

The Utilities, Safety & Environment Committee

held a meeting on **Wednesday, November 9th, 2022** beginning at 6:00 P.M.

COMMITTEE MEMBERS PRESENT: Committee Chair Mitchell, Davis, Simmons, Corbin and Oswald

OTHERS PRESENT: Law Director Deery, Engineer McKillips, WWPC Supt Korzan, Police Chief Pelko, Prosecutor Straight, Councilman Schneider, Stewart

1. Approval of the Utilities Committee Meeting Minutes ~ October 12th, 2022

Motion made by Mrs. Simmons and seconded by Mr. Corbin to approve the 'said' meeting minutes.

2. The matter of creating an ordinance to remove fines for minor misdemeanor marijuana violations. Referred By: Councilman Lipian - Ward 1

Mr. Lipian was not in attendance.

Law Dir Deery spoke on this matter. She said Chief Pelko and Chief Prosecutor Scott Strait along with Prosecutor Brandon Oliver. Dir Deery said she had some discussion with Mr. Lipian regarding his desire to amend City Ordinances regarding cannabis. She believes it's regarding possession. She told him that under City and State Law and Federal Drug Law, the term of art is marijuana and she expressed concerns based upon some of the ideas suggested by Mr. Lipian. There needs to be a lot of input from members of the criminal staff and the Police Chief.

Chief Pelko said marijuana is still illegal in the State of Ohio as well as the Federal Government considers it illegal. Chief said he had no idea why we would want to decriminalize it in our City. He would be totally against it. He sees issues that we would run into by legalizing it in the City when you still have a State and Federal Law. He's not sure what the rationale is. Chief said it's his understanding that Mr. Lipian still wants the law, but to have no fines and no punishment. Chief Pelko said he can testify to the fact that the City has homicides over marijuana and he thinks if it's legalized, that would probably make it worse.

Mrs. Davis asked that with the City getting these cannabis stores. When a customer leaves a cannabis store and act erratically and get caught and they have a medical card, does that excuse them?

Chief Pelko said these are two different topics. Mrs. Davis's question is referring to Medical Marijuana and a person needs a card that is prescribed. When a customer purchases the product, it's in a special container and sealed. If a person gets stopped and it's not in the package and they don't have their card, the police can take action. Most of the people they've run into are following the law and doing what they're supposed to. If it's legalized, they'll be folks walking up and down the street smoking marijuana, walking around being high. He doesn't want that in this City and he hopes no one else does.

Mrs. Davis agrees with Chief and she thanked him.

Mr. Oswald had a conversation with Mr. Schneider and he brought up that we have State Laws now and agrees if we have a State Law, to leave it alone. Perhaps, if Mr. Lipian was here this evening, he could view of what he was thinking.

But, Mr. Oswald agrees with the Chief.

Dir Deery did get confirmation from the Prosecutor's office that the vast majority of cases that go to court are charged under State of Ohio Law, Ohio Revised Code and not under our City Ordinance. The language for our City Ordinance does mirror the State Law.

Chief Prosecutor Scott Strait, 601 Broad Street introduced himself. The main point he was going to make which Dir Deery already touched on was that even if the City of Elyria were to repeal the marijuana ordinance, even if we repealed all of our drug laws, it doesn't change anything, it will still be illegal. There was one City of Elyria Ordinance case he found in the last two years, generally, they are charged under State Code. So the effect of this would, there would be no effect.

Chair Mitchell thanked Prosecutor Strait.

Chair Mitchell said since it's on the floor she said she will read the committee report and will ask for a vote.

Dir Deery said that she is waiting to hear back from CD Director Scott, she was reaching out to her HUD contact and one of the things that she wanted to look into, would there be any implications with Federal Funding, if we were to take this action. She has not been able to successfully verify either way with other communities in Ohio that have gone this route and if they had issues with CDBG or HUD funding. Some communities have done this over the last several years and it takes time to catch up and she would not want to advise that there would be no risk of that. Another thing that was brought up that she would not advise Council to pursue would be any sort of legislation that would mandate or dictate to the court, what there court costs would be which could be going down a path of separation of powers and it would be a discretionary thing for another branch of government. She wanted that on the record.

Chair Mitchell read the committee report:

We have considered the matter of Proposed Verbiage for the removal of fines and costs for minor Misdemeanor Marijuana Violations and an Ordinance authorizing the removal of 'said' fines.

NO MOTION MADE (THE MATTER DIES FOR LACK OF A MOTION)

3. The matter of request to reduce speed limit on Park Ave. from 35 mph to 25 mph.

Referred By: Councilman Lipian - Ward 1

Mr. Lipian was not in attendance.

Mr. Oswald wanted to give his input and he drives down Park Ave. every day and he doesn't even drive 35 mph and he would not have a problem moving it to 25 mph. If we're governed by State Law in residential areas, as what we could do as speed limits and if we are allowed to slow it down, he would be in favor of it.

Chair Mitchell asked if this would need approval from the residents, a petition or can it be done by councilmatic action?

Engineer McKillips said that question would be for Dir Deery. But speed limits are governed by the Ohio Revised Code and although there may be verbiage that does allow municipalities to make changes only based on certain criteria, traffic study that shows that there won't cause further harm that's already existing, you're not increasing factors that may cause issues with traffic.

Dir Deery said based upon what Engineer McKillips is saying she would suggest that what would make sense is that this matter would be referred to Safety Service and

Engineering to look at it and to see if the criteria exists and if it merits a traffic study to see if it's warranted. This would not be a matter of changing any of the City's Codified Ordinances, they don't address speed limits. She would venture to say that Engineer would take action if it's warranted even if they didn't have action from Council.

Chair Mitchell suggested that the residents who live on the street to have some input on the matter. She agrees that the matter needs to be sent onto Engineering and Safety Service and let them do their thing.

Mr. Oswald asked if this should be tabled or just let the Engineering Dept. do what they would have to do.

Dir Deery said she agrees and should this committee inquire as to the status of the issue, they are obviously more welcome to do that.

Mr. Schneider asked if possibly additional stop signs could be an option to slow the traffic down?

Engineer McKillips said they don't install Stop Signs for speed control. There are other methods for traffic calming that can be looked into. There are studies that show the more stop signs you put out, the more drivers tend to disregard them

Chair Mitchell said they will remove this item from the agenda, if it needs to come back before this committee, it can do so.

4. The matter of applying for an Ohio Security Grant thru the Department of Public Safety and the Ohio Emergency Management Agency for enhanced security at the Pumping Plant and Towers. Referred By: Water Team Leader Jacob

This matter was passed by Finance Committee on Oct. 24th.

Chair Mitchell said that Elyria did not receive this grant and Team Leader Jacob asked the matter be removed from the agenda.

5. The matter of a authorizing the Mayor to enter into a professional services agreement with CTI Engineers, Inc. Amendment No. 3

Referred By: Engineer McKillips

This matter will be voted on by Utilities and Finance Committees.

Engineer McKillips said the City has held a contract with CTI Engineer's for several years. They do inspections at the Wastewater Treatment Plant and they would like to continue using their services. They would continue doing inspections and continue with the close out of an existing project, and work on future projects. This firm has a lot of knowledge of our existing plant facilities and they do a great job. They would like to pass this amendment to their existing contract.

Mrs. Davis moved and Mr. Oswald seconded to recommend an ordinance authorizing the Mayor to enter into the 'said' agreement with CTI Engineers for 'said' services.

MOTION MADE

COMMITTEE REPORT WRITTEN

6. The matter of a change order for additional quantities for the 2022 Street City Resurfacing Project, Phase 2, (Concrete Contract).

Referred By: Engineer McKillips

This matter will be voted on by Utilities and Finance Committees.

Engineer McKillips said they've completed phase 2 of the street program. This is for the concrete streets, where they cut out and replace the concrete pavement that was in poor condition. The quantities had exceeded what was originally in the project in the amount of \$75,373.02 and they are requesting this change ordered to be approved for the said contract.

Mrs. Simmons moved and Mr. Oswald seconded to recommend an ordinance authorizing the Mayor to enter into the 'said' change order for the Street Project.

MOTION MADE COMMITTEE REPORT WRITTEN

7. The matter of authorizing the Mayor to advertise for bids and award a contract for the Wastewater Pollution Control Plant concrete, masonry and miscellaneous repair projects.

Referred By: Engineer McKillips

This matter will be voted on by Utilities and Finance Committees.

Engineer McKillips said this project was approved by Council in 2018. They bid out the project twice and the first time bids came in over the estimate and the second time there were no bidders. They are now looking to add this work to another project but we're to the point that the condition of the area is dire need of repair. So they will bid this out as a separate project. This is a project that CTI will be inspecting as the work is being done. They need to bid this out asap. The funds are available in Wastewater fund.

Mr. Oswald moved and Mrs. Simmons seconded to recommend an ordinance authorizing the Mayor to advertise for bids and award a contract for 'said' project.

MOTION MADE COMMITTEE REPORT WRITTEN

8. The matter of revisions to the Sewer Use Ordinance, Section 932.03 (e) of the Codified Ordinances of the City of Elyria.

Referred By: WWPC Supt. Terry Korzan

Supt Korzan introduced Shane Derricott, who is Supervisor for the Industrial Particular Program. He and Shane have been working together on a number of projects that involve sampling at various locations and at the plant. They would like to make modifications, if Council so desires to section E. He handed out a marked out copy.

1.] E5 is the first item. This modification will change the amount of heat that can be discharged. He would like to plant to get a maximum of 32 degrees Celsius or 90 degrees Fahrenheit. He can't see that they would ever get to these temps. But the temps that were originally in the ordinance were too high. It's based on the biology of how the bacteria works in the process.

2.] The next number is 6, which is a typographical error, which a table was updated further in this section from 50 to 150 milligrams per liter for what we call; fats, oils and greases [FOG]. This is correcting the written part of number 6 from 50 to the 150 that's actually in the limit table.

3.] The next one is number 8, they want to take out the excess of wording that will allow for some wiggle room for this item which will state; any waters or waste containing radioactive waste or radioactive isotopes and the reason for that is that if radioactive substances are discharged to the plant, they will end up in the sludge cake and then they

will not be able to dispose of the sludge cake if that happens. So we would like to take out that excess of wording and make it more absolute. In his 27 years in this field, he knows of one plant that did end up in that problem. It was a medical facility that discharged radioactive isotopes.

4.] The next one is number 9 and it's new. This says any waters or waste containing polychlorinated biphenyles or [PCB's], diaxins furans, regulated toxic waste, recre or a circular waste or substances that would classify as a POTW as a toxic substance treatment and or disposal facility. We don't want to be classified as a toxic substance treatment or disposal facility. There are way too many environmental regulations placed on those facilities. These are things that EPA mandates that we sample the water coming into the plant and the sludge cake and water going out of the plant. We want to make sure this is in the section of the ordinance that is titled 'General Discharge Prohibitions' so that we don't end up in a situation where we have these compounds coming into the plant.

5.] The next is number 10, any waters or waste containing quaternary ammonium compounds or other antimicrobial compounds in sufficient quantity that would inhibit or kill the microbes in the activated sludge process at the POTW, that's a new paragraph to this section. A number of years ago there was an incident where a load quaternary ammonium compounds was sent to the plant and it did kill off a large number of microbes and they were actually violating their permit. They knew who it was and they were fined. EPA was made aware and no action taken against the City. These compounds are extremely effective against bacteria, so we would like to add that as a general discharge prohibition.

6.] On the next page, number 16, just to leave the work and because they're adding the paragraph 18. Paragraph 17 adds the word 'and' at the end. New paragraph 18 states 'any waters or ways containing per and polyfloral alkyl substances or PFAF, which has been in the news a lot lately. These are substances that are made out of carbon and fluorine, that have an extremely strong bond and have long chain molecules that have a lot of carbon and fluorine bonded together. They don't biodegrade. If they get in the plant they will pass through the plant without being treated, cannot be treated by our system. They will end up in the sludge cake and EPA has just closed the public period on a new regulation that they're looking to impose limits on two of these, 16,000 PFAF compounds. As they get into more of these compounds and do more studies, they will find environmental and public health issues with the other ones. The two they're looking to regulate, they have proposed limits for waste water treatment plants. They haven't specified what they want to do on the regulatory level for the sludge cakes, we're in limbo on that. From the sampling that Shane has done and his team, they know, based on the plant effluent limits that they're proposing, we're okay. Since EPA is pushing, they would like to make these changes. If Council agrees, they are asking for emergency clause due to the proposed EPA regulations.

Mr. Oswald asked about #8, where would we get contamination that would have radioactivity in it?

Supt. Korzan said we've actually not had any instances at our Wastewater Plant. There are case studies across the US where these things have happened. Our existing industrial users don't have radioactive isotopes or anything like that, but for the future, there needs to be a better system of regulating of what future industries could possibly have and knowing the dangers these things pose.

Mr. Oswald wanted to say that Mr. Korzan is amazingly knowledgeable he thanks

him and his team for looking out for the safety of our city.

Chair Mitchell concurs.

Mrs. Davis also concurs and she is glad that Mr. Korzan and Shane are on our side and thank you.

Mrs. Simmons moved and Mrs. Davis seconded to recommend an ordinance authorizing the changes and revisions to Section 932.03(e), emergency clause.

MOTION MADE

COMMITTEE REPORT WRITTEN

9. The matter of proposing a crosswalk on Gulf Road from Nottingham Drive to the east side.

Referred By: Council member Kenny Oswald - Ward 4

Chair Mitchell asked if this is the same thing that the committee just discussed on Park Avenue where it needs to go to Engineering?

Engineer McKillips said this is similar. They would check to see, will it be used, what is the traffic in that area, people tend to speed on Gulf Road, that's would need to be looked into. Will it require the pedestrian flashing beacons and signs? So, the Engineer's office would review it. Location, need & safety are the main factors that will be looked at.

Mr. Oswald said he is fine with the matter getting referred to Engineering. He was approached by a resident and the more he spoke to other residents they said it would be really great and a possibility of slowing traffic down with flashing lights. If Engineering can look into that it would be great.

Chair Mitchell said this will be removed from the agenda and it can go to Engineering and if it needs to come back before this committee, it can do so.

10. The matter of the 2023 Street Resurfacing, [Continued Discussion].

Referred By: Committee Chair Mitchell

Chair Mitchell wanted to remind everyone that if they have not scheduled their ride-along with the Engineering Dept. to please do so. She said that the earlier we start the street lists the better and the sooner they get done each year.

Mrs. Davis suggested that everyone get a list of the streets that are in their wards before they do the drive along.

Mr. Oswald wanted to say 'kudos' to Madam Chair because we've asked for more money every year for streets. We as a whole committee need to push a little bit more to see if we can get more money for streets. The things residents complain about most in the city are getting trash and leaves picked up and roads. We need to listen to what they're saying and put more money into the roads.

Chair Mitchell said you would think 1.8 million dollars is a lot of money, it really isn't. If we could use some of the ARPA funds to do streets, that would be great.

Chair Mitchell asked for a motion to adjourn The Utilities Safety & Environment Committee:

Mr. Oswald moved, seconded by Mrs. Davis to Adjourn the Meeting at 6:35 P.M.

MOTION CARRIED

Respectfully Submitted by,

Colleen Rosado, Secretary/Administrative Assistant

/CMR

