

Councilman Dennis Boose, Ward 2 and Chair
Councilwoman Georgia Awig, At-Large
Councilman Clifford Winkel, Ward 4



UTILITIES COMMITTEE MEETING
CITY HALL COUNCIL CHAMBERS
AGENDA OF MONDAY, MAY 1, 2023
6:15 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Utilities Committee Meeting Minutes dated February 6, 2023
(Committee action required)

NEW BUSINESS

- T 36-2023 AN ORDINANCE AMENDING SUBSECTION (C)(7) OF N.R.C.O. SECTION 634.01 NOISE DISTURBANCES.
(Introduced by Council Member Boose)

ADJOURNMENT

Meetings are broadcast on the North Ridgeville YouTube channel at:
www.youtube.com/channel/UCThTaGFRof_AOvxSYAzMNYg

Visit the City Council webpage to access agenda items:
<http://www.nridgeville.org/Council.aspx>

**NORTH RIDGEVILLE CITY COUNCIL
UTILITIES COMMITTEE MEETING MINUTES
POLICE DEPARTMENT TRAINING ROOM – 6:00 p.m.
Monday, February 06, 2023**

To Order:

Chairman Dennis Boose called the Utilities Committee meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Attendance:

Members present were Chairman Dennis Boose, Councilwoman Georgia Awig, and Councilman Clifford Winkel.

Also present: Mayor Kevin Corcoran, Safety Service Director Jeff Armbruster, Law Director Brian Moriarty, President Jason Jacobs, Councilman Bruce Abens, Councilwoman Holly Swenk, Councilman Martin DeVries, City Engineer Christina Eavenson, and Assistant Clerk of Council Fijabi Gallam.

New Business:

**T 175-2022 AN ORDINANCE AMENDING N.R.C.O. SECTION 1044.02 CONNECTION CHARGES BY ADDING SUBSECTION (L).
(Introduced by Council Member Winkel)**

Councilman Winkel provided the reason for T 175-2022. This legislation would lock in the tap-in fees based on when the construction started. The fees wouldn't increase when the resident waits another year to tap in. The legislation would allow a resident to budget properly for the required tap-in. Mr. Winkel expressed that the required tap-ins are a significant amount. He noted that he talked to other Council members and the administration about potential legislation. He also wanted to add in the legislation to make the legislation retroactive back to January 2022 and the meaning of commencement (construction commencement). Mr. Winkel explained that the legislation is fair, helps people in the community, and does not hurt the City.

Chairman Boose asked for any questions or comments from the committee.

Councilwoman Awig expressed that she is concerned about the cost with the residents that would choose to not tap in the same year of the request.

Mayor Corcoran explained that the fees for tap-in increase every year. There is a public health issue from the Health Department regarding the tap-ins when a sewer line becomes available. He explained that there has been an instance where people would ignore the requirements from the Health Department and the Health Department is not always quick to enforce the law. He believed that the legislation is not fair for people that meet their obligation on time.

Chairman Boose understood the cost factors for the tap-in. He wanted to know if the fee is based on the cost at the time of the construction.

Mayor Corcoran responded with a yes. He added that French Creek increases their rates every year and one of the components of the tap-in fee is the French Creek fee. He explained septic

systems failing is one of the reasons for tapping into the sewer system. The sanitary sewer project is to help alleviate health hazards.

Councilman Winkel addressed some of the concerns. He explained that the legislation does not include businesses, and the French Creek fee. It is for only single-family dwellings and for the fee that comes from the City. He explained that there are four components to a tap-in fee – two go to the City, one goes to French Creek and one goes to the Building Department. French Creek and the Building Department fees are not part of the legislation. He reiterated that the legislation would allow a resident to pay the cost that was active in the year the tap-in was requested for the sanitary sewer. He added that the legislation does not hurt the City. He reiterated the meaning of the legislation. He noted that it is about \$6,000 to tap in currently and it does not include the French Creek fee or the permits.

Safety Service Director Armbruster wanted to know what fee residents pay when their septic system is not working years after the construction commenced and the health department did not need to do anything originally.

Councilman Winkel explained that the residents should pay the fee that is in place at the time the sanitary sewer tap-in is available to the resident. Mr. Winkel continued to express his reasonings.

Chairman Boose asked for any other questions or comments from the committee.

Chairman Boose wanted to know the City's tracking process for the construction project with the sanitary sewer tap-in availability.

Mayor Corcoran explained that projects could go longer than originally planned. He explained that there is a tracking issue and many factors when tracking what residents didn't tap in and the cost they were initially given to tap in. The Health Department and the County both have their tracking process and contact the residents at different times. The Mayor explained that a retroactive date for the legislation is an option, but only within the year that the legislation was introduced.

Law Director Brian Moriarty explained that the legislation has legal issues because the language has to be clear, the nature of the type of ordinance has to be looked at, and it would not affect an existing procedure or action of someone completing the sanitary sewer tap-in requirements. The biggest challenge is making sure the legislation is equally applied

Councilman Winkel remarked that the legislation was introduced in the year 2022 and the rates were locked in the year 2022.

Law Director Moriarty explained that he does not think it is legal to pass legislation in the year 2023 for a retroactive date in the year 2022.

City Engineer Eavenson explained that the City already transacted a sanitary sewer tap-in for 2023. She reiterated the four fees for the sanitary sewer tap-in. The transaction for the year 2023 equaled \$6,752 with the Center Ridge Road project costing \$1.8 million. She explained that for 60 lateral the City provided, it would cost the City \$30,000 a month (75% of the sanitary sewer tap-in).

Chairman Boose noted that there is a legality to putting a retroactive date – January 1, 2022. If the legislation was to pass there would have to be a tracking process of previous rates and residents.

Councilwoman Awig wanted to know if there are additional fees that would not be picked up by the resident if they did not tap in right away. She wanted to know what would happen if the resident does not tap in right away and waited four years to tap in.

City Engineer Eavenson noted that there are no enforcements and the resident would be charged the current year's rate which is the hardship.

Chairman Boose wanted to know if there are cost that the City incurs between the years 2022 and 2026 that goes towards the tap-in fee that the City would not receive if the legislation pass.

City Engineer Eavenson believed it may change future improvements.

Chairman Boose asked for any other questions or comments from the committee.

Councilwoman Swenk wanted to know if the City could put that the resident has one year to tap in.

Mayor Corcoran explained that the health department's required timeframe is two years.

City Engineer Eavenson explained that the City sends an initial letter out to the resident after the acceptance of the improvements. The Health Department sends a notice that the resident has six months to get into a contract and another six months is given for review if there is a need.

Safety Service Director Armbruster explained it is difficult to enforce the sanitary sewer tap-in.

Mayor Corcoran explained that the City does not enforce the sanitary sewer tap-in requirement. The County does the enforcement. The timeframe would have to be changed at the County level.

Chairman Boose asked for any other questions or comments from the Councilmembers.

Councilman Abens expressed that he believed there should still be an expiration date within the legislation and it does not have anything to do with the Health Department. The expiration would let residents know if they do not take advantage of the sanitary sewer tap-in benefit right away within a timeframe, then the resident would have to pay a different fee.

Safety Service Director Armbruster stated there should be more language in the legislation.

Discussion continued regarding EPA's mandates on sewer discharge and how other communities have to pay about 250 million dollars to follow EPA's mandates.

Chairman Boose asked for any other questions or comments from the public.

Rudy Ringwall at 31966 Center Ridge Road, commend Councilman Winkel for introducing the legislation. Mr. Ringwall explained that when the tap-in fees were initially introduced he was not made clear what the tap-in fees are. He added that the City of North Ridgeville is the highest tap-in fees in the area.

Gerald Malon at 31883 Center Ridge Road, commended Councilman Winkel for introducing the legislation. He advised the City to send out the tap-in fees at the initial time it is requested to tap in. Mr. Malon called the City to ask about the fees because he never received a letter on how much the tap-in fees cost for Center Ridge Road. He believed it is fair to notify the residents early about tap-in fees.

Moved by Winkel and seconded by Awig to table T 175-2022 to a future meeting.

A voice vote was taken and the motion carried.

Yes – 3

No – 0

Adjournment:

Chairman Boose adjourned the meeting at 6:29 p.m.

Date Approved:

Fijabi Gallam, MMC
Assistant Clerk of Council

DATE: April 3, 2023
INTRODUCED BY: Councilman Boose
REFERRED BY: Utilities Committee
TEMPORARY NO: T 36-2023

1ST READING: April 3, 2023
2ND READING: June 5, 2023
3RD READING: _____
ADOPTED: _____
EMERGENCY: _____
EFFECTIVE: _____

Utilities Committee Meeting on 05-01-2023
Report to City Council on 5-15-2023

ORDINANCE NO.

AN ORDINANCE AMENDING SUBSECTION (C)(7) OF N.R.C.O. SECTION 634.01 NOISE DISTURBANCES.

WHEREAS, N.R.C.O. Section 634.01(c)(7) currently states the following:

Section 634.01(c)(7) Construction. Operating or permitting the operation of any tools, other than domestic power tools, or equipment used in construction, drilling, or demolition work, between 9:00 p.m. and 7:00 a.m. of the following day, or on Saturday before the hour of 9:00 a.m., or on Sunday before the hour of 10:00 a.m., such that the sound creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by a special permit by the Safety-Service Director's office. This subsection shall not apply to the use of domestic power tools, subject to paragraph (c)(8) hereof.

WHEREAS, City Council proposes to amend Section 634.01(c)(7) Construction by changing the verbiage "between 9:00 p.m. and 7:00 a.m. of the following day" to "between 8:00 p.m. and 7:00 a.m. the following day".

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:**

SECTION 1. Subsection (c)(7) of N.R.C.O. Section 634.01 *Noise Disturbances* is hereby amended as follows:

Section 634.01(c)(7) Construction. Operating or permitting the operation of any tools, other than domestic power tools, or equipment used in construction, drilling, or demolition work, between 8:00 p.m. and 7:00 a.m. of the following day, or on Saturday before the hour of 9:00 a.m., or on Sunday before the hour of 10:00 a.m., such that the sound creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by a special permit by the Safety-Service Director's office. This subsection shall not apply to the use of domestic power tools, subject to paragraph (c)(8) hereof.

SECTION 2. All other sections, terms, and provisions of N.R.C.O. Section 634.01 *Noise Disturbances* not specifically modified or affected by this amending Ordinance shall remain in full force and effect.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:_____

PRESIDENT OF COUNCIL

ATTEST:_____

CLERK OF COUNCIL

APPROVED:_____

MAYOR