

# **FINANCE COMMITTEE MEETING MINUTES**

**MONDAY, MARCH 29<sup>TH</sup>, 2021**

**beginning at 6:35 P.M.**

**FINANCE PRESENT: Chair Stewart, Tollett, Jessie, Davis, Baird**

**OTHER COUNCIL PRESENT: Callahan, Keys, Cerra, Mitchell, Oswald, Simmons**

**OTHERS PRESENT:** Law Dir Deery, Asst Law Dir Breunig, Mayor Whitfield, Safety Service Dir Brubaker, Finance Dir Pileski, Asst Finance Dir Farrell, Engineer Schneider, Chief Whitely, Chief Mack, Parks Dir Reardon, Building Official Farkas, Water Supt. Jacob, Public Works Supt. Conner, Asst Dir Calvert, Wastewater Superintendent Korzan

## **1. Approval of the Regular Finance Meeting Minutes ~ March 8<sup>th</sup>, 2021.**

Mr. Baird moved and seconded by Mrs. Jessie to approve the said Meeting Minutes.

## **2. The matter of a Moral Claim For Damage regarding a sewer issue at the property of Melinda Lipian, 614 Garford Ave., Elyria.**

REFERRED BY: Melinda Lipian

Law Dir Deery said this matter involves a sewer issue which was referred from Safety Service. The report from Wastewater indicates that the incident date was October 7<sup>th</sup>. The resident states that she experienced issues while the plant personnel was cleaning side sewers in that area and the crews responded. It was determined it was a sewer back-up which caused significant damages to the property and likely caused by the event stack on the resident's being clogged or partially clogged and also private property sewer lateral issues. Therefore this claim was denied and the resident was advised that this matter could be brought to the Finance Committee as a moral claim. The amount of the moral claim is \$824.73.

Ms. Lipian spoke to the committee and explained what happened. She had submitted an itemized property damage claim form along with pictures and details of what occurred. She also submitted a letter for an appeal after doing research and talking to other governmental sewer departments. She said she was home with her kids and they noticed noises in the pipes and she noticed raw sewage coming out. Ms. Lipian knew the department was in the neighborhood and she told them was happening in her basement. She asked them to be careful as to how much pressure they were putting into the pipes. As soon as she walked back into the house there was a geyser of sewage. Her kids were freaking out. There was sewage on the ceiling on the walls, furnace, water heater, everywhere.

Wastewater Superintendent Korzan said he had the notes from Mr. Brubaker which were sent to Law Dir Deery which include the dates and what happened. Mr. Korzan said the crews tv'd the City sewer the next day to make sure everything was okay. Mr. Korzan said that typically the two main causes for those kind of things happening would be 1. If a tap is put in backwards (which that most likely was not the issue). 2. Based on probability would be a partial or complete plug in the vent pipes going through the roof. When they clean the sewers, the vent pipes allow the air and pressure to release thru the vent pipes and if they are plugged, there is nowhere else to go, but up and inside the house. Based on probability, that's kind of what they're looking at.

Mr. Stewart apologized for the events of October 7<sup>th</sup> that she and her family had to endure.

Mr. Tollett asked if there has been sewer back up in the past and why does she believe this one would be the City's responsibility?

Ms. Lipian said that they have not had issues in the past. They've been in this house for five years. Ms. Lipian feels this is some, if not all the City's responsibility, because she did tell the crews which were working there that day. It seemed like after she told the crews about the issues that were happening in here basement, the issues were worse. She felt like since they knew that, they could have done something differently.

Mr. Tollett asked if that stake pipe was plugged, would that cause both the toilet and the floor drain to back up like that?

Mr. Korzan said that the pressure is going to go where it's going to go and it depends on the sizes of the pipes going to each fixture. Floor drains in the basement, being a lower level is where it will come up as well as toilets. After Ms. Lipian alerted the crews, they would've released the pressure from the nozzle.

Ms. Lipian said she told the younger worker and perhaps that message wasn't relayed to the person in charge of the crew.

Mr. Korzan said they don't know if the homeowner has had their vent pipes checked afterwards. We would put the address on what they call 'blow-up' list and anytime before a truck will start running the sewer, they will check that list to make sure there aren't any houses on that sewer and if there are, the homeowner will be notified and the crews will use a lower pressure. They have not had that issue on that street in the past.

Mrs. asked if it was suggested to the homeowner to see if the pipe needed cleaning or was it an assumption that could've been the problem. The notes do say that the homeowner was advised to check her event stack on the top of the house for possible blockage.

Mr. Baird said that Ms. Lipian's documentation and pictures tell a story, he said he has never seen a moral claim so well documented. He said had the city not been there working on the sewers and this incident probably wouldn't have happened. Mr. Baird recommends that the City award this claim and that was seconded by Mr. Tollett.

Per Law Dir Deery, Council Rules will need to be suspended if they wish to award more than \$500 to the moral claim.

**Mr. Baird made a motion to waive the council rules to make the full award of \$824.73. And that motion was seconded by Mr. Tollett.**

**MOTION CARRIED**

**Mrs. Davis moved and Mr. Tollett seconded to recommend an ordinance to authorize payment of the 'said' Moral Claim.**

**MOTION MADE**

**COMMITTEE REPORT WRITTEN**

**3. The matter of assessing liens to [2] properties for Demolition related costs; 125 Chestnut St. And 135 Parkview Ct.**

REFERRED BY: Safety Service Director Brubaker

Mr. Brubaker said this is standard procedure, we have the asbestos removal and the demolition costs tied to the properties.

125 Chestnut St. is in the amount of \$18,000 and 135 Parkview Ct. in the amount of \$20,330.

Mr. Oswald asked what the odds are of collection any of that money?

Mr. Brubaker said the odds are slim to none. We are doing this to protect the City in the event that we do have the ability to recoup any costs.

Mr. Oswald asked if the property will become City property?

Mr. Brubaker said typically what will happen is that the City will place the liens on the property and somewhere in the future the State will foreclose on it through State Forfeiture which means it will eventually end up in the County Land bank. The City will not take ownership on these properties. We do own other properties on Parkview and it was talked about to redevelop that property a few mayor's ago. We could take this one in the event that we asked

for it once it's foreclosed on.

**Mr. Baird moved and Mrs. Davis seconded to recommend a resolution to certify said costs to the Lorain County's Auditor's Office.**

**MOTION MADE COMMITTEE REPORT WRITTEN**

**4. The matter of a request to apply for a Northern Ohio Violence Crime Consortium (NOVCC) Grant for the Elyria Police Department.**

REFERRED BY: EPD Captain Pelko

Chief Whitely said the EPD has been a member of the NOVCC for over 15 years and have benefitted for a lot of grant dollars over those years. NOVCC applies for the grant, they run the grant, it's us and 7 other cities. The grant money goes to Kent State and Akron University and it's designed to help us work in different in areas of high crime.

**Mr. Baird moved and Mr. Tollett seconded to recommend an ordinance to apply for the 'said' grant.**

**MOTION MADE COMMITTEE REPORT WRITTEN**

**5. The matter of Amendments to the 2021 Permanent Appropriations.**

*[Standing Referral]*

REFERRED BY: Finance Directors Pileski and Farrell

Mr. Farrell said they found a mistake is the Water Pumping Fund and they need to adjust the salary and wages from \$766,258 to \$1,630,753.

**Mr. Baird moved and Mr. Tollett seconded to recommend an ordinance to authorize appropriation changes to tthe 2021 Permanent Appropriations.**

**MOTION MADE COMMITTEE REPORT WRITTEN**

**Mr. Baird moved and second by Mr. Jessie to adjourn this evening's Finance Meeting at 7:40 P.M.**

**MOTION CARRIED**

*Respectfully submitted by,*

*Colleen Rosado, Council Clerk Secretary*

*(Committee Meeting was attended by Secretary Rosado ~ Meeting Minutes were transcribed by Secretary Rosado).*