

## STORM WATER COMMITTEE MINUTES

April 11, 2007

The Storm Water Committee meeting was held on April 11, 2007, at North Royalton City Hall 13834 Ridge Road. The meeting was called to order at 6:33 p.m.

**Present:** Committee: Chair Larry Antoskiewicz, Vince Gentile, Lisa Uffman-Kirsch; Council: Bob Stefanik, Don Willey; Administration: Mayor Luks, Deputy Engineer Mike Bender, Other Attendees: Representatives from Cuyahoga County Soil and Water Conservation District Todd Houser and Jim Storer, Ivan Hack, Milan Skorepa, Taylor Reverendo, Sue Schriever, Don Harris, Fred Schriever, Nick Cinquepalmi, Gary Petrusky, Pat Harris.

Moved by, Mrs. Uffman-Kirsch seconded by Mr. Gentile to approve minutes from March 14, 2007.  
3 yeas/0 nays. Motion carried.

### UNFINISHED BUSINESS

#### 6. Phase 2 storm water permit requirements

Mr. Houser and Mr. Storer, representatives from Cuyahoga Soil and Water Conservation District, were present to discuss the Phase 2 storm water permit requirements for 2007. It was explained that our city is in the beginning of the second quarter of the last year of implementation based on the permit under which North Royalton is covered. Information was covered that included that Soil and Water is available to guide and prepare communities for the upcoming program evaluation and audit of their program. This is being done through a teamwork approach with guidance through Northeast Ohio Regional Storm Water Task Force, elected officials and staff, and citizens who are involved. Ohio EPA or US EPA will go over the program through an outlined program evaluation guide; a copy is left in the Council Office for review. The city is continuing to work toward better water quality and meeting requirements and has been reporting this to the EPA. Implementation of legislation as the NOACA model ordinances, inspections of retention basins and other requirements of builders have also taken place. To answer a question it was said that this is an evaluation of water quality and regulation not flooding issues. Storm water management is an issue for the city. A question was raised if the retention basins used by builders as silt retention would be regulated and the resident asking was advised to contact Soil and Water with regard to this for a determination if this would be storm water management or a water quality issue.

Mrs. Uffman-Kirsch commented on information covered with regard to riparian set backs and regulations surrounding the requirement of the setbacks that are important due to the fact that these setbacks take into consideration that streams move and residents should be aware of this natural occurrence. Mr. Storer replied that the model ordinances are set up to protect the functions of streams biologically as it should and not for the protection of structures in setbacks. Structures in danger of falling into streams or flooding were built into the nature zone and too close to the water or wetland.

Mrs. Uffman-Kirsch asked for more information about requiring setbacks and riparian zones on development plans. It was explained that these areas should be evaluated on the plans at the beginning phase of development which include detention and retention areas that are permitted under the regulations. This saves the applicant money in the long run. This early and basic evaluation can be made without expensive hydrological studies based on available map information. A mitigation permit from the EPA can be issued, but would not be done as a first option, and the city has the ability to not approve the permit. The Corps will not issue a permit if they know it goes against our ordinances. Mr. Storer stated that the EPS will not issue permits for Class 3 Wetlands. The more stringent regulations would prevail. The Mayor wondered if this has been tested in the court system anywhere. She said that this city has had the experience with court cases where building permits have been denied and they have been overturned by courts and we have been made to issue permits and made to compensate property owners. As much as we say that we have home rule and the right, the judges do not always see it that way. She would like to see the cases.

Mrs. Uffman-Kirsch asked with regard to mitigation if there was anything requiring mitigation or moving toward a requirement for mitigation within the watershed as opposed to distant mitigation that is not of use. The response was since the city is the one who will approve the mitigation plan it has the control. The EPA would issue a mitigation permit which could be required to be attached during the variance process by the judiciary review (our BZA in this case). The recommendation would be to attach the condition upon what the variance is granted.

## **RESIDENT DISCUSSION**

Mr. Skorepa lives on Akins Road near the county yard on York Road and said that the water that runs off the county land comes into his property. Last year he had six blue spruce trees that were approximately 60-70 feet tall get washed away. He has one that will probably go this year. The county has been saying for years that they are working on it, but nothing ever gets done. He had to dig a ditch around his house to keep the water from coming into his house. He came to the meeting for help. Mr. Antoskiewicz reported that the county said they were going to put in a swale as soon as they get a chance. This would be directed south to the creek in the back of the county property and Mr. Skorepa felt this could be easily done with the equipment that the county has there. Mr. Antoskiewicz said Mr. Skorepa feels that over time the county land has risen with dirt that they have placed there. Mr. Skorepa has been there since before the county put in the building. The county says it has been like that for years and Mr. Skorepa feels that it is not right. Mrs. Uffman-Kirsch asked if it would be appropriate for our City Engineering Department to talk with the county to see if it will solve the problem. Mr. Antoskiewicz said our Engineering Department was there and he thought they were not able to do anything. Mr. Skorepa said they did have a culvert pipe that was removed and put in two pipes. He wondered if this was done with permitting. Mr. Stefanik made the suggestion to Mr. Antoskiewicz of getting the County Engineer to talk with our City Engineer to look at the problem together. Mr. Antoskiewicz will then let Mr. Skorepa know of the outcome.

Mr. Shriever asked for assistance with regard to the retention pond of Whispering Meadows. Their retention pond is staying wet because it is blocked with almost no flow through the first level. He feels that the Whispering Meadows retention pond has caused their retention pond to block. The city has advised that someone is needed with a track excavator to take out the mud, silt, logs, etc. from the concrete apron in front of their headwall. This clean up is costly and a special assessment will be needed to the homeowners. He feels even if he does all of this cleaning that there will be more coming down and they will have to do it over again for the same reason next year.

Mrs. Uffman-Kirsch asked who owned the Whispering Meadows detention basin. It is George Callus and Mr. Schriever said he called today and someone who was not Mr. Callus said they did not know who was responsible and thought that the city was responsible for the Whispering Meadows basin, but that he may do something to clean it out. Mr. Schriever asked if he gets a negative response, how far is he supposed to be going to get others to do their detention pond cleaning. Who should be making certain the cleaning is done by others.

The Mayor responded that inspections have been done of the water storage facilities throughout the city and we are embarking on enforcement now based upon those inspections. The city plans to make owners of each of the retention basins take responsibility for their maintenance. The city will also take responsibility for its share of maintenance. Mr. Schriever asked if there was a deadline and the Mayor responded that there will be a timeline given to the property owner of the retention basin of what is necessary to complete.

Mr. Bender said that he will be taking over the storm water responsibilities for the city. He said that they are updating the storm water retention report and that by the end of April inspection of all the basins will be completed. The letters have started to go out for the basins and it is anticipated that all the letters will have gone out by the first of June. Mr. Bender said he thought it was a good point that as the program is looked at it might make sense to look at the upstream watershed basins first and work downstream so the

downstream repairs are not made before the upstream. Mr. Bender will look at the concrete structure since it was pointed out there is a crack in it. Mr. Schriever said he wanted to also clean out part of the wetlands where there is debris that will flow toward the headwall. He asked how he could find out what is permitted to remove from the area without incurring fines and was advised to contact Mr. Hauser from Soil and Water for advice.

## **UNFINISHED BUSINESS**

### **1. North Royaltown FEMA mitigation**

Mayor Luks said that the approved appraisals came back from the state appraiser this week. The purchase offer letters will go out tomorrow to the property owners on Abbey Road and Akins Road. For the homes on Edgerton, one has been appraised and the second will be appraised next week. The appraisals for the homes for the Abbey and Akins project came in under budget.

Mrs. Uffman-Kirsch asked a question to the Engineering Department on behalf of a neighbor of a mitigated home regarding the impact to their property when the home would be taken down. Is it going to increase their potential for flooding? If so, what should they do about it? The Mayor said that the mitigation specialist from Columbus did say that since the creek will be allowed to return to its natural pathway that it should improve things. Engineering Department will look into it.

### **2. Storm water retention basin report**

Covered under the Resident Discussion above by Mr. Bender.

### **3. Flood areas not affected by the Turnpike and not covered under any other report.**

Mr. Bender said he met with Sue Hamilton from Hovansek and Associates. They are working on it but the report is not final.

### **4. Bunker/Dublin area flooding**

Mr. Bender said more contractors have been contacted for pricing. It is hoped that it will be awarded and done in about four to six weeks from now. It was asked what the job would be and Mr. Bender was going to check with Mr. Merdes. Mr. Gentile said he would also call the City Engineer to discuss the problem. It was also discussed that the city owns the headwall of the basin and the homeowners association owns the basin and would be responsible for it. It was asked if the homeowners association then had more authority than the city to effect things that happen in the city. The Mayor said that when they were built that the developer was required to install them and maintenance and ownership of them were assigned to the homeowners association. The city only has certain abilities just as a private property owner and the city can only regulate certain things done.

### **5. Turnpike study**

The City Engineer has met with the Metroparks and Dick Kerber to discuss the final report. There is another meeting needed.

Mrs. Uffman-Kirsch asked regarding the city coalition formed where flooding was discussed. A commitment was made at the January meeting by the representatives from the Turnpike that they would have another step to be conducted in two months and wondered what the status was. Mr. Stefanik said that the Turnpike Board was to set up a meeting some time in May and he will advise the date when he finds out.

### **6. Phase 2 storm water permit requirements**

Discussed above.

### **7. Huntington Close**

Mr. Bender said that the video tapes of the sanitary sewer are being reviewed. The prices are still being sought for the catch basins.

**8. Gregory and Hawley**

Mr. Bender said that there have been proposals received with regard to grading and culvert replacement. They are still working on the details.

**NEW BUSINESS**

**1. 2007 Projects**

The Mayor reported that there was a meeting with the developer for the additional homes in the Chesapeake area regarding the regional retention as recommended by the Citizens Flooding Oversight Committee. There was verbal discussion with regard to the remainder of the terms of the agreement between the city and developer. It looks like it will be a positive outcome.

Mr. Bender said that the Cedar Estates sewer replacement contract has been awarded to Hovansek and Associates. Dalia Consultants is working on the Pamela/Parkdale sewer project. Hovansek and Associates is working on the Cady Road drainage project with lowering of catch basins and it is hoped that a contract will be awarded this summer.

Moved by Mr. Gentile, seconded by Mr. Antoskiewicz to adjourn the meeting. 3 yeas/0 nays. Motion carried. Meeting adjourned at 7:31 p.m.