

**AVON LAKE COMMUNITY IMPROVEMENT CORPORATION
MINUTES**

Regular Public Meeting
Avon Lake City Hall Council Chambers
and Virtual
March 10, 2023
9:00 A.M.

I. Attendance

Because of increasing attendance at the monthly CIC meetings, it was agreed that attendance would only be taken for CIC Directors. All other attendees signed in at the meeting, and the sign-in sheet is attached to these minutes.

CIC Directors attending the meeting in person were Mayor Zilka, Councilman Arnold, Ted Esborn, and Ron Kovach. Attending virtually was Steve Luca. Not in attendance were Janice Lapina and Ross Vincent.

II. Approval of Minutes from January 13 Meeting and February 10 Meeting

- a. Ron Kovach made a motion to approve the meeting minutes from January 13. Mayor Zilka second, minutes approved, 5-0.
- b. Mayor Zilka made a motion to approve the meeting minutes from February 10. Ron Kovach second, minutes approved, 5-0.

III. Update on CIC Finances

Ted Esborn, Treasurer, reported that the CIC had an Account Balance of \$39,891.55.

IV. Preparation of Basic Financial Statements

Ted Esborn explained that the CIC was under a 3-year agreement with Zupka & Associates to do basic financial statements and 990. The expenditure required was \$1,600 to Zupka & Associates for the basic financial statements. Ron Kovach made the motion to approve the expenditure, Councilman Arnold Second, expenditure approved, 5-0.

V. Status Update since February Meeting from ALERG

- a. **Environmental Update on Remediation Progress Since Last Meeting**

Dan Rogatto began by saying we always begin with safety. Spotters keep an eye on people making sure that they're not in harm's way. I told them, you might think your job isn't that important, but it is extremely important. You're basically a watchdog for safety in this area.

Moving on to the environmental side, Mr. Rogatto said, we're continually moving forward with the phase two groundwater assessment. We've done the groundwater sampling. I think that we had just finished the groundwater sampling at our last meeting, the first round on the South side of Lake. And we did get the analysis back. The five groundwater wells results were very encouraging. pHs were all mostly in the neutral range. There was no detection of PCB's, volatile organic compounds, or some of the volatile organic compounds. Things were looking pretty good. We're comparing those to the Ohio VAP standards again so things are looking pretty good out there and obviously as we're looking forward to some type of property transfer, we're seeking out a clean phase one and phase two.

Mr. Rogatto said that on the abatement side, a lot of action, a lot of work going on, as abatement continues. We're up close to 1300 tons of asbestos removed. The abatement of boilers 9 and 10 should be completed in a few weeks, probably somewhere mid or the last week of March. The scaffolding of boiler 11 is complete and now they'll be moving into building their plastic containment around 11 to prepare for the asbestos removal on that. We are averaging over 2000 bags of asbestos removed each day. We've had eight EPA site visits to date with no violations.

Mayor Zilka asked, what are those pipes? Going up and down.

Mr. Rogatto replied, the boiler, Mayor. A room where all the walls are made-up of tubes. That's the boiler.

The Mayor said that's what I thought. Thank you.

b. Demolition Update on Progress Since Last Meeting

So moving on to demolition, Dan Rogatto went on, I think everyone probably that's been driving by has been kind of seeing the progress going forward on the precipitator. Now they're moving into some of the duct work and then they'll move to the north side, which will be pretty much be a repeat of what they did on the South side. There is no asbestos in that building. Because I know that's obviously a big key thing that people are concerned about. CEI took down their 345 KB service to the building that was done back in November and we shut off the intake and discharge from the plant that's concreted up, so it's no longer an issue of bringing no water in or water leaving. Completion of the Precip demo is roughly scheduled for April 28th, so we pretty much have another month and 1/2 on that. The demo of Unit 1 through 4 generators has been started.

And then the last thing I want to talk about on the demo side--CEI is tentatively planning for a removal of additional lines that are crossing Lake Rd. in the month of May.

Our coal yard ponds and ditch have been totally, completely cleaned out. And I mean the run off pond that's right there south of Lake Rd. The rail removal across Walker Rd. is planned for the late spring and of course, we'll have to steer clear of the time frame when Lake Rd's gonna be upset from the paving project. We're working on a preliminary design of a bike path using approved material.

Councilwoman Fenderbosch said our public service meeting Tuesday is having the road topic on our agenda because we have already received state grants and a loan for part of it. And there is going to be a discussion on whether we're going to be continuing it to the railroad. Right now continuing to the railroad is not part of the of the project that's going to be a discussion in this Chamber. Everybody's invited Tuesday at 7.

Dan Rogatto said that in the last slide, there's really been no change to the to the schedule since our last meeting. We're still looking at the asbestos abatement to be done pretty much the end of May of this year and the plant demolition completed by the end of 2024. So those are the highlights.

Ted Esborn said that if anyone has a question or a comment and wants to make sure that it gets on the record and for the benefit of those folks on zoom who can't see you unless you step to the podium, if you could step up to the podium, Dan, if you could, step to the side for one second then?

Rob Shahmir said good morning. Rob Shahmir, Avon Lake resident, I've got a couple of questions regarding the environmental presentation that you guys gave. The shallow groundwater sits above a low permeability protective shell layer. So what groundwater are we talking about? Are we talking about the groundwater above or below.

Gary Deigan responded; it is shallow groundwater above the shale.

Mr. Shahmir went on, OK, I've got a follow up question to that. There was a comment that there were no PCB's and VOC stuff. Was that part of your data quality objectives that you were looking for? PCB's and VOCs at the coal pile?

Mr. Deigan answered, absolutely, we do a very comprehensive investigation. And there were transformers out at the coal yard to power some of the machinery and some of the equipment that was out there. So that made sense for us to test for PCBs in both. Soil and groundwater. There was also some fueling operations for the equipment out there. So, we tested for petroleum hydrocarbons.

Mr. Shahmir said in response, I guess the follow up to that would be did you guys check for PAH's and heavy metals in the groundwater as well?

Mr. Deigan answered of course we did, Sir.

Mr. Shahmir followed up, so were there any results that are associated with that being presented or not yet?

Mr. Deigan said, I think what Dan summarized very well is that we found no organics, no PCB's, no petroleum hydrocarbons and the only metals we found were some naturally occurring iron. We saw some very low levels of antimony, nickel and cobalt. We saw no exceedances of the major indicator parameters in coal, which, as you probably know as an expert as arsenic, beryllium, cadmium, lead and mercury. Those were not exceedances anywhere in any of the five wells. So the good news here on this property for everybody is it's going to be a very reusable. There's going to be a lot of different uses that will be acceptable from an environmental standpoint on this property. And the good news about the power plant and this property is that that competent low permeability shale layer that exists underneath the subsurface has protected the environment.

Mr. Shahmir said as a follow up, just on that, Mister Deigan, have you reviewed Ohio Geological Survey report on the coal and have you looked at some of the old photos? Those long fractional fractures, long longitudinal fractures that continue from top to bottom and across the whole side. Fractures are continuous across the site, so I think that is kind of premature to call it a low permeability. Protective shell layer, because structurally most of those are heavily fractured. Just the comment and I will wait for your response on the review of material from the Corps of Engineers as well.

Ted Esborn said OK. Any other questions on the information that Dan presented? If not, I think we can move on to discussion of redevelopment.

c. Redevelopment Update

Dick Shields with Avison Young introduced himself with Don Lydon from the Cleveland office. We do marketing and sale of property and the redevelopment activities. As you all were aware in our last meeting, we presented an amended concept plan for the site that included the future demolition of the Turbine Hall and Stack 9.

Major activities we've been undertaking in the last 30 days is the relocation off of Stack 9 of the AT&T cell phone structures who are looking at a temporary location across the street from the plant, they'll be coming to the city Regarding locating that there and for jump trading to move their microwave dishes to stacks. That would then free up that site for a future demolition.

This month they have to have their data lines and power replaced because the demolition will start to move into that area. So, they've been working with the utility company to provide temporary power or make other arrangements and the stack will remain there until sometime next year when it will be the last one of the last things demolished.

We continue to be in this transition period regarding demand for office space. Interest rates continue to look like they're going to rise. There's a significant amount of capital available to invest, but nobody's doing that. And yet we continue to see interest in the property. Our efforts regarding that are dependent upon us getting this development agreement completed, so we can start working with the city and Metroparks, and Port Authority regarding the plan for any

public use of the property and we can go market the remaining properties. So we want to find those property lines. And move in those two directions. So as soon as we can get our development agreement done, we'll commence activities and work with the city at its direction on how to proceed.

Councilman Arnold said that he had a question. Mr. Shields, we had an economic development committee meeting last week and some members of Council, including myself, had a little concern about the number of residential units that was were proposed in the vision plan of the property. There's much more green space in the new plan, which was positive in my opinion. There were just some concerns about that number of residential properties in that area and I know it's just a visionary plan and a marketing plan for you guys. And you mentioned in the past that it would probably change again because it's a couple years down the line and before the demolition is complete, things change over time and have already changed several times since you guys are proposed the first version. But I just wanted to let you know that from a Council standpoint there were some concerns.

Mr. Shields replied, I think that as this plan moves forward, future buyers will have to address that part. Concept plans necessarily always begin with a target. You figure out how you're going to park it because you can't build what you can't park. And so, within the code, these buildings were designed to have all their parking staying within their structures and additionally, even though we show green space in the power plant area, the foundation of the lower level of the power plant. And that was one of the things that we were asked about by all the people that have been involved in this program. So very good question and glad to continue discussing.

Ted Esborn said Todd, some people are here for the first time, if you can give a little bit of just background and the purpose for the reimbursement agreement that we're working on.

VI. Development Agreement Proposal Update

Todd Davis replied I'm happy to. So we had a meeting, we've had discussions starting last year toward the end of last year, I had discussions with Mr. Shields about their desire to start at least the discussions running the potential rezoning and incentive process associated with the project. The city has signaled its support to start those discussions without making promises about what the end results are. Certainly, we're all enthusiastic about the project and we want to see it be successful. One of the things that we talked about was that we needed to engage outside zoning counsel to assist with respect to the potential rezoning of this area, as well as some of the potential options for incentives, including the potential for a TIF agreement and other incentives that may be available to support the project. An initial reimbursement agreement in order to engage the outside professionals to support the city as we go through that process. So, after that meeting we started discussions with two specific law firms with who could be engaged in connection there. We have had preliminary discussions with those two sets of outside counsel. We are in the process of soliciting proposals from each of those

two groups. We had very productive discussions. I also had a draft of the reimbursement agreement, which was kind of short and simple, we sent back comments after conferring with the city's law director as well as Ted. Those comments have gone back to Todd Hunt, who represents ALERG and we are waiting for a response. I was told yesterday by Mr. Hunt that he was still waiting for a response from his client with respect to the comments that we tendered. So that's where it sits and I think we're prepared to move forward with that discussion, assuming we can reach an agreement on this short preliminary agreement to start the process. Any questions?

Todd Hunt said I received those comments today and we'll review them Monday and get our comments back to you Monday. I don't see any real issues there.

Kayla Goodwin said I have a question. Can you tell us what parts of the site will be remediated to what level?

Dick Shields answered, we've presented two different concept plans and identified uses and one of the actions we have to do is work with the city regarding how to rezone the property, how the city wants to map this particular property and if they want to make any changes. And all of the concept plans that have been presented and all the uses proposed are supported by the environmental remediation changes that we've in place. In other words, everything that's in that plan can be built there based upon the condition of that property. So that's always a very good point.

Kayla Goodwin followed up, is that based upon what we know now or what we will know once it's time we decide. Like is it beginning with the end in mind?

In response, Mr. Shields said that the environmental investigations began years ago and our environmental testing is under way now and we have a remediation objective based upon this future use. So that's what we're remediating to so we can build this. The remedial objective is to allow these uses on this property.

Ted Esborn said, if I can follow up, I think I understand the question and also what you're saying, Dick. I think, Kayla, your question is, are you looking at this piece of the site that needs to be remediated to this level given X use and it sounds what you're saying, Dick, is you're looking rather at a level of remediation that's going to support all of the uses of the plant.

Dick Shields added, I mean, we're not doing spot subdivision to isolate the remedial areas because we don't have those. I've done other projects where you've had to subdivide differently because of the conditions. And so you're right, Ted. We're looking at the entire site as one unit.

Councilwoman Fenderbosch asked, would you say just to clarify that the industrial side of the property south of Lake Rd. is going to remain industrial? So, the remediation standard would be tied to an industrial standard commercial, industrial. Things north of Lake Rd. that would be intended for residential or multifamily use?

Todd Davis replied: So, this is very common. You can always remediate to a higher standard if they choose, but this would be very consistent with every Brownfield redevelopment project I've ever worked on. So, their plan makes sense to me.

Councilwoman Fenderbosch followed up, asking when will this come before Planning Commission? Since I represent all of Council on Planning, I'm trying to put my head around timetables. Thank you.

Mr. Esborn responded, I think the first thing that would come to Planning Commission would either be a modification or revision, or comprehensive land use plan, or a rezoning plan. I tend to think that we will do both of those. When will that happen? So that kind of leads into a question that I had because I think that has to do with the process that Todd was describing the reimbursement agreement that ALERG and the city are working on because I think the answer to your question, Councilwoman Fenderbosch, is that it will come before Planning Commission when the city has something to present in terms of here's what the changes are going to be. My question-- number of residential units, residential density, how do you see that fitting into the work of those professionals? So in other words, will those two zoning attorneys be discussing residential density so?

Mr. Shields answered first: Well, today the city has the zoning ordinance and zoning classifications that would answer that question. So, depending upon the class of the zoning district that is mapped for the area, it would tell you what your lot coverage is, what your density is permitted, what permitted uses are and at the present time. So, the city has limited mixed-use zoning districts defined in its ordinance, and so one of the questions will be and this will be up to the city and that discussion is how do you want to proceed. Do you want to create a new zoning district and create a new map for that district? And then future developers come in with planned developments to get approval through another zoning process, a later date. Where you wanted to find and draw it now, but we are not the vertical developer, so we don't feel it's appropriate for us to come in with a plan and say this is what we want you to zone. This is what we want you to build. So we have long been a believer in creating a mixed-use district zoning classification. And mapping it on here is a good first step and then to have a planned development process that will allow you to then comment and control the density, the number of units, the parking ratios, setbacks and all the other normal things that are police powers. We are not coming forward with the zoning application because we don't know what to apply against because there's not a district that would represent the plan that's here and we see this in many of these redevelopment efforts. The creation of a new district that gives you, in some respects even more control over your current districts is a very effective way, we think, and that's what we like.

Ted Esborn said I appreciate that. And I can say that my department, Community Development, includes zoning and we acknowledge what you're saying. This is something new to the city that will warrant something new in terms of zoning. However, we want to make sure that it is harmonious with our existing districts and that it's not something that's separate and hard for

people to understand how it fits in. I want to turn to Todd really quick, Todd Davis, who I should have mentioned earlier. Todd Davis is city of Avon Lake's outside counsel for Brownfield Redevelopment. The same question to you, Todd, about this development agreement, or I guess initially reimbursement agreement, for getting the necessary professionals involved to work through a pathway. My question is, to what extent in your experience with projects like this is there negotiation about things like residential density in those discussions between those professionals?

Todd Davis replied that the answer is always yes. But Dick did a very good job explaining it. This is a police power of the city. Our job is to work on behalf of the city to understand what the city wants to see there, to work with City Council and the administration, not to usurp the authority. They have the residents and professionals, but just to understand what the city wants to see there, to work with the developer, to facilitate that process which everyone is supportive of, a terrific end use. Integrating elements of the vision plan with the legal process and the zoning that's necessary to integrate the vision with what the Community wants to see, that's the goal of the process. So I appreciate exactly what Dick said. I think he articulated a very reasonable position and our job, in this first agreement, is we just need to make sure that we've got the right team in place on both sides. They've selected Todd Hunt, who has a reputation for being a very pragmatic, very knowledgeable professional with respect to rezoning and representing developers as well as having worked with communities. We're going to select similar sophisticated counsel to help support and protect the city's interests. And the goal is to have a good team of professionals working and integrating with the community so that we can achieve what the city and the Community want to see with respect to this process, while facilitating an amazing project. That's the goal.

Mayor Zilka added that it's always been a difficult challenge for us when conceptual plans are presented. They are just that--conceptual. What could be? Unfortunately, there are people in the community and people on Council, frankly, who looked at the July proposal and this is what you said was going to be and that is the wrong way to look at it. Avison Young is the real estate component here. Charah is the demolition. Frankly, a lot of money is in the reclamation of copper and steel. That's a big part of the whole sale, that's one component. Now the second stage is selling the property and turning it into usable opportunities for people and that's all done on profit. That's where our system works, but we don't know what the final proposal is going to be, what we're in tentative agreement comes before Council as we look at rezoning. And so forth. Deb Beard will remember this name, Mr. Frielingsdorf owned the Avon Lake Shopping Center, the South side in 1958, I showed a conceptual drawing of his shopping center, which went all the way from Lake Rd. all the way to Walker Rd. And it was just after Westgate Shopping Center opened. That conceptual drawing there came close to coming to fruition. But the density of the population or lack of population here didn't make that a realistic proposal. We have people frustrated. They showed us this in July and now they're doing this with a bunch of apartments. There are a lot of conceptual ideas, but what becomes the reality is someone who looks at the property, looks at the area, looks at the location, decides we're going to invest

money to make a profit. In this particular use and we'll adjust the zoning to accommodate. We appreciate the Community's interest but basically this whole thing has to work itself out. Interest rates, as Mr. Shields said, aren't exactly helping right now. The projection over the next several years is certainly not the most ideal for investing in such projects, but this will work itself out eventually. It will be developed; the city will make every effort to acquire more property on the lake and more green space so the public can enjoy. Mr. Ziemnik is standing out in the hall. He's looking at a project as well to benefit of the Lorain County Metro Parks. We may be working together or on a different project. We might be looking at the West End of the project and he might be looking at the East End of the project, but our goal is to make more green space available to the public and more views of the lake available for them. Well, what happens in between is really going to be interesting. I appreciate everyone's concern and interest, but we need to realize that the proposals we have seen are conceptual, not what will be, it's what could be. But we have to find investors out there to make that a reality. Thank you.

VII. Comments from Avon Lake Environmental Affairs Advisory Board (EAAB)

Rob Shahmir began: Good morning. I am Rob Shahmir with EAAB. We have taken a look at the wonderful conceptual plan that's been developed for the redevelopment of the power plant.

We took a look at the conceptual development plan and as the mayor said again, it's conceptual, conceptual means it will evolve and change. But there were a few questions that popped up. If you look at the plan you have an area called Parcel D which seems to include all the green space and I would turn to you guys. So, parcel D is inclusive of all the green space. So, we evaluated it. We looked at it. Where it sat specific to areas of concern.

We took all that data we had and I'll show you where that data came from. Areas of concern as defined, merged into our database, and overlaid into and merged into Google Earth. This is the Verdantas initial assessment that we obtained from the city that includes all the areas of all the hotspots. And those hotspots are inclusive of PCB areas. So what you'll see is former gas station, former fuel tank area PC potential PCP and PCD impact areas, IA 3A and 3B, ASC waste oil, gasoline, 1000 gallon gasoline maintenance shop which had VOC PAH S metals PCB. So, the list is extensive and this is what we have utilized to date to do our assessment and this is where all of our questions has arisen from. So, you can review it. The next step is we overlay the areas of concern with respect to where the facilities are.

What you'll see here are areas identified as potential PCB areas. The red area IA 8 is this way. So, these were areas that were defined by Verdantas as areas of concern when they were putting their proposal together for this program and submitted it to the city. OK, so when you look at this area, this is where the hazardous waste storage area is. This effectively sits into the PCB area now. The PCB potential PCB area continued out. So, this is the area now associated with the gasoline stations, so these are your VOC's, your benzene, Stallings areas. This is the old gas station. This is the tank farm tanks. There's another tank back here. So, when you take the power plant off, what you'll see is these are the potential areas of hydrocarbon contamination.

Hydrocarbon contamination is really not that big of a concern because they're easy to deal with. You can either do solar remediation, you could remove the soil and deal with the groundwater. So these are not what we would consider areas of great concern, the PCB areas and the hazardous waste areas are what we are concerned about. The other thing that we're very concerned about is the maintenance shop, which again, if you see it sits at top of Powdermaker Creek. So the Powdermaker Creek effectively runs under the maintenance shop, so maintenance shop is an area where you use a lot of hazardous carcinogenic chemicals to clean up for years. So what you do is you rinse them, you wash them, you clean them and in the 40s and the 50s and the 60s. All that stuff. It effectively runs down and spreads. What happens in the later days in the 80s and the 90s, you start containing those things. So operation of the maintenance shops have the potential for PCBs, DCAS, things that you were either repairing or things that you used to clean with. This is the bottom ash area. Where you will have potential for a lot of heavy metals.

I think this is a wonderful project. The potential is there. However, we need to understand what the problems are and understanding the problems will allow us to deal with it in the proper manner. Development is fantastic, concept is great. But how are we identifying and how are we dealing with the contaminants? We talked about the permeable layer that protects us. I would like to have you look at this. When you look at the US Army core of engineer report that was done in the 1980s, it shows that these fractures start and then end way into the left.

Scott Reschly said that Gary Deigan is going to respond to Mr. Shahmir for ALERG.

Gary Deigan said well, to say that we're going to look at a 1980s corps of Engineer report and use that as the primary basis for all of these statements that Mister Shamir makes, I would say that is the wrong way to go about it.

The fact of the matter is we're in the process of some very comprehensive phase two environmental testing. I've shared that with you folks over the last several CIC meetings in terms of the scope of what we're doing and the completeness of what we're doing. There will be a time and a place when we will present the findings and the data, but recall that as demolition proceeds, phase two work has to proceed as new access is gained into the property. I can't do a full phase two on that property until parts of the power plant are demolished and removed from our from our way, so patience is a virtue here. But the fact of the matter is we're doing all the right things. We are environmental professionals, certified Ohio professionals. If Verdantas wanted to work with us, they could have cooperated a little better with us in the early stages. We tried to work with them on a grant application. They didn't participate as a team player. So, I'm sorry that Vedantas has some opinions on what's at the property. But they have not had the opportunity that we have had to investigate with soil borings and groundwater testing. So that's where Mr. Shahmir's message stops very short because he does not have anything but speculative data. We have real data. Thank you.

Mr. Shahmir said I think this requires an answer. We're talking about speculation. And we're not going to end it on that, Mister Esborn.

Mr. Esborn said what I'm saying is that the way that we set this up, Rob, is that you made the presentation ALERG makes the response.

Mr. Reschly said that to echo what with Mr. Deigan said, there's a long project. There's a lot of things that we still need to test for, and we're going to continue to apply the standards, we've talked about VAP standards. We're going to continue the same phase two testing and when we discover things that need to be addressed within interests, so right now that's all speculative.

Todd Davis added, a couple of clarifications because the tone is a little contentious and I don't think it needs to be because I'm not hearing much of a disagreement between what Mr. Shahmir is saying and what Mr. Deigan is saying. I think it's a matter of timing. Just to clarify the Verdantas issue, Verdantas did basically a phase one scope for the grant application so that we could figure out how we might be able to spend the \$300,000 worth of grant funding. I have not heard one word from Verdantas about questioning the way that ALERG has been approaching. There has not been criticism of the process. So it's not like they're second guessing. I don't think that there needs to be a defensive tone. I also have to concur with what ALERG has said, this is a process we can debate at an appropriate time, whether all of the the different assessment has been conducted in accordance with the that process, based on what I've seen so far, I don't have any questions about what has been proposed or presented, and I think they've been very open with respect to what their intentions are. Obviously, everyone's eager to see the information at the appropriate time. But this is a natural part of a big project redevelopment and. But, at the end of the day, the goal is to make sure that the place is meticulously assessed. Gary is a a VAP certified professional. He's got a lot of experience doing these kinds of projects. They've been cooperating with the EPA to date and that will be the benchmark and we'll review the information. And candidly it's a private property what they need to do as a developer.

Councilman Zuber said just a comment. I understand what your concern is, and I think that we all appreciate that. I guess from my standpoint, the words "assumption" and "potential" you used over a dozen times. What concerns me is that your assumptions and your potentials are dealt with. But my concern is always when somebody presents some things and they talk about assumptions and potentials. But on the other hand, I think that that's what they're here for, and they'll come back and explain to us what they found out based on what that report because they have. The same report. And they're gonna look at the same exact things.

Mr. Shahmir responded: Well, Mr. Zuber, you weren't at the Council meeting when EEAB came and presented. What we have asked since day one is one thing: Clarity and transparency. So we've asked the city, we've asked the mayor's office, we've asked the Council for it to go out and get third party representation when it comes to environmental advice. We haven't seen it. We have asked now for nine months, nothing and that is what we have requested and that's

what our recommendation has been, get a third party, have them sit across the table because no one at CIC and no one in the city has the background environmentally to understand the concept. Not even Mr. Todd Davis. What you require is to have advice from the proper technical professional who's with an entity that has proper technical know-how so that they can look and say OK, their data quality objectives meet the objective of everything and there is no break, so that's all we've asked. We asked this of Charah. We've asked for transparency. We asked to sit as a stakeholder on the behalf of the Community here as a stakeholder and have a dialogue to understand what exactly are they doing. What are the targets? This is simple stakeholder consultation. That happens on any large project, anywhere in the world and. We haven't had stakeholder consultation and I can and no disrespect to CIC. We've also proposed that the city and the Council to go to the EPA bring in EPA so that they can inform you guys have not. No one has gone to the EPA. Let's be clear on what they have dealt with when it comes to EPA and what they have not. So as the city as CIC, who is now supposed to be the spearhead, we don't have clarity and what we ask for is clarity.

Councilman Zuber said in reply that the confusion that you have is that everything runs through the CIC, no matter what it is. And I understand that you give advice to the city and the Environmental Affairs Board does and we're a great community. We're the only community around that I know that has any type of board like this, but I think or a Council committee that has environmental affairs attached to it. But I think that we have heard your concern. I'm sure that we're going to have discussion about this later about doing exactly what you said, but I think from what your concern is that my concern is that you said assumption and potential. Because when you make assumptions and you say something is a potential thing that's going to happen, you don't know it to be a fact and that's what concerns me. I have no problem with hiring an outside consultant. I think we talked about that at the at the meeting that we just had.

Mr. Shahmir replied that it did. The initial ask came through when they attended an EAAB meeting, so since then it's all been asked through CIC and or the count. So, we have followed the chain of command.

Councilman Arnold said that Councilwoman Billie Jo David did discuss an environmentalist. Potentially getting environmentalists. My only concern with that is if they're not allowed on site. That would be up to Charah to allow them on the property. And I think Todd Davis has a vast amount of knowledge, both environmentally, developmentally and particularly, he's wrote the book on Brownfield Redevelopment. I think that we're in good hands with him and I understand what you're saying, that environments will give you like yourself would will give it a second opinion. It has been talked about within City Council and our various committees. So, we're open to it. So, we'll have future discussions about that here in the next week or so.

Mr. Shahmir replied, Mr. Arnold, I would like to make a statement with regards to that. We're not asking for an environmental company to go onto their site. What we've recommended, let me be clear again, for some reason this seems to not come across what we have recommended. Just as Mr. Todd Davis sits there and advises you on legal framework, you need

an environmental consultant to advise the city on concerns and legislative and remedial requirements. It's not for them to go onto their property, it's for them to interface with Charah. The \$300,000 grant for their consultant has stopped. So, the question now is and has been for the past six months. Why is it that the city does not hire an environmental consulting firm to sit across the table from Chara and understand the process that? They're going through. That's the question.

Councilman Arnold said I understand what you're saying. Charah is complying with everything. All due respect, I mean this is a partner with the city and I'd like to be pretty careful about how much we want to get involved in this being a private property. We're all stakeholders in the city, right? I mean, we have this power plant that's been there for a long time and how long? Have you lived here?

Mr. Shahmir answered that he had lived here for seven years.

Councilman Arnold said seven years. OK, so we have an active power plant that's been on the on the property for seven years. We're gonna tear it down now and I get it. Like your intelligence on this issue is way above mine. So, if I speak out of turn or say something that doesn't make sense. Please call me out, but why is this the first time you've ever had concerns about the power plant? Because obviously the power plant is not an environmental asset to the community. So why is it now, after they're tearing it down that you have concerns?

Mr. Shahmir said I would like to answer that question, Councilman Arnold. Fundamentally, when you have a power plant, it is fenced. It is no longer accessible by everything and everyone, and it falls under within the requirements that are stipulated in your NPDS permits. So, you've got legislative, regulatory requirements that control you when you shift over and now you're going to redevelop it. What you need to do is to ensure that everything all those passed issues are resolved to a level that will ensure the safety and safeguard the safety of our communities. That is 1, and that is the difference. The reason I got involved was specifically was to ensure that this thing was going in the right direction. I'm standing here because every time that I've asked, I haven't received, if you might see clarity. I'm glad that you guys have clarity because we've asked you, as EAAB, what is the plan, what is the interface. And you guys have not answered. Not the Council, not the city, and not CIC. I have been there at every turn. I've asked Mr. Todd Davis on a phone conversation. I put my concerns about Charah and he agreed that what I'm trying to tell you is very fundamental.

Ted Esborn said Todd, I know you had a comment that you were going to make. And then I really think that we should go to Avon Lake Regional Water.

Todd Davis said my comment is pretty simple. This is all a timing issue. Candidly, Rob, I don't I think I agreed with you regarding the propriety of retaining our own environmental consultant at this point in time. What are they going to do? They're going to second guess based on a phase one information. Ultimately at the appropriate times the private developer will be presented to the community, to the city to end users in a fully transparent way. And I

understand that it would be nice, and I agree with you that it would be nice if they found a point in time where they were better able to prepare some of the phase two data, but I also appreciate the desire to have a full picture of what the issues are before they make those presentations.

Ted Esborn said I'd like to see if the folks from Avon Lake Regional Water have any comments.

VIII. Comments from Avon Lake Regional Water

Rob Munro made remarks on behalf of Avon Lake Regional Water: Thank you, Ted. This is our first time attending the CIC. I'm the Chief utilities executive for Avon Lake Regional Water to my right is Greg Yuranich, our chief of utility operations. And to his right is our water filtration plant manager, Jason Gibney. Really, we don't have comments specific to Mr. Shahmir's comments, our comments are surrounding protecting our water source. 87% of our drinking water goes outside of Avon Lake, so we're approaching almost 250,000 customers in a 7 County, 600 square mile service area. So our interests here obviously are very important and we have taken an active role since the beginning of this project. I can say that our interactions specifically with ALERG, Charah, and Avison Young. Dan Rogatto has been very transparent, very positive. He has been very accommodating to us we have visited the site many times on sometimes short notice and there's never been a time that we've been denied access to the site. Again, our minute and really specific concerns are the drinking water and sanitary sewer. Those fall under our purview, but when we're there, we look at everything from our expert point of view to my right here these two. Gentlemen, our Ohio EPA professional operators Class 4, which is the highest certification in the state of Ohio.

From a water quality standpoint, up to this point, we have had no concern whatsoever. Our drinking water is safe and we don't expect there to that to change. We do continuous monitoring 24 hours a day. We have continuous instrumentation. Monitoring on our raw water intakes. We have operators do around the clock 24/7/365 every two hours. They do sampling of the raw water, testing for everything that that we're required to. There's also the visual component checking for any changes in color to the water odor. And again, we're here to assure everyone from a drinking water standpoint, there are no concerns and I cannot stress that enough and moving forward, our level of involvement is going to continue. We have had numerous conversations with Ohio EPA, the Northeast Ohio district office out of Twinsburg, the director, the chief of that office at the time was Kurt Prinsip, Kirk Trinsic. And Mr. Yuranich spoke on numerous occasions. They provided updates in regards to inspections made by Ohio EPA, which were all favorable. Results, they now have a new district chief in the Northeast Ohio Office. Mr. Emmerman spoke with Mr. Yuranich about this site specifically, and he is planning a visit up here to not only to our facilities but he wants to also visit the power plant and we will coordinate that with ALERG. So again, from a reassurance standpoint, I just want everyone to know that as an organization, Avon Lake Regional Water and the Board of Municipal Utilities that is responsible for utilities in Avon Lake are very actively involved in this. We do regularly

report on it at our public meetings, which are the 1st and 3rd Tuesdays of every month. And if anyone has any questions, comments, concerns, please feel free to reach out to us as it pertains to the drinking water and sanitary sewers. Thank you.

IX. Meeting Schedule for April—June

Mr. Esborn said I think that we should wrap up for today. I know people have other things to do this morning. The only other item on the agenda is the meeting schedule. We are keeping with the 2nd Friday of the month, except for the next meeting in April. A lot of people are going to be out of town for that week after Easter, so we're pushing that back to the 21st. With that, can I have a motion to Adjourn?

- a. April 21 (moved back past Easter week)
- b. May 12
- c. June 9

X. Adjournment

Ron Kovach made a motion to adjourn, Ted Esborn second. Meeting adjourned, 5-0.