

# **The Utilities, Safety & Environment Committee**

held a meeting on **Wednesday, July 10<sup>th</sup>, 2024** at 6:00 P.M.

## **Committee Members Present:**

Utilities: Chair Mitchell, Oswald, Armstrong, Davis, Stewart

Others: Siwierka and Schneider

**Administration and Department Heads Present:** Safety Service Dir Pyanowski, Law Dir Breunig, Engineer Schneider, Police Officer Vargas

## **1. Approval of June 5<sup>th</sup>, 2024 Utilities Committee Meeting Minutes.**

Motion made by Mr. Oswald and second by Mr. Armstrong to approve.

**MOTION CARRIES**

## **2. The matter of a contract for the Lowell Street Sanitary Sewer Extension Improvement Project.**

Referred By: Engineer Schneider *[will also go to Finance on 7/15/2024]*

Engineer Schneider said they would like to go out for bid for the Lowell Street Improvement project. This will extend the sewers on Lowell Street from Schilling Drive, which is a paper street, between Kokosing Construction and the GM Plant, to Church of the Open Door. They will install a gravity sewer to accommodate the flows in that area. There are areas over there that have expressed interest in development and the church is also expanding and looking to off their current system which is a package plant, they treat their own sewage before they discharge it. The intent is, once it's complete and they figure out all the costs, they would go back to establish fees, connections fee for those who would connect to it. And for other residents to tie into it in the future and the city would recoup our costs.

The estimate cost for this is 1.7 million, which includes a 10% contingency. They are still finishing the design and won't know the final cost until it gets bid out.

Mr. Oswald asked if this will extend to the new residential Yost Development?

Engineer Schneider said the Yost Development is already tied into a sanitary sewer that goes to the lift station behind West Ridge Green. This project will give gravity sewer up to Church of the Open Door and will be beneficial to future development in that area. This would get it to Nelson Stud, there is a pump station required over there anyway.

Mr. Stewart stated that he would recuse himself due to an apparent conflict of interest.

Mr. Schneider asked if those properties from Murray Ridge to Open Door are in the Township or the City and would the residents would be able to tie into this?

Engineer Schneider said it's both. Currently residents who are in the City would be able to tie into it. Residents who are outside the City, could annex into the City if they choose to. They are part of Elyria Township and there is a JED Agreement for various areas which would require no contest for annexation to come into the City.

Law Dir Breunig said they may or may not be required to be annexed depending on where the property is located and what the effect of the JED agreements we have with Elyria Township would have, we may have to look at it on a case-by-case basis.

Mrs. Siwierka asked if this sanitary sewer extension has anything to do with the Shibley Company on Lowell St?

Engineer Schneider said that has nothing to do with that and Shibley is already tied into the sewers.

Mr. Oswald asked if we provide sanitary, does that resident automatically tie into it?

Engineer Schneider said there is certain criteria the health department requires in order to force people to tie in, the City can't force them. If they aren't allowed to tie in because the City won't let them, then they're not required to tie in. The health department can grant extensions to those who have newer septic tanks.

Dir Breunig said in order to allow them to tie into our sewer, they have to be in our sewer district and we have laws that permit them to do so, if we don't then it's not accessible and they can't be forced. Will need an emergency clause for this.

**Motion made by Mrs. Davis second by Mr. Armstrong to authorize an ordinance to authorize the Mayor to advertise for bids and enter into a contract for the said project. Emergency clause requested.**

**MOTION CARRIES COMMITTEE REPORT WRITTEN**

**3. The matter of levying the final assessment for the 2023 Sidewalk Program.**

Referred By: Engineer Schneider *[will also go to Finance on 7/15/2024]*

Engineer Schneider said last year they had a few residents that participated in the Sidewalk Program to have their sidewalk replaced or part of their sidewalk replaced. There are 5 that are being assessed and one resident paid in full. The list of the 5 residents were distributed. The list will be submitted to the Lorain County Auditor.

Chair Mitchell asked if there was a lot of interest in this program.

Engineer Schneider said there were more residents who inquired about the program, but only 6 that actually did it.

Mrs. Davis said residents in the census area are not required to pay for them.

Engineer Schneider said there is the CDBG Program which typically pays for them in those areas at no charge to the resident. Residents are required to maintain their own sidewalks, curbs, tree lawns, aprons. CD oversees the CDBG Program and the areas that it covers. The resident is still limited to requirements of the program and the Engineering Dept decides which ones need to be fixed or replaced.

Mrs. Siwierka asked if there a point person for resident who have questions about their sidewalks?

Engineer Schneider said his dept. will answer questions and look at the sidewalk as well as the Building Dept. to see if the sidewalk meets the criteria.

**Motion made by Mr. Oswald, second by Mr. Armstrong to authorize a resolution for final assessments for the 'said' program to be certified to the County Auditor.  
MOTION CARRIES COMMITTEE REPORT WRITTEN**

**4. The matter of additional easements to existing easements for the Windward Sewer and Gulf Road Pump Station Project.**

Referred By: Engineer Schneider *[will also go to Finance on 7/15/2024]*  
Engineer Schneider said there is a siphon that crosses from the pump station and across Abbe Road thru the ravine and over to Gulf Road to the WWPCP. It travels thru an easement but that easement needs to be made bigger because the intent is to begin a project in that area to helping with flooding issues. The siphon is in poor condition and needs to be replaced before it fails. As part of the design, the City needs to get 2 easements from 2 property owners to abut the current easement. One of the easements will cost the City \$775 and the other easement will cost \$2,200. These amounts have been presented to the property owners and one property owner has accepted and the other property owner has not accepted and is more hesitant due to other issues with trees. They are asking for Council's approval to accept these two new easements with assistance of the Law Director.

Law Dir Breunig wanted clarification that we have these easements already and are expanding the geographical area of those easements and we would be amending the existing easements to increase the square footage.  
Engineer Schneider said that is correct they need those current easements to be larger.

**Motion made by Mrs. Davis, second by Mr. Armstrong to authorize an ordinance authorizing the Mayor to enter into the 'said' easement agreements.  
MOTION CARRIES COMMITTEE REPORT WRITTEN**

**5. The matter of an agreement with ODOT for the replacement of signs on SR-57.**

Referred By: Engineer Schneider  
Engineer Schneider said this is a typical ODOT project and they ask for permission from the City to work on these projects and make improvements. This is for ODOT to replace various signage along SR-57 from Cleveland to the Turnpike. There is no cost to the City and they provide their own legislation as they always do. This project will take place next year and they just need the City's approval.

Dir Breunig said the legislation indicates that no funds are required unless we make changes and it also puts the maintenance obligations on the City. He asked Engineer Schneider if the cost of the maintenance is in the budget.

Engineer Schneider said all the signs along SR 57 are already the City's maintenance responsibility. ODOT is actually helping the City by installing these signs, but we do maintain them.

Mr. Oswald asked if a car hits and damages a sign, who takes care of it?  
Engineer Schneider said the City is responsible for all signage, guardrail, striping, grass cutting, all maintenance along State Routes.

Mr. Oswald said he thought the City wasn't allowed to fix or replace guardrails.  
Engineer Schneider said the City is allowed to fix and replace guardrails, but there is a liability associated with guardrails since they are a safety item. There are only a few contractors in the state that so guardrails. Traditionally we don't do them, but, we do occasionally.

Mr. Stewart asked if ODOT will be replacing all of the signs in that corridor? And he asked if a sign that is damaged due to wind, still the City's responsibility?  
Engineer Schneider said he thinks they are only replacing certain signs, more of the State Signs. And yes, wind or storm damage is the City's responsibility.  
He explained that overtime the reflective coating on the signs will wear and that's why those signs are being replaced.

**Motion made by Mr. Oswald, second by Mrs. Davis to authorize an ordinance for the Mayor to enter into the 'said' agreement with ODOT for sign replacement.  
MOTION CARRIES COMMITTEE REPORT WRITTEN**

**6. The matter of entering into a new contract with the City of Amherst for the sale of water.**

Referred By: Water Team Leader Jacob  
Water Team Leader Jacob said the Amherst contract will expire in 2025.  
They want to be proactive and get the new one in the works. He met with SSD Pyanowski and Amherst Mayor and they drew up a tentative agreement.  
That tentative agreement is currently in the Law Dir's Office being reviewed. It will be another 20-year contract with 5-year renewal periods after that, similar as to what is in place now.

Mr. Oswald asked if we will charge them more this time?  
Mr. Jacob said there are automatic yearly increases of 2% starting in 2028.

**Motion made by Mr. Oswald, second by Mr. Armstrong to authorize an ordinance for the Mayor to enter into the 'said' contract with Amherst for the sale of water.  
MOTION CARRIES COMMITTEE REPORT WRITTEN**

**7. The matter of applying for assistance from the Ohio EPA for determining material used in water service lines and for technical assistance with the service line plan.**

Referred By: Water Team Leader Jacob  
Water Team Leader Jacob said he received an email that the EPA will offer free assistance to cities to identify service line material and help with lead service line plans.

Based on other cities in the State we are way ahead of the curve, we started a number of years ago with the Service Line Replacement Program. This program is free help being offered by the EPA. It will be technical assistance to help with this program.

Law Dir Breunig asked if this is a grant or a loan or both?

Team Leader Jacob said it's a little of both. The EPA will send representatives physically come to Elyria to help us. We're not paying anyone, not a loan and not a grant, it's personnel technical assistance.

**Motion made by Mrs. Davis, second by Mr. Stewart to authorize an ordinance for the Mayor to accept the 'said' assistance from the Ohio EPA. Emergency clause.  
MOTION CARRIES COMMITTEE REPORT WRITTEN**

### **8. The matter of a City-wide parking restriction on the Hydrant side of City dedicated streets.**

Referred By: 3<sup>rd</sup> Ward Council Representative Siwierka

Mrs. Siwierka started by saying that she had received a number of calls about parking on both sides of the streets and she did research on Police action, year-to-date and previous years on ticketing cars that are parked on the hydrant side of the street that are interrupting the flow of traffic.

From her observation, there are a number of streets in Ward 3 that are curved. Parking on both sides of curved streets, it's extremely difficult for cars to get through.

Cars have to stop to let other cars go through east or west. There are rules as to how close a car can be parked near a hydrant. What she would like the committee to do is to ponder this and maybe this discussion can continue. There are a number of communities that have done something about this. Recently Lorain did this, as well as N Ridgeville, Mentor, Wickliffe, Middleburg Hts., there's around 10 or 12 cities in Northeast Ohio who have eliminated all parking on the hydrant side of the street. She said she has asked the engineer's office to get a map to try to see if we could come up with a map which shows the streets and where the hydrants are. There will be some streets where parking is a problem no matter what and that is not going to change streets where there is no parking at all, like the 100, 200 and 300 blocks of the college streets. Examples are Carol Lane between Highland and S Abbe where residents park on both sides and there's a curve, Kent Circle, there is parking on both sides and cars can't get thru. She got a call from the 200 block of Michigan, it has curves, cars are parking on both sides and residents can't see to get out of their driveways.

She is not looking for any legislation this evening. She wants to clear up, this does not mean we would put a sign on every street. We would put a sign at the beginning of the jurisdictions of the community that says, 'in Elyria there is no parking on the hydrant side of the street or parking is prohibited on the hydrant side of the street.

Chair Mitchell said her concern is that we're asking for this to be Citywide and there are many residents in Elyria that don't have driveways and they have to park on the street. If we prohibit parking on the hydrant side, will that effect resident's mailboxes?

If someone parks in front of your mailbox, you don't get your mail. So, this needs to be an on-going conversation.

Mr. Schneider said that there is no parking on some of the streets in the Heights and some people use Garford or Sherman to park on. But would they have to change the direction of the parking. And what would they do on a cul-de-sac, because it's a circle and the hydrant doesn't always sit on one side. What about downtown? Those are 3 of his concerns.

Mr. Oswald said this is good to look into this. He said the map for each ward would be helpful so each ward council member could look for the hydrants in their ward.

Officer Vargas said he was asked to be here on behalf of Chief Pelko. He put some numbers together where the fire hydrant ordinance would come into play and for 2024 they have issued 249 tickets; however, it doesn't break it down. In 2023 they wrote 193 of those tickets, the increase of the traffic unit has increased those numbers of parking tickets in unlawful areas. Example is Antioch, there is no parking on the one side of the street which is the side where the hydrants are located. There are streets where people do park on both sides of the street which makes it difficult. He would be more that happy to reach out to other communities and departments to see what is working for them.

Mrs. Siwierka said she looked at the list of communities that are enforcing restricted parking and there are many cul-de-sacs in Avon Lake and Hudson. Rocky River and Cleveland Heights have old streets, which are narrow streets. If we can find out how it's working for them, which would be a simple call to their Police Dept. She feels we should gather as much information as possible to start with.

Engineer Schneider said he would have concern with a blanket ordinance. There are areas where if we are removing parking on a street, we have the tendency to remove parking on the inside of the curve. There are areas where the hydrant is on one side and there's not as many houses on that side and it makes more sense to have parking on that side. Criteria that they look at when they remove parking from a street is what side are the hydrants on as opposed to the other side.

Dir Pyanowski said he agrees with Mrs. Siwierka to reach out to other communities. She did identify other similarities, but, he would like to understand how we're different. How much does that community rely on street parking, how many residents have driveways? If we have a different capacity for on street parking we might not be comparable because the need may be greater here rather than there. Population could also be a factor. If we were to move forward, would we have to go out and remove every no parking sign that currently exists? And how far away is a hydrant from the next one and what is our expectation on the resident to look for the fire hydrant to look for it to make sure they're parking on the right sign of the street.

Mrs. Siwierka said ordinance 351.3 is actually states that you can't park any closer than 10 feet from the ordinance. Maybe an option could be to increase that, so they cannot park as close to the fire hydrant.

Chair Mitchell said if a resident has been living on a street for many years and then we put up a no parking sign and they no longer can park on that street which will upset those residents.

Mr. Schneider asked where hydrants are on one-way streets?

Engineer Schneider didn't have an answer for that question. Sometimes there are hydrants on both sides of the street and some on one side. They do try to have hydrants on one side of the street in newer developments, but when there are curves sometimes they place them on the other side.

Chair Mitchell said if we do a blanket ban, what about the residents who have nowhere else to park?

Mr. Oswald said it was always 10 feet from the fire hydrant and he asked if it's a state law or city law.

Officer Vargas said he thinks that 10 feet rule in the City Ordinance coincides with the State law.

Law Dir Breunig said we have home rule, our traffic and criminal ordinances parallel the Ohio Revised Code and when the Revised Code Level changes, it changes for us. We do have the ability to make them more restrictive than the revised code, meaning we could potentially restrict that further by requiring further distance from the hydrant.

Mrs. Davis said the fire hydrant was on the opposite of her street when she moved there 50 years ago and it was moved and now it's on her side of her street. Where the fire hydrants are situated on the street, they are close to driveways and you can't park 10 feet away from the hydrant, otherwise it would block her driveway.

Mr. Armstrong asked Engineer Schneider if some of the City streets need to be revisited and remeasured? Some of the streets in his ward were revisited when the new stadium was built because of double parking which created safety hazards.

Engineer Schneider said there are a lot of streets that don't comply to the fire ordinances and rules which dictate how wide a street needs to be in order to have parking. A street needs to be greater than 26 feet in order to have parking on one side of the street and if less than 26 feet would have no parking. We have a lot of old streets that have been grandfathered in until the residents ask and do a petition and have parking removed and once it's removed and will not be able to reinstate parking. There are a lot of streets that don't conform to the typical requirements. A street needs to be 32 feet or greater to be able to park on both sides of the street per the fire code.

Mr. Stewart said this is good discussion and asked Engineer Schneider if maybe as part of his assessment he could look at future projects like waterline replacements and those would consider moving the hydrants to the other side based on that.

Engineer Schneider said typically when they do a water main replacement, first thing is to limit the right a way and have to conform with the new EPA rules to be 10 feet away from a storm or sanitary sewer which can be difficult at times. So, it can be difficult to figure out where to place the water main. If they put the main on the other side of the street and then have to run hydrants across the road. Typically, hydrants are closer to the main. And there would be a cost to move hydrants that are already in.

Mrs. Siwierka said she appreciates everyone's input and she hopes they can continue to look into how other communities have done this and get mapping and continue the discussion. One of the issues is that the PD is too busy to be proactively going out to make sure that there are not cars parked within 10 feet of the hydrant, EPD will only do it, if they respond to a complaint. There could be a situation where there is a safety concern, if there is a vehicle blocking a hydrant. She thanked everyone.

Chair Mitchell said this was a good discussion, but, just know if we take away both sides of parking, residents will be upset.

Officer Vargas said that it is State Law that the distance to park from a hydrant is 10 feet.

*Chair Mitchell asked for a motion to adjourn.*

**Mr. Oswald moved to adjourn the Utilities, Safety & Environment Committee Meeting and that motion was seconded by Mr. Armstrong at 6:55 P.M.  
MOTION CARRIES**

**The next Utilities Meeting is scheduled for Wednesday, August 7<sup>th</sup>, 2024 at 6:00.**

*Respectfully Submitted by,  
Colleen Rosado, Secretary/Administrative Assistant*