

The Utilities, Safety & Environment Committee

held a meeting on **Wednesday, June 7th, 2023** beginning at 6:00 P.M.

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

OTHER COUNCIL MEMBERS: Callahan

OTHERS PRESENT: Asst Law Director Breunig, Safety Service Dir Lundy,
Engineer McKillips, Parks Dir Reardon

1. Approval of the Utilities Committee Meeting Minutes ~ May 10th, 2023.

Mr. Oswald moved seconded by Mrs. Davis to approve the 'said' meeting minutes.

2. The matter of advertising for bids and enter into a contract for the 2023 Crack Sealing Program. Referred By: Engineer McKillips

Engineer McKillips said this is a program that they perform annually. It's to prolong the life of the existing driving surfaces in the city. They didn't do this program last year, but they did a robust program in 2021. They look at streets that were resurfaced within the previous years. They go through and look at conditions and crack any fractures they see in the pavement and hope to prolong the life and get as many years as possible. They have allocated \$125,000 for this program and plan to get it out to bid and completed before the end of this year.

Mr. Oswald moved, Mrs. Davis authorize the Mayor to advertise for bids and enter into a contract for 'said' program.

MOTION CARRIED COMMITTEE REPORT WRITTEN

3. The matter of advertising for bids and enter into a contract for the Water Transmission Main, Phase 2 Pre-inspection Pipeline Improvement Project.

Referred By: Engineer McKillips

Engineer McKillips said this project is requesting authorizing to advertise for bids and award a contract for improvements to our transmission mains that start at the plant in Lorain and extend to the city limits. The City is currently under contract with Black & Veatch to undertake an assessment project on our transmission mains. They've done the preliminary part of the project. What they are asking for tonight involves improvements that need to be performed on the transmission mains itself in order for them to actually do inspections within the inside of these transmission mains. They are 70 to 100 years old. The inspection is critical to the longevity and to continue to function. This will cost about \$450,000 to be paid out of the water fund and has been included in the permanent 2023 budget. The work will include replacement of two hatches, valves, installation of two drain pipes, two hydrants. This work is required prior to the final inspections of the interior of these mains.

Mr. Oswald asked if the money comes from the storm water fund?

Engineer McKillips said the storm water fund is separate.

Law Dir Breunig said there is already a contract with Black & Veatch and we would be amending that. Normally inspection and contract management services are part of a contract for those consultants, can the City incorporate that or does it have to be done separately?

Engineer McKillips said the way the agreement with Black & Veatch has been formed for Phase 2 of the project, they will prepare the plans for the improvements for this work, the replacement of the valves, installation, lines & hydrants, as well as inspection work that will take place on the transmission main. The agreement doesn't include the actual construction of these facilities. The City agreed to contract that part of the work out due to the scope of the work which exceeds what can be done in house. Engineer McKillips said the only reason why they are bringing this now, is because of summer recess.

Mr. Oswald moved, Mrs. Davis authorize the Mayor to advertise for bids and enter into a contract for 'said' project and monies have been appropriated.

MOTION CARREID COMMITTEE REPORT WRITTEN

4. The matter of authorizing the Mayor to enter into a contract with Black & Veatch for the Water Transmission Line Study, Phase 2.

Referred By: Water Team Leader Jacob and Engineer McKillips

Engineer McKillips said in this case, the amendment is at a cost of 1.51 million dollars.

Mrs. Davis moved, second by Mr. Oswald to authorize the Mayor to enter into an amended contract with Black & Veatch for 'said' program.

MOTION CARREID COMMITTEE REPORT WRITTEN

5. The matter of advertising for bids and enter into a contract for the East Side Relief Sewer Diversion Structure Project.

Referred By: Engineer McKillips

Engineer McKillips said this is for the East Side diversion structure at the Waste Water Treatment Plant and this project is required thru our consent decree that we recently finalized with the EPA. This project was originally approved in 2020, but they had received a PTI thru the EPA permit to install thru the Ohio EPA but there was an opportunity to apply for Grant funds and we applied, but we did not get the funds and we decided to hold off because there were other funding opportunities, which we also did not receive. Then we tried again we did receive 1.8 million dollars in principal forgiveness. So, we are now moving forward with this this now. The total estimated cost is 2.8 million dollars and 1.8 million is principal forgiveness through the State's DIFA fund and 1 million will be thru WPCLF loan funds. They will bid this out as soon as they get a PTI through the Ohio EPA and will submit it then.

Mrs. Davis moved, second by Mr. Oswald to authorize the Mayor to advertise for bids and enter into a contract for the 'said' project.

MOTION CARREID COMMITTEE REPORT WRITTEN

6. The matter of advertising for bids and enter into a contract for the resurfacing of Foster Ave., from Lorain Blvd. to West River Rd.

Referred By: Engineer McKillips

Engineer McKillips said this is Ohio Public Works project, the cost for this project is \$280,830 and the City will receive \$191,475 in grant funds and loan funds. City's portion will be \$89,655.

Mrs. Davis moved, second by Mr. Oswald to authorize the Mayor to advertise for bids and enter into a contract for the 'said' resurfacing project.

MOTION CARREID COMMITTEE REPORT WRITTEN

7. The matter of advertising for bids and enter into a contract for the resurfacing of Lake Ave., from Route 113 to Parmely Ave.

Referred By: Engineer McKillips

Engineer McKillips said this is also an Ohio Public Works project. Estimated cost is \$172,260. OPW will provide \$117,450 leaving the City's share to be \$54,810.

Mrs. Davis thanked the Engineer's Dept for reaching out and getting this grant money for these projects and especially since 2 of these streets are in her ward.

Mr. Oswald asked where do the funds come from that the City has to pay?
Engineer McKillips said Muni Motor Vehicle Fund.

Mrs. Davis moved, second by Mr. Oswald to authorize the Mayor to advertise for bids and enter into a contract for the 'said' resurfacing project.

MOTION CARREID COMMITTEE REPORT WRITTEN

8. The matter of advertising for bids and enter into a contract for the resurfacing of Abbe Rd., South from Chestnut Ridge Rd. to University Ave.

Referred By: Engineer McKillips

Engineer McKillips said again this is OPW and total cost is \$382,580. OPW will pay \$260,850 and the City's share is \$121,730.

Mrs. Davis moved, second by Mr. Oswald to authorize the Mayor to advertise for bids and enter into a contract for the 'said' resurfacing project.

MOTION CARREID COMMITTEE REPORT WRITTEN

Chair Mitchell said this is not on the agenda, but she wanted to ask Engineer McKillips if the City can look into getting OPWC funds for Murray Ridge?

Engineer McKillips said she had been checking into that and she saw that Murray Ridge is on the Transportation Improvement Plan with NOACA for the next cycle, which is 2024 thru 2027. There is 1.3 million allocated for that project. She will get more information on that. The partnership with NOACA, the Township and the County will be beneficial to the City. West Ridge will also in that same program.

9. The matter of advertising for bids and enter into a contract for the resurfacing of Chestnut Ridge Rd. from Route 57 to Stillwater Blvd.

Referred By: Engineer McKillips

Engineer McKillips said this is also OPWC project. The estimated cost is \$290,600 and the City share will be \$92,525 and Ohio Public Works will pay for \$198,075. The City's jurisdiction on that road does end at Stillwater, beyond that it's the township or county's responsibility.

Mr. Oswald said this is over one million dollars that we are putting into our streets and he thanks the Engineer's Dept for making this happen.

Mr. Corbin wishes to thank everyone for these projects. The last two and in his ward, which is Ward 3 and he's gotten many phone calls on these issues and he thanked everyone.

Mr. Oswald moved, second by Mr. Corbin to authorize the Mayor to advertise for bids and enter into a contract for the 'said' resurfacing project.

MOTION CARREID COMMITTEE REPORT WRITTEN

10. The matter of accepting the Pocket Park located at 1504 West Ave. as a City owned Park.

Referred By: Parks Dir Reardon

Director Reardon said this was approved by the Parks Board in 2021 and it was accepted it as a park at that time and now they are bringing it to council to have it officially accepted as a City park now.

Chair Mitchell asked where this is?

Director Reardon said that it is just west of the South Branch Library.

Mrs. Davis asked about the community gardens that are in that area and are they part of the park?

Director Reardon said the parcel of land for this park is very small. The gardens are actually library property. The park is very small. The Leaders of Today did a project and had a pop-up event last year and they got community feedback. It was suggested for a small walking path and benches and to add some something to add shade, a fixture or trees.

Mrs. Davis said she hopes that the City will eventually acquire the parcel behind the pocket park that leads over to 17th Street. Kids would have a nice area there, she hopes we can look into it. She also asked about the small park on West Bridge Street.

Director Reardon said that is the Autobahn Park and actually it's being used. They are working with the Audubon Society to get rid of the invasive species that are there. It's being used exactly for what it's intended for. They've planted trees and wildflowers. They have volunteers that take care of it and pull weeds, etc. Dir Reardon also said that she believes there is going to be some development to come to that other portion of land Mrs. Davis was talking about and that's why we only have that small area for now, because there is something that is going to be done, but she doesn't have any details for that.

Mrs. Davis moved, second by Mr. Oswald to authorize an Ordinance authorizing the Mayor to accept the 'said' pocket park as an official City Park.

MOTION CARREID COMMITTEE REPORT WRITTEN

11. The matter of adopting an Updated Parks & Rec Master Plan.

Referred By: Parks Dir Reardon

Director Reardon is asking to have this matter tabled until the next Utilities Meeting. It was referred it based on the Park Board adopting the master plan and that meeting hasn't happened yet. The timing didn't work out.

Chair Mitchell said this matter will be placed in Pending and Tabled to July 12th.

12. The matter of revising Chapter 741.99 of Elyria Codified Ordinances to change the fine for violations to \$500 from \$100.

Referred By: Ward 1 Councilperson Lipian

Chair Mitchell said Mr. Lipian is not in attendance, so this matter will be placed in Pending Items.

13. The matter of a request to Railroad Companies to implement a maintenance program for needed improvements within the City.

Referred By: Councilpersons Callahan, Mitchell and Davis

Mr. Callahan said everyone knows the condition of the railroad bridges within the City. He sees bridges in other cities in other cities that have the same issues, so Elyria is not alone. There seems to be more questions than answers as it pertains to the maintenance and who is responsible for those. As to the conditions and appearances in Elyria, we have all received complaints. He believes there are some liability issues because the bridges belong to the railroad companies. He wants to get the discussion going and get ideas and suggestions from the committee. If Elyria and other cities in northern Ohio start showing that we're paying attention. The railroad bridges need attention and some type of a maintenance program.

Chair Mitchell said the previous administration did try to do something with the railroad bridges because they are in poor condition.

Safety Dir Lundy said the he and the Engineer's office have had numerous conversations about this and the Engineer's office has had conversations with the railroad. They would like to be able to paint some of the underpasses. The railroad requires that cities get permitting through them and there's associated costs that go with that.

Law Dir Breunig agrees with Dir Lundy. The railroad properties are Federal franchises going back a century and a half with very unique protections built in from the standpoint of Federal law. On the other hand, there is an interesting client with high profile safety incidents and accidents that have taken place. As the rules currently exist, we do not have the legal means or ability to make them do anything. We cannot touch them ourselves, we cannot paint them, we cannot perform cosmetic work. Another issue is the liability.

Chair Mitchell said maybe it's time for the City to reach out to Sherrod Brown's office. Senator Brown and Senator JD Vance are very active with issues with the railroads after the issue in East Palestine. Maybe now is time to reach out and ask if they can help us?

Engineer McKillips said that a representative from Sherrod Brown's office did reach out to the City and they were provided with a list of all of the City's underpasses. Senator Brown's office is working on compiling a list of all of the underpasses in his district so that they can see where the issues are and what the need is.

Engineer McKillips said there is work that can be done at these underpasses, at a cost. There is a process to be followed in order to do that, but the railroad would need to communicate with the cities to get things started. She said that she has also reached out to the City's contact with the PUCO to see if they can provide some direction.

Mr. Oswald agrees that we need a maintenance program.

Mr. Callahan agrees there is a liability issue and that's why we're having this discussion. We don't want to cause any legal problems. He asked Engineer McKillips who the local contact person for the railroad is and if they are local?

Engineer McKillips said the Railroad Engineer is easy to communicate with. He gave her office the name of the person who deals with public infrastructure and public projects, who would be the person we would need to communicate with to deal with our concerns and that person is Eldridge Chambers but she has not been able to contact him.

Mr. Callahan thanked Engineer McKillips for reaching out to him. He said the whole idea behind this resolution is to pass it in committee and what we're asking is that Elyria Council request that the railroad companies implement a maintenance program to make the needed improvements. The City is asking them to step up to the plate and take care of their own bridges.

Mrs. Davis asked where the railroad engineer is located?

Engineer McKillips said the railroad engineer is local, in Lorain County. The other public infrastructure person, Mr. Chambers has a 5-state jurisdiction and is located in Atlanta, Georgia.

Chair Mitchell asked if the City is allowed to sweep and clean up underneath the bridge without touching the physical structure?

Safety Dir Lundy said the City has been doing Thursday morning clean-ups and they do go down the streets under the bridges.

Chair Mitchell said, if we pass this resolution and it goes to the railroad, it doesn't mean a lot except to say, hey, we're paying attention and we want them to fix their property.

Mr. Callahan said this resolution states that Elyria is paying attention. We're asking for a plan for a maintenance program. Perhaps we can invite a representative from the railroad to speak at a council meeting.

Mr. Oswald said maybe we can get a petition signed by other communities and cities.

Chair Mitchell said having Senator Brown on our side carries a lot of weight.

Mr. Oswald moved, second by Mrs. Davis to authorize a Resolution requesting Railroad Companies to implement a maintenance program.

MOTION CARREID COMMITTEE REPORT WRITTEN

Mr. Oswald moved to adjourn the Utilities, Safety & Environment Committee Meeting and that motion was seconded by Mrs. Davis.

The meeting adjourned at 6:55 P.M.

MOTION CARRIED

Respectfully Submitted by,

Colleen Rosado, Secretary/Administrative Assistant