the county engineer has a current estimate they are working with and as they go through the petition hearing, it's not uncommon for the Board of Commissioners, the residents, and county engineer to change the project, which sometimes makes the project reduce in price or it could increase the project costs; sometimes it increases the scope of the project and sometimes it decreases the scope of the project. The ditch is the responsibility of the county and not the individual property owners. It's something the City of Vermilion doesn't have to worry about if a tree fell and it became a log jam. B. Holmes clarified the ditch does flood currently and D. Romancak said it's due to the amount of sentiment. The brand new culvert has already begun to sentiment up which is less than a year.

B. Brady said a part of Vermilion city is in Brownhelm Township, so they are talking about a part of the city is not included in Brownhelm Township. D. Romancak said for all the city residents that are impacted by this, they are still a part of Brownhelm Township, but they do not pay their stormwater fee. S. Holovacs said every resident in the City of Vermilion that lives in Lorain County is in Brownhelm Township and every resident that lives in Erie County is in Vermilion Township. J. Gabriel said not any more as they left the township on the Vermilion Township side.

Peter Zwick, County Chief Deputy Engineer, said the county engineer is the technical representative to the ditch project of this nature to the county commissioners. He said the maintenance assessment is currently estimated at about less than a quarter a month to the residents who live on Rolling Meadows Drive. He noted that Mr. Cassell has a large acreage and his assessment is estimated at a dollar per month, and the City of Vermilion owns some right of ways but doesn't recall the estimate. The construction

cost is currently estimated at \$87,000 and he will provide additional details at the June 5 hearing before the County Commissioners. The county engineer has some obligations to report these matters and they make the estimate of the costs and recommend the plan to drain the area in question. He will present his preliminary engineering report to the commissioners on June 5. The commissioners have a leeway to refine the project based on testimony, evidence, and reports of what they saw and heard on May 1.

P. Zwick said the petitioners petitioned the commissioners under ORC 6131, which gives the county engineer some specific obligations. The petition reflected that roads and basements flood in both the Vermilion line and in the Brownhelm Township side of the line. More or less the ditch today runs down the property line, so the west half is in the city and the east half is in the township. The problem with the ditch is that it's seriously clogged with sediment. The ditch is about three to four feet and it has two feet of mud in it. The storm sewer pipes that drain some of the streets are full of water that can't flow and full of sediment that blocks the flow. He has observed evidence of flooding and erosion in the back yards on the Vermilion side. He has received one report of basement flooding on the Vermilion side, and has had a lot of reports on the Brownhelm Township side.

The project will be a substantial drainage improvement and they need to run through the ditch petition process which allows not only for cleaning out, improving, and restoring the drainage way, but to remove the sediment by deepening the ditch and laying back the sides at a proper engineering slope to convey the flow, and inhibit future erosion. In order to provide permanent maintenance, they will create a new pathway on the east side which requires a noticeable removal of trees. The purpose is to allow access for routine inspection, routine mowing of the ditch and the banks, and the pathway itself. In the future, these ditches tend to silt up and they will need to get large equipment back there. Unfortunately, there are obstructions on both sides of the ditch. There are quite a bit of fences and sheds in the city portion and on the other side there is one house with trees and sheds. Because of the close quarters today, they need to remove or relocate some of the fences and sheds. The buildings of more substantial nature like garages are not going to be moved. They will just cut the ditch and bank up to the edge of the garages. The object of the project is to improve the drainage by restoring the ditch and providing the means to perpetually maintain the ditch, which will benefit more than 100 homes and parcels of land in the City and the Township. It will benefit a 44 acre parcel which is the drainage area in the vicinity of the ditch. Permanent county maintenance which was not done previously will permanently solve the sedimentation problem as it's revealed by inspection and they will schedule routine maintenance to take care of this. There are some environmental regulations that will be complied with. The main object from his point of view as an engineer is to restore adequate drainage to the 44 acre parcel and homes, and to safely channel and control flood waters in the future; thus benefitting all those parcels and improving the public welfare of the area.

S. Herron said counties have a responsibility under Ohio law to look at the ditches to make sure they are free of debris and can handle stormwater. Ohio law mandates that Lorain County do this and they are fulfilling their obligation. P. Zwick said they are following ORC 6131.

J. Gabriel asked if past projects have been altered when they go before the county commissioners. He said the use of space by these residents have been in place for some time and wondered if the residents would have input at the June 5 meeting, and if it would be a possibility to adjust these plans. P. Zwick said it's a possibility and it has been done. J. Gabriel asked if the city can handle the additional flow once they widen and open the ditch. P. Zwick said it's to prevent future erosion and it allows them to channel the water. The same amount of water will drain on the 44 acres; gravity will make it move in this direction. Their objective is to contain most of the storms underneath and contain them in the yards to make it safer for everybody. The outlet is adequate in his opinion.

P. Zwick said the ditch runs down private property and today there is an easement on the Vermilion side which was created when the lots were platted, so before the houses were built it says it's a drainage easement to the public. They will end up with about a 50' wide easement for the ditch and path along the ditch. B. Brady asked if they need to get some land for this easement. P. Zwick said they are not getting the land. The ownership of the land will not change; the use of the land can change because of the right of the county to enter in and to construct and maintain the ditch. This is all predicated upon the commissioners going through this elaborate process and then at the very end saying, "Yes!" An easement is different than taking the land. B. Brady said the residents actually own this land and questioned if they had the right to build the sheds. P. Zwick couldn't answer this, but said they did build the sheds. All of the fences and sheds they are hoping to relocate are within the existing easement that was platted decades ago.

Mayor Forthofer said as he understands it the easement on the Vermilion side of the ditch is about 20' from the center of the ditch and the portion that will be affected by widening the ditch is about 10'. P. Zwick concurred. Mayor Forthofer asked who will remove the fences and the sheds. P. Zwick asked that any residents willing to remove them or relocate them do so, but otherwise as part of the construction project, the county could remove those. It's not in the cost estimate now, but it's possible the county could re-erect those. P. Zwick said its close quarters and every lot is different and they are digesting this information currently. M. Stark asked what the proper protocol would be to add this cost into the project. P. Zwick said the city could make a request or write a letter to the commissioners on behalf of the constituents, or they could attend the hearing on June 5. M. Stark asked where the hearing is located and P. Zwick said it's at the County Commissioners Chamber, Administration Building, 226 Middle Avenue, 4th Floor, Elyria, Ohio. He believed the hearing begins at 9:30 a.m., but asked everyone to confirm the time from the postcard they received.

S. Holovacs said he wanted to hold any questions from the residents due to the fact the County Commissioners were not present. He felt the best place for the residents to voice their concerns was at the hearing on June 5 before the County Commissioners as this is a county issue and not a city issue. There is nothing City Council can do tonight, but he will attend the hearing on June 5 as their Council Representative of Ward Three. P. Zwick said the residents can attend the hearing on June 5 to voice their concerns. The meeting tonight was just an informational meeting.

Trish Rodisel of 1361 Rolling Meadows stated that in her yard alone they are going to lose approximately 10 feet of their yard. She was told by the commissioners and the engineer that they will move her shed and fence, but she will need to put it back. She was told they are going to remove every tree along the ditch that takes away all of their privacy. The reason they purchased their house was for this back yard feature. In the 20 years they have lived in Vermilion, they have never had one person from the township come to their door to ask if they had problems with flooding. She has a basement and has never flooded. The creek has gotten high but it doesn't flood. She can guarantee that anyone on Rolling Meadows that has a basement, has never flooded. She is highly upset they are losing their property and still paying the taxes, and it's not going to be worth what it is now because it's going to be an inverted ditch. She said the engineer had said part of the cost would be to remove trees later for maintenance; what trees, you're taking them all! You're taking all of our privacy; you're taking our fences, you're taking our sheds. There are people who have garages that were approved by the city to be built and they will cut around them, but what about the foundation problems once they cut around them. As a Rolling Meadows citizen they have never flooded! Mr. Rini on Candy Lane who lives across from the ditch; not even backing up to the ditch has supposedly flooded. She has talked with Mr. Herchler who lives on Candy Lane and he said that every resident when they bought their house knew their homes were built under the water line and they knew they were going to flood. Mr. Herchler has since put in extra tiles in his basement to correct this problem. How Mr. Rini can flood when he doesn't even back up to the ditch is beyond their understanding, and these are questions they want answered. Why is it affecting them and why are they taking their property because it doesn't make sense. They are shock they are losing all of this property.

Vivian Skladen of 4500 Mapleview Drive said they do not have flooding. She said the culvert they put in last year devalued her home considerably and encroached upon her property. She lost a 37 year old pine tree in front of her home, as well as a gigantic oak tree, and all of her ivy and shrubbery, and now she has a mess of rock. The curb appeal of her home has dropped immensely. She showed council pictures of her property.

S. Herron asked if the 50' easement would be subject of discussion at the hearing and P. Zwick concurred.

K. Cassell asked if the entire project in both the township and city will be paid for, with the exception of the future maintenance assessment in the city portion. P. Zwick said the stormwater district will pay for 100% of the construction assessments, but state code says that everybody must receive a postcard. He said K. Cassell has five acres of land which is about 11% of the total. K. Cassell had other concerns on area that wasn't included in their plans and asked if it would be included. P. Zwick said the benefitted area would be assessed and there is always going to be a point where the improvement stops and some benefit is still afforded the land that drains to it. The drainage doesn't run perpendicular to the ditch; it runs diagonally and to the north. He will present a map at the June 5 hearing.

Lois Hartwick said she owns the Moes Farm which is on the east side of the ditch. They have been going through this process for a couple years and she has been before council a couple times. She said the original grant was \$27,000 and now it's at \$87,000, which doesn't include removing fences, etc. She said their farmland is being greatly affected by this. In the beginning they wanted to take 20' of their property and now they want to take 30', which comes out to about 22,000 square feet of property. Never once have they been offered a penny for their property. It's like they're giving their property away for nothing. They have never been offered compensation in any way. This has been a deep concern of hers and her sister. She addressed concerns with algae blooms as it's almost like strip mining the ditches. She wondered why in 50 years they haven't found a new way to clean ditches so they don't have to be so invasive into the property.

M. Stark said this issue concerns all of them on council, but it's really out of city council's hands. If there was something they could do they probably would. This is a county issue and she is sure there will be some of them attending the meeting on June 5 depending on their work schedules. From a county perspective they are trying to better things, so it's an understanding of trying to get it all to work out.

TOPIC TWO: Update on Recycling, Rates, Etc. (Republic Services)

Dave Kidder of Republic Services was asked to come to the meeting to discuss the recycling collection in the city. He said Republic picks up both solid waste and recyclable materials. It's been six years or so since making the switch from the blue bag program to the cart program, which significantly increased the recyclables. He provided council with a handout that suggests that council contact Congress, as well as the President by email. There is an issue currently with the market in general, primarily because China was receiving 31% of the recyclables generated in the United States, and today they want zero. They were accepting up to five percent of throw away items for many years. The Lorain County facility sent an enormous amount to China. One of the things that would benefit them immensely on a local level in producing a product they can sell and not necessarily pay to get rid of is eliminating the residual. Last year as an example, Vermilion generated 1,249 tons of recyclables. Residual was 287 tons or roughly 23 percent. They need to reduce this and they are looking at a poster to post on the website that would identify what they accept and what they can't accept. The list they can't accept is huge, but some of the things they get are shocking. With the China situation, they need to do their best to keep from having to pay to get their materials taken after they separate them. They are looking at each community and the amount of residual they are getting, and how they are going to remedy it. He suggested not emailing the President at this point. They are hoping to get China back into the game. If you take the 1,249 tons of recyclables Vermilion generated last year and you equate that to pounds per home, per week, it comes out to 11.89 pounds per week, per home they are collecting. On the low side from any given community, it's around nine pounds per home, per week. The residents are generating a nice volume which was the goal to increase recycling. The landfill in Lorain County had about nine years of life left as of the beginning of 2018. The Ohio EPA is allowing them to go higher another 90', which gives them almost 20 years of life at that landfill. It allows them to dump trash on top of trash, instead of taking new land and filling it up. The goal as far as recycling is concerned is

still the same. They need to get it cleaner and to count on the residents to help them do this. It is a commodity and the market has shifted to a very bad situation all at once. Right now he has 1,200 bales of newsprint sitting in their storage area, which is 1,000 tons. They are adding about 300 tons a week to this and he has nowhere to ship it as of today. He plans to get information out on the city's website and to do a mailer showing pictures of what they accept to try to eliminate the things they don't want.

F. Loucka said other companies have a sticker on top of their recycling containers with pictures of what they can and can't dispose of. He thought it would be an education to the public on proper recycling. Dave Kidder said they didn't put a sticker on the cart because if there is no one market for any one commodity, then they might have to pull it. He will send a mailer to all 4,000 homes with possibly a calendar on it showing bulk date pickups to force the residents to put it possibly on the refrigerator. He noted they do not recycle plastic bags of any kind or Styrofoam. The items are primarily containers and if they came out of the fridge or a kitchen cupboard, it's probably recyclable. If it came out of the garage, attic, or basement, it probably isn't, but containers, soda bottles, cans, and newsprint is still recyclable. Also, he advised residents to keep the caps screwed onto the water bottles and crush them. F. Loucka provided a visual of items that are not part of the recycling program. Also, pizza boxes with grease on them are not recyclable.

B. Brady asked what this would do to the city's rates. D. Kidder said they don't have a per unit cost, so they are evaluating their options before they propose an additional cost. B. Brady said the rates went up a little this year. T. Valerius said Republic's price went up on May 1.

F. Loucka said they want all recyclables loose in a container and nothing should be put in plastic bags because it's not part of the recycling program. D. Kidder said they prefer that all items are rinsed out within reason.

TOPIC THREE: EPA Mandates (Water Plant)

T. Valerius reported he sent council the current EPA mandates and was asked to send the actual EPA letter today. B. Brady asked if he had cost estimates for some of the mandated projects. T. Valerius said they received a price on Clearwells #1 and #2 around \$10,000 to drain the clearwells. They know the price of the Water Tower Stem, but they don't have a price on the concrete manways.

M. Stark thanked the service director for providing them with the EPA letter today. S. Holovacs asked the administration to provide council with a list of the costs and priorities of each project. T. Valerius said he did provide the dates on the information he sent to council and noted that all projects need to be done this year. He said the clearwells have to be done by August 31. They would like to install a pressure reducing valve at the Lorain supply because their pressure is more than Vermilion's and a lot of times when Lorain's use decreases in the evening, the pressures rise and this would help the situation.

B. Brady said council had received information from the finance director about the EPA funds, and it was noted that there is \$610,000 in the balance and there would be another \$130,000 coming in during 2018, but then she said there was \$235,000 appropriated for debt service. She wasn't sure this was per year or overall and A. Hendricks said it's for the current year. She said the purchase orders are not in place for that debt service at this point. B. Brady said going forward they are going to have to come up with \$235,000 per year to cover the debt service in that account and if they only take in \$125,000 every year they are going to be reducing that balance by \$100,000. A. Hendricks said she didn't know the full amortization schedule of the \$235,000 on whether it's short term or long term, but she will check into it. B. Brady said she is assuming both the West River and the Elberta Pump Stations had to come out of this fund. She asked if this was the EPA fee that was set up for wastewater. J. Gabriel recalls the projects shared because they were sewer lift stations. B. Brady said they assessed VOL for the sanitary and then they fixed the overflow at Elberta and this is where they came up with the EPA fee so the residents were burdened. She said there isn't a water and wastewater EPA fee she didn't think. She thought there was only one \$4.00 EPA fee. T. Valerius said when they raised the water rates less than a year ago, they also added a \$2.00 EPA fee for residential and \$3.00 for commercial businesses. B. Brady asked the administration to check to see if all the EPA fees are thrown into one pot.

TOPIC FOUR: Adams Street Water Line Project (Funding)

Amy Hendricks said the intent is to split the project costs between the EPA fund (605) and the water fund.

S. Herron MOVED; F. Loucka seconded to authorize the administration to prepare plans for the Adams Street Water Line Project. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

S. Holovacs adjourned the meeting after no further discussion came before the committee.

The next meeting is scheduled for June 11, 2018 at 7:00 p.m.

Gwen Fisher, Certified Municipal Clerk
