

## **STORMWATER COMMITTEE MEETING MINUTES**

of Monday, March 29, 2021

**Present:** Members: Matt Hasel, Greg Drew, Kris Horton, Ken Hummel (Arrival at the beginning of New Business), R.J. Hickey, Steve Herron (Council Representative)

**Guests:** S. Holovacs, M. Stark, B. Brady, C. Howard, T. Valerius, A. Hendricks, Mayor Forthofer

### **CALL TO ORDER:**

Matt Hasel, Chairman called the Monday, March 29, 2021 Stormwater Advisory Committee to order at 6:00 p.m. in the Vermilion Municipal Complex, 687 Decatur Street, Vermilion, Ohio.

### **APPROVAL OF MINUTES:**

**G. DREW MOVED:** K. Horton seconded to approve the meeting minutes of March 8, 2021. Vote 4 YEAS. **MOTION CARRIED.**

### **OLD/NEW BUSINESS:**

#### **Review of Stormwater Potential Project List:**

M. Hasel said the intent of the meeting is for the board members to review the stormwater project list that was provided by the city engineer and to make recommendations to City Council on potential projects.

C. Howard provided an overview of the project list as follows:

1. Liberty Avenue/461 Morton Road – existing condition that has been flooding this property for years. This property is behind Wendy's and the storm sewer is inadequate. Large events cause ponding in the back yard.
2. Brownhelm Station Road Culvert – headwalls are failing, so new headwalls and guardrails need replaced on this structure.
3. Jackson Street – no storm sewers on this street.
4. Sunnyside Road Ditch Enclosures – South of Cooper Foster Road – areas where roadway is failing, so pipe should be installed to save roadway.
5. North Ridge Road Storm Sewer Improvements – 2550 North Ridge to the east – add storm sewer and structures along north side of road to Brownhelm Creek.
6. VOL Outfall at Rowland – per 1999 study; adding new outfall at Rowland.
7. VOL Outfall at Cummings and side streets – per 2004 study

8. VOL Outfall at Overlook/Guilford – per 1999 study (No estimated dollar amounts provided on VOL – need easements from property owners.
9. 4341 Linda Drive – replace small stretch of storm sewer from a pond that is behind this property.
10. 1019 Riverside Drive – Requires easements for storm sewer improvements. Water drains from Vermilion Road onto these properties; need outlet to the river.
11. Erosion at 1184 Wildwood Drive – 40 ft. drop from the property to the receiving ditch.
12. Catch Basin Repair/Replacement – Average of 10 done per year.
13. Various Ditch Cleaning
14. Miscellaneous Equipment – Mini excavator
15. 1000-1020 Riverside Drive – additional storm sewer improvements.
16. Sunnyside Road, south end near cemetery – storm sewer improvements needed.
17. Hazelwood – rear yard drainage improvements need to be addressed.
18. Mapleview Ditch – County project assessed to property owners - \$10,000 total assessment to be considered being paid with stormwater funds. Property owners are being assessed annually by County – this portion would be solely for the construction costs in ward three. M. Hasel asked how many parcels this includes. C. Howard said it was based on the receiving acreage. They cut the ditch and cut trees down to widen the ditch, but there is property in the township which would not be considered. The city's portion is around \$1,600. Mayor Forthofer said the city is the second largest property owner and the first largest is Cassell Realty, and the rest are the residents along Rolling Meadows Drive that runs parallel to the Mapleview Ditch. This assessment would only include the city's portion.
19. Mapleview Rehabilitation Project

M. Hasel reminded everyone that at the March 8, 2021 Stormwater Advisory Committee meeting the board recommended the two Riverside Drive projects to City Council (Item 10 & 15).

Andrew Hunt of 2340 Sunnyside Road south of the Cooper Foster area said he was surprised they mentioned they were looking at doing some ditch work on Sunnyside. He presented several pictures of the ditch to the committee and explained how the water in the ditches are grimy and there are a lot of trees and debris forming in it. There is always water running on this side of the ditch which is eroding the road. This creates a dangerous situation for the people who are driving on the road because if they are not paying attention and even if they drive over the white line, they could end up off the road. He said a fire truck went off the road about nine years ago, which caused \$40,000 in damage to the fire engine. It would be advisable to take a good look at this area to clean it up to make the road safer. He was glad to hear there would possibly be something done in this area. He pointed

out that trees are dying and falling due to the water being retained in the area. Also, the cemetery is piling dirt closer and higher to the road which is forcing the water onto the road rather than the normal swale. M. Hasel said he has observed the lack of edge line on Sunnyside Road as well.

M. Hasel asked if the intent of the mini excavator is for ditch cleaning. T. Valerius said yes as currently they clean ditches with the backhoe, but the backhoe pretty much closes the road, which is an inefficient way to clean the ditches. The mini excavator will take up one lane and they can drive down the lane of traffic continually and scooping along the way. R. J. Hickey said it is a general piece of construction equipment, so he wondered if the mini excavator could be used for water line breaks, so he was not certain why it was earmarked as a stormwater item rather than a general budget item that would be used for city services. T. Valerius said the entire amount would not have to come just from stormwater to pay for the excavator – only a portion of it would come from the stormwater fund. R. J. Hickey said it is a general piece of equipment, so they should not bare all the costs. A. Hendricks said the general pieces of equipment come prorated to water, wastewater, stormwater, and streets. There is not a general budget for this type of item. R. J. Hickey asked if this mini excavator would be new. T. Valerius said yes, they priced a John Deere 50, and a CAT would be the same size.

Barb Brady, Ward Four Council said in the past when they cleaned ditches, they have left a mess. When they did Essex, they used the backhoe and they dug ditches the residents cannot maintain. They dug deep ditches on Elberta, and the neighbors cannot maintain them. She suggested doing a nice, rounded ditch where people can mow and maintain them. She said there is a ditch mater which is a dedicated machine that digs a nice, rounded ditch. This makes more sense because when they use a backhoe it makes a mess. T. Valerius said the mini excavator would skim the ditches down to the invert of the existing driveway pipes, so they would not be digging a deep ditch they see on Elberta. This was part of the project that was designed to be that way. M. Hasel asked if they have a ditch bucket for the mini excavators and T. Valerius responded yes. R. J. Hickey asked if they have a laser features as far as controlling grade and depth, so they are not eyeballing it. T. Valerius responded yes.

S. Holovacs, Ward Three Council asked the administration and the committee if they would include the storm water improvements of the Mapleview Rehabilitation Project by using stormwater funds. He noted the Mapleview Ditch project was not a city project, but a county project and he can see helping a city street that the city is funding and doing, but this project was a township issue that started with the county, so he did not think the city stormwater funds should go towards it since it is not a city project. It is unfortunate they have residents that abut up against the township. He thought it would be great if projects such as Vermilion Road and the Mapleview Rehabilitation project could receive stormwater funding.

M. Hasel asked if there were any streets projects planned that have stormwater related improvements. C. Howard said the Mapleview Rehabilitation project does have some storm sewers being installed in that project due to the poor drainage on the street. M. Hasel asked if Mapleview is a city-funded project. C. Howard said the project is through OPWC, so there is a percentage that is paid by the city. M. Hasel said he is a believer of utilizing some funds if it helps with larger projects as well. C. Howard said it is already in the project and the plans are being finalized. Once the bids come in, they could take some of the storm sewer costs and advise what the improvements were.

**M. Hasel MOVED,** K. Horton seconded to recommend to Council to allocate stormwater funds to the storm sewer improvements of the Mapleview Rehabilitation Project. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

R. J. Hickey addressed discussions presented last year regarding drafting legislation that pertained to the maintenance requirement for all future retention and equalization basins. He had not heard any more on this issue and asked if anything had been developed in the way of ordinances on whether they will provide relief from the stormwater portion of the resident's bills or not. He thought they had talked about some sort of a requirement where the city could inspect the basins to make sure they are still operating the way they are supposed to. C. Howard said with any new construction they are requiring a maintenance agreement from the property owners, so they must maintain it as their responsibility. The Erie County Soil and Water is doing the yearly inspection. The property owners get a reduction in their monthly fee if they show they provided the required stormwater management.

M. Hasel said the committee's next goal is to review some of the stormwater ordinances in the future. At this time, they are only reviewing the potential projects they will recommend to City Council prior to the rates increasing.

Amy Hendricks addressed debt service requirements in that the annual debt service be maintained within a certain percentage of the prior year's revenue. She said they have been bumping up against that limit for the last few years. However, there was a piece of the debt that retired last year – the last payment was made in December of 2020, which is freeing up as much as \$83,000 a year in additional debt service payments. She had Sudsina & Associates update their estimate because interest rates have increased a little. They could get a 20-year placement toward sewer improvements that would generate \$1.2 million, which would need to be 85% spent within three years for stormwater projects that would keep them within the parameters for debt service but would give them the capacity to complete some larger projects. M. Hasel indicated there is an additional \$500,000 in the

stormwater fund currently that was rolled over. M. Hasel said they need to strongly recommend projects to City Council.

C. Howard noted that at the last meeting it was asked what the stormwater funds could be used for and according to Chapter 1080.08 Deposit and Proceeds of Collections reads: (a) All proceeds from storm drainage utility charges and other collections made pursuant to the provisions of this chapter shall be deposited in the account of the Division of Stormwater Management Utility and are deemed to be payment for use of the storm drainage system. Proceeds from this account can be used for stormwater studies, catch basin repairs, ditch cleaning, pipe repair, repair of existing storm sewers, drainage areas and easement acquisitions. It is hereby designated that the intent of the utility is to provide for long-term maintenance and improvement of the stormwater sewer systems of the community. He said he cannot find where it says that stormwater funds can be used for sanitary projects. R. J. Hickey asked if this would include curbing to control stormwater to get it to the catch basins. C. Howard said if they add curb then you need to collect it at a point. R. J. Hickey gave examples on West River Road. C. Howard said a lot of these projects are funded through MPO and it is an 80/20 split, so they would need to look to see if this could be added to it. He said they need to look at the receiving end and the low end as it is dumping down on the Vermilion river and they could be impacting properties because you have a direct point of release, and some of these areas are 80' drops. S. Holovacs said they need to check on this ordinance because he thought it was to maintain the existing, not to improve a system, so are they allowed to change a whole stormwater system collection by putting in curbs that are not there.

Amy Hendricks said it takes legislation to be adopted over three readings by City Council and it takes a couple months after the final legislation before those funds close, so if the committee wants to proceed with projects in mind, it may behoove them to make a recommendation to Council to proceed with the borrowing at their next meeting, so they can start the reading process and get the monies available.

G. Drew said his concern was dealing with the Riverside Drive storm sewer improvements as his family used to own property on Riverside, so he is familiar with the area and it gets bad. However, these recommendations were made to Council on March 8.

M. Hasel said he reviewed the projects and out of fairness it makes sense to look at each ward and make recommendations. He suggested recommending on the list, as identified above - numbers 1, 2, 3, 4 and 9. He addressed the VOL Outfalls as they will require easements and without knowing the detail on these, they could recommend to the City to start exploring the feasibility of getting those outfalls and easements in place so they can think about tying into those with future projects. B. Brady said there will be a problem getting easements. She said they have an outfall

at Fairfax that is two 15" pipes and they have an outfall at Showse Park that doesn't take in as much water as it could, so they could look at options there. They have another outfall at Lansing which is probably used to the max, and then they have a small outfall near Cummings and there is already an easement there. Her thought is they will have trouble getting easements in the locations they are talking about. She said they do not have as many problems with flooding and getting water into the lake. They need to get the water to the existing outfalls by improving them. M. Hasel understands that VOL improvements show up on the list and the costs are to be determined. He would like the city to explore what would be their best opinion on what to do in VOL and whether it is an existing easement or an outfall upgrade and then the committee can look at this because he does not want to ignore these projects. He did not think anyone really knows where to start in VOL; obviously, you start at the outfall, but whether that is a new outfall or an upgrade of an existing outfall it is hard for him to grasp what the committee could recommend right now in that area. B. Brady said maybe they need to start improving the outfalls they have and making sure they are getting the water to those outfalls. She said Edgewater takes the beating.

G. Drew asked if these issues have been the same for the past 22 years since 1999. C. Howard said some of these studies are from 1999 and 2004. G. Drew said to him it takes some of the urgency away and maybe this is the wrong approach, but what have they been doing for 22 years and why today over some of these other projects is this now an issue. M. Hasel said he pulled up his project list from 2015 and VOL was on there with estimated million-dollar price tags. G. Drew said this is probably why then – the cost. B. Brady said there was a project and the problem of why the project failed was the cost to the residents. She said to put pipe on all the sides streets – people cannot afford to do this. It is the homeowner's responsibility when you make improvements. She said if the city can look at improving the ditches on the side streets and getting the ditches to run and the driveway culverts open, and then do Edgewater, and make sure the existing outfalls are flowing. G. Drew said he would agree with the purchase of the mini excavator and maybe they can use it to start with the ditches. He did not know if the finance director could estimate 80% of the cost coming from the stormwater fund. If they can afford it and it can be used throughout the city, then it is a win-win for everybody. A. Hendricks said there is no money in the general fund allocated for something like this, but they do have money available in the various utility funds and whatever percentage the Service Director thought would be best, then this is doable. R. J. Hickey asked if the guys running the excavator will be the same guys that fix the water lines and run the Durapatcher. T. Valerius said yes, and they have four guys and a mechanic. R.J. Hickey thought this was a lot to ask because they look busy, so he wondered if it was a project they should sub out given the manpower resources of the city. T. Valerius felt the crew could handle this and agreed with B. Brady that VOL was a good place to start as the ditches need attention, but they need it throughout the city. There are times when the guys could do a street as needed. He said with the

mini excavator the efficiency is so much better. K. Horton said he worked for the street department during the summer part time during college and wondered if they could put a summer help team together to do this work around the city. T. Valerius said they do hire summer help but not to run excavators. They are used for mowing and weed trimming.

M. Hasel said he would love for the city to do ditch maintenance, but he reads the code that it is on the homeowner and this is one thing he would like to discuss in a future meeting because he did not think it should be on the homeowner, and if you have a basketball or a pop can in a ditch that is one thing, but if you have three years of leaves and you are 80 years old, then you should not be responsible to clean your own ditch. He thinks it is in the city's best interest to do some of the maintenance themselves, and if the mini excavator helps with that, then they should look at clarifying the intent of the ordinance, and then he would be all for the mini excavator. T. Valerius clarified the homeowner's responsibility by explaining they are responsible for cleaning the ditch as far as keeping it free of obstructions – litter, leaves, grass clippings, and weeds. The ditch naturally will build up over time and the pipe opening will become less and less just because of the natural dirt in the ditch that keeps gathering. This is not the responsibility of the homeowner – this is when the city would come out and pan the ditches. The homeowner is responsible for the driveway pipe or tile if it is damaged. The city will jet the driveway pipe if there is an obstruction. M. Hasel said they need to discuss this as a committee as the leaves fall over time and the sentiment builds up and this is something some residents cannot do. He wondered if it was in the city's best interest to provide a maintenance of the stormwater system that helps drain the road. S. Holovacs thought Matt hit the nail on the head because you can have a system and one person can screw it up. Someone can put a line in not authorized by the city and cover the pipe up. The system is very complicated even though they are simple. High on the far end and low on the other end to get it to run, but one little obstacle of leaves causes problems. He said they have \$500,000 in the stormwater fund and it does not hurt to hire subcontractors to help too. He said maybe the committee should look at spending some money over a two- or three-year period to deal with this. M. Hasel said on the open ditches and the maintenance if you have a system – a ditch can go in place that can carry more water and if you have a failing pipe the city reserves the right to go back and put it in its original condition, which would have been a ditch, so if residents have a storm sewer and it gets clogs, then he believes the city will jet the storm sewer system and the maintenance is happening on the storm sewer side, so he thinks the open carriers of water in the city, a stormwater system whether it is a enclosed system or an open system – he thinks the committee should review the codes and recommend more on the maintenance side to help drain the water a little bit better.

M. Stark, Council at Large noted that a lot of communities have leaf pickup programs in the fall and she would think these programs would help some of the

water systems and ditches to not become so clogged. She thought maybe the city should look at a program like this as an option. She said there are a lot of people who put their leaves in the road that go down the sewer and into the ditches. M. Hasel said this is a good point because he too has observed people blowing leaves across the street which floods the ditch.

R.J. Hickey asked if the city automatically replaces/repairs catch basins annually. T. Valerius said he is averaging around 10 replacements yearly.

G. Drew recommended they tackle number 16 on the project list to deal with Sunnyside Road, south end near cemetery in its entirety. M. Hasel said this makes sense.

**M. Hasel MOVED**, K. Horton seconded to recommend to City Council stormwater projects as listed in the list identified as numbers 1, 2, 3, 4, 9, and 16, and to recommend the city engineer reviewing something long term for VOL with his recommendation to utilize the existing infrastructure and/or new easements. Additionally, to recommend to City Council to proceed with borrowing legislation for a 20-year placement toward sewer improvements that would generate \$1.2 million, which is to be used within three years. Discussion: A. Hendricks said they will have the legislation list some of the specifics, but they will have a catch-all phrase that will allow future projects if the money is not used up with the projects as selected. Roll Call Vote 5 YEAS. **MOTION CARRIED**.

M. Hasel scheduled the next meeting for May 3, 2021 – 6:00 p.m. at the Vermilion Municipal Complex, 687 Decatur Street for the purpose of discussing stormwater ordinances and the mini excavator, and the \$500,000 in the stormwater fund currently.

G. Fisher noted she scheduled a Special Finance Committee meeting on April 5, 2021 after the Vermilion City Council meeting to discuss the recommendations from the Stormwater Committee. It was most likely the city will receive the borrowing legislation to put on the April 5 agenda for a first reading.

### **Adjournment:**

**K. Hummel MOVED**; G. Drew seconded to adjourn the meeting after no further discussion came before the committee. Vote 5 YEAS. **MOTION CARRIED**.

Gwen Fisher, CMC, Certified Municipal Clerk