

## **STORMWATER COMMITTEE MEETING MINUTES**

of Monday, May 3, 2021

**Present:** Members: Matt Hasel, Greg Drew, Kris Horton, R.J. Hickey. Absent: Ken Hummel

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

### **CALL TO ORDER:**

Matt Hasel, Chairman called the Monday, May 3, 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 29, 2021. Vote 4 YEAS. **MOTION CARRIED.**

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

#### **Mini Excavator Update:**

T. Valerius reported that City Council approved the purchase of a Yanmar 50 Mini Excavator. Since it will take five to six months to receive the equipment, they put the order in. G. Drew said that Councilwoman Brady had previously mentioned there was a specific tool that she would like to dig the ditches in her ward that would not leave such a mess, so is this included or is it something the administration is looking to get to satisfy those needs. T. Valerius said they went with the mini excavator instead. G. Drew thought there was an attachment for this excavator. T. Valerius said the attachment they got is a tilted ditch bucket and another bucket.

#### **Review of Stormwater Ordinances (Chapter 1080):**

M. Hasel reviewed Chapter 1080 'Stormwater Management' of the Vermilion Codified Ordinances and noted he had some engineering-related questions that he will review with the city engineer at another time and if there is anything that needs to be addressed from that discussion, the city engineer will present those concerns with Council.

M. Hasel asked how far they wanted to go with the review of this Chapter. G. Fisher said if the stormwater committee has any recommended changes, then they can present those to City Council for their review.

M. Hasel mentioned a couple years ago the city incorporated a staggered commercial rate adjustment and wanted to confirm the \$30 step increase did happen for the commercial properties as specified in Section 1080.02 – Storm Drainage Utility Rates. T. Valerius said it did happen. M. Hasel mentioned the most a commercial property is paying is \$60 per month.

M. Hasel said Section 1080.08 Deposit and Proceeds of Collections is confusing to him as it says the 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. He thought this was more the intent of the stormwater fund, but in the same paragraph it addresses that a maximum of up to fifty percent (50%) of the income collected based on the previous year will be directed to debt reduction for capital projects for stormwater drainage improvements. This will include renovation and installation of stormwater sewer systems. He thought maybe they should reword this to avoid where it is saying that it is supposed to be for maintenance, and then on the next page it says you can only use the debt reduction for stormwater sewer capital improvement projects. It seems you should be able to use whatever funds for larger projects as well. He was not sure this was their intent or not. He said if you have \$5,000 in the account, then you should be able to use it for not only maintenance but for newer projects, and he reads it otherwise. He suggested it to read: *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, and other stormwater-related projects as recommended by the Storm Water Advisory Committee, and approved by City Council.* G. Fisher said City Council would need to amend this section of Chapter 1080 per the recommendation of the Stormwater Committee.

B. Brady said part of this code was written prior to the influence of the stormwater committee and there was a whole lot less of money available at that time. M. Hasel said for the project that comes up as an emergency that may be considered maintenance. He does not want to be pigeon-holed if they have \$500,000 in the account and a project comes up that does not meet the classification of a maintenance job, then technically they are not allowed to use the funds.

S. Holovacs said they have the Maplevue project coming up which is a total tear out and replacement. There is a system in place, but they are going to tear it out, so he would hope that if they have money and the administration sees it, then if they can help take some of this money through stormwater, then this would be the ideal situation. If the administration works with the stormwater committee and city

council then maybe they can use the money to help that project. M. Hasel said it might make sense for council to look at this section to make sure they do not only have to use the debt reduction for capital projects for new stormwater projects – that they can use money that is in the bank and make sure it is worded appropriately.

B. Brady thought Section 1080.10 Improvement Procedures is important to make sure they are consistent on the way they handle this. It explains the personal responsibility and the city's responsibility and the danger is that sometimes the city pays for things that should be the resident's responsibility and vice-versa. She said if they do not like this section, then they should change it. M. Hasel thought there was a lot of overlap between all these sections. He said according to 1080.10 (b) it says the property owners are responsible for alteration done to an existing stormwater system where the alterations do not meet City or State Code, or have caused a restriction, damage to, or otherwise impede the flow and proper function of the stormwater system. He asked if this is being enforced because they do see areas of collapsed drive pipes and it is in the code and if someone has collapsed drive pipe it could be causing harm to somebody else down the road. He wondered if there was a better way of enforcing it, or a better way of bringing everything else up to compliance and then enforcing it. He was not sure of the answer, but on (e) it says the City will be responsible for parts of the stormwater drainage system that are deemed "community use" such as outfalls, and road culverts, or any item within the stormwater system that the City deems necessary for the proper function of the overall stormwater drainage system. He said they could make the argument that a drive pipe is part of that system – the ditch maintenance is certainly there to drain the roads. He thinks these sections are intertwined and there are some inconsistencies. He said they should discuss where they want to go and then list what needs to be tweaked.

B. Brady said her concern is consistency across the city on whatever the committee decides.

R.J. Hickey had concerns with the stuff that sits in the right of way. His problem is with it being the homeowner outside of mowing and keeping debris out of it because homeowners are not professionals in construction. The homeowners probably have no experience with these projects and to him it is like sidewalk replacement. You have spot repairs, and you have homeowners maintaining sidewalks on city property and at the end of the day when you have a couple of bad sections it would stand to reason that most of the sidewalks for the entire block is probably on its way out. To him it does not make any sense for these to be homeowner projects based on the lack of knowledge and no economies afforded the homeowner, where the city could manage doing a whole block and making it a complete uniform project that was done correctly; for example – reinforcing and wiring concrete, concrete break in the joints, and the freezing and thawing, etc.

Most of these problems would not occur – there would certainly be a lot less of them. He looks at the stormwater issues in the right of way as a comparison to the sidewalk issues. In a lot of cases, it is not practical and you have homeowners you're asking to make decisions on their own and they are not familiar with what is best, and even if they read it they would not know, so he thinks it is more important for the city to do it because they could do it for less – they can get more bang for the dollar than what the individual homeowner can. He thinks it is important that the city in right of way situations steps up and takes the bulk of the financial burden and responsibility for the project. These projects are block by block problems – neighborhood problems, they are part of a system. M. Hasel agreed his sidewalk comparison is good and the difference he sees in a sidewalk is if somebody trips in front of your sidewalk then it is isolated to that one property owner. If the property owner does not take care of it, then it is an entire system that is impacted, and not just the one property. He does not know how long this procedure has been in play and maybe it predates when they started collecting the fee. Maybe all the maintenance was on the homeowner before the fees were enacted, and now that the fees have been enacted, then the responsibility should shift.

R.J. Hickey said one example is the boat club when they did their parking lot improvements and put in all their catch basins, and got the city to replace a reinforced concrete storm tile in the right of way because it was a corrugated galvanized steel pipe that was in bad condition, and since the boat club was paving in the city right of way they didn't want to spend all the money on the paving and then have an issue with this pipe and have to tear up the brand-new parking lot, so the city came in and replaced the pipe for them while the boat club was taking on this project. In the meantime, they also control stormwater coming down the hill – the Vermilion Boat Club paid for ODOT #6 curbs about 550 feet from the easterly property line to the westerly property line, and then the city a few years later said this was nice – let us put ODOT #6 curbs all the way up and down Liberty Avenue – and they basically tore those out and did them again. To him, these need to be city projects that are city planned because it had redundancy in spending the money.

S. Holovacs said maybe it is not a city project, but it is monitored by the city building department and engineering department. Hypothetically, they are saying there is a driveway tile that is collapsed – well if the homeowner does it on its own, he could do as much damage by putting in a new pipe as leaving the old collapsed one there – because he changed the elevation or the slope of the fall for the water to go. He said years ago in the township the homeowners were not allowed to put in their driveway pipe because they wanted to set the grade so the ditches would drain, so the city needs to make sure the homeowners are using a contractor that goes through the city to make sure their grades or elevations are proper. He said they have too many weekend warriors that set a pipe that is too high and now the water does not flow past their property. R.J. Hickey said this is the homeowner not understanding the system and you are going to be hard-pressed to educate them,

and they have somebody they know taking care of it, but in the meantime, they mess it up. These are one-block projects, and they are looking to save a dime or avoid a permit, or avoid a street opening deposit, so he thinks the city could do a much better job than the typical homeowner.

T. Valerius said anytime a driveway tile needs replaced; it requires a permit. The homeowner is responsible to get a permit which triggers a drawing, the size pipe they are using, and if any inlets are needed, and then the city engineer reviews it as well, so there is a checks and balances if they do it properly and get a permit. R. J. Hickey said he is pointing to the fact that it is not getting done. It is like the guy who shows up on the weekend to do a roof. T. Valerius said often they see this, and they approach the homeowner.

B. Brady said to counter what T. Valerius said, part of the problem is the cost to the homeowner. The city wants them to replace their driveway tile and she agrees part of that cost should be the homeowner's responsibility, but they are talking about a lot of money. She said there was a time when the city had a program when the homeowner would buy the pipe the city would put it in. Maybe they should do this so the city would have the responsibility of putting the pipe down properly and give the homeowner some responsibility as part of this process. She thought this went back 10 to 15 years ago. T. Valerius said there used to be a shared system, but back then they had 9 to 11 guys in the street department and now they have four, so they do not have the extra employees for this workload.

M. Hasel said with the mini excavator maybe if a program was introduced to just focus on drive pipes like some communities do for sidewalks. He said if the property owner buys the pipe, then the city could put it in to grade. He asked if this would be like the other program that used to be in place and would the city have the manpower to do something like this. T. Valerius did not think the city would have the manpower to do something like this. M. Hasel asked if the city would look at contracting this out and T. Valerius said yes.

S. Holovacs said the pipe should come from the city, so it is of proper size and set to grade. He thought this is something they could look at if they get to this point. R.J. Hickey said it is like the water meter replacement – the city provided it and took care of everything in the right of way, and everything from the meter to the house on their property is what the homeowner picks up. T. Valerius said the minimum requirements on the stormwater pipes is 12". However, in ward five where there are big ditches – some of those driveway tiles needs to be 24" or 15".

B. Brady said the other possibility is coming up with a linear foot price so if they do have to go to outside contractors, then the city could negotiate a price with a company and if the homeowner needs a driveway pipe, then he will pay per foot. The job would be done right, and they would eliminate permit fees and other

expenses that are burdening the homeowner now. The city could make a call to the Service Director saying they need their driveway pipe replaced – and then the city can tell them it is going to be \$4.00 a foot that can be paid to the city and then the job is done. The city gets it done right and the homeowner has a set fee – maybe the city picks up a piece of that cost, but again it is a shared responsibility.

M. Hasel said the problem areas are the areas that have the open ditches – the drive pipes, the ditches that have been filled in. He asked if there was an estimate as far as what percentage of the overall city is ditch verses...? B. Brady said the majority of VOL. M. Hasel said a lot of ward five as well. B. Holmes said a lot of people in his ward have deep ditches and they just want to tile it and bury it. He advises them to contact the city, but the biggest complaint in ward five is clogged and full ditches. He tells them it is their responsibility to clean it, but he is told by many residents they cannot get to it and do not have the equipment to maintain them. He said some have low-lying ditches who want to tile their ditches but cannot afford it. On Sunnyside, he sees homemade devices in the ditch and the city administration may need to tell them to knock this off because it is not helping the situation. As a stormwater committee, he thinks it would be good for them to get the word out to the residents on their responsibility for cleaning their ditch and what would assist people in what to do with their ditch. M. Hasel said the area they need to decide and talk about is the long-term maintenance. If 50 years of leaves fall in that ditch, is this really a homeowner responsibility. He agreed they should get public information out after they fine-tune what is on the homeowner versus the city. As it is interpreted now, all the maintenance is on the homeowner which is a lot of to ask. He would like to see if the city can maintain the ditch for homeowners as it serves the purpose to drain the road. He is fearful of the result of relying on the homeowner maintaining the ditch right. He would like to see the ordinance rewritten and to use their maintenance funds to do things right – if it is a five- or ten-year cycle to make sure there is no high points and the leaves are cleaned out, and the driveway pipes are in adequate condition, and at least they are being looked at every five to 10 years.

T. Valerius said when they speak of the homeowner being responsible for the maintenance of their ditch, the city expects them to mow their ditch and they clean the leaves out. They do not expect for them to go in with a backhoe and dig it out. This would be the city's job to do that. R.J. Hickey said rural properties such as Sunnyside Road has humongous, long ditches, so it is a monumental project to keep leaves out of ditch that has a long stretch – acres – hundreds of feet! T. Valerius said during heavy rains the city must go out, especially in ward five to make sure the catch basins and everything is flowing. R.J. Hickey said it is hard for property owners to manage these ditches when it comes to leaves. M. Hasel agreed and when he was younger, he worked for the County Engineer and his job was to flag traffic for the ditch cleaning crew and they responded to property owner's calls who wanted their ditch cleaned, so they did it to ensure there was positive flow and

it was done right. He is not sure they still do this, but he thinks something like that would go a long way in the city. He gets the intent is to clean leaves out and he does it three or four times a year and his back kills after doing it, so he cannot imagine somebody 20 years older than him doing the same thing. Now, that everybody is paying into the stormwater fund, they should look at this component on the maintenance of the ditches to see if it makes sense to rework it.

Mayor Forthofer understands what he is saying and noted it is not just the rural areas, there are ditches in Elberta that are way too deep for anybody 70 or 80 years old to clean out the deep ditches. He said there are only four guys though in the street department, so it depends on what they want to put behind this to be able to do it. It is a matter of funding and a crew for the summer. M. Hasel said a subcontractor could do this and they could earmark \$50,000 for maintenance and put \$25,000 in a ditch contract until it is dried up, then they could proceed with more work the following year. He said they can see how long a cycle takes to get the entire city done, then restart it. He did not think the ditches would need cleaned every year, but it would be a big difference if it were a 10-year cycle that addresses this. He realizes the service department cannot do this, but maybe they need to go the route of getting a subcontractor to do the work.

S. Holovacs said a good point is Sunnyside Road and he feels it causes other problems with the street. The edge of the street is getting dangerous because the water is high that is breaking down the base causing the edges to fall in. The ditch cleaning would help resolve these problems because now they are putting money into street repair.

K. Horton said it goes back to the education of the homeowners. They have an issue – who are they going to go to? They are just going to get a quick fix and they want consistency around the entire city of standards of what needs to be followed. He thinks everybody that is paying the fee should be shown where their money is going. Let us do something to help them. He said they need rules and regulations for the homeowners to keep the ditches clean. He said he had an issue on South Street where his basement flooded because of all the storm water that was coming in during a rain event. He thought if the city would do this work, then it would benefit in the long run. Even if they must use money for an outside contractor – so be it!

G. Drew asked if they pick up leaves in the city. K. Horton said no. G. Drew thought Councilwoman Stark had brought this up and wondered if this would be a benefit to get the machine to do this to pick leaves up every fall. T. Valerius said maybe they could contract this out. G. Drew asked if this would be a benefit. He drove through VOL after their last meeting and those ditches were full of wet leaves, so it must be part of the problem. T. Valerius said they would probably have to contract this out and then they would have to dump it somewhere on their own facility because the

city has no place to dump the leaves. G. Drew asked if this was a biohazard issue. T. Valerius said it would have to be put into a bay, then drained and dried, and have someplace for all the water to leach into. G. Fisher asked if the administration has ever checked with other cities of what they do. R.J. Hickey said the City of Elyria picks up leaves. B. Brady said the City of Westlake makes their own mulch and sells it. T. Valerius said the City of Sandusky does too but they have a huge compost. Mayor Forthofer said Westlake and Bay Village have a huge facility. R.J. Hickey said that Barnes accepts it. K. Horton asked if this were something volunteers could do to help with the labor instead of hiring out an expensive contractor or lawncare company.

G. Drew thought M. Hasel's idea was the best and quickest to get things going. He thought they should set a certain amount of money aside and have a contractor come and hit sections of the city and to get on a plan, and maybe pick the worst ones. He thought a five-year cycle is a good idea. M. Hasel said it would give them a starting point with \$25,000. How would they tackle starting something like this? R.J. Hickey said the City of Elyria basically has a big vacuum cleaner, and Vermilion already takes this out of catch basins and a water line repair, so the city has some equipment they could get more use out of if the city were picking up leaves. T. Valerius said they use this machinery probably three days a weeks, but this would mean somebody is always in the jet truck picking up leaves instead of filling potholes or running the Durapatcher, or on the mini excavator. He said the distribution department, street department and wastewater department all use this equipment. G. Drew said this might be a lot of wear and tear on this machine if you start picking up leaves. Mayor Forthofer said they have about 80 miles a road in the city and one piece of equipment may not be beneficial. K. Horton thought other cities were sucking and chipping.

M. Hasel said they can discuss this more at the next meeting. G. Drew said they should get three bids on an outside contractor to see where it goes. He asked if the city could get quotes before their next meeting, so they can discuss a reasonable dollar amount to put in yearly. M. Hasel said they would have to come up with some basic specs. C. Howard said they would have to pick some streets because they need direction before they put it out to bid. G. Drew asked if they could give a generic scope of work. C. Howard said the city will investigate this. G. Drew thought it would help the committee because they do not understand the costs involved, so it is hard to prioritize the issues when they do not know the costs, so pricing would help them have some real conversation. M. Hasel asked if it would make sense to clean the ditches on Sunnyside before the road is paved. C. Howard said there is no ditch enclosure with the Sunnyside Road Phase 1 project. They will do ditch maintenance, but they will not enclose ditches. M. Hasel thought doing a section on Sunnyside would help in getting a bid price in advance of this project. G. Drew thought VOL would be the test for this because the area is bad. A little bit of maintenance would make a huge improvement in this area.



S. Holovacs said they looked at a part of Hollyview a couple years ago by fixing water lines, sewer lines, and everything underneath it. In this case, fix the storm sewer around it to preserve the street because if they keep the base dry then the street will last. He said Vermilion Road is coming up and at that point can they look at stormwater funding to do the ditches too. Do everything at one time to stretch the life of the street. C. Howard said with federally funded projects and ditch work the contractors are ODOT pre-qualified, so it would probably cost them three times it would a local contractor or smaller firm to do it. M. Hasel said if it is strictly a resurfacing job, could they get a contractor rate. How much could they get done each year for \$25,000 per year. G. Drew said they do not know how much it is going to cost. Maybe they could do half the city for \$50,000 – they do not know what a contractor is going to cost without obtaining some pricing.

The next meeting has been scheduled for Monday, June 21, 2021 at 6:00 p.m. at the Vermilion Municipal Complex, 687 Decatur Street, Vermilion, Ohio.

**Adjournment:**

**G. Drew MOVED;** K. Horton seconded to adjourn the meeting after no further discussion came before the committee. Vote 4 YEAS. **MOTION CARRIED.**

Gwen Fisher, CMC, Certified Municipal Clerk