

**Minutes of the Roads, Drains, Water, Sewer & Refuse
Sheffield Lake, Ohio
September 6, 2011**

The regular meeting of the Roads, Drains, Water, Sewer & Refuse was held Tuesday, September 6, 2011. Chairman Dennis Bring called the meeting to order at 7:06 PM.

ROLL CALL OF MEMBERS:

Present: Bring, Rosso, Kovach, Smith, Elliott

Absent: Podmanik, Huska, Stark (excused)

Attending: Service Director Smith, Law Director Graves

READING OF THE MINUTES:

*Motion by Elliott/Second by Rosso to approve the minutes of the July 11, 2011 meeting with any corrections. Yeas all.

CORRESPONDENCE: None.

PRESENTATIONS: None.

SEWER CREDITS/UNPAID CHARGES FOR TAX DUPLICATE:

1.) Unpaid water bills for tax duplicate #090611 for a total amount of \$5669.13 -

*Motion by Rosso/Second by Smith to approve and authorize to send to the county auditor. Yeas All.

OLD BUSINESS:

Projects: None.

Future Projects:

Sidewalks – None.

Misc:

Water meters – None.

SERVICE DIRECTORS REPORT:

Service Director Smith reported the following:

1. *Legal interpretation from the City of Lorain regarding sewer contract and the extension of the manholes* – Service Director Smith reported receiving the approval letter and legal interpretation from the City of Lorain concerning our sewer contract and the extension of the manholes that we discussed at the last Roads & Drains meeting. So it okay for us to go ahead and put in that extension of our line because it is just an existing service because they are already in service so we don't need anything special with that – it is considered

- maintenance.
2. **Road Sections List** – Service Director Smith reported these are going to be done by Cook Paving in accordance with our annual bid. The city will do its part which is fixing some of the several areas of base that we have to; the turn on Walker, the turn on Pasadena and moving little things here and there. There is a couple of valve boxes that have to be straightened and as that list went to both the Road Department and the Water Department for their review to visually check out what needs to be done before that happens. We are using this week to do that and hopefully Cook's Paving will be starting at the beginning of next week. There is a list of road sections there for everybody's viewing and we have determined that they are the worst and we are trying to get the most bang for our buck. Next year though we will be able to start addressing streets/sections of streets.
 3. **Pipe collapses** – Service Director Smith reported we had 2 big pipe collapses in the stormwater outfall and a small sink hole at the Tennyson Lake outfall – the one that runs through the school yard. I have supplied a picture of this; the pipe and some of the damage to the pipe over there. We also had a small drainage situation at Knollwood and both are completely repaired. We worked in conjunction with the school system keeping them abreast and tried to do it diligently so that we didn't have an open hole longer then we had to in the area of the kids. The problem we had with the delay of getting to it was the excavator needed a final drive which we had purchased but it was getting the time to get the final drive in the excavator. We did get that done and that is complete and we were also able to get the small drainage pipe at Knollwood School in within that first week of school.
 4. **Walker Road** – Service Director Smith reported we rented a scarfire and we scarfired the road lines. We wore the knives down on the way back that we might end up having to go back and do the yellow line one more time. Mr. Bring stated it looks a lot better.
 5. **Pump stations** – Service Director Smith reported we will pumping out accumulative sediment in all 3 pump stations. I touched on this at the last Roads & Drains meeting and then installing new stainless steel filters in the intakes of each of the pumps wet-wells. This issue of the sediment was aggravated by the excessive rainfall this year and got to a point that is unacceptable and posed a threat to the pumps. We have 12 pumps and the costs of replacement of each pump runs anywhere from \$18,000 to \$27,000 per pump.
 6. **Shoreway parking lot bid** – Service Director Smith reported the bid is out and will be closed on the 13th of September which is next week. As of right now we have 6 that have applied for bid packages which is good.
 7. **Driveway pipe** – Service Director Smith reported we are continuing with driveway pipe installation in between issues as best we can. This has been going

on but the collapse over at the school with the outfall really kind of put a damper in things because it was a very big job.

8. ***Tree issues*** – Service Director Smith reported there have been several tree issues this last month while you guys were off due to storms. I would like to reinforce the city’s policy on tree lawns. Rick you touched on this several meetings ago and emphasized the city’s responsibility and David you have gone through and reinforced where we are with responsibilities with the right of way. The city maintains utilities; in, under and above on city right of ways such as tree lawns but the city does not own them. The trees in the tree lawn along with the ditches are to be maintained by the property owner and the city does make available a yard refuse dumpster free of charge for grass clippings, brush and branches for residents convenience. There is a lot of expectations that the city should be cleaning up trees that fall - that are on the tree lawn and fall and break and we don’t have the policy of doing that. I have been explaining to residents about the right of way and they seem to be okay with it once it is explained to them. I don’t think that they totally understood that. Chairman Bring stated I think that is the biggest confusion because I get phone calls about because they automatically think it is the city’s tree. Mr. Kovach advised that is why it is called a right of way. Chairman Bring advised people moving in and out of the city and they don’t know what all the laws are but that is what I get phone calls such as your tree fell on my car and then they tell you what happened and then you have to explain well that was your own tree that fell on your own car and the city is not responsible for that. Law Director Graves advised there are portions where the tree lawns are actually owned by the city. However even where they are owned by the city the abutting residents have an exclusive right to that and the way to think about is the city has the right to enter upon that for maintenance and for purposes of keeping the roads; the visibility open on the roads and that they are passable but not the obligation or the duty to maintain it as far as grass cutting and trees. We actually probably should clarifying that in ordinance form. Service Director Smith advised it turned out we had several issues because we had 2 nights where we had storms come through here and the one was on a weekend which really had trees down all over the city.
9. ***Water Bill breakdown*** – Service Director Smith reviewed submitted breakdown with committee. The water bill breakdown that I have given is effective August 1, 2011 for the September billing period. We have a corrective action, a new bill schedule with rate increases and a \$2.00 credit. I have attached this sheet for everyone to understand so they can see how it is, these are currently the correct breakdown of the bill with current charges and rates. Effective August 1, 2011 the water base rate will be \$3.00 and this includes the first 99 cubic feet of water consumed. Effective August 1, 2011 the additional water rate charge for each additional 100 cubic feet (which equals 1 unit or 748 gallons) or fraction of

consumed over the first 99 cubic feet consumed will be \$1.42 per 100 cubic feet (the rate was \$1.29 per 100 cubic feet with a 10% incremental increase from the City of Avon Lake starting July 1, 2011). We have an ordinance which allows me to raise the rate in accordance to the same equal percentage. Effective August 1, 2011 the additional sewer charge per 100 cubic feet of water consumed or fraction thereof shall be \$2.94 per 100 cubic feet. Effective August 1, 2011 the base charge referred to as the sewer capital improvement fee will remain \$3.00. Effective August 1, 2011 there refuse charge will be \$18.11 which includes a 4.5% increase as established by the refuse contract with Allied Waste from the old rate of \$17.41. Effective August 1, 2011 the E+C charge will be \$2.13 which is the same amount. Effective August 1, 2011 the storm water user fee will be \$4.85 which is the same amount it has been. Effective August 1, 2011 through February 28, 2013 there will be a \$2.00 credit per month for every water bill that was charged a \$5.00 water base rate after January 1, 2010. Effective August 1, 2011 the disconnect notice fee will be \$1.00. Effective August 1, 2011 the red tag notice fee (applied red tag on premises before a actual disconnect) will be \$2.00. Effective August 1, 2011 the late penalty after the 15th day of month due shall be 10% of complete monthly billing total. Effective August 1, 2011 the reconnect fee after interrupted service shall be \$50.00. Mr. Rosso asked do you know what makes up that E+C charge? Service Director Smith answered EPA, kind of. The best we can get is it was .09 (cents) and then .13 (cents) and then \$2.00. Mr. Rosso asked isn't that where we put the sewer vac and the fire hydrant charge. Service Director Smith answered no it is not. Mr. Rosso stated I think it was because they didn't know where else to put it on the bill. Law Director Graves stated that is a capital improvement, that is \$2.00 capital improvement I believe. I think E+C means environmental and capital improvement. Mr. Rosso stated I didn't think they could figure out anywhere else to put that, what was that – was that .50 (cents) each? Mr. Smith stated the sewer vac was like \$3.00 for 5 years and then come off. Mr. Rosso stated but the hydrants are still on aren't they? Service Director Smith answered hydrants are not part of the sewer capital improvement fee, hydrants are water which is a totally separate issue. Water capital improvement would be hydrants. The sewer vac is not water capital improvements, the sewer vac is sewer. Mr. Rosso asked the sewer vac charge is off now? Service Director Smith explained this is what John was referring to. Mr. Smith stated there is 2 other increases; one was for water meters because of the costs of them and that would be out of water capital improvement and then there was another sewer I think, the sewer was just the sewer vac that came off. Mr. Rosso stated the same time we put the sewer vac we put one on for fire hydrants and didn't that show up in that E+C because they didn't know where else to put it? Service Director Smith answered we have been charged E+C \$2.13 for a long time. This is what Mayor Piskura was referring to

as far as there was some legislation changes that need to occur and I don't think we are at that point in order to straighten the things out. I will tell you this much, I might as well go into it. The water base rate was \$5.00 and that is where your \$2.00 was, you took the \$2.00 off - by legislation the \$2.00 was supposed to stop. Mr. Rosso asked the \$2.00 for the sewer vac? Service Director Smith answered no, this is water base rate and it was a \$5.00 base rate. In September of 2009, the previous Service Director came here before you and you guys discussed what would happen when the \$5.00 stops. The \$5.00 was supposed to stop in January 2010 and it did not thus is why the credit that Mayor Piskura immediately put forth. We stopped it immediately the minute we found this out, stopped it immediately and that is what the \$2.00 credit is for. Mr. Rosso asked is that the base rate change? Law Director Graves answered that is the water base rate that includes the first unit, not include capital improvement – it is just the water base rate for that first unit of water. Mr. Smith stated that is totally separate from the water meter. Service Director Smith added which in the minutes of discussion hydrants were brought by Joe Arendt. Mr. Smith stated I know what he is talking about, not Joe Arendt but before Joe which was Bill. Service Director Smith concurred Bill raised it, you raised it from \$3.00 to \$5.00 correct. Mr. Smith stated for the increased costs of the fire hydrants because they costs so much more so we increased then but I didn't think that was ever supposed to come off. Mr. Rosso stated I didn't either. Mr. Smith stated I think we are talking 2 different things, you are talking a base rate and then you are talking about an increase in the capital improvement for fire hydrants. Service Director Smith stated it was supposed to come off. Mr. Rosso asked the fire hydrants? Service Director Smith explained you got to stop looking at what they are for and look at the charge. Mr. Smith stated it was 2 separate ones. Service Director Smith stated I know it was 2 separate, I am telling you there was a water base rate and then you have an additional water charge. Then you have a sewer base charge which is deferred to as a capital improvement which was the \$3.00 and then you have your additional sewer charge. So you have 2 sides of this, you guys have discussed in the minutes of which I have copies of – the several different discussions that went on concerning hydrants and concerning the meters. That whole series of events that led up, anyways you went from \$3.00 to \$5.00 and legislation was drawn up and the \$5.00 was to continue to a certain point and then it was to go back to \$3.00 and it did not. Mr. Rosso stated I didn't think the hydrants had an expiration on it. Law Director Graves stated the only charge that has an expiration is the sewer which we are going to need legislation to continue that because presently everything has expired on the sewer base rate. Mr. Smith stated you are talking base rate, you are not talking anything with the sewer vac or anything – that is all off. Mr. Rosso stated so the sewer base rate reflected the \$2.00 or \$3.00 or whatever it was for the sewer vac, let's say that went to \$5.00

and now we want to put the sewer base rate. Mr. Smith advised no, the base rate had nothing to do with the sewer vac, the sewer vac was separate on the sewer capital improvement. Service Director Smith advised the sewer capital improvement which is the \$3.00 charge. Mr. Rosso stated the base rate expired also? Mr. Smith stated that is where it came in in the ordinance because it wasn't supposed to but the way the ordinance was drawn up it did. Service Director Smith stated it just goes into the sewer capital improvement fund, the sewer base rate is the first part of the sewer charge goes automatically into the sewer capital improvement fund. That is the only place sewer vac money can come from. It can't come from the water base rate, it has got to come from the sewer capital improvement rate which is \$3.00. There was just a little mix-up on the date for the sewer capital improvement. If we go back to water – the water base rate is where we overcharged the residents. Mr. Rosso asked in the water base rate was not the charge for the fire hydrants then correct? Service Director Smith answered I don't know specifically. Law Director Graves advised the water base rate is just what is paid for the first unit of water, there is no capital improvement in water. Now that E+C I guess would technically be considered a water capital improvement but I will tell that there is no water capital improvement fund is there? I think that that all goes into the water fund and then capital improvement projects are paid for out of that. There is a sewer capital improvement fund. Mr. Rosso asked are we saying the money that we added to specifically to fix fire hydrants was being spent on something other than fire hydrants? Service Director Smith answered no. When I put this break down together and the reason I did this – this is for current billing, everything is right starting August 1, 2011. We had hours upon hours upon hours of research into this. I believe it is just an interpretation issue, to me it wasn't a big deal. As you go through it and in the near future you guys will understand exactly when you take the time to look at everything you will find that it was a simple interpretation issue with a \$2.00 overcharge and that was just due because it was supposed to come off and it didn't come off. Rick you were very adamant about it coming off and Alan you were too. Those were the minutes and I had to refer to the minutes and Kay helped me get a bunch of minutes together to go through this and just to try to understand. I was in Roads & Drains minutes, Worksession minutes and Council minutes just to understand the jest of the different conversations that were going on and the different reports that were given so that I could understand what was going on. We have a couple of questions on the \$2.13 like you do but we are pretty sure we are right and that is why I am giving you an "I don't know" because at this specific time I really can't give you a specific yes, a 100% yes. I might be able to give you an 80% yes but that is not going to do per the minutes. There are some things with the \$2.13 that we will get to the bottom of it but that is correct, it is correct and we are still going to charge for it. Mr. Smith stated I

think you have to look at 2 different things though; how the money is collected and where the money goes because the money for the fire hydrants is collected through the water bill but it is put in a separate line item for fire hydrant repair. The money comes in and it is just where Tammy takes that fire hydrant money from and puts it in that account. Service Director Smith stated that wasn't the issue at all. Mr. Rosso stated that is when we passed that they couldn't figure out where to put it and one of them went into that E+C I am sure of it. Mr. Smith stated that would be a Tammy question because Tammy puts it in that line for fire hydrant repair so she has to know where it comes from, so wherever she takes it from is usually by ordinance form. Mr. Rosso stated the sewer vac is off which it should be now and the fire hydrant one is still in there somewhere. Service Director Smith stated this is a great starting point for accuracy, it is what should be expected to have a starting point but in doing a forecast and I don't mean to be doom and gloom especially to David but the capital improvement lines need money. If they don't get money then the city is going to run into a big problem. I don't know how else to tell you that but to just tell you straight up. We are going to get \$2.00 less a month per bill and we are going to give \$2.00 back per bill per month. The Mayor when he got involved with this decided that it is very important that the residents get the money back priority and as soon as possible above everything else right off the bat. So he immediately reviewed the funding to make sure that we could give the credit and that is why the credit is instituted now instead of trying to figure it out later but that doesn't take away from the fact that we are going to be collecting less in the funds that we need to do. This year the excessive rainfall went to a high normal high rain month, it used to be a monthly output of say \$31,000.00 a sewer bill but I have seen monthly sewer bill in excess of \$67,000.00 due to the excessive rain and inflow that we have in our system. It is killing the funds so I have cut back and believe me, doing an analysis when the bills come in and you actually see from Lorain and what Lorain is billing us and how many gallons that we are putting through the system. The way everything is budgeted, it is coming out of where my items are – maintenance items/daily repairs and everything else. The sewer fund is hurting and the water fund now losing \$4.00 of revenue per bill, by the way there is a little over 3000 bills each month and you can do the math. I would like to ask Council to consider over the next couple of months to make some hard decisions but personally it would be my recommendation to increase the water base rate \$3.00 and not for anything specific but for the fund and to increase the sewer base charge which is the current CI \$3.00 to cover the costs of what things that have to do with capital improvement. You would still maintain control over the capital improvement but it would ensure that there would be money there to make those capital improvement investments of things that need to be done. We had a pump go down this year and rebuilding of the one pump was \$16,000.00.

They have to be certified and they have to be built by an explosion proof rebuilder, there is all kinds of things that need to be done. We are in a precarious situation being along the lake shore because every time we have a major rain event we are discharging raw sewage into the lake and at some point and time those discharges are going to be dealt with by the EPA. Currently you guys as Council and the Mayor supported me doing the pump station analysis of Pump Station#3 which is on-going status determining the flow and if we can get Pump Station#3 off our system and pumping to Lorain – we should be able to kick the SSO's or the overflow into the lake in the butt. That would be great but we need the data to support that before we can go on to actually trying to do it and I thank you for that because it is probably going to be one of the biggest decisions, most important decisions that were made since I have been here. I know that sounds outrageous but that is up to you guys to do but take a really hard look at the numbers and do a really hard look at the forecasting of the individual funds, the individual revenue lines and you will see that it is definitely needed. Chairman Bring stated wasn't the prediction that in 2013 that we would be running in a deficit right or sooner? Service Director Smith answered I don't know I can't answer that. Chairman Bring asked could you explain that the sewer vac – the revenue for that didn't really come out mathematically. Service Director Smith advised when I took this position, the sewer vac is going to be paid as it has a capital improvement fee and basically it got to a certain point earlier this year where I was under the assumption that the payments would stop on July 1st and I had a piece of paper that I was given that said the payments for the sewer vac truck was stopped July 1st but in reality it wasn't. It was supposed to have stopped earlier, it was just a mix-up and that is why I say that wasn't a big deal because David has got the correct approach on that on how to fix that – that is not a big issue. It was a communication thing, I am not trying to downplay it. Mr. Rosso asked when did it expire? Service Director Smith answered the truck should have been paid off December 2010. Mr. Rosso stated but in actuality we added that whatever it was \$2.00 or \$3.00 for the sewer vac for a 5 year period, it would take legislation to stop it sooner. They did exactly what we told them to do. Could they have stopped it in January without coming back and have legislation because we didn't say it for a specific – for the term of the lease, we said for X number of years. Service Director Smith stated you didn't say it for a total dollar amount and that is where the problem is. Chairman Bring added there was also additional charges for the sewer vac because we bought additional equipment which was part of that. Unfortunately the funds are going to run dry here and something is going to have to be done here because we can't continue like this. Service Director Smith stated the biggest thing is that it is fixed, the minute we found we fixed it. Like I said the big issue is the credit and they are getting the credit. The stuff was communication issue, understanding it and I will

be honest I was under the assumption that the actual payment of the truck was in July and I planned everything for August 1st bill. In lieu of that it turned out not to be case and I will say this the process that started it was collecting some high dollar money and looking at the revenue sources in the water funds on some delinquent water bills. We have since made big progress with that, we got a current installment of \$20,000.00 from a big customer and that is supposedly by the end of October we will be current with that customer. Chairman Bring stated I don't know if you explained before that we were on the estimating end of our bills, we were not charging enough money. Service Director Smith explained where things started off is Tammy coming to me and said Len can you take a look at the revenue lines for water, they seem a little low. So I did, I went back and I tore the revenue lines down and it turns out that between 28 to 41 percent decrease in revenue every time we estimate a water bill and in that depending on the section of town that is being done with the estimate we have a 28 to 41 percent reduction in revenue. The formula that the estimation is being done with and the computer system isn't helping us, it will all work out in the end when we get the actuals. But this year we had excessive snow events, we had snow that we couldn't get at where we had to do estimates. So I think we had 3 extra estimates which is the reason for the revenue lines drought. Instead of actuals we had those extra estimates which work out in the end but in that process we found several things and we fixed them and that being with certain delinquent accounts. Chairman Bring stated we weren't losing money, we just weren't collecting the money we should be at that time. Service Director Smith answered correct and that is something that we might have to look at in the future – the program that is used for estimates, how to get that to be more realistic as far as what is needed so that we can have an accurate forecasting month to month to promote tightening up on budgeting. This was really hard to get the data to do this and I just want you to know that a lot of time went into this. Mr. Rosso asked Len when are we doing concrete? Service Director Smith answered it is up there, as soon as possible along with a lot of the asphalt patches. There was a brief discussion on shrubs and trees? Mr. Rosso asked if a resident doesn't comply with our ordinances especially safety, don't we have the right to go onto his property and correct it? Law Director Graves asked are we talking about an impediment to the road right of way? Mr. Rosso stated visual. Law Director Graves answered yes. Service Director Smith stated on a right of way but the bushes on East Drive aren't in the right of way. Mr. Rosso explained the bushes run all the way down the side yard and then several feet across the front yard – they are 6 feet high blocking the view when you back up you can't see the sidewalk and you got kids walking to school. Our ordinance says 3 or 4 feet bushes on that line, I can't remember what you told me. Service Director Smith stated the ordinance is 36 inches. Law Director Graves stated actually if it is a living fence it shouldn't

even be in the front yard. Mr. Rosso stated I think it just grew around because the house is abandoned, so now you are going to send something to a bank somewhere that really isn't going to do anything. So at what point do you go in and say anything? Service Director Smith stated the same way we do grass or a nuisance, we had this conversation today. There is procedures that you got to go through. The ones on Kenilworth – those are in the right of way and I don't have a problem going on the right of way. But this one is not on a right of way. They are high, very high and do obstruct the view of the person pulling out of that driveway. Mr. Rosso stated the concern is hey we are going to hit a kid and then if somebody gets hurt and then we are going to say hey we had to follow procedure. Service Director Smith stated I don't have a problem taking it down. Mr. Rosso stated I don't either.

NEW BUSINESS: None.

MEETING ADJOURNED: With no further business before this committee, *Motion by Kovach/Second by Rosso to adjourn at 7:57 PM. Yeas All.

CLERK OF COMMITTEE AFFIRMATION: This Meeting Of The City Committee Of The City of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing The Sunshine Laws OF The State Of Ohio As They May Apply. All meetings are recorded and available in council's office.

CLERK OF COMMITTEE

Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Committee Of Sheffield Lake, DO HEREBY CERTIFY that this is

A true and exact copy of the Minutes of COMMITTEE Of September 6, 2011.

CHAIRMAN OF COMMITTEE

Dennis Bring

PRESIDENT OF COUNCIL

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso