

The Utilities, Safety & Environment Committee

held a meeting on **Wednesday, September 4th, 2024** at 6:00 P.M.

Committee Members Present:

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

Others: Siwierka, Schneider, Cerra, Lipian

Absence:

Administration and Department Heads Present: Safety Service Dir Pyanowski, Law Dir Deery, Engineer Schneider, Mayor Brubaker, Public Works Leader Jacob, Asst Law Dir Breunig, Admin Legal Counsel Craig

1. Approval of August 7th, 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 Water Plant Sludge cake disposal for 2025.

Referred By: Water Team Leader Jacob

Mr. Jacob said they come to council every three years for a contract to haul the sludge produced at the water plant. This contract will begin January 1st of 2025. The funds are always in the budget.

Mrs. Davis asked how many companies are available to do this and how many usually bid on the contract?

Mr. Jacob said it's usually one company. He said a number of the companies that haul Trash could bid on it, but the last 2 or 3 times it was bid out, the one and only bidder was Republic. A number of companies take out the specs or call for questions or tour the plant, but only Republic has put in a bid. The bid will go out as soon as it is passed by Council.

Motion made by Mr. Oswald second by Mr. Armstrong to authorize the Mayor to advertise for bids and enter into a contract for sludge cake disposal for 2025.

MOTION CARRIES COMMITTEE REPORT WRITTEN

2. The matter of a contract for installation of a new EPA compliant Clearwell #1 Storage tank for the water plant.

Referred By: Water Team Leader Jacob

Team Leader Jacob said this the Clearwell is a one-million-gallon clean water storage tank that stores water before it's pumped to the system. At a recent survey with Ohio EPA, they recommended that we replace the caps with ones that will reflect new rules and regulations. If we don't it will be a violation. We've had some specs drawn up by an engineering firm and we're soliciting prices and it is over \$75,000.

They are hoping to complete this project this year. Money is in the budget.

Mrs. Davis asked how old is this equipment?

Mr. Jacob said Clearwell #1 is one of the originals from 1920. The hatches that are on top of the Clearwell, for access into the basin, are 50 to 60 years old.

Motion made by Mrs. Davis second by Mr. Armstrong to authorize the Mayor to advertise for bids and enter into a contract for 'said' equipment.

MOTION CARRIES COMMITTEE REPORT WRITTEN

4. The matter of a contract for the resurfacing of Furnace Street.

Referred By: Engineer Schneider

Engineer Schneider said the bids for this project came in higher than were originally estimated. There were some additional improvements that needed to be done. They are looking to get approval to award a contract. Original amount was \$187,500 and the lowest bid came in at \$235,575. They have the money in the budget. It's for Furnace from West River to Lake Ave.

Law Dir Breunig said there is already an ordinance, but it's outside of the engineer's estimate. Engineer Schneider said it's actually outside of the engineer's budget.

Dir Breunig said that it's not a bidding problem and not an authority problem because there is legislation. But, this amount has exceeded the original estimate. There is already authority to approve this and he doesn't think there is any action that needs to be taken on this matter.

Engineer Schneider said the crews had noticed some settling areas on Furnace Street and there is a lot of sand below the street which cause voids under the pavement. Those voids were addressed. They did have to dig some other areas and they found other voids which they filled with stone and they are keeping an eye on them. This is what they do before a resurfacing project to be proactive on any issues.

Mr. Oswald asked if there could be other issues with that sand because it runs all along the ridge of Cascade Park?

Engineer Schneider said there is a lot of sand in that area and they try to find those issues. They want to start the resurfacing of this as soon as possible.

Chair Mitchell said that it has been stated by Law Breunig that the committee doesn't need to do anything on this matter and therefore there will not be a vote on this and it will be removed from the agenda.

5. The matter of a discussion of unsafe and hazardous trees on private property.

Referred By: Ward 4 Councilman Oswald

Mr. Oswald said he wanted to get the feel from council if this is something we feel necessary to consider. The issue is trees on private property that could cause a danger to surrounding properties and for the city to be able to make those property owners take the tree down. He has looked into how other cities handle similar situations. If a tree is deemed dangerous or hazardous and the city can send a letter and go thru the process and tell them the tree has to be removed and if it's not removed, the city could do it and the property owner would get a lien on their property.

Law Dir Deery said that North Ridgeville has an ordinance for this and it may be something we can look into.

Mrs. Mitchell asked if this is something that the City can get involved with, if a property owner refuses to take care of a hazardous tree on their property?

Mr. Oswald said that it would have to be a tree that has been deemed hazardous. The situation that brought this issue to his attention is a tree that is dying and if that tree falls, it's over a sidewalk and would be hazardous to pedestrians that walk on that sidewalk.

Law Dir Deery said obviously it would be up to Council as to how they would want the ordinance to read. North Ridgeville has a City arborist who determines the health & safety of trees. We could categorize an ordinance under property maintenance and to assign it to the City Forester who would decide as to whether the tree is a nuisance or hazardous which could be a violation of the property maintenance code under the City ordinances. If the city can site for a chimney on someone's property that is at risk of falling onto a neighboring property, why not a large dying tree. She said this is something that the City should be prepared to increase the scope and the financial component of the tree contract because it would be beyond the scope of being able to do this in-house.

Mr. Breunig added that tree branches hanging over sidewalks already fall under the City's existing nuisance tree ordinance. This new proposal would be for purely trees that are within a property owner's private property.

Dir Deery said the citation would be first and foremost to the property owner to remedy the situation, like we do with lot mowing and property maintenance. It would only be upon failure for the property to remedy the situation.

Mr. Armstrong asked how we would assess the tree if it's rooted on multiple properties? Dir Deery said it would be where the stump mostly is, not necessarily where the roots are. It could be determined by the City Urban Forester to make that determination.

Mrs. Siwierka asked if Mr. Hennigan has an Arboreal certificate?
Dir Pyanowski said he did not know that answer.

Mrs. Siwierka said that is the baseline that we need to be sure of, because in the case of the residents that are here this evening, they have a tree in the back yard of the neighbor next door to them and it's partially dead and decayed. There could also be issues with electric lines that run in the back yards of that neighborhood. She suggested to them to reach out to their insurance agent and to have their agent speak to the neighbor's insurance agent to try to get them to adjudicate that. She reached out to Ohio Edison and they will send their forester to look at the tree.

Mrs. Siwierka said she has reservations of going down this path. The City doesn't have the expertise and it's a bottomless pit of dollars, when do we stop and when do we say no. Who determines the safety of a particular tree?

Mr. Schneider asked if the Forestry Dept. would make an observation from the road?

Dir Deery said this would operate much like our building inspectors and lot mowing. It would be complaint driven so they would observe from the right of way. If a neighbor makes a complaint and gives permission for the City to observe from the adjacent backyard. Some ordinances provide that after notice is given that the City has the right to remedy that nuisance, if the property owner doesn't take care of it.

Mrs. Siwierka said that the overarching issue is that it's a great deal of subjective opinion on these issues. In the case of property maintenance code demolition, there are set standards that are followed as these properties are being inspected. We would need a certified arborist that will have a report that could stand up in court on the health of that tree in question. She suggested that Mr. Oswald bring the committee examples. How many trees has North Ridgeville taken down? How much has it cost them?

Dir Pyanowski said he has concerns of adopting a program like this, as well. The forester would also have to be an inspector to determine the health of a tree from the right-of-way unless we get warrants to go onto resident's property. And we're talking about the heart of the tree. And he agrees about the standards that are applicable to building code cases, not knowing if this would apply here. Since this would fall on the Forestry Dept., he doesn't know if we have the man power of which could be a substantial demand. There could be recourse to residents through the court system. He thinks this might open Pandora's box of unpredictable demands. It would be tough for us to get into that assessment business and trying to find a solution, so he would be hesitant to go down this path.

Mr. Oswald said he wants to have the confidence to let his residents know what the procedures are that the City is going to follow. Right now, he has no procedure of what to tell the resident aside from asking the neighbor to do something about a bad tree. He would like to be able to help the neighbor on how to handle the situation. He just wants to know what he's supposed to do when a resident calls him.

Dir Deery said, as it stands right now, if the tree is on private property and is not affecting the right-of-way, it is completely a civil matter. No one on council is in the position to provide legal advice.

Mrs. Davis agrees that we don't go down this Pandora's box. She is not for the City getting involved when it comes to private property trees.

Resident; Mr. Jerry Weaver, 210 University Ave. said his concern is, they have done everything that Mrs. Siwierka said. The utility company came out and only looked at the branches that were hanging over the electric lines, he didn't take the condition of the tree into consideration. Mr. Weaver said he has pictures of this tree, it is completely hollowed out. A large branch has already fallen down on the other neighbor's house and that neighbor is in the process of completely rebuilding the one corner of the house and replacing the entire roof. And that was just one branch. Now, the branches are facing his property and the tree is about 150 feet in height. If that tree falls on his house, it will demolish it and their bedroom is under where the tree would fall and it could kill them. They have gone every route they can. His insurance company said there is nothing they can do about it. He's trying to be proactive instead of being reactive. He would like to have an arborist actually inspect this tree and he would be happy with the determination. Mr. Weaver also said that when the tree branch fell, it did damage to both neighbor's houses.

Mrs. Siwierka said she has already reached out to Ohio Edison and she would ask if Dir Pyanowski can have Ohio Edison send out their top tree person to look at this tree so we can get a better idea if they followed up.

Chair Mitchell said that was a good conversation and 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 6:35 P.M.
MOTION CARRIES**

The next Utilities Meeting is scheduled for Wednesday, September 18th, 2024 at 6:00 P.M.
(This meeting was not scheduled due to no referrals).

The next Utilities Meeting is scheduled for Wednesday, October 9th.

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