

The Utilities, Safety & Environment Committee

held a meeting on

Wednesday, April 13th, 2022 beginning at 6:00 P.M.

PRESENT: Committee Chair Mitchell, Members; Davis, Oswald, Simmons, Corbin

OTHERS PRESENT: Law Director Breunig, Engineer McKillips, Superintendent Korzan, Water Team Leader Jacob, Councilman Schneider

1. Approval of the March 9th, 2022 Utilities Committee Meeting Minutes.

Mrs. Davis moved and Second by Mrs. Simmons to approved the above mentioned Committee Meeting Minutes.

2. The matter of amending Ord No. 2022-48 (Modification to Facility Planning Area) ~ due to a change in the acreage.

Referred By: Engineer McKillips

Engineer McKillips said the original ordinance was passed with premise that the area that was approved, was 2 acres, which was what was brought to committee in October 2021 and it was pulled from the agenda at that time. It was brought back to committee in March and was passed by Council on March 21st, 2022. The original request from LORCO was for 6 acres and not 2 acres. That's why the matter is back to committee now.

Nick Maoloni is here this evening representing Pinebrook Golf Course and he'll speak to the committee. Engineer McKillips put up a map of the area on the overhead screen and talked about the 3 structures on the property; the barn, the pavilion and clubhouse, which will need to be sewerred. The facility is under orders and findings from the EPA for their current sewer system. The area that is being requested is 6 acres and she showed it on the map.

Mr. Oswald asked if there is a street in that area that has nothing to do with the reasoning why they want the extra acreage?

Engineer McKillips said from the information she received from Mr. Gene Toye from LORCO was that the 2 acres would include the structures and when you add the other 4 acres it basically brings the lines up to the lake/pond and cleaned up the modification.

Nick Maoloni came to the microphone to speak and he said he is here on behalf of John Cromling, who is the owner of Invisible Properties, which owns the land that the Pinebrook Golf Club is on. Regarding the 6 acre area, his understanding from LORCO was pretty much the same as Engineer McKillips explanation. It was laid out in their request. It follows the north, south and west property lines of the area that would be included for the sewage or surge. And the line ended on the east side because it's where the water retention pond is. Mr. Maoloni said there is no public street within that area. What Mr. Oswald asked about is a driveway to the parking lot of the golf course. There is a street which is further south, it's Giles Road. He added that when LORCO submitted their request they used this map as part of the request. The main thing they wanted to convey, is to get the club house, pavilion and barn within that area so they can connect to LORCO sewer. The request specifies those 3 locations. There are no plans to modify or add new structures within that area. LORCO said the only purpose for the 6 acres is to encompass these 3 structures to allow them to connect to LORCO sewer. This proposal by LORCO is a temporary fix until Elyria brings sewer infrastructure into that area and then the golf course would connect into Elyria.

Mr. Oswald asked if this changes any of our original language, other than the acreage?

Law Dir Breunig said he doesn't believe it changes anything in the ordinance other than the description of the property that will be temporarily transferred to LORCO facility planning area. He said should council decide to make this modification just given the amount of acreage that's involved, he would recommend that the final agreement include a prohibition on additional structures in that additional acreage.

Mr. Maoloni said the golf course had been referred to the Ohio EPA in 2016 and they were issued a notice of violation of Pinebrook and that it's aging sanitary sewer system no longer met the agency's regulations. This is a short term solution. They started pumping the waste water out on a weekly basis to an approved waste water facility. In the meantime they've been working over the past six or seven years with the entities to try to come up with a solution. The one that was presented to NOACA was what was proposed. The concern is that if this modification is not approved, The NOACA Board will not be able to act on it in June and they will lose another potential construction season this summer. Then the issue will head into 7 years.

Law Dir Breunig asked if they have a legal description attached to the application? Or does this encompass an entire permanent parcel number?

Engineer McKillips said she doesn't have a legal description and it does not encompass the entire parcel.

Mr. Oswald said if the language just changes for the acreage, we should be good with that.

Dir Breunig said as far as the language, he would have it say, approximately 6 acre area and he would attach a drawing to depict that because they don't have an actual surveyed legal description. We'll have to default to what was submitted to NOACA as far as what will go on our exhibit. They're asking for 6 acres, not for an additional, it sounds like it was an error on our part, that we misinterpreted their requests. They've submitted their requests to NOACA and NOACA will actually approve or disapprove the request, but they need to have the support from all of the political subdivisions within their jurisdiction of which Elyria is the most important because it's in our facility planning area and we're the designated management authority in our FPA.

So when we submitted our ordinance authorizing that, it was inconsistent with NOACA's request. The amendment is to bring our approval in line with the original request, which was previously misinterpreted.

Mrs. Davis moved and Mrs. Simmons seconded to authorize an ordinance amending Ord No. 2022-48 to change from 2 acres to 6 acres per request from LORCO and to limit to the structures currently connected to a sewage disposal system. (Emergency Clause requested)

MOTION MADE

COMMITTEE REPORT WRITTEN

3. The matter of applying for and accepting, if offered, a Grant through AARP and to use the funds to purchase Park Benches at South, West and Pocket Parks.

Referred By: Parks Director Reardon (*Passed by Finance Committee on 4/11/22*)

Director Reardon spoke on this matter at the Finance Meeting on the 11th and she said the department has already applied for this grant due to the time line. It's for the trails at South and West and the new Pocket Park. Shannon from McCauley was helpful in finding this grant. There is no match from the City. We will be notified in mid-May and will purchase the benches in June and will be placed in the locations.

Dir Reardon said there were guidelines they had to follow for this grant and to show that this would be a benefit to community members that may be a part of AARP.

Dir Reardon said it will be 6 benches at South, 6 at West and 3 at Pocket Park. The Pocket Park is at 1504 West Ave., and is in development and in partnership with Leaders Of Today. If we don't get the grant we will still get the benches. The total amount of the grant will be \$10,363.00.

**Mr. Davis moved and Mrs. Simmons seconded to recommend an ordinance authorizing the Mayor to submit an application for 'said' grant.
MOTION MADE COMMITTEE REPORT WRITTEN**

4. The matter the Cleveland Street Water Main Improvement Project.

Referred By: Engineer McKillips (Passed by Finance Committee on 3/28/22)

Chair Mitchell said since Engineer McKillips already explained this matter at the previous Finance Meeting that everyone agreed that it's not necessary for her to explain it again. This is the information from the Finance Meeting; Engineer McKillips said the monies for this project are included in the 2022 budget, for a total not to exceed two million dollars.

The project will replace approximately six thousand feet of old 6" & 8" old cast iron pipes with new 12" water lines and will extend from Hawthorne St. to Gulf Rd./E. Bridge St. intersection.

Engineer McKillips said the goal is to have it started in late summer early fall and to have the project close to completion when they're about ready to get started with the Cleveland Street roadway project.

Engineer McKillips said that's why they're here early in the year. Now they're looking at using ductile iron for this specific project. They are looking at the option using the PVC Pipe. If they use the PCV pipe, they'll hold off construction at least until summer/late summer.

Engineer McKillips said for example, they got a price about 3 weeks ago for ductile iron and it was \$47-\$48 dollars and the c909 PVC which is the better PVC and it priced at \$26-\$27. She said they already got the okay from Mr. Rothgery and Mr. Kothe to use the c909. Due to supply issues, there is a surcharge for shipping, they're charging per pound.

**Mrs. Simmons moved and Mrs. Davis seconded to recommend an ordinance authorizing the Mayor to advertise for bids and award a contract for 'said' project.
MOTION MADE COMMITTEE REPORT WRITTEN**

5. The matter of a 2ND year of a Sludge Disposal Contract with Lorain Cty Landfill.

Referred By: WWPC Supt. Korzan (Passed by Finance Committee on 3/28/22)

Supt. Korzan said this is for the 2nd optional year with Lorain County Landfill. The cost per wet ton will go from \$24.75 to \$25.75 and the 1st two years were at a reduced price than what we were paying before so this amount keeps us under than what we were paying in the previous contract.

**Mrs. Simmons moved and Mrs. Davis seconded to recommend an ordinance authorizing the Mayor to enter into 'said' existing contract.
MOTION MADE COMMITTEE REPORT WRITTEN**

6. The matter of a Water Supply Revolving Loan Account (WSRLA) agreement/grant through Ohio EPA for chemical feeders and ancillary equipment at Water Pumping Plant.

Referred By: Water Team Leader Jacob (Passed by Finance Committee on 3/28/22)

Team Leader Jacob said this is for a grant or a loan and they've applied in two different places with the EPA. It will pay for chemical feeders and equipment at the plant.

**Mrs. Davis moved and Mr. Oswald seconded to recommend an ordinance authorizing the Mayor to advertise for bids and enter into 'said' agreement.
MOTION MADE COMMITTEE REPORT WRITTEN**

7. The matter of applying for a Grant thru H2Ohio for funds to be used for identifying, inventory and mapping of Lead Service Lines.

Referred By: Water Team Leader Jacob (Passed by Finance Committee on 3/28/22)

Team Leader Jacob said this is something that came available at the end of February, it's for \$50,000 for the purchase of mapping identification equipment for their GIS System and to identify curb shut offs and assets and laptops to record those onto. It will also be used to help pay for overtime City crews and Engineering Staff to do research to clear up the lead map on unknowns.

Mrs. Davis asked if this money will be enough to pay for all of the things he listed?

Leader Jacob said it will be enough to get it started. The Engineer's Dept is already working on it and Water Dist Dept is working on it as well. They have to buy the equipment and whatever is left from that \$50,000, which will be around \$13,000 will be used to speed it up and have the employees work overtime.

Mrs. Simmons moved and Mr. Corbin seconded to recommend an ordinance authorizing the Mayor to apply for 'said' grant.

MOTION MADE

COMMITTEE REPORT WRITTEN

8. The matter of a new agreement with N. Ridgeville for purchase of drinking water.

Referred By: Water Team Leader Jacob (Passed by Finance Committee on 3/28/22)

Team Leader Jacob said this will replace the agreement that was put in place in 2014, which expires this year. They negotiated a new contract and increased the cost of water from 81 cents to 97 cents for 748 gallons. The contract is for a minimum of 400 gallons per year. The City stands to make \$518,000 on the contract for that minimum purchase.

Law Dir Breunig said this will replace the existing contract and will be back dated to January 1st, 2022. It will be assessed every year to determine any shortage for the minimum and they will get an adjusted bill each year in January.

Mr. Oswald moved and Mr. Corbin seconded to recommend an ordinance authorizing the Mayor to enter into the 'said' water agreement with N. Ridgeville.

MOTION MADE

COMMITTEE REPORT WRITTEN

9. The matter of changes to certain Local Limits in ECO Chapter 932.04, Sewer Use.

Referred By: WWPC Supt. Korzan

Supt. Korzan passed out packets and began explaining everything. The City's MPDS permit from Ohio EPA was reissued June 2021. Anytime they get a reassurance of the MPDS permit, there's a requirement for the department to take a look at the local limits that they have in the waste water discharge permits for industrial users. The EPA requests that we technically re-justify those limits to make sure they're still protective of the plant and the plant processes since, since we're a biological treatment plant. It also requests that it's protective of the receiving stream, which is The Black River and that any limits that are protective won't be over burdensome on industrial users and to allow the department room for growth for additional industrial users should they come down the pike. Supt. Korzan went through the list of items that are on the table that's on the screen. The first part of the list are the trace metals which are toxic to the aquatic environment and humans. There have always had limits for these in the permit and/or restrictions at the Black River receiving stream. Some of the other items on the list have been monitored over many years. Now with the changing regulations of Ohio EPA, they've given the department a limit for the plant effluent and at the river. So, this is the first time they've had to calculate a local limit. The other items are phosphorus that have parameters that the plant has plenty of capacity to treat and those are the ones that they're allowed to be flexible with industrial users because they typically need sometime to have increased limiting.

The Ohio EPA will not allow the department to be flexible with those because they're toxic. Municipal wastewater plants are not designed to treat for metals, they have to be reduced at the industrial users before they discharge to the sewer so they have pre-treatment systems for that. The plant has no capacity to treat those metals which have the negative numbers on the list. For Existing Local Limit of Mercury, Silver and TDS the plant asks the industrial users to use best management practices for those, so basically, we ask them to do whatever they can to limit the amount of those constituents coming to the plant from their discharges and they've been doing a phenomenal job with that. Mr. Korzan said the existing local limits are protective of the plant, the receiving stream and the environment and public health. The details of those findings are in this report. This list was given to the industrial users and asked for their comments and they all came back and said these will not be a problem and they were all on board with this study.

The Law Director's office is putting together a revision to Section 932.04 of the Elyria Codified Ordinances to include these proposed local limits. They'll remove the existing local limits and replace it with this table and then if council approves this study, the next step is that this will go onto Ohio EPA for their approval. They will go thru it with a fine tooth comb to make sure all the calculations are right and make sure there's nothing that's contrary to their rules and regulations. The plant gets the calculation formulas on how to do these studies from the EPA and have been doing these studies for a number of years.

Law Dir Breunig asked if Mr. Korzan is expecting the legislation for the amending of the code to be done at the next council meeting or does this recommendation get submitted to EPA and do we amend our ordinances after approved by the EPA?

Supt. Korzan said the amended ordinance has to be sent, with the study to the Ohio EPA. So the EPA will have to approve our amended ordinance. In all the submittals that they've had over the years, they've not had one turned back.

Mr. Oswald said that he thinks we all agree that Mr. Korzan is amazing and he's glad that he works for the City of Elyria because he knows what he's doing and is experienced in handling this and we appreciate his dedication to the City.

Mrs. Davis moved and Mr. Oswald seconded to authorize the 'said' changes to Section 932.04 of the Sewer Use ordinance, emergency clause.

MOTION MADE

COMMITTEE REPORT WRITTEN

10. The matter of the use of alternate materials for new Water Mains within the City. Referred By: Engineer McKillips

Engineer McKillips said the construction industry is currently experiencing supply chain issues. That effects City projects. They've run into issues obtaining ductile iron water main materials and there's an ordinance on the books that requires ductile iron to be used as the material for water mains and subdivisions and in existing standard construction detail and new water mains. She is requesting the use of alternate materials such as PVC C909 material. At this time of supply issues, this material will be sufficient to use as a replacement for ductile iron and currently available. So she is asking for authorization to use the PVC C909.

Mrs. Davis moved and Mrs. Simmons seconded to authorize changes of material to be used for water mains in the City. To allow the usage of C909 PVCO Pipe.

MOTION MADE

COMMITTEE REPORT WRITTEN

11. The matter of Modification to Facility Planning Area ~ transfer of areas to LORCO and transfer areas to the City.

Referred By: Engineer McKillips

There was discussion on this matter, but it did not pass and will be placed in 'pending matters'.

Engineer McKillips said there were two FPA modification requests that came up last October. The one item was taken care of earlier this evening, with the 6 acres. The other portion of that request had to do with parcels off of Butternut Road and LaGrange Road in the southwest area of the City. Engineer McKillips had a map on the overhead projector which showed the area she is referring to. This matter did not go past committee last year and she informed NOACA that the likelihood of that item to continue through the process without a swap of land for land wouldn't happen. So LORCO came back to NOACA with a proposal of adding 713.7 acres of land to LORCO's FPA. In trade area's to be added to Elyria's FPA of 725.2 acres which would extend Elyria's FAP a little bit farther to the east.

When they look at Facility Planning Areas they look at future use; economics, infrastructure, and what that area can mean to the City of Elyria, could it be a benefit to the City or would it be a detriment to the City. When we look at giving away some of our FPAs, are we giving away something that could benefit Elyria in the future? So LORCO offered these areas to Elyria if we give them what they would like.

Mr. Oswald said that Elyria would be looking at the area of Indian Hollow & Middle to connect there which we don't want to give away and that's the reason why we've made our treatment plant so much bigger, to handle large areas. That's why we want the pieces of property that we got in exchange are even farther away. They've expanded it so far out, that now it's going to cost us even more to get there. But that's where we'll connect all these extra businesses when the City expands in that area and he doesn't know if it's a good idea to give that away.

Law Dir Breunig said he would definitely be looking at that. Mr. Oswald raises good points for everyone to consider. The acreages may be similar as far as total numbers. The map everyone is looking at doesn't tell us where our existing sewers are, what the cost estimations to take where our sewer, what type of developments could go in. Rt's 82 & 57 is a lot of farmland and it wouldn't necessarily become residential developments in the future. These are things to think about before a decision is made. More information should be supplied than just a map that shows the areas that are being swapped.

Chair Mitchell asked what is the pleasure of the committee? Should the City go back to LORCO and tell them to try again?

Mrs. Davis said yes, that is what we should do. She had concerns about the part around Carlisle Township and she thought that area for possible future use.

Mr. Korzan said it would be beneficial for the City to find out what that large green parcel to the east is [*referring to the map*].

Engineer McKillips said the area in question is part of the Pinebrook golf course.

Mr. Schneider said it looks like that area is along Route 83.

Dir Breunig said it doesn't quite go all the way to Rt. 83. And it could border the golf course or Ross Industries. Referring to the map, the orange section that Elyria would allegedly be receiving, it's not really clear where that is either, possibly along Giles Road. Again, the map is hard to read.

Mr. Korzan said the reason he brought that up is because if we do end up with a sewer overlay on top of this, we would want to take a look at that, since we are building out that way.

Chair Mitchell said she is hearing is that we want LORCO to try this again. We need more information about the parcels they're giving us.

Dir Breunig said we also need information about where our existing sewer lines are where; trunk lines, interceptors and in relation to the areas that are being proposed to be given up and being proposed to receive. And if possible to get costs estimates to run a sewer the rest of the way down Middle Ave to Butternut Ridge and pick up that area in Carlisle Township. Things that should be taken into account.

Chair Mitchell said we have to be diligent that we're not giving away valuable property that could benefit Elyria in the long run.

Engineer McKillips said she agrees.

Mr. Schneider said it also seems like some of the boundaries are going to be hard to track. Mr. Oswald said this is what we have to think about. We have to look forward, and we don't want to give it away.

There was no vote on this matter and Chair Mitchell said everyone agrees that LORCO should try again with what they are asking.

**12. The matter of entering into a professional service agreement with AECOM for Wet Weather Program Amendment 9. (Passed by Finance Committee on 4/11/22)
Referred By: Engineer McKillips**

Engineer McKillips said this is an annual thing they've been doing since 2014. AECOM Services is the consulting engineer that's been working with the City on the Wet Weather Program. They have partnered with the City as we've been moving forward with negotiations with the US EPA and DOJ and Ohio EPA. Hopefully we'll be coming to a close with that later this year. We're moving forward with the Wet Weather Program, which includes the big sewer project which will continue the 2nd half of the year on Poplar Street and East Bridge St. It includes other projects at the WWPC Plant and other projects throughout the City.

AECOM is essentially an extension of the City's Engineering Department. This request is for Amendment #9 and the monies have been appropriated in the budget through Waste Water Miscellaneous Fund.

Engineer McKillips said they will go out for bid in May/June. Depending on the availability of materials, they will start the construction as soon as possible after that.

The project will actually start at East Bridge Street because of the Cleveland St. project.

Mr. Oswald asked if this company oversees projects or do they do part of the designing?

Engineer McKillips said it's a combination. They are program managers. They have done design on projects and are currently doing the design of the East Side Relief Sewer, phase 1D and 2nd north which will be bidding out this year. The department has utilized other consultants for other phases; AECOM for Plant Design and will utilize other consultants for other designs. AECOM has the hydraulic sewer model and they can be used for those projects.

They are looking into doing the sewer project on Windward and AECOM will utilize the hydraulic model, which has all the data, the flows and the technical numbers to do the design on that siphon.

Engineer McKillips said they definitely have to have the contractor start on East Bridge because of the work that will be done on Cleveland Street. If the contractor has two crews, they could have the 2nd crew work on Poplar. Though the equipment that they need for the big sewer, which goes 30 feet deep, may not be available, because both may need to be used. The cost to move that piece of equipment is expensive. Thinking the work on Poplar, in front of St. Jude's will be next summer, hoping while the schools are on summer break.

Mrs. Simmons moved and Mrs. Davis seconded to recommend an ordinance authorizing the Mayor to enter into amendment No. 9 with AECOM.

MOTION MADE COMMITTEE REPORT WRITTEN

13. The matter of advertising for bids and enter into a contract for the 2022 Street Sweeping Program. (Passed by Finance Committee on 4/11/22)

Referred By: Engineer McKillips

Engineer McKillips said this is the annual program for the street sweeping. Cost is split between Waste Water and Storm Water. They've allocated \$200,000 for this in the permanent appropriations. Due to the increase in fuel cost, they will only do one round this year and will make the second round as an alternate. They usually start this program in June/July.

Mrs. Davis moved and Mrs. Simmons seconded to recommend an ordinance authorizing the Mayor to advertise for bids and enter into contract for program.
MOTION MADE COMMITTEE REPORT WRITTEN

Chair Mitchell asked when the street program will start.

Engineer McKillips said they are advertising for bids for phase one of the street project, which is for the asphalt streets. They evaluated which streets needed to be overlaid with asphalt. They also looked at which ones needed full depth concrete repair and could and which ones could hold up with just concrete. Phase two will be concrete.

Mrs. Mitchell said she has one change on her list of streets and so does Mrs. Davis. She asked if we will need to amend the Ordinance to reflect those changes.

Dir Breunig said, yes, an amendment to that ordinance will be needed.

Chair Mitchell said they will bring that back to the next meeting.

Chair Mitchell also said that she will be speaking to President Stewart and the Clerk's office about making sure that items come to Utilities Committee first because Utilities determines the need and Finance determines how to pay for them.

Chair Mitchell asked for a motion to adjourn.

Mr. Oswald moved, seconded by Mrs. Davis to Adjourn the Meeting at 7:10 P.M.
MOTION CARRIED

Respectfully Submitted by,

Colleen Rosado, Secretary
/CMR