

Board of Municipal Utilities  
**Regular Meeting Minutes**  
**January 16, 2018**  
201 Miller Road  
Avon Lake, Ohio

***Call to Order – Roll Call***

The meeting was called to order immediately following the evening’s work session at 7:40 PM.

Present: Mr. Abram, Dzwonczyk, Mr. Phillips, Mr. Rush, and Mrs. Schnabel.

Also present: CUE Danielson and Community Outreach Specialist Arnold.

***Approve Minutes***

Chairman Dzwonczyk presented the minutes of the January 2, 2018, work session and regular meeting and with no changes, additions or corrections noted, ordered that the minutes stand and be distributed as presented.

***Public Speakers***

None.

***Correspondence***

None.

***Expenditures***

Following review of expenses dated January 16, 2018, for funds and amounts as follows, Mr. Phillips moved, Mr. Abram seconded, that all be approved and paid per budget:

Water Fund 701	\$	238,402.36
Wastewater Fund 721	\$	169,471.17
MOR Fund 703	\$	146,353.24
MOR Fund 762	\$	328,064.87
LORCO Fund 749	\$	21,319.83
Lateral Loan Fund 765	\$	27,500.00
Waterworks Construction Fund 704	\$	864,770.66
Wastewater Construction Fund 724	\$	87,893.63

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

## ***Path Forward for Laterals***

Per the Board's discussions at their previous and this evening's meeting, Mr. Rush moved, Mr. Phillips seconded, to adopt the following Sewer Lateral Path Forward in order to allow customers more time to assure compliance with the regulation requiring removal of clean water sources from their sanitary laterals.

### **Board of Municipal Utilities' Sewer Lateral Path Forward**

#### **Background**

Avon Lake is one of approximately 860 communities across the United States (72 in Ohio) served by combined sewer systems that collect both sanitary wastes and storm waters from residences and businesses. The 1972 Clean Water Act required communities to address combined sewer overflows, and several EPA policies since that time gave communities the ability to best choose how to do so. In 2004, Avon Lake and Ohio EPA came to agreement that all combined sewers within the city would be separated by 2020 so that storm water and sanitary wastes are captured and managed differently.

Initially, as sewers were being separated in Avon Lake, customers were allowed to keep their foundation drains connected to what became their sanitary lateral that discharged into the sanitary sewer. However, several extreme rain events led Avon Lake (through its Board of Municipal Utilities and Avon Lake Regional Water) to investigate and determine gravity foundation drains may provide significant quantities of water to the sanitary sewer during rain events. This led to changes in Avon Lake Regional Water's Regulations to no longer allow foundation drains to be connected to the sanitary lateral and a City Council ordinance supporting the requirement.

In consultation with the City Council, the Board of Municipal Utilities established three deadlines (the first being February 1, 2018) for customers to assure foundation drains and other clean water sources are prevented from entering the sanitary sewer. Due to a variety of reasons, one month prior to the first deadline of February 1, 2018, approximately 230 customers with that deadline still have not had their free inspection to help determine if they have clean water entering their sanitary lateral and nearly 300 customers who know they have a problem have not yet prevented clean water from entering their sanitary laterals. Board members and Avon Lake Regional Water staff have been told by some that they are trying to comply; however, contractors are backed up due to excessive work.

The Board made these changes that prevent customers from discharging clean water sources in sanitary laterals so that the City of Avon Lake would comply with its Ohio EPA-approved Long-Term Control Plan that would separate all combined sewers by 2020, while not transferring one problem (combined sewer overflows) into another problem (sanitary sewer overflows). Though Avon Lake Regional Water Regulations allow for fines, the Board would prefer customers pay to separate their laterals (if required), rather than paying the \$200/day fine if they have not separated by the required due date.

The 2013 Council ordinance and the 2017 Council resolution indicate that if owners do not separate by the timeframes established, the Council will cause it to be completed and assessed to the owners. Out of an abundance of caution, the City of Avon Lake's Law Director has recommended before acting on this,

Avon Lake should obtain court action granting Avon Lake Regional Water access to inspect the property and then perform the work, if required.

In order to both acknowledge the statements from customers regarding getting the separation work performed by contractors and the recommendations of the Law Director, the Board of Municipal Utilities is establishing the following path forward:

### **Sewer Lateral Path Forward**

The Board of Municipal Utilities wants to grant as much time as possible to allow customers to assure clean water is not entering sanitary laterals but also must adhere with Ohio EPA requirements. In order to best balance these, the Board will do the following:

1. Customers must confirm that clean water sources such as foundation drains, yard and/or driveway drains, and downspouts are not discharging into sanitary laterals by:
  - a. November 30, 2018, for homes in the "Group A" area,
  - b. June 30, 2019, for homes in the "Group B" area, and
  - c. November 30, 2019, for homes in the "Group C" area.
  - The Group C area entails homes in the 45 Area Combined Sewer Separation Project (Forest, Grove, Lakeview, Lakewood, Oakwood, South Point, and Tomahawk) and on Avondale.
  - The Group B area entails homes in the Fairfield-Brookfield Sewer Separation Project (Berkshire, Brookfield, Fairfield, Inwood north of Redwood, parts of Lake, and parts of Electric), as well as homes on streets with formerly combined sewers that do not have storm access including Avon Belden (north of Redwood), Beachdale, Beck, Curtis, Fay, Forest Hill, Groveland, Hermann, Karen, Sunset, Vanda, Vineyard, and Woodstock (Electric to Lake).
  - The Group A area includes all other homes on formerly combined sewer area streets including the Belmar project area (Artsdale, Ashwood, Belmar, parts of Electric, parts of Lake, Mooreland, and parts of Redwood), the Moorewood project area (Beachwood, Crestwood, Parkwood, Moorewood, parts of Electric, parts of Redwood, and Vinewood), Avon Belden (south of Redwood), Bellaire, Burton, Cherry, Dellwood, Drummond, Duff, Electric (parts), Glenview, Harvey, Inwood (south of Redwood), James, Jaycox, June, Lake (parts), Lear, Miller, Moore, Mull, Norman, Parkview, Redwood (parts), West Shore, Woodstock (south of Electric), Yoder, and York.

Confirmation will first be through a free inspection by Avon Lake Regional Water. If Avon Lake Regional Water is unable to confirm a home is not discharging clean water into the sanitary lateral, then the customer will need to confirm through another source, possibly an outside contractor with some sort of video device or by digging. If this is done, then Avon Lake Regional Water staff must be present to review the video or inspect what is unearthed. If Avon Lake Regional Water determines work must be done to prevent clean water from entering the sanitary sewer, then this work must be completed and confirmed prior to the dates above.

2. If customers have not confirmed clean water sources are not discharging into sanitary laterals by this time (including completing any required work), the following will occur:

- a. The customer will no longer be eligible for the \$1,000 wastewater bill rebate if the customer separates in a manner that ends up with two separate laterals leading to the respective storm and sanitary sewers, and
  - b. The Board may begin issuing fines that will be waived if it is determined that the home is in compliance preventing clean water sources from entering the sanitary lateral.
  - c. That address will be included in legal filings with the court.
3. At dates after those stated in Item 1(above), documents will be filed with the court to:
  - a. Grant access to Avon Lake Regional Water, the City of Avon Lake, and/or its contractors to inspect the property to see if clean water sources from that property are discharging into the sanitary sewer and,
  - b. If so, grant authority to address the issue by removing all clean water sources from the sanitary lateral and redirecting them to the storm sewer or another appropriate discharge point at the discretion of Avon Lake Regional Water and/or the City of Avon Lake.

As described in the 2017 Council resolution, all costs for that work, plus an additional 5% will be assessed to the owner of the property where the work will be completed.

#### **Future Work**

It should be noted that all investigations to date have focused on currently and formerly combined sewer areas. The next areas of focus will include streets that never had combined sewers but may have homes discharging clean water into the sanitary sewer including Armour, Avon Point (Electric to Lake), Bonnieview, Colony, Coveland, Electric (parts), Edgewood, Englewood, Gra Gull, Highland (north of Lake), Lake (parts), Maplecliff, Moore (parts), North Point, Parkland, Redwood (parts), Rice Park, Webber, West Shore, and others.

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

#### ***Reports/Updates***

The following reports and updates were made by copy of the meeting's write-up and discussed as noted:

##### ***Cleveland Construction Cost Index***

By Ordinance the Trunk Sanitary Sewer Fee is adjusted annually corresponding to a change in the January Cleveland Construction Cost Index. The adjustment to the Trunk Sanitary Sewer Fee is calculated by comparing the Index published in January each year and multiplying that comparison by the current Trunk Sanitary Sewer Fee. The Index published January 8, 2018, was 12298.51 as compared to 12267.85 for 2017, an increase of 0.25%. The Board thereby recognized the following adjustments then effective and, accordingly, the respective adjustments for the existing sanitary sewer front foot fees, the CALDP Tap in Fee, Commercial Square Foot Charge, and Water Impact Fee:

Trunk Sanitary Sewer Fee	\$2,057.00
Trunk Sanitary Square Foot Charge	13.72¢
8" Sanitary Sewer Front Foot Charge	\$72.36
CALDP Tap in Fee	\$10,847.91
Commercial Square Foot Charge	69.63¢
Water Impact Fee	\$2,481.00

#### *Lake Road Closure*

The 60-day closure of Lake Road has been postponed to begin the week of February 5, 2018; however, weather conditions and/or construction progress could delay that further. Notifications for directly affected customers on Lake Road and North Point are being delivered/posted this week. Notification to the press is also beginning this week; and road notice signs will be posted in the next two-to-three weeks, but will be covered until closer to the start time.

#### *Communications*

- *The Press* ran an article regarding Avon Lake Regional Water's efforts to prevent repeats of past icing events in last week's edition.
- The website design firm has notified that the new website is near completion.

#### *Project Updates*

- *Wastewater Plant:* Installation of equipment for the final clarifiers is progressing, the presses were set in the sludge dewatering building, and screening and headworks are on schedule to be operational by the end of February. The Chairman asked that a secondary market for the obsolete parts from the old system be investigated.
- *Elyria Interconnection:* The land purchase is closing January 19 and the documents are being finalized for advertisement of the bid.

#### *Lateral Updates*

Sewer lateral separation and loan program numbers were updated by this meeting's write-up.

#### *CUE Report and Action Items*

- *Minimum Service Fee:* As discussed in the work session, the CUE is investigating the possibility of changing the Wastewater Administrative Fee to a Minimum Service Fee.
- *CUO Job Search:* Seventy-two applications were received in response to the CUO posting. The search firm is in the process of screening the applications for the top ten candidates and interviews will then be scheduled with the top five.

#### *Chairman/Committee/Member Reports*

- Chairman Dzwonczyk reported that he and the CUE met with RLCWA General Manager Mahoney. The Chairman also attended last week's Sewer Committee meeting to discuss the Lateral Path Forward and was pleased by the attendees' collaboration.
- Mr. Abram asked that he be provided the LORCO Board's meeting minutes as this Board's newly appointed LORCO representative. Chairman Dzwonczyk suggested he contact former Board member and LORCO Representative Rickey who he believes will be more than willing to bring him up-to-speed.

- Mr. Rush reported that the Board's recommended wage ranges were discussed at the HR Committee meeting, however no determinations were made. The CUE then advised that the wage ranges for non-bargaining personnel and proposed job descriptions will be introduced at next week's CCM. The CUE intends to present those for the Board's approval at their next regular meeting. The CUE sought comment at the HR Committee's January meeting, and the wage ranges and job descriptions are in front of Council now. Approval on February 6 would confirm Charter requirements of Board approval prior to Council fixing them (currently scheduled for February 26, 2018).

Community Outreach Specialist Arnold advised that she has contacted five public relations firms in response to the Chairman's request for such coverage during her upcoming leave. Mrs. Arnold said that she will present her recommendation(s) at the Board's next meeting.

### ***Executive Session***

The scheduled executive session was cancelled.

### ***Adjourn***

As there was no further business, Mr. Rush moved, Mr. Abram seconded, that the meeting adjourn at 8:14 PM.

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

Approved February 6, 2018

John Dzwonczyk, Chairman

Todd A. Danielson, Clerk