

The Utilities, Safety & Environment Committee

held a meeting on **Wednesday, January 11th, 2023** beginning at 6:00 P.M.

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

OTHERS PRESENT: Asst Law Director Breunig, Safety Service Dir Lundy, Chief Pelko, Engineer McKillips, WWPC Supt Korzan, WWPC Manager Stewart, Water Team Leader Jacob, Council members; Tollett, Lipian, Cerra

1. Approval of the Utilities Committee Meeting Minutes ~ December 14th, 2022

Motion made by Mrs. Davis and seconded by Mr. Oswald to approve the 'said' meeting minutes.

2. The matter of the continued discussion of the Fireworks Issue.

Referred By: Ward 1 Councilman Lipian

Mr. Lipian said he didn't have anything to add since the last meeting, just that he's glad we're able to address the issue so quickly. And he thanked the committee for moving it as a priority and back on the agenda this evening.

Chair Mitchell mentioned that the committee decided at the last meeting that we would not have any permits fees for fireworks. Law Dir Breunig read the City of Lorain Ordinances which are comparable to what we're trying to do.

Asst Law Dir Breunig said that it's a long ordinance and he would like to summarize the ordinance to further restrict dates and times. When the state changed the law last year they had a list of permitted holidays and permitted times that fireworks are allowed to be set off.

Dir Breunig read off the State permitted holidays; July 3rd, 4th and 5th, the Friday, Saturday and Sunday immediately preceding and following the 4th of July, Labor Day Weekend (Saturday and Sunday immediately preceding that Monday), Diwali (he's not sure when that falls), New Year's Eve, New Year's Day, Chinese New Year, Cinco de Mayo, Memorial Day weekend and Juneteenth. The City of Lorain took some of those holidays off of their list and they further restricted what the state allowed. They are permitting Cinco de Mayo, Juneteenth, 4th of July, but not the surrounding weekends, New Year's Eve and New Year's Day. They don't indicate a start time and have restrictions until 11:00 P.M. He thinks it would be beneficial to indicate a start time, definitely not leave it open ended. He suggested that we should follow Lorain's model and add or take off or restrict hours and it's up to the committee.

Mr. Oswald said that what Lorain is doing is acceptable to him. But not sure on the start times. Maybe to start later, when it's dark? He asked what the fine would be?

Law Dir Breunig said it is a first degree misdemeanor and that would be a maximum fine of \$1,000, but, it would rarely be imposed, he would think.

Mrs. Davis said she thinks that we should set our own precedent and we should choose our own days and times. And she is against the 4:00 start, no earlier that 8:00 P.M.

Chief Pelko said that the EPD will enforce whatever the committee decides. He said they'll be going to fireworks calls anyway. They will respond as they usually do and if they can cite someone, they will. Folks will still violate those firework rules.

Chair Mitchell asked if they actually have to catch someone actively setting off fireworks in order to cite them?

Chief said they would have to catch them in the act of doing it. A neighbor could videotape them doing it, and that can be used as evidence. They can be told to at least stop.

Mr. Oswald asked if the police can say, we don't have an ordinance, but can you stop? If not, we'll have to come back and give a ticket.

Chief Pelko said the City has always had a fireworks ordinance. Last year was the first year that we didn't have an ordinance. The noise ordinance would still suffice if someone complained about the noise, they could get cited on that.

Mrs. Simmons said that most of those lighting off fireworks generally have a scanner so they know when the police are on the way.

Chief Pelko said if the caller knows the perp has a scanner they can let the dispatcher know when they call the complaint in. The dispatcher can give the call over the mobile data computer in the car and that way it won't go over the radio so the perps won't know the police are on the way.

Chair Mitchell asked if there was anyone in the audience who would like to offer input?

Carol Wright of 110 Williams Street came to the podium to speak on the topic. She did some research and had called her insurance company and asked about her homeowners insurance and asked how the insurance is covered if there would be damage from fireworks. She told the committee that where she lives, the houses are only a driveway apart. There is no room for any safe distance. She mentioned that it's like when you shoot off a gun into the air, you own that bullet until it comes down and that's the same thing as the fireworks. The person who shoots off the firework, they own it from the 'pop' until it goes down. If it goes on your neighbor's roof and catches their house on fire. However, as the chief said, the person has to be caught in the act in order to be cited. That is the same thing that her insurance agent said. It has to be proven as to who set it off. After the house catches on fire that person will be gone. Then her homeowners insurance would kick in and now she has a claim on her policy which will raise her rates. That is not right and those are concerns. Restricted time is better than nothing, however her preference would be not at all. She spoke to Fire Chief Pronesti about it, she said when someone applies for a permit for a block party, they can't have grills within a certain distance from homes, that's more controllable than when a firework goes off, you can shut the lid, you can grab a hose, it's low to the ground. A hot firecracker on your roof, it's too late, damage will already be done.

Chair Mitchell thanked Mrs. Wright. She said she understands that we can't ban fireworks completely since they are legal in the state of Ohio, within limits.

Law Dir Breunig said Elyria can opt out of the States statute and we can put a total ban on consumer fireworks. The problem is this goes back to the way the law was before where police and fire get inundated with calls and they have no enforcement mechanism. We are trying to attempt to regulate it in such a way that you're giving people windows and restrictions and keeping it as contained as possible. Whether it works, remains to be seen. The answer to the question, can we ban them... yes we can. What effect will that have would remain to be seen.

Chair Mitchell asked how it works if it's a whole neighbor party and everyone is cool with fireworks being shot off.

Mr. Cerra said that would be as one of the cases he was citing before about not having a permit, typically that type of environment where they are law abiding residents, they probably be done during whatever legal hours are enforced. Probably by 10-10:30.

Mr. Lipian said earlier in the year there were some veterans who came to a meeting and spoke about the sorts of traumas that were reinvigorated from them their past military service or animals in the house who had issues from the noise which causes a lot of grief for those pets and pet owners. Some of the committee and others had said maybe they should only be allowed on the Fourth of July weekend. There might be an opportunity to create a window of time. As far as a misdemeanor, many residents wanted to make sure the fee was sufficiently high enough to discourage the use of fireworks as much as possible.

Chair Mitchell said they now have to decide what dates they would allow fireworks.

1. Fourth of July ~ yes ~ only the actual day. Mrs Davis is for that and so is Mr. Oswald and Mr. Corbin and Mr. Lipian.

Mrs. Mitchell said if the Fourth of July is on a Wednesday, folks will shoot off fireworks on the weekend before and the weekend after. So the neighbors will just have to call the police.

2. New Year's Eve ~ yes

3. New Year's Day ~ yes

4. Memorial Day ~ no

5. Juneteenth ~ Mr. Lipian said since it's a relatively new holiday, it would be an opportunity to celebrate it in a new fashion, he wouldn't be opposed to it.

Mr. Oswald said if we're going to do Juneteenth, we should do Cinco de Mayo and Chinese New Year and to make sure everyone is a part of it. If you do it for one, you have to allow it for all.

Law Dir said that we don't want to infringe on any one or more cultures, he agrees with Mr. Oswald. If we allow one or more holidays, we should allow all the holidays.

6. Cinco de Mayo

7. Chinese New Year

Chair Mitchell asked if everyone is in agreement? ~No~

Mr. Oswald said that we don't allow fireworks on those holidays.

Chair Mitchell disagrees, she thinks we should.

Mr. Lipian said that Juneteenth is distinguished from Cinco de Mayo and Chinese New Year as Juneteenth celebrates the formal ending of slavery in America which is a day worthy of celebrating. Cinco de Mayo and Chinese New Year are more culturally oriented holidays. They don't celebrate a legal action or a landmark decision that resulted in the freedom of many.

Chair Mitchell said we need to be inclusive, if we're going to celebrate a cultural holiday.

Mr. Oswald said it's all or nothing.

Law Dir Breunig said this is why we need to choose an all or nothing approach.

Supt Korzan said, as a member as the city's new formed Diversity Inclusive and Equity Committee, he thinks that including all of those would be appropriate.

Mr. Corbin said he agrees with Mr. Oswald that we'll pick whichever holidays and somewhere in the coming months someone will want the TET holiday, St. Patrick's Day holiday, and the list could go on. He agrees with the first group which was picked which pertains to our National History; Fourth of July, New Year's Eve and New Year's Day. He would like to think that the majority of the citizens celebrate these days. He feels that we should limit the number of holidays and maybe re-visit it at a future date.

Law Dir Breunig agrees with the sentiment Mr. Corbin brought up. What we're looking at is a list that's been promulgated already by State Law. He is less apprehensive about piggybacking with the State Law and then adding dates down the road providing our choices aren't discriminatory, but if the state hasn't chosen those holidays and if they're willing to fight any battles that may come up, he feels comfortable piggybacking on those defenses. And could mount new ones to dates that we've picked arbitrarily that anyone may look at us and to come up with a discriminatory purpose, even if that wasn't our intent.

Mr. Lipian respects everyone's opinion and respects the difference between a cultural holiday and something that takes place in America and related to American history. He wouldn't be opposed to those holidays being added. The members of his ward have asked to have the allowed dates to be as limited as possible. He feels the 4th of July and New Year's Eve would be the holidays he would choose based on conversations with residents from his ward. Neighborhoods in his ward have postage stamp size yards. He has been told that 150 feet is the preference for setting off fireworks but that cannot be achieved in the first ward, therefore the preference is to limit it as much as possible.

Mrs. Simmons agrees that we should stick with Fourth of July, New Year's Eve and New Year's Day. So if we just do the basic holidays like we said and leave it there.

Mr. Oswald asked how hard it would be if residents petitioned to have those other holidays added?

Dir Breunig said that wouldn't be hard, we would just be amending the dates on which fireworks would be allowed.

Chair Mitchell asked if she is hearing the committee correctly. They desire Fourth of July, New Year's Eve and New Year's Day, is that correct? Everyone said yes.

Now they are discussing times. Chair Mitchell said no earlier than 8:00 P.M.

Mrs. Davis said that the time changes in the summer and it just starts to get dark at 9:00 P.M. in July. So 8:00 is early enough to start and to end no later than 11:00 P.M.

Mr. Lipian concurs with that. He would be interested as to when is the twilight hour on New Year's Eve.

Chair Mitchell asked if we have to set a time or say twilight hours? A specific time would be more definite.

Law Dir Breunig would defer to the Chief on this because it will be more of an Enforcement issue.

Chief Pelko said they would prefer a time, because that's more definite.

Mr. Oswald said for New Year's Eve, no earlier than 11:00 and New Year's Day would be until 1:00 A.M. for a total of 2 hours.

1. Fourth of July ~ only the actual day starting at 8:00 P.M. to 11:00 P.M.
2. New Year's Eve ~ starting at 11:00 P.M.
3. New Year's Day ~ ending at 1:00 A.M.

Mr. Lipian asked if it was determined what the offense would be or is that going to be a separate vote?

Dir Breunig said that is already covered in the state law and we would stick with the state law for that offense and it would be a first degree misdemeanor and the fine could be up to one thousand dollars.

Mrs. Davis moved and Mrs. Simmons seconded to recommend an ordinance to allow fireworks on the 'said' dates as discussed and listed above.

MOTION MADE

COMMITTEE REPORT WRITTEN

3. The matter of bidding out and entering into a contract for the Lor-CR-658/ Cleveland St. Improvement Project.

This matter was passed at Finance Committee on 1/9/23

Referred By: Engineer McKillips

Engineer McKillips said this is to advertise and open bids for the Cleveland Street project. There are grants through ODOT, Safety Funds and NOWACKI in the amount of \$5,330,000. With engineering, inspection and project management the total project cost is estimated at \$7,204,000 with the City's share estimated at \$1.9 million to \$2 million. The funds are not appropriated, they were not included in the temporary budget. Discussions with Finance Dir Pileski has led them to hold off and put the funds in the permanent appropriation budget and when that budget is approved at the beginning of March, that will line up with the project time-line.

Mr. Oswald moved and Mrs. Simmons seconded to recommend an ordinance to authorize the Mayor to advertise for bids and enter into a contract for 'said' Cleveland Street project.

MOTION MADE

COMMITTEE REPORT WRITTEN

4. The matter of guardrail upgrades for Rt 113, Lake and Lorain Blvd through ODOT.
Referred By: Engineer McKillips *This matter was passed at Finance Committee on 1/9/23*

Engineer McKillips said this is for guardrail upgrades on Rt 113 between Lake Ave and Lorain Blvd. ODOT reached out to us. It's work that will be done at no cost to the City, unless we want something in addition to what is required by State and Federal Highway, which we do not, so the cost will be paid 100% by ODOT.

Chair Mitchell commented that at 100% no cost to the City, we absolutely have to do this. But, she has been asking for lights down RT113 for a long time. She asked what can we do to get those lights? Guardrails are needed, but we also need lights.

Mr. Oswald said that he believes that the line underneath that road is bad and that is why they haven't gotten the lights up and running.

Chair Mitchell said that the rats have chewed the electric line underground and it is the City's responsibility and it's expensive to get it fixed and that will not stop her from asking.

Mrs. Davis moved and Mr. Oswald seconded to recommend an ordinance to authorize the Mayor to enter into an agreement with ODOT for the 'said' guardrail project.

MOTION MADE COMMITTEE REPORT WRITTEN

5. The matter of a 5-year lease agreement for the acquisition of a new CCTV truck.

Referred By: WWPC Superintendent Korzan *This matter was passed at Finance Committee on 1/9/23*

Supt. Korzan said they have a 2018 CCTV truck that will be going back to Jack Doheny Companies at the end of this year. It is at the end of its 5-year lease. They are looking to enter into another 5-year lease for a new CCTV truck and equipment. The State bid contract cost for the truck and equipment is \$450,415. The annual payments would be \$68,825.00. At the end of the 5-year lease Jack Doheny Company will make the 6th payment of \$143,000.00. That is what saves the City to lease these for 5-years.

Mrs. Davis asked if we turn this truck back in are we trading it in on the new one?

Supt Korzan said as with this new one, when this goes back, Jack Doheny Company will make that approximately \$143,000 that's remaining on that truck payment to the bank on behalf of the City. That's the trade-in, per se.

Mrs. Davis asked if this is a monthly payment or do we pay it yearly?

Supt. Korzan said these are annual payments.

Mr. Oswald moved and Mrs. Simmons seconded to recommend an ordinance to authorize the Mayor to enter into the 'said' lease agreement.

MOTION MADE COMMITTEE REPORT WRITTEN

6. The matter of the purchase of a new HVAC System for WWPC Admin. Building.

Referred By: WWPC Superintendent Korzan *This matter was passed at Finance Committee on 1/9/23*

Supt Korzan said they are at the point of the administration building at the plant where the HVAC system is 35 + years old and they have \$80,000 in the budget and has been approved in the temporary budget to replace this system.

The new system will control the existing boilers, we do not have to replace the existing boilers at this time. It will replace the air handling system and the controls for the AC.

They currently have to windows open to exhaust the heat out of the building and they've been operating this way for awhile. In the summertime they have window AC units in the lab to keep the lab at the proper temperature to be able to do the testing. This will be a huge improvement to be able to control the environment in the building.

Mrs. Davis moved and Mrs. Simmons seconded to recommend an ordinance to authorize the Mayor to advertise for bids for the 'said' project.

MOTION MADE

COMMITTEE REPORT WRITTEN

7. The matter of the purchase of a F-350 4X4 Extended Cab Pick-up Truck for WWPC Plant.

Referred By: WWPC Superintendent Korzan *This matter was passed at Finance Committee on 1/9/2*

Supt Korzan is asking to be able to replace an existing 2011 utility truck which is being used by the catch basin crew to repair catch basins and manholes on streets and curbs. And that current 2011 truck will be retired. The entire build out cost of this will be, including dump body, tool boxes and plows will be approximately \$125,000 and he's requesting emergency clause due to long lead time.

Mr. Oswald moved and Mrs. Simmons seconded to recommend an ordinance to authorize the Mayor to enter into a purchase agreement for the purchase of the 'said' truck.

MOTION MADE

COMMITTEE REPORT WRITTEN

8. The matter of the purchase of a new Ford F-550 Service Truck with tool box and pump and motor hoist for WWPC Plant.

Referred By: WWPC Superintendent Korzan *This matter was passed at Finance Committee on 1/9/23*

Supt Korzan said they are looking to replace an existing 2007 Chevy truck that is being used by the lift station crew. They are looking to add a hoist to the body of this new truck, for raising and lowering large pumps and motors through the hatchways at lift stations. This way will be much safer than how it's down now. The cost will be \$90,000 and emergency clause because it will be a long lead time.

Mrs. Davis moved and Mrs. Simmons seconded to recommend an ordinance to authorize the Mayor to enter into a purchase agreement for the purchase of the 'said' truck.

MOTION MADE

COMMITTEE REPORT WRITTEN

9. The matter of the purchase of a new Case 580 SN Backhoe for WWPC Plant.

Referred By: WWPC Superintendent Korzan *This matter was passed at Finance Committee on 1/9/23*

Supt Korzan said they need to replace their existing 2005 backhoe that will retire from service once they get the new one. They are looking at a \$26,000.00 trade in on the existing along with the current price not to exceed \$150,000.

It will be in this year's budget because they know they won't get it until the end of 2024. The existing will operate until then. Their mechanic, Jim Flood is doing a great job keeping it up and running. This type of equipment has a very long lead time so they have to get it going this year. Requesting emergency clause.

Mrs. Davis moved and Mrs. Simmons seconded to recommend an ordinance to authorize the Mayor to enter into a purchase agreement for the purchase of the 'said' equipment.
MOTION MADE COMMITTEE REPORT WRITTEN

10. The matter of the purchase of Operating Chemicals for the WWPC Plant for 2023-2024. Referred By: WWPC Superintendent Korzan

Supt. Korzan said this is something they do every year, to go out for bids for chemicals for the Wastewater Plant. He would like to add emergency clause to this request.

Mr. Oswald asked if they usually use about the same amounts of chemicals?

Supt. Korzan said it does vary. They try to economize the use of chemicals at the plant. Sometimes situations may arise where they may need to use more to keep everything in balance. They keep a close eye on that.

Mrs. Davis asked if there needs to be a yearly contract? Can there be a two year or three year so the price would stay the same?

Supt Korzan said these are commodities and the prices do fluctuate. If we get a year where we need chlorine, where the price is very high, we want to bid the following year. Fortunately most of the chemicals stayed the same last year and they're hoping the same for this year. But we never know when the prices might go lower and then we could save a lot of money.

Mrs. Simmons moved and Mr. Oswald seconded to recommend an ordinance to authorize the Mayor to advertise for bids and enter into a contract for the purchase of the 'said' chemicals for the WWPC Plant. Emergency Clause requested.
MOTION MADE COMMITTEE REPORT WRITTEN

11. The matter of entering into a second-year and third-year option with Republic Services for hauling of sludge from the Elyria Pumping Plant.

Referred By: Superintendent Sam W. Jacob *This matter was passed at Finance Committee on 1/9/23*

Water Team Leader Jacob said last year they came to council for a three-year contract with the option for the second and third year to haul sludge from the water plant. Sludge is generated from the dirty water from the lake, they center fuse it, which means we spent the water off and the solids which are 30 percent solid go into a big container. Republic Waste hauls it away. This years contract was \$83.50 per ton, the second year price is \$86.38 per ton and the third year is \$91.18 per ton. They were the only bidder the last two times it went out for bid. They are recommending to go with the 2nd and 3rd year option.

Mr. Oswald asked if the City dumps it for free after it's hauled to the landfill?

Team Leader Jacob said we're paying \$86.38 a ton for next year and that is the total cost of using their dumpsters, fuel charge and they haul it away and bring the empty dumpsters back to the plant.

Mr. Corbin asked if this company was the only bidder?

Team Leader Jacob said yes, they have bid it out two different three-year periods and there was only bidder each time.

Mrs. Davis moved and Mrs. Simmons seconded to recommend an ordinance to authorize the Mayor to enter into a 2nd Year and a 3rd Year option of the 'said' contract.
MOTION MADE COMMITTEE REPORT WRITTEN

12. The matter of the purchase of Operating Chemicals for the Water Pumping Plant for 2023-2024. Referred By: Superintendent Sam W. Jacob

Team Leader Jacob said this is similar to what the WWPC Plant does. They bid there's out yearly also. Chemical prices are rising. The water pumping plant used \$550,000 worth of chemicals last year. Four of the months we're at the lower price and 8 months we're at the higher price. They have the price increase built into the budget this year. Emergency clause requested.

Mr. Oswald moved and Mrs. Davis seconded to recommend an ordinance to authorize the Mayor to advertise for bids and enter into a contract for the purchase of the 'said' chemicals for the Water Pumping Plant. Emergency Clause requested.

MOTION MADE COMMITTEE REPORT WRITTEN

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 6:55 P.M.
MOTION CARRIED**

Respectfully Submitted by,

Colleen Rosado, Secretary/Administrative Assistant
/CMR