

Emergency

April 20

2012

Ontario City Council met in an emergency session on April 20, 2012, in the City Offices, with Council President Daniel Zeiter presiding. The meeting opened at 3:35 p.m. with the Pledge of Allegiance.

The following persons were in attendance when roll was called: Council members Larry Arnold, Charlotte Hellinger, Mark Weidemyre, Michele Webb, Pamela Drake, Mr. Zeiter, Law Director Allan Sowash, Service-Safety Director Roger Heston, and Clerk of Council Cathy VanAuker. Also in attendance were Director of Engineering Jerrod Swinehart, Attorney Harry Welsh, Harry Winfrey of Richland Engineering, and a number of interested employees and citizens were in the audience.

Mrs. Hellinger made a motion to excuse Mr. Williams from today's meeting. Ms. Drake seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

Mr. Arnold made a motion to excuse Mr. Hairston from today's meeting. Mr. Weidemyre seconded the motion. At roll call, five members voted Aye, zero Nay, and the motion passed.

Mr. Sowash made the following statement as it pertains to calling the emergency Council meeting. At last night's regular Council meeting the Ohio EPA Director's Final Findings and Orders for the City of Ontario were discussed. No action was taken and the decision was made to continue the discussion at today's scheduled Utilities Committee meeting. The letter from the Ohio EPA stated a reply was required within 14 days of receiving the letter to initiate negotiations. An extension was granted and today is the deadline of that extension. In order to provide official direction for the Law Director to respond requires an act of Council, not a committee. Therefore, in compliance with Ohio Revised Code, Section 121.22(F), except in the event of an emergency requiring immediate official action, this meeting was called. Because an answer is needed today this qualifies as immediate official action and the Utilities Committee of the Whole was changed to a Council meeting so an official motion directing the Law Director can be made. If the time comes to enter into executive session it will be addressed because there are several issues that are compliant for an executive session for Findings and Orders.

Mrs. Hellinger requested a review of the Findings and Orders and welcomed any and all questions for clarification. Mr. Sowash said, the Engineer's announcement that he was leaving his position on Wednesday added to the urgency of this emergency meeting in order to take action.

Mr. Swinehart said the Findings and Orders do not lock the City into any type of construction, there is a preliminary plan. If a right-of-way acquisition becomes necessary this puts it into the plans. A typical right-of-way acquisition would be 18 months on a 5 year project and you would want to include it. If the decision is made not to make an acquisition then it can be checked off. This does not mean we are agreeing to this, it is a construction plan.

- Mr. Zeiter referred to Section II. PARTIES BOUND which states, "These Orders shall apply to and be binding upon Respondent, its assigns and successors in interest liable under Ohio law. No change in the composition of Respondent or the ownership of Respondent's sewerage system which are the subject of these Orders shall in any way alter Respondent's obligations under these Orders." Mr. Zeiter's interpretation of this statement was the City would be locked in to whatever is sent to the EPA. Mr. Sowash confirmed it is binding and is the reason for the emergency Council meeting so action can be taken.

Lift stations are located in Shangri-la, Elizabeth Drive, Home Road, Rock Road, and Tappan Park.

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Mr. Heston said the Orders were taken from the SSO Plan approved by Council and was submitted to the EPA. They are asking the City to do what we told them we would do. They are not naming what kind of system or where that system will be located, only the timeframe for completion and what needs done.

- Mr. Zeiter said this relates to the Rock Road lift station and option #1 discussed at the last Utilities Committee meeting which is the acquisition of property and placing the tank in that location.
- Mr. Swinehart said it was written for the worst case if property needed purchased and if it wasn't needed then it can be checked off. Mr. Welsh confirmed there was nothing stating the location of the EQ basin.
- Mr. Swinehart said the only date in the Orders that concerned him was the right-of-way acquisition with the grants was not the same year as construction; he would change the date to be the same year as construction.
- Section V. ORDERS, 2(b) should show the design completion date as December 31, 2013 instead of 2012 and add the words *if necessary* to the end of the statement, "complete right-of-way acquisition, if necessary". This amended statement will be moved from Section V, 2(b) to 5(a).
- Mr. Swinehart said all three EQ basin options discussed at the last Utilities Committee meeting should be acceptable to the EPA.
- Mr. Winfrey said, depending on the funding agency the purchase of the house may not be an allowable cause. If the house is purchased prematurely it could be at the City's expense. There are multiple agencies that could put funds toward this project, which should be discussed soon.
- Mrs. Hellinger questioned Section V, 2(c), "TV areas of recent previous construction and eliminate the cleanouts, 100% complete by year end", by asking how far back they would go on recent previous construction. Mr. Swinehart replied ten years.
- Mr. Zeiter asked for clarification of item 5(a), "Receive bids and construct an expandable EQ basin for the Rock Road lift station in accordance with the approved PTI by December 31, 2013", and item 8(a), "construct final size of expanded EQ basin", by December 31, 2016. Mr. Swinehart said this provides the option to put in the small basin but it can be expanded. Mr. Winfrey said the size they want is 800,000 gallons; they can build it, do more flow analysis, and if necessary expand the size of the basin. The first building phase would be locked in which is the 800,000 gallons by 2013. If an expansion is needed after the initial construction then the deadline is 2016 but he doesn't foresee that becoming necessary with all of the research that was previously done.

Mr. Zeiter commented on the \$2 million already spent on the relining project and expected the flow to go down. Mr. Winfrey said there is no guarantee and typical reduction in I/I is 10% to 15% which is why many places will increase the treatment capacity rather than fix the system.

At 4:15 p.m., Mr. Swinehart left the meeting.

Mr. Welsh commented on the positive aspect of the Findings and Orders which do not propose any fines with the 38 overflows in the past eight years, and secondly, they didn't implement a ban on sanitary sewer connections.

Ms. Drake made a motion to direct the Mayor to sign and return the Findings and Orders to the EPA as amended in today's meeting. Mrs. Hellinger seconded the motion. Hearing no discussion, five members cast their votes Aye, zero Nay, and the motion passed.

Mr. Heston came before Council requesting a 0% loan for \$60,000 to move forward with the I/I project because the City did not receive a grant. Mr. Winfrey explained OPWC requires a description of the project before giving out funds so someone has submitted a packet of what will be done with the \$60,000. Mr. Heston felt it was for the Frazier Road area for smoke testing and eliminating illegal connections. This is relevant to the I/I project.

- Ms. Drake requested Mr. Heston inform the Utilities Committee of the work that needs done and where the money is being spent, then the Committee can report to Council.

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Ms. Drake made a motion to accept the \$60,000 loan at 0% interest. Mrs. Hellinger seconded the motion. Hearing no discussion, five members cast their votes Aye, zero Nay, and the motion passed.

- Mr. Heston said the Engineer is using vacation time to finish his employment with the City but he will look for the information of what work was recommended. It should also be available in past meeting minutes.

At 4:32 p.m., there being no further business to come before the meeting, the same was adjourned upon a motion by Mr. Weidemyre and a second by Mrs. Hellinger. At roll call, five members voted Aye, zero Nay, and the motion to adjourn passed.

Daniel J. Zeiter, President of Council

Cathy VanAuker, Clerk of Council