

STORM WATER COMMITTEE MINUTES

MARCH 1, 2016

The Storm Water Committee meeting was held on March 1, 2016 at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:21 p.m.

PRESENT: Committee Members: Chair Dan Langshaw, Vice Chair Steve Muller; Council: Larry Antoskiewicz, John Nickell, Paul Marnecheck, Dan Kasaris; Administration: Mayor Robert Stefanik, Law Director Thomas Kelly, Wastewater Supt. Tim Tigue, City Engineer Mark Schmitzer, Service Director Nick Cinquepalmi; Other: Lou Krzepina.

Moved by Mr. Langshaw, seconded by Muller to **excuse Mr. Petrusky**. Yeas: 2. Nays: 0. (Excused: Petrusky). **Motion carried.**

APPROVAL OF MINUTES

Moved by Mr. Langshaw, seconded by Mr. Muller to **approve the February 2, 2016 minutes**. Yeas: 2. Nays: 0. (Excused: Petrusky). **Motion carried.**

UNFINISHED BUSINESS

1. Storm Water/Infrastructure Maintenance Monthly Report

Mr. Cinquepalmi reviewed the report, a copy of which is attached to these minutes. Mr. Nickell said York Road between Delsy and Chesapeake is sinking significantly again where there was the culvert cave in about a year. Mr. Cinquepalmi said that they will take care of this. Mr. Langshaw asked what work was being done over on Cambridge Court. Mr. Schmitzer said that a resident came to him stating that water was not freely flowing into the storm sewer. He said that we went out there and discovered that it was not flowing as it should and that we had an easement for us to maintain that. When we sent the crews out it was discovered that trees had been planted over the pipe. He said that they spoke with the property owners and received permission to remove the trees. He said that we cleaned the channel and there is a concrete spillway in front of that that was cleaned out as well. The homeowners are very pleased with the results.

2. 2016 Projects

Mr. Schmitzer said that that we are still waiting on the permits from the Army Corps and the EPA for the Cedar Estates project.

Regarding the York and Tilby creek project, Mr. Schmitzer said that they are still waiting for the EPA to get the grant money to Soil and Water to sign over to us. Once this is received we will be ready to go out to bid.

He said that road has been poured for the Akins Road culvert project and he felt that this should be completed within the next few weeks. Mr. Antoskiewicz said that getting this project done now rather than waiting until spring was a huge plus in order to avoid issues during the busy months for the ball diamonds.

Mr. Nickell asked when the 180 day timeframe for the Cedar Estates project began. Mr. Schmitzer said it began when we received notification that the application was considered complete, which was January 29th. Mr. Nickell said that we should have an answer by the end of those 180 days. Mr. Schmitzer said that would be the latest that we would have an answer. Hopefully we will have affirmation prior to that and it seems to be going that way. Mr. Nickell asked if we are able to contact them periodically without aggravating them. Mr. Schmitzer said that he contacted the EPA and spoke with the gentleman who is reviewing the application to see if there was anything else that they needed from us. He said that the EPA told him that things are moving along and it's just a process we have to go through. Mayor Stefanik said that he had enquired if he should get in touch with Senator Portman or Senator Brown to put some pressure on them to get this going and he was told that it would not be helpful at this point. He said that we will revisit this in the next 30-45 days, and if we don't hear anything we may have to go that route. Mr. Nickell asked that they call monthly and put the blame for the nuisance on him. He said that it is taking a long time and knows that we are dealing with a big, bureaucratic agency.

3. **Turnpike Mitigation**

No update on current projects. Mr. Schmitzer said that there is nothing on the Turnpike's website yet about another round of program projects for this year.

4. **NEORS D Storm Water Program**

Mayor Stefanik said that there was a meeting with the district today and we are trying to craft the best agreement we can for our residents. He provided the committee with a map showing what would be covered under the 75% that NEORS D keeps. He said there are actually 21 miles of waterways that they would be responsible for and it touches every ward. He gave a brief overview of the areas outlined on the map. A copy of this map is attached to these minutes. He said they are still trying to hash out a few details but overall they are very pleased with how the discussions are proceeding. He said that legislation will be presented to Council within the next month and the NEORS D will be out to talk to Council about this program before we vote on the legislation. He said that 25% of the money stays in North Royalton; the other 75% we can use for projects in North Royalton, plus we also negotiated \$700,000 towards the Cedarwood retention basin that is going in. Mr. Langshaw asked if the Biro Ditch was included on the map. Mayor Stefanik said yes. Mr. Antoskiewicz said that in addition to talking to Council, NEORS D will be holding meetings to help educate the public on ways that residents can reduce the fee. Mr. Muller asked if there is an average fee estimate. Mayor Stefanik said it is estimated at \$5.15/month for the average homeowner and won't increase for 5 years. Mr. Nickell asked if the 25% that comes back to the city will be used for storm water projects. Mayor Stefanik said yes. Mr. Nickell asked about the larger businesses and what their fees would be. Mayor Stefanik said that they have a graduated scale for business. They are going to have meetings strictly for the business community, as well as the homeowners. Mr. Kasaris asked if this would include construction of anything to hold water. Mayor Stefanik said that we can apply for additional projects. This is one of the things that they pointed out to us since we are the headwaters of three watersheds. The goal is to hold the water longer further upstream, and no one is more upstream than we are.

NEW BUSINESS

1. **Amendment to 1481.08 Storm Water Maintenance**

Mr. Schmitzer said that he had hoped to have legislation ready but there are a few items that still need to be reviewed internally based on discussions with the Law Department. Mr. Schmitzer gave an overview of what it is they will be proposing. He said that Chapter 1481.08 is the maintenance of storm water systems under our storm water code in the city. Our code states that any portion of the system including onsite and offsite facilities shall be continuously maintained by the owner of the property unless such system is officially accepted by the city for maintenance. He said that it also states that the developer or owner shall cause the maintenance obligation to be inserted in the chain of title to the effected lands as a covenant running with land in favor of the city. Mr. Schmitzer said that the problem is that no one is doing this. We are not having maintenance agreements put in place; people are not following through on maintaining these expensive systems they are installing for managing storm water. As a result these systems don't function and are left to do nothing. He said that they sat down with the Law Department and reviewed what some other cities have done by having a maintenance agreement drafted for the owner to sign, the city has it recorded at the county and it then becomes an obligation that the owner must maintain. It give particulars on the type of system they have, recommended maintenance and frequency of same, inspection summaries that must be presented to the city after critical rains storms, etc. so it is not just the city going out and checking things. They will have to report to us whether or not the system is functioning. This agreement would be very similar to the developers agreement we currently have in our code. Mr. Langshaw asked if there is anything we would need to put in place regarding enforcement if there is noncompliance. Mr. Schmitzer said that they would be cited to Mayor's Court and then we can do a tax assessment to the responsible owner in accordance with Ohio law. He said that we have been working with many of the Homeowner Associations (HOA) and Soil and Water has been our agent going out and working with the HOA's to try and get things back up to speed. Now the HOA's understand that they have obligations that were signed on the plat when the developer dedicated the rights to the HOA. Many were

not aware of this obligation. Mr. Nickell said that some of the HOA's tend to disband and asked how we handle this. Mayor Stefanik said that going forward we will not let that happen. Mr. Kelly said that each situation would be handled on a case by case basis. He said that the Mayor has been very active in invigorating and reinvigorating some of these defunct HOA's to the point where he has found people who are willing to serve on boards and effectively facilitate the revitalization of these associations. Mr. Kelly said that if we find an HOA that we cannot revitalize, we have the ability to go to court and ask the court to appoint a trustee. The HOA, once created, always exists even if it is not functioning and there are no persons willing to stand up and represent the HOA. The organization as an entity is alive by virtue of the declaration and bylaws, and the covenants and restrictions that were filed when the HOA was created. Mr. Nickell asked who the HOA files with when they are created. Mr. Kelly said they file with the county. He said that our Planning Commission has some jurisdiction and typically the Building and Engineering Departments together with the Law Department oversee the creation of the developer's agreement. Mayor Stefanik said that we now have a policy where we sit down with the HOA and the builder when they are ready to turn it over to the residents so that we know that everything is turned over as it should be. We also explain to the HOA what is expected of them going forward.

2. **County catch basin repair grant**

Mr. Cinquepalmi said that we applied for 63 basins. He said that some basins are located off the road and don't receive a lot of damage. The basins we applied for are the ones that are located in hard pavement and receive a lot of abuse and are in need of repair. He said 32 of these are on Rt. 82 from York Road to State Road. The remaining 31 will be on Ridge Road from Rt. 82 north to Sprague Road. He said that maintaining traffic will be a challenge but he will work this out with the Police Department for traffic control. He said that the grant is for just over \$10,000 for materials. Mayor Stefanik asked if the waterline project on Rt. 82 will affect the catch basins. Mr. Cinquepalmi said that water line project is farther east on Rt. 82 than the catch basin work.

MISCELLANEOUS

Mayor Stefanik said that he copied Council via email on the Sprague Road project. He said that we have met with the three other communities and the county last week and the overall consensus was to do the larger of the projects which would include covering up all the ditches and putting in a center turn lane. The project cost is \$18 million; our portion will be \$1,187,000. He said that we will be seeking some funding through Cleveland Water because we also have to pay for the waterlines. They estimate the North Royalton share to be \$125,000. Due to our waterline agreement with the City of Cleveland we have been able to get 100% reimbursement in the past, so that we will be going for that again. He said that we will be working with the NEORSD to see if they want to make this one of their larger, overall projects since part of this work touches what will be in their storm water utility. This will occur in 2020. The county will be following up with us on this in a month or so.

ADJOURNMENT

Moved by Mr. Langshaw, seconded by Mr. Muller **to adjourn the March 1, 2016 meeting.** Yeas: 2. Nays: 0. (Excused: Petrusky). **Motion carried. Meeting adjourned at 6:58 p.m.**

Storm Department Monthly Report – February 2016

Feb 1 st	<u>10536 Cambridge Ct-</u>	Cut and chip trees in the easement.
Feb 2 th	<u>10536 Cambridge Ct-</u>	Excavate clean dirt away from headwall removed dirt off Of concrete slab, clean and re swale creek to property line.
Feb 3 th	<u>10536 Cambridge Ct-</u>	Graded dirt along creek bed excavate 5' hole behind the Headwall to install the catch basin.
Feb 4 th	<u>10536 Cambridge Ct-</u>	Cutting 18" plastic storm line digging dirt away from pipes Installed 4' concrete catch basin mortaring pipe connections.
Feb 5 th	<u>10536 Cambridge Ct-</u>	Mortared a 12" riser on and backfilled and graded picked up duro matts. Fabricated a new trash grate and installed to the head wall.
Feb 8 th	<u>Sprague & State-</u> <u>Service Dept.</u>	Graded area of water main repair and cut a swale past the Guard rail. Salted streets
Feb 9 th	<u>14471 Hillside-</u>	Rear of property excavated in front of inlet pipe removed 8" Of silt and rock cleaned creek bed.
Feb 10 th	<u>Service Dept.</u>	
Feb 11 th	<u>Service Dept.</u>	
Feb 12 th	<u>Service Dept.</u>	
Feb 15 th	<u>Service Dept.</u>	
Feb 16 th	<u>Service Dept.</u>	
Feb 17 th	<u>Service Dept.</u>	
Feb 18 th	<u>Service Dept.</u>	
Feb 19 th	<u>14471 Hillside</u>	Repair and install grate on inlet pipe.
Feb 22 nd	<u>Service Dept.</u>	
Feb 23 rd	<u>Service Dept.-</u>	
Feb 24 th	<u>13800 Prince Carles-</u>	Vac-d out catch basins jetted lateral
	<u>8137 Forest Court-</u>	Vac-d out catch basins jetted lateral

Feb 25 th	<u>Service Dept.</u>	
Feb 26 th	<u>Service Dept.</u>	
Feb 27 th	<u>Bennett- Rt 82-</u>	Vac-d out catch basin and jetted the lateral