

**AVON LAKE COMMUNITY IMPROVEMENT CORPORATION  
MINUTES**

Regular Public Meeting  
Avon Lake City Hall Council Chambers  
and Virtual  
June 16, 2023  
9:00 A.M.

**I. Attendance**

CIC Directors attending in person were Mayor Zilka, Zach Arnold, Ted Esborn, and Janice Lapina

**II. Approval of Minutes**

Mayor Zilka made a motion to approve the minutes from the March 10, 2023 meeting. Councilman Arnold second. 4-0, motion passed.

Janice Lapina made a motion to approve the minutes from the April 21, 2023 meeting. Ted Esborn second. 4-0, motion passed.

Mayor Zilka made a motion to approve the minutes from the June 1, 2023 meeting. Janice second. 4-0, motion passed.

**III. Update on CIC Finances**

Ted Esborn updated that there had been one expenditure since the last meeting--\$50 to the Ohio Attorney General to re-register as a charitable organization. He also reported that the CIC has a balance of \$39,841.55.

**IV. Actions Taken at Directors' Organizational Meeting on June 1**

Ted Esborn reported that the CIC Directors met on June 1 at 5:30pm at City Hall to have an organizational meeting. The three following actions were taken by the Board of Directors:

- a. For future monthly meetings with representatives of ALERG, the standing space on the agenda for Environmental Affairs Advisory Board (EAAB) will be replaced by a Public Comment section, where each speaker gets three minutes to speak.
- b. In order to better identify the CIC and the people that comprise it, the only people to sit at the dais during meetings will be Directors and Outside Counsel

- c. A new slate of officers was elected:
  - i. Steve Luca, President
  - ii. Ron Kovach, Vice President
  - iii. Ted Esborn, Secretary/Treasurer

## **V. Updates from Representatives of ALERG**

### **a. Safety**

Dan Rogatto stated that the last and only accident at the site happened on March 10, which means that they have had 21,060 hours without accidents.

“ALERG had a recent a trespasser arrest on June 5th,” Rogatto said. “The security guard noticed a truck at two or three in the morning, parked at the at the west gate. She immediately went over there and called Avon Lake police. They showed up and they waited. There was nobody in the vehicle. They waited until a guy came out, wearing a hard hat, walking towards the west gate to get into his truck with a bag full of stuff. They immediately arrested him. He was actually from Kalamazoo, MI.”

Mr. Rogatto continued, “The safety committee meets biweekly. We also just recently had a fall prevention training for the whole group of people in the plant because there's a lot of scaffolding being used and also high lifts.”

### **b. Environmental**

“As of March 1, 2023, the Phase 1 and Phase 2 reports were completed for the coal yard, which is obviously South Lake Rd.,” said Mr. Rogatto, “and they have been made available to prospective purchasers of that area. Also the engineering for the bike path or multiuse trail in the coal yard is completed.”

Mr. Rogatto added, “We have awarded that construction to a contractor and he's going to manage all the movement of the coal fines and the soil to construct the bike path. Engineer drawings are getting prepared for city approval for the reroute of the stormwater, the former coal pile runoff system to a city stormwater drain. So that's Bramhall, a local engineering firm working on that and we're going to submit that to the city for their approval. And those results basically showed no source impacts to groundwater. Those were samples both on the south side of Lake Rd. and north side.”

Ted Esborn asked Mr. Rogatto if he could go back over the history of the bike path.

Mr. Rogatto explained that there will be two paths, a lower and a higher path. “We're going through the coal yard. The higher one will tie in with the trestle to go across Lake Rd. and probably go down along the lake. The lower one would just tie into Lake Rd.”

Ted Esborn made sure that the ALERG team knew that Chris Howard from Bramhall was the City Engineer as of May 1, and that there could be conflict issues impacting approval of Bramhall developed plans. Mr. Rogatto acknowledged this.

Janice Lapina asked about the tracks that are still down. Mr. Rogatto replied that ALERG is trying to remove them a little earlier, but with the idea of Lake Rd. potentially being paved and closed, they didn't want to take Walker Rd. down at the same time. Mr. Rogatto said that it is probably going to be more towards mid to late summer that that will be done.

### **c. Demolition**

Mr. Rogatto said that ALERG has completed all the flash removal from the Unit 9 precipitator, the unit 6 and 7 precipitator, and Unit 8 precipitator. "Right now the only thing that's left is the fly ash that's still remaining in the silos for unit 9, and that is going to start roughly the first week in July. Once that's done, all fly ash will be off site. That will be another very significant environmental milestone. We still have about 20 transformers down in the basement that still need to have the oil drained."

"Offsite disposal of the radioactive sources within the precipitator around the plant, those were completed early on in the project last year," said Mr. Rogatto. "Achievement of Ohio VAP standards for soil and groundwater is in process and ongoing."

Zach Arnold said that he drove by the other day and noticed that ALERG is getting closer to the demolition near the first smoke stack on the West side. "Are you going to demolish around the smokestack?" Mr. Rogatto explained, "Yes, they're very careful. We're talking now about removing the ductwork that is attached. They're targeting the end of this month for that."

Mr. Rogatto moved on to the asbestos abatement and explained that abatement is now substantially complete. "The abatement of Boiler 12 was completed on May 5th. The abatement of Boiler 11 was completed this week. The abatement of the administration building was completed on May 15th. The crew and all the equipment right now is scheduled to be off site by the end of next week. By the end, 2,700 tons of asbestos will have been removed."

The demo on the ductwork and support steel is ongoing right now, said Mr. Rogatto. "All that ductwork has to be removed. That was going between the precipitator and the big stack. And as they removed ductwork, they removed support steel. There's also the conveyor that's running on that side of Lake Rd. All the conveyors on the South side of Lake Rd. are completely removed, power was shut down on the West side of the plant on May 22nd. We're completely dark except for whatever we power with generators."

Ted Esborn commented that one of the photos in the presentation, in terms of what has been demolished, is very striking.

“In terms of schedule,” Mr. Rogatto said, “we continue to hold to the restoration being complete at the end of 2024. So no change to the schedule other than we're starting to see more things completed.”

Deb Beard of 197 Moore Rd. had a question. “I'm a resident and I get to see the smokestacks from my house. I'm concerned that turning off of the power to the plant also turned off the power to the lights on the smokestack. Being a resident forever, I always thought that the lights sort of helped planes not hit it. Or it also gave people who are out in the lake a sense of where Avon Lake was and I was concerned that with the lights not being on. That is my concern with the situation.”

“When we turned off the power,” said Mr. Rogatto, “we had to talk to the FAA, we had to submit a letter letting them know that the lights on the unit 9 and the Unit 8 stacks were going to go out. The lights on Unit 6 and seven are still on. So, you will still have lights there and those are going to be continued to be powered up.”

Mayor Zilka said, “If I could go back to the environmental, I'm looking at the April 21st minutes. This is the bottom of page three, you talk about the triple stacks. You went to the B House, which is the oldest boiler with the stacks. And you commented it had been out of service for 20 or 30 years. And when you arrived to do abatement of these stacks, there was a layer of five to six inches of dust on every surface. And then moving on to the next page, it makes reference to lead and asbestos and you took special care to mitigate that situation. Could you describe that? Was that a surprise to you?”

Mr. Rogatto responded, “You had residue coming from 20 to 30 years ago. I believe what we were talking about is in the environmental risk reduction slide. We talked about the lead dust vacuuming. The B House is the older section of the plant. We didn't want anybody going in there because there was asbestos in that area. We basically taped off that area and the only time anybody would go within that area was with special permission. When we analyzed that ash, there were traces of lead in it. Probably from some paint or something like that. So we had to dispose of that ash in a different way because we had to give them a clean area for them to put their scaffolding and their plastic down in their ceiling. So that was done before the asbestos tape started.”

#### **d. Redevelopment**

Don Lydon said, “We've been ramping up our efforts now with the marketing. We've had a few through the plant in the last couple of weeks. We're getting a good deal of interest and so the marketing efforts on the lakefront side continue to move forward and we're very positive that we're going to get some people engaged here in the very near future. We are

finalizing transactions on properties on the South side of Lake Rd. Those discussions are covered under a nondisclosure. They will more than likely become public within the next couple of weeks and they're going very well there. So hopefully most of the land on the South side of Lake Road all the way to the tracks will be spoken for in a very short timetable.

## **VI. Development/Reimbursement Agreement Update**

Mr. Shields said, "We advanced the ball forward with the City with regard to commencing discussions with planning and Council with regard to the creation of the new zoning district or rezoning the property, formation of a TIF and acquisition of the property by the City or the county or any public body for the public property. We're looking forward to sitting down more formally with the city and their team to do that. And at the time we do that we would be prepared also to vacate our nondisclosure agreement with the city."

Ted Esborn said, "My one update on that is that City Council did approve the engagement of Berns Ochner as our zoning council for the reimbursement agreement. I know we had been working on that for a while, but with the City Council approval this week, we're looking to set up a meeting. Berns Ochner attorneys are coming to an executive session of Council on Tuesday. We're looking any time after that to have a meeting with Avison Young and their zoning counsel."

## **VII. Miscellaneous**

Ted Esborn said, "I neglected to mention at the front end that we did appoint a 7th member to the Community Improvement Corporation Board. His name is Nathan Deutsch. He was the plant manager at the Lubrizol facility in Avon Lake. He can't be here today but he's looked at this proposed schedule and he will be for the next meetings. We look forward to having Nathan."

Danny McCormick pointed out that the contractor that will be performing the work in the coal yard is Kelly Brothers, which is a local contractor.

Todd Davis said that the city did retain Verdantas as an outside environmental consultant to represent the city's interests in reviewing any information that comes up during the redevelopment process and work collaboratively toward the plant redevelopment.

Scott Reschly with ALERG added one comment about Charah, the parent company of a ALERG. "We talked about the potential sale of Charah and acquisition by a private equity firm, SER capital. We have completed the steps we need to with the SEC with regard to the sale. The next step in the overall sale process is to send out our proxy. And the next step is to have a shareholder vote and that will be done on July 12th and we expect to close on July 13th with SER Capital. That stands for Sustainable Environmental Renewable. All of their investments are solely focused on environmental remediation efforts along with renewable

and other types of sustainable projects.”

Councilman Zuber said just a couple things to ALERG in regards to the bike path, “If you guys could work with the MetroPark a little because I know that was one of the things that they had talked a lot about and I've talked to the director in regards to the South side of Walker Rd. and I know that there's things imminently on that property, but if you could just work with them and try and see exactly what they're looking at too. And just the other thing, Council got an e-mail from Rebecca Smith. This is dated the 14th and I was just hoping that Todd Davis could respond to her because there's things in here that I think that he would be best to respond to.”

#### **VIII. Proposed Meeting Schedule**

Ted Esborn made a motion to have the next three Community Improvement Corporation meetings be Friday, July 14th at 9:00 AM, Friday, August 11th at 9:00 AM and Thursday, September 7th at 7:00 PM. Janice Lapina second. 4-0, motion passed

#### **IX. Adjournment**

Janice Lapina made a motion to adjourn. Mayor Zilka second. 4-0, motion passed.