

## STORM WATER COMMITTEE MINUTES

November 9, 2005

The Storm Water Committee meeting was held on November 9, 2005, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:30 p.m.

Present: Chair President of Council Robert Stefanik, Denise Bobulsky, Vincent Gentile; Don Willey, Lisa Uffman-Kirsch; Deputy Engineer Michael Woodring, Paula Recker, Ed Zoeller, Jack Kerrigan, David Enne, Mike O'Donnell.

Moved by Mr. Gentile, seconded by Mrs. Bobulsky to approve the minutes of October 12, 2005. 3 yeas/0 nays. Motion carried.

### NEW BUSINESS

#### 1. Lynn Drive culvert

Mr. Woodring explained that the Lynn Drive culvert work was done as a repair and not a replacement due to a sink hole near the street. The city received FEMA funds to assist with the repair. There is a problem with accumulation on private properties to the north side. There was discussion that there is back-up of water in that area when it rains and that the culvert pipes may not be large enough. There was discussion about the Mayor's Oversight Flooding Committee final report recommendations to that area. The two culvert pipes that currently go under Lynn Drive cannot currently handle the storm water; the water backs up and goes to the foundations. The question was asked what the solution would be to this. The solution was said to be to dredge the downstream end of the creek so water can get through quicker. That is all private property, and we would need the Army Corps of Engineer involvement to resolve. The desired solution is to approach the problem in totality dealing with the watershed. It was asked if the two pipes could be combined with one larger pipe to allow water to flow through. Mr. Woodring explained that it may cause flooding downstream and would not fully remedy the situation because of silt and sediment problems. If it is a problem and it effects people downstream, the question was asked why the city cannot do something using eminent domain.

It was asked if the residents have ever been approached to have property access. Mr. Woodring explained that the Army Corps of Engineers approval has not been obtained and they would have to be part of the project. The Army Corps of Engineers dropped the project for an unknown reason. It was asked what if we proceed without the Army Corps of Engineers. The project would have to be such that it would involve dredging and stabilizing the area. The city cannot proceed without the Army Corps of Engineers because they have federal jurisdiction over waterways.

The question was posed if the developers can get permits to modify stream ways, why can't the city get a permit to alleviate a problem caused by the Army Corps of Engineers giving permits to modify the riparian areas upstream. The project is a very expensive one. We cannot solve the water problem, but building permits can be given upstream causing more water to come down. It was asked if the city would install a back valve that would check the water from going to the homes and Mr. Woodring responded that those valves are not recommended.

Mrs. Uffman-Kirsch responded to the question about giving building permits upstream. She said that the city has done everything it legally can to control development with regard to flood plains. We are more restrictive. We have had moratoriums in place which prevented development for a period of time. We cannot stop development because our infrastructure cannot handle it. She clarified the eminent domain explaining that this is a purchase of property with no choice over the taking by the resident other than the terms of purchase. An easement is for access to a property and the resident is given the choice to grant or not. All it takes is one to not agree and the project would be done. There have been other attempts in Ward 1 to obtain easements with residents refusing access and the project cannot proceed. The Law Department will not allow us to go on the property without the easements. The holding points are the limitations within the law and the funding.

It is desired that the Army Corps of Engineers be contacted again. Moving forward in obtaining easements to become ready for when work can commence was also discussed, but doing so in a manner where residents would not think that there was current funding available to immediately commence work once the easements were obtained since there is currently no availability of funding.

**2. Basement flooding Drake Road**

Residents addressed the committee regarding storm water drainage in the area of 12754 Drake Road. In past years there was an open ditch and over the last 20 years or so the ditch has been filled with substantially undersized pipe. There is flooding occurring to the resident.

Mr. Woodring reviewed the situation that the neighbors may be in violation of our Chapter 1024 and notification may be needed to enforce this. The Engineering Department will look into the situation.

**UNFINISHED BUSINESS**

**1. Phase II storm water regulation (Public Involvement Public Education Committee—PIPE)**

A copy of the PIPE Committee Report was submitted. (See attached)

**2. Maple Lane/Lisa Lane/Avalon drainage area**

The sewer pipe was cleaned in front of the Puhalik residence on October 17, 2005. This is removed from the agenda.

**3. Low-impact development hydrologic analysis**

No further information. This subject is being discussed in Building & Building Codes Committee. This is removed from the agenda.

**4. Ordinance 04-205/Chapter 1492 (NOACA Ordinances)**

Information and sample legislation has been distributed earlier and discussed.

Mr. Woodring said this is submitted after much discussion and work by the Engineering Department and Council. A suggested change to this was to add areas of redevelopment in 1492.02 (b) and clarifying the definitions so if someone were proposing a redevelopment of land they would have to comply with this. It would not apply to someone who is building a home on land that is already developed with homes on it as in the case Mr. Burger brought to the committee at a previous meeting. Variances could also be used in these infrequent situations. Much is already covered in 1492.09. Isolated wetland reference was put back.

Mrs. Uffman-Kirsch said that this proposed legislation applies to only new development and not existing, she has requested from the Law Director some type of waiver for anyone applying for any variance, new or existing development, and for anyone with existing development applying for a building permit within the wetland or riparian zones. She would like a waiver saying that the construction is being done in a riparian or wetland zone and the city will not be held liable for any damage to the structure. It is a hold harmless agreement for the city and notification to the person that they are located in this zone. Mr. Woodring said this would be difficult to enforce and did not see that it would work.

It was asked what property rights were being taken from current property owners. The current legislation takes away by not allowing certain building within the riparian and wetland areas. This proposed final version of legislation returns the rights recognizing that the property has existed.

Mrs. Bobulsky moved to approve this final version and send it on to Council, seconded by Mr. Stefanik. 3 yeas/0 nays. Motion carried.

**5. Chapter 1466 Flood Damage Reduction 04-212**

No information has been received from the Law Director.

6. **Abbey Road FEMA buy back program (storm water back flow preventor)**  
No action.
7. **Storm laterals resident's responsibility**  
Waiting for an opinion from Law Director regarding criteria for the storm sewers.
8. **Gregory Lane swale (east side of Gregory Lane rear ditch drainage)**  
Mr. Woodring said that the easement has been spray painted on the east side of Gregory. There is a large tree impeding the flow and is scheduled for removal. This is removed from the agenda.
9. **Planning Commission plan review process**  
Legal Opinion was received and reviewed. The stage of the approval process of mapping delineation of wetlands and riparian areas and setbacks and clarifying it in our codes was discussed.
10. **Codified Ordinance enforcement of water course cleaning**  
Information will be coordinated with the PIPE committee to have residents keep the waterways clear.
11. **Storm water retention basin report**  
The process continues to hire the person who will handle the project.
12. **Turnpike storm water engineering study**  
A meeting is scheduled for tomorrow, November 10, 2005, 7:00 p.m., in Council Chambers.

Mr. Gentile moved to adjourn the meeting, seconded by Mrs. Bobulsky. 3 yeas/0 nays. Meeting adjourned at 8:02 p.m.