

STORMWATER MANAGEMENT DISTRICT MEETING
September 26, 2023 at 9:30 a.m., Meeting Room A – Administration Building

Item # 1 – Call meeting to order

Item # 2 - The Secretary called the Roll, with the following members present:

David J. Moore, Chair, Lorain County Commissioner, absent

Jeff Riddell, Vice Chair, Lorain County Commissioner

Michelle Hung, Secretary/Treasurer, Lorain County Commissioner

Staff:

Jeff Armbruster, County Administrator, absent

Don Romancak, Director

Peter Zwick, LC Engineer's Office

Greg Peltz, LCAPA

Theresa L. Upton, Secretary

Also present: Lyn Ickes & Matt Arnold, Stormwater Management District, Greg Peltz, LCAPA, Matt Spears, Administrative Assistant to Commissioner Hung, Aimee Marcil, Administrative Assistant to Commissioner Moore and Rob Duncan, Director, LCCDD

Item #3 – Approval of minutes

Motion by Commissioner Hung, seconded by Commissioner Riddell to approve the minutes of May 23, 2023 as submitted. Upon roll call the vote taken thereon resulted as: Ayes: Hung & Riddell /

Nays: None / Absent; Moore

Motion carried.

Item #4 – Public Comment

There was none

Item #5 – New Business

a. 2024 Budget

Romancak said Clerk distributed the 2024 budget yesterday and overall expenditures are up 2.8% and continue to maintain a tight control on expenditures but still running at a deficit which was anticipated. District has enough money to do everything required by permit, as well as continue to invest in infrastructure and expand on maintenance program by adding additional 12.5% to that item. Any money that is not used this year will be carried over. The infrastructure grant program has \$425,000 and discussed at previous meeting there was projects that were not recommended from SWAC so there is a balance of \$564,780 that will be carried over.

There are many pass throughs such as Auditor 2% surcharge which is part of his processing fees collecting off real estate tax bill even though we are a utility. There are MOU's with Oberlin, South Amherst, Kipton and Rochester.

Commissioner Riddell said we are running with \$1 million deficit from the general fund? Romancak said no this is a special revenue/enterprise fund and operate on carryovers. The District will need to maintain current, invest in infrastructure and increase maintenance budget but could not do anything to expand. Based on the revenues and maintaining expense the District will run down carryover by \$1+ million in 2032 and then start to then rebuild. If you want to expand the use of the district the fee would need to be increased or generate revenue in another way. District can provide up to \$40,000 for contractual services to include partnering with Soil & Water. To see additional increase in projects or staff we would need to look into increased fees. The fee this year is \$45.60/unit, there are 38,614 billing units and each house is 1 unit. The commercial/industry is based on 6,000 ft of impervious surface is 1

unit. A \$1 increase would generate \$38,600 and could continue this conversation in the coming year based on if the District is content, satisfied or need to do more.

Commissioner Riddell said he had many concerns from people that there was a significant amount of ditch work that was not getting done and holding up others where ditch work was being done? Romancak said District is still in the process of getting program together. Him and Lyn went over the cost yesterday to get some of these projects out to bid and will take them awhile to dig out and roughly have excess of \$300,000 to put into maintenance. He has a meeting later today with KEM Consulting Engineering to bring in grant resources. Draper Ditch has been identified as a high priority since it is a multi-county ditch and there is maintenance outside the county and they are being assessed and need to make sure they are receiving the service. Looking at bringing in H2OH funds for the portion of this ditch being 2 phases and could apply for Clean Ohio funds, along with assessment and district funds being used as local match. Also Dellefield and Curtice ditches are being looked at to make sure they have adequate outlets. Working with Engineer and Soil & Water to get original ditch design plans and rehab with original flow lines, etc., in order to get a better idea of what the cost would be and what is expected of the contractors.

Commissioner Riddell said some progress has been made due to ARPA and state monies but we will be back to normal pretty soon and there has been ongoing issue with backlog of work and not significant progress where there is light at the end of the tunnel. Do we have a plan, like 10 years or so? Romancak said they are working on it.

Commissioner Riddell said while they do not want to increase taxes there has to be some shifting of the formula and maybe in 2024 look at it more aggressive and if we have this carryover it is not to be sat on it is there to be worked on. Romancak said if we spend down next year, the year after District would have to cut back beyond the bone. Riddell said he would not recommend getting rid of all the carryover but if we are good until 2032 then there is room to go in there to replenish and replace and get on a cycle. As they saw with the last storm, water and flooding are huge issues and if you stay out of the argument of climate change and admit that we have a wetter climate then we need to address. Romancak said in addition to our normal program the Engineer and EMA have recognized the federal government is coming out with revised changes to rain manuals and calculation changes anticipated with 5 year, 20 year storms as well as addressing potential culverts for the future in order to correctly size culverts and putting ourselves in the best position to take advantage of federal money and be resilience to survive better and rebuild quicker.

Commissioner Riddell said there was a lot of concern in Sandstone Village over the ditches in this development. Romancak said if they follow the rules this land will let off the same amount of water at the same rate then previous development same with erosion sediment controls. Development should not negatively impact the drainage system. Riddell asked who was in charge of that? Romancak said Engineer Office. Zwick said Sandstone Parkway? Riddell said any development? Zwick said District has MOU with Engineers office and owners are required to have their land recorded for perpetuity and recorded with the deed. Romancak said agreements are also mentioned in the HOA and future of Woods Eaton and continue to learn as they go.

Commissioner Hung asked about the APRA money and 10 years worth of projects getting done in 2 years? Romancak said \$6.5 million was set aside and there are some matching dollars and more than \$1 million has been granted with \$500,000 going to North Ridgeville and have completed 5 projects 100% out of 34. They will be going out to bid for the 3rd time for Firelands due to cost estimate are inadequate a year later. He is not concerned to have the \$6.5 million committed and will have spent by the deadline but as the projects come up will try to front load to get the money out. Hung said that is good to hear and concern was how many projects can be done and have money expended and used by end 2026? Romancak said out of 34 projects there are 4 projects that are irritating slow. Riddell asked to what regard? Romancak said there are couple been negotiating with landowners and waiting on people who control the outlet to make improvements to move forward on obtaining easements. One would be SR83

outfall that runs north of SR82 and there is a failed tile and there is a ton of standing water every time it rains. Hung said she drives past there taking her daughter to school. Romancak said the water then moves through a tile under Giles Road and property owner is rightfully concerned if district fixes the water behind him and sends the water to him and can't get water to move through Willow Creek the water will back up on his property and all we would have done is move the problem. He said Matt Arnold has walked Willow Creek and has been in contact with landowners and sent letters and moved some log jams and he has a follow up with Ross Environmental to make sure they did their portion. Riddell said there is 460 acres over there. Romancak said to their credit they have not thrown them off the property, they have communicated and walked the property with them and just to make sure they were going to do what they said they were going to do.

Romancak said there has been other projects that have been difficult to get engineers. Every engineer in Lorain County is tied up and we have the Prosecutors office reviewing Wade Trim agreement to design storm sewer project in Sheffield Township. He said many projects are being designed now by County Engineers office, KEM, Rafter, Bramhall and KS and this is an issue that they did recognize but he thought it would be more on the contractors side not the design side and no slowdown in the residential market. Riddell said there was probably a system designed for \$2 million annually in work and if you stuff another \$6 million in it that is an exceed workload.

Following resolution was adopted:

RESOLUTION NO. SWD 23-4

In the matter of approving the 2024 Stormwater)
Management District budget) September 26, 2023

WHEREAS, Lorain County Storm Water Management District has approved the 2024 budget.

CATEGORY	2023	2024
Debt Service	\$65,000.00	\$65,000.00
Ohio EPA Phase II Compliance & Administration	\$751,190.27	\$787,290.23
Administration	\$522,690.27	\$542,290.23
<i>Storm Water Management Plan</i>	\$30,000.00	\$30,000.00
<i>Customer Service/Technical Support</i>	\$35,000.00	\$36,000.00
<i>Database Management</i>	\$48,000.00	\$50,000.00
<i>MCM#1 - Public Education & Outreach</i>	\$25,000.00	\$28,000.00
<i>MCM#2 - Public Involvement/Participation</i>	\$9,500.00	\$10,000.00
<i>MCM#3 - Illicit Discharge Detection & Elimination</i>	\$45,000.00	\$45,000.00
<i>MCM#4 - Construction Site Storm Water Runoff Control</i>	\$10,000.00	\$15,000.00
<i>MCM#5 - Post-Construction Storm Water Management</i>	\$10,000.00	\$15,000.00
<i>MCM 6- Pollution Prevention / Good Housekeeping</i>	\$16,000.00	\$16,000.00
Storm Water Management District Projects	\$555,000.00	\$555,000.00
<i>Design</i>	\$250,000.00	\$250,000.00
<i>Construction</i>	\$305,000.00	\$305,000.00
Infrastructure maintenance	\$745,000.00	\$770,000.00
<i>Infrastructure grants program</i>	\$425,000.00	\$425,000.00

<i>Mini Grant</i>	\$50,000.00	<i>\$50,000.00</i>
<i>Planning Grant</i>	\$30,000.00	<i>\$30,000.00</i>
<i>Ditch Maintenance</i>	\$200,000.00	<i>\$225,000.00</i>
<i>Additional Contractual services</i>	\$40,000.00	<i>\$40,000.00</i>
Log Jams	\$50,000.00	\$50,000.00
Auditor 2% Surcharge	\$34,000.00	\$35,215.97
Refunds/Credits	\$300.00	\$150.00
Oberlin	\$320,765.00	\$393,000.00
S. Amherst Village	\$29,218.20	\$29,913.60
Kipton	\$6,773.31	\$6,800.00
Rochester	\$4,382.73	\$4,384.00
DRETAC	\$7,500.00	\$7,500.00
Transfer	\$0.00	\$0.00
<u>Total County SWD Expenses</u>	<u>\$2,166,490.27</u>	<u>\$2,227,440.23</u>

Motion by Commissioner Hung, seconded by Commissioner Riddell to adopt Resolution. Upon roll call the vote taken thereon, resulted as: Ayes: Hung & Riddell / Nays: None / Absent; Moore
Motion carried. _____(discussion was held on the above)

Item #6 – Report of presiding officer(s), and/or director, or staff

Romancak thanked the board for their support for having the entire staff of the District at the fair. Even with the incredible rain they had for a couple of days the residents of the county to their credit were very understanding. They did not get nearly the complaints as they thought they would and there was plenty of flooding that occurred. He said in a lot of places he drove around Saturday and was amazed how quickly the water went down and how little damage was visible from roadways at least in more rural areas. He can tell you in his own account in his fairly new subdivision in Lorain you get that much rain with a blackout the houses on his street had water in their basement on average 20-25 homes. It was a lot of water and residents handled it well and was patient.

Romancak said they will continue to work on the budget and invest in education. They attended stormwater conference and had conversations about having the inspection maintenance agreement put into HOA's and continue to get training and look forward to next year to try to get their message out and do a better job.

Romancak asked APA Peltz about the numerous lawsuits.

Peltz said County Prosecutors office is not representing the county on the current lawsuit of Tavenner that is being done by Terry Williams and there were depository motions set in that case and just waiting for the court to rule.

Romancak asked if there was any update on Fortune? Are we still waiting on Judge Miraldi? Peltz said the Bartick case was an administrative appeal and homeowner took appeal to the trial court and now the court has to decide. Romancak said another disappointing delay on a major project

Lyn Ickes said she has a group of neighbors that would like to unpetitioned their ditch. Peltz said they can vacate said ditch by ORC petition. Riddell asked if this was a tributary ditch or piece of ditch? Ickes said it is Brownhelm Creek and is 8 neighbors long, don't have beginning or end. Riddell said a long skinny retention pond. Ickes said not even that it is modified swale. Peltz asked if this project was

done by the Board of Commissioners? Ickes said Soil & Water and was petitioned and probably done in the 50's-60's. Ickes said the property owners complain because the district mows it and leaves ruts and is on maintenance. Riddell said he does not understand why you can't just abandon. Peltz said it is different dynamics and have to see how it was actually approved and constructed. If it was under Soil & Water and if the Commissioners granted then yes it could be vacated by code. Riddell said probably way back then the owners wanted the ditch and current owners do not, 40 years is a long time. Ickes said one gentleman is very vocal and the district had snuck up on him while walking the ditch because the access point is 3 houses away and he was in his backyard picking up sticks. He was going to pay \$700 to have a tree removed and she told him no, give her a couple weeks and will cut it up and remove the obstruction and he stated none of them want them there. She stated that he was told it was originally going to be a swale. Riddell asked if it has been confirmed if the other owners feel the same way? Ickes said she wanted to know what to tell them if they ask. Riddell said he might be the only one, but he is with Peter, if someone wants to surrender he would get that white flag out in a heartbeat. Clerk asked if that was on her list here, Ickes said she does not think so. _____(discussion was held on the above)

Item #7 – Correspondence

There were none

Item #8 – Old Business

Clerk stated this was done in March but a resolution was not approved.

Following resolution was adopted:

RESOLUTION NO. SWD 23-5

In the matter of approving the 2023 Community Grants recommended by the Stormwater Advisory Committee to include 5 Projects in the total amount of \$285,220.00)
September 26, 2023

BE IT RESOLVED, by the Lorain County Stormwater Management District we hereby approve the 2023 grant applications recommended by the Stormwater Advisory Committee to include 5 projects in the total amount of \$285,220.00.

2023	SWAC Community Grant Applications	May 2, 2023	Subcommittee	Recommendation		Available = \$425,000
RANK	PROJECT	Township	SCORE	COMMENT	REQUEST	Comm. Grant RECOMMEND
1	14596 Baird Rd. culvert replacement	Camden	81.8	Twp. 17%	\$ 13,470	\$ 13,470
2	East River Rd. replace tile to River	Carlisle	80.8	Twp. 20%	\$ 70,400	\$ 70,400
3	Murray Ridge & Griswold Rd. st. sewer	Elyria	79	Twp. 20%	\$ 72,000	\$ 72,000
4	Ph. 2 Battenhouse Main Ditch log jams	Amherst	78	Twp. 20%	\$ 80,000	\$ 80,000
5	Ph.2 Extend Erhart Rd. Ditch southwest	Grafton	73	Twp. 0%	\$ 49,350	\$ 49,350
Total					\$ 285,220	\$ 285,220

FURTHER BE IT REOLVED, we authorize these payments be made from Stormwater funds 7100.7118.300.304.11.6200.0000.

Motion by Commissioner Hung, seconded by Commissioner Riddell to adopt Resolution. Upon roll call the vote taken thereon, resulted as: Ayes: Hung & Riddell / Nays: None / Absent; Moore
Motion carried. _____(discussion was held on the above)

JOURNAL ENTRY

Peter Zwick, Engineers Office gave a brief update on selected construction projects since May 2023.

1. Indian Hollow Road, 100% complete. Gott Ditch culvert replaced, Penfield Township and constructed by N&N Construction Company with OPWC plus District funds, including the relocation of a Columbia Gas main. This was done by Conrad Farms with voluntary easements. The Gott Ditch restoration SWMD project is waiting for ODOT permit to clean-out sediment from SR301 highway culvert; then will bid out \$250,000 APA project ASAP.

2. Rosa Street Storm Sewer Replacement is 100% complete, Kipton Village. This was part of a CDBG funded replacement and extension of old catch basins and storm sewers in the Village.

3. Other SWAC community grant to district projects in easement acquisition or design phase through Engineers offices are;

- a. Carlisle Township East River Road tile replacement to Black River
 - b. Battenhouse Ditch log jam removes, Amherst Township
 - c. Smith Ditch restoration, Columbia Township
 - d. Daylight SR83 tile, Eaton Township
 - e. Curtice Ditch phase 4, Penfield Township
4. Petitioned drainage improvements;
- a. Roth Tile delayed has been extended waiting on land survey
5. Cole Ditch, off West Road, Penfield owners have self-cleaned the ditch and Engineers assisted them by digging up the plans and Mr. McConnell used his backhoe
 _____(discussion was held on the above)

JOURNAL ENTRY

Romancak gave some updates on projects and hopes to have more projects in front of the board within the next few months;

- Liberty Ave., Sheffield Township was partnered with County Community Development CDBG for a new storm sewer and road for one block and where there was existing infrastructure the street was continued to be paved, which was an ARPA project and came in under budget by \$30,000
- New Russia, Hamilton Street jetting
- Fortune Ditch, ARPA and hope to get out of court
- Roth Road tile will be complete after grading
- Staff has been busy chasing down easements and almost ready for Camden Main, Dickson Ditch, 1st phase of Cobb Ditch is out for bid and 2nd phase is easement waiting, Curtice and Gott done, waiting one easement of Curtice extension of project
- Meeting with LaGrange Township and Peter calls it Mason Ditch, but he knows it as Webster Whitehead

Riddell asked about the project in LaGrange with the hearing, Kelner? Romancak said they have been actively meeting with numerous residents and KEM is finalizing the plans. Most part everyone residents is understanding need of project and some might not experience significant damage to crop or house and willing to work but are concerns. Him and Mark Rufener went out to the homeowner about concern with trespassing and ATV's and took a lot of steps that are reasonable and looking for something similar with the county even though the county may not be able to prevent trespassing but just so as long as they don't make it easy or accessible. Homeowner would like to see a gate and they are working on

other residents on the location of entrances for less visibility. Village has supported this. Riddell said yes they attended the hearing and said county is paying for the township and the village would like help as well. Romancak said Commissioners have contributed \$25,000 in ARPA funds outside the stormwater district towards that and Commissioners have been proactive. Also County Engineers office has done work with them on end of township and village cleaning out ditch and relieve flooding on West Commerce Parkway. Riddell said the water flows from the village to the township. Romancak said one concern of township residents is that this is making it easier for the village to build more houses. He said that was a concern but no one has stopped the project. Riddell said Commissioners have to wrestle doing work in township relieves work that has already been done in the village because if you can't get water out to the village than all the work that inside village is for not. Romancak said the flooding in the village has not only affected their residents but also their businesses, especially industrial on south end and is an economic development issues as well as quality of life.

Clerk said Romancak mentioned Firelands. Are we rejecting and advertising, Romancak said yes? He spoke with Peter and Will Schlechter, Soil & Water who had help procure plan and spoke with Mark Rufener, KEM and will revise estimate up to \$50-55,000 because 2 bids came in where \$47-50,000. Riddell said his understanding is due to process technology and word he gets from non-commissioners sources from construction world is that there is a rock situation there. Romancak said he has a not heard that, he has heard it is the prevailing wage that comes into play. Riddell said it is kind of a small job to have to go through all that paperwork. Riddell said we have to make sure we get it done the first time because now there are 2 bids out there and now you have other people that have an advantage with competitive bids. Romancak thanked Riddell for understanding. Riddell said you are in his world, he understands his old job better than his new job yet.

_____ (discussion was held on the above)

9. Meetings

- a. January 23, 2024 at 9:30 a.m.
- b. May 28, 2024 at 9:30 a.m.
- c. September 24, 2024 at 9:30 a.m.
- d. As needed

10. Adjournment

Commissioner Riddell moved to adjourn the meeting at 10:23 a.m., seconded by Commissioner Hung. Upon roll call, the vote thereon resulted as: Ayes: Riddell & Hung / Nays: None / Absent: Moore
Motion carried.

Respectfully submitted; Theresa L. Upton – Records Custodian

Michelle Hung, Secretary/Treasurer, SWMD