

P.O Box 3554 Youngstown, Ohio 44512 Phone: [330.729.2080](tel:330.729.2080) Fax: 330.729.2054

December 2nd, 2020

Chairman Hoagland, Vice Chair Schaffer, Ranking Member O'Brien and members of the Senate Agriculture and Natural Resources Committee, we contact you today to express ABC Water & Stormwater District's ("ABC") profound concerns with the inclusion of Section 6119.092 in HB 665.

From the testimony that has been presented, this proposed new section of law is intended to create a special exemption for the Canfield Fair from the monthly stormwater utility fees. If such an exemption is allowed, beyond being fundamentally unfair to the other residents, it will negatively impact ABC's ability to address the flooding problems in the region and could lead to higher costs for other customers. Instead of working with ABC to explore fee credit options available under ABC's policies, the Canfield Fair is attempting to pass legislation that would exempt it from paying for its impact on the stormwater runoff in the area. **It is also important to note, that these fees are not assessments or taxes.** The ABC stormwater fees are monthly utility service fees collected along with property taxes to address the significant and persistent flooding problems in Canfield and Boardman Townships and address Federal Phase II stormwater mandates. All other non-pervious surface properties, including other not-for-profit corporations, pay these stormwater utility fees, just like every other utility.

The fees are paid by owners of developed property with non-pervious surfaces in the Townships. These surfaces include parking lots, roadways and other hard surfaces that do not absorb water and contribute to the flooding and erosion in our region. It is unfair to the other residents of Canfield and Boardman Townships to enact a law to exempt one of the single largest non-pervious properties in those townships for no reason other than its owner is an agricultural society that is served by a regional district. While it is well understood and accepted that undeveloped properties in agricultural districts are exempt from water and sewer assessments, it is illogical and unfair to exempt developed properties simply because they happen to be owned by an agricultural society.

In order to help committee members visualize the flooding problems facing our residents, we have attached a letter sent to us by the Williams family, who owns property next to the fairgrounds. We have also included pictures of stormwater runoff coming from the fairgrounds. Unfortunately, the Canfield Fair is seeking to amend state law to receive a special carveout, meanwhile surrounding residents face the danger of flooding each time it rains due to the Fairground's non-pervious surfaces.

ABC District was created to help mitigate community flooding problems:

The ABC Water and Stormwater District was created to address flooding and water quality issues in the region. Since the District's creation we have spearheaded the development of numerous projects that have benefited the citizens and property owners throughout our service territory. While the Canfield Fair is charged a stormwater utility fee based on their non-pervious surface area this is not the same as

an assessment. These service fees are like any other utility charge such as water and sewer. Revenue from the fees, like in many developed communities in Ohio, is used for maintenance, improvement and development of the stormwater utility system following Federal Phase II requirements for municipal separate storm sewer systems also referred to as MS4s. Rather than sending a monthly bill to customers, which would be administratively costly for the typical \$3.12 monthly residential amount, the Mahoning County Auditor utilizes a separate fee line on the property tax bill as a collection mechanism. It is not a special assessment The ABC District was proactive in discussions with the Canfield Fair about the fee and provided multiple opportunities to reduce those charges based on the stormwater runoff characteristics of the fairgrounds. ABC stands willing to work with them moving forward. To ensure we can provide a better picture for the Committee, we would like to provide some additional information on our services.

Other not-for-profits are not exempted:

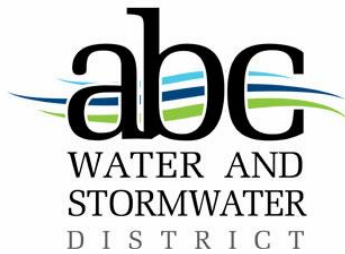
Greta Gray, of the Clinton County Agricultural Society, testified to this committee in support of the stormwater language in the bill, stating that Fairs are currently all 501(c)(3) organizations and are therefore exempt from taxes and should be exempt from assessments, specifically mentioning Canfield. Importantly, she stated: “[T]he intent is NOT to exempt fairs from paying their water, storm water, and sewer bills, but to exempt them from this added assessment.” ABC recognizes and accepts that special assessments on property within agricultural districts are deferred (not exempted) while used for agricultural purposes. As mentioned, the ABC fees are neither taxes nor assessments. ABC is unaware of any law, or logical reason, to exempt 501(c)(3) organizations from utility fees, particularly when such an organization greatly contributes to the problem attempting to be remediated by the utility.

How the District determines charges:

As with most communities that collect stormwater fees to manage stormwater flooding and other Federal Phase II mandates, the fees are calculated according to the amount of non-pervious surface on the property, such as roofs, parking lots and driveways. Calculations of non-pervious surface area are done by using aerial photography. This method then includes a statistical analysis to determine the typical non-pervious area footprint for a single family residence. This value is set as equal to one Equivalent Residential Unit or E.R.U. We then look at non-pervious area of non-residential parcels and divide by this square footage to calculate an E.R.U. amount for the non-residential parcel such that the total revenues generated are equitably collected from fee payers based upon the non-pervious area present within the District as a whole. The District, using this methodology, has determined 1 E.R.U to equal 4,764 square feet. Setting this figure as the standard, we developed a fee of \$3.12 per E.R.U. That number is applied to non-residential properties. Undeveloped properties are not charged because they have no non-pervious surface. **The Canfield Fair complex has a non-pervious surface area of approximately 2,160,900 square feet.**

How the revenues are collected and used:

As mentioned above, the District has partnered with the Mahoning County Auditor’s office to send out its stormwater utility fees much like county 911 fees. These are collected twice a year and are included on the property tax bills. These fees are used to analyze, design, construct, and maintain stormwater and drainage infrastructure within the District. We currently have projects going out to bid that have engineering estimates combining to be over \$1.4 million. The District has also authorized over \$100,000



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dollars in planning for two watersheds within our service area. This includes Indian Run that starts in Canfield Township and encompasses the Fair Grounds, crosses and contributes to flooding of State Route 11, and discharges into Boardman Township.

Options for the Fairground to reduce their fees:

The District has developed polices that establish ways for customers to reduce their stormwater utility fee. These policies are standard and offered to all non-residential fee payers, including the Fairgrounds. They include non-residential non-pervious adjustments for non-pervious area reduction, non-residential fee credits for added detention, and in-kind services such as less tangible items like contact with fee payers, education, or outreach to support the District's mission, or as was offered to the Fairgrounds, a reduction in fee traded for an educational booth during the annual fair. The ABC District is looking for partners in environmental and flood reduction stewardship. The ABC District has expressed a desire to partner with the Fairgrounds by way of more tangible reduction methods and in-kind services to decrease the Fairgrounds fee and promote the missions of both entities.

In closing, the proposed language HB 665 for ORC 6119.092 is unfair to other rate-payers and has the potential of far-reaching impacts beyond the intended goal of the Canfield Fair. The change would prevent collection of the Fairground's fair share of the costs of stormwater management and shift the responsibility onto other property owners within the District. Allowing one single entity to avoid paying for services that benefit the entire region, when all others in the community help to address the problem, is poor public policy, especially, when this exemption applies to one of the largest non-pervious properties in the District and one of the most significant contributors to the stormwater runoff challenges facing the region. Furthermore, the proposed exemption seems unfairly targeted at 6119 regional water and sewer districts like the ABC District. Singling out 6119 Districts and not other entities like conservancy districts, counties and municipalities that provide stormwater utility services is ill-advised as it will discourage regional solutions to flooding and stormwater management.

We are requesting the Committee remove the language that refers to 6119 Districts and allow this specific issue to be addressed at the local level.

Sincerely,

Jason Loree
ABC Water and Stormwater District
Board Member

Keith Rogers
ABC Water and Stormwater District
Board Member

RICHARD AND SHAWNEE WILLIAMS
7271 FAIRGROUND BLVD
CANFIELD, OHIO 44406

JUNE 11TH 2020

ABC WATER & STORM WATER DISTRICT
P.O. BOX 3554
YOUNGSTOWN, OHIO 44512
ATTN: MR. KEITH ROGERS

DEAR MR. ROGERS,

RESPECTFULLY I'M SUBMITTING THIS LETTER TO GIVE KNOWLEDGE OF A WATER PROBLEM I'M EXPERIENCING DUE TO STORM WATER RUN OFF FROM MY NEIGHBOR. ANYTIME WE HAVE 1" OR MORE OF RAINFALL I'M LEFT WITH A POND IN MY FRONT YARD THE ENTIRE WIDTH OF MY YARD WHICH IS 140' ACROSS AND AT LEAST THAT IN DEPTH TOWARD MY HOME AND USUALLY 2-3' DEEP DEPENDING ON HOW HEAVY THE DOWNPOUR. THIS HAS BEEN AN ONGOING ISSUE SINCE WE PURCHASED THE HOME. I HAVE PERSONALLY REACHED OUT TO MY NEIGHBOR: THE CANFIELD FAIR GROUNDS SPECIFICALLY A LADY BY THE NAME BEV, IN REGARD TO THE PROBLEM AND WAS TOLD IT WASN'T THEIR PROBLEM THAT I NEEDED TO ADDRESS THE COUNTY.

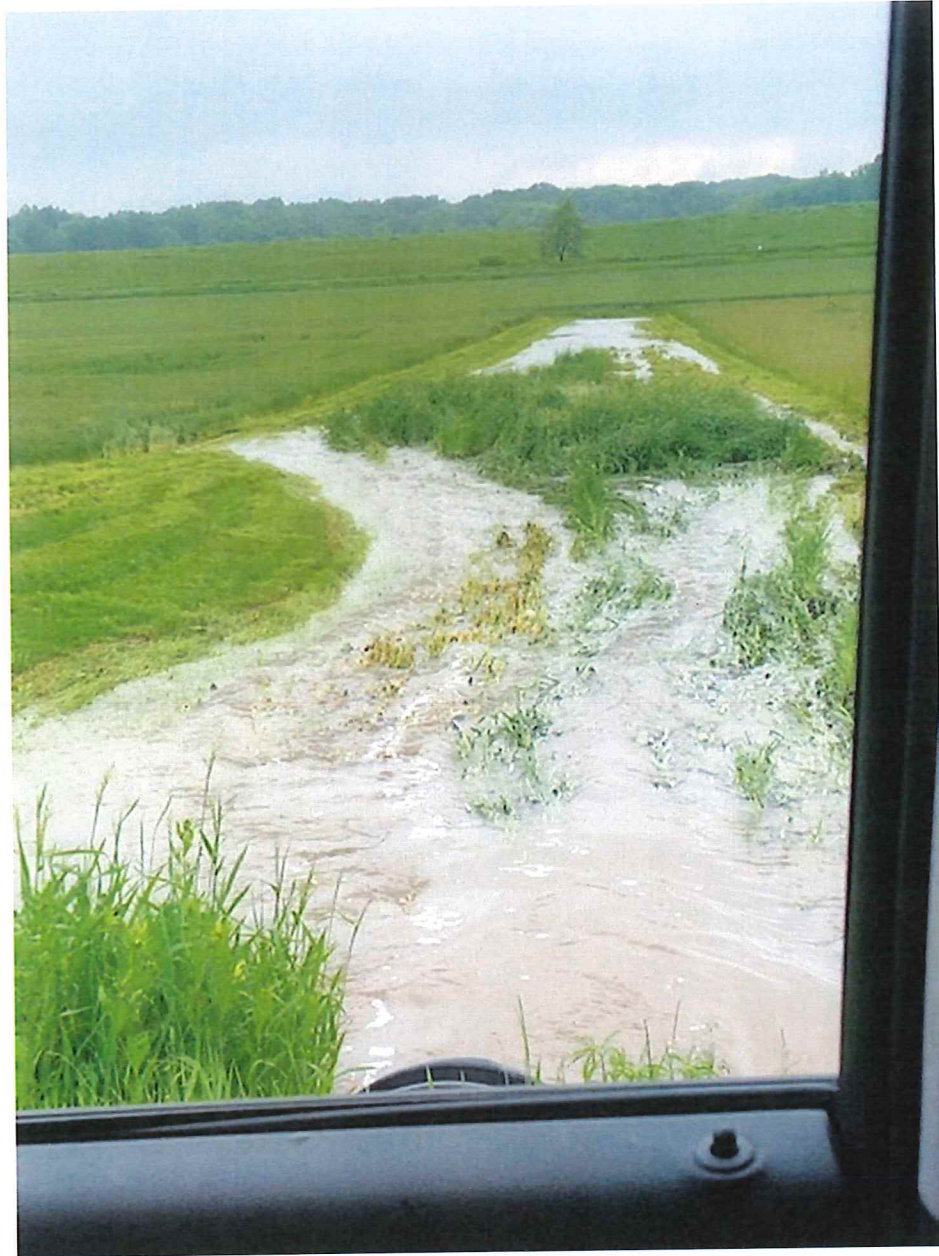
I HAVE LOST FLOWERS, MULCH AND OTHER ITEMS, SUCH AS LAWN ORNAMENTS PURCHASED FOR IMPROVEMENT OR ENJOYMENT. ALSO, I HAVE INCURED COST FOR CLEAN UP AS I'M LEFT WITH PILES OF DEBRIS SUCH AS NUTSHELLS, BRANCHES, LEAVES AND OTHER SEDIMENT DEPOSITED. AT THIS TIME I'VE BEEN ADVISED TO ADDRESS ABC WATER AND STORM WATER DISTRICT TO HOPEFULLY GET INVOLVED AND TO HELP RESOLVE THIS MATTER.

KIND REGARDS,

RICHARD AND SHAWNEE WILLIAMS



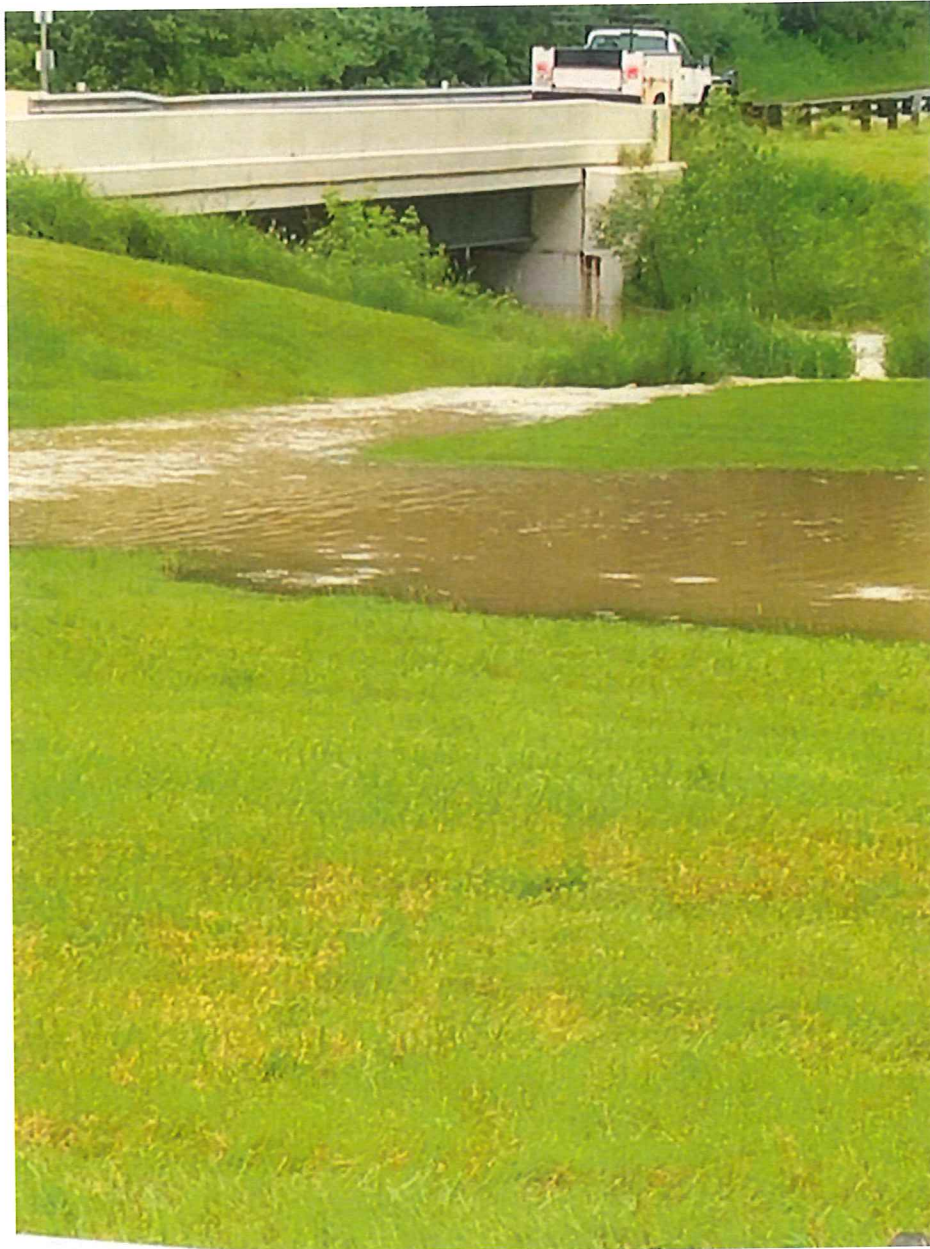




Twin 24" culvert pipes coming from the Fairgrounds draining to the west into the Mill Creek MetroParks farm field during a 1" rain event



Second photo of the runoff coming from the Fairgrounds. This is flow from a 1" rain event that will enter the Indian Run Watershed.



Third photo of runoff from the Fairgrounds that has crossed the Mill Creek MetroParks property and will enter the Indian Run Watershed via the culvert that is under State Route 46.



The drainage from a 36" storm sewer coming from the Fairgrounds that crosses State Route 46 and enters the Indian Run Watershed at the same location as the Mill Creek MetroParks.



Photo of storm water runoff coming from the Fairgrounds to an open ditch on Leffingwell Road (County Road) this runoff also enters the Indian Run Watershed at the same location as the other photos.



Photo of the flooding downstream where both Canfield and Boardman Township's meet



Second photo showing additional road flooding



State Route 626

