

**RECORD OF PROCEEDINGS  
SPECIAL COUNCIL MEETING  
MONDAY, AUGUST 21, 2019 – 1:30 P.M.  
PRESIDENT PRO TEM MIKE CARROLL PRESIDING**

**MEMBERS PRESENT:** Canton, Carroll, Galicki, Nairn, Porter, Schloss

**MEMBERS ABSENT:** Mayor

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Street Commissioner Johnson

**VISITOR:** Tim Alder and Jeff Pausch, Service Department; Greg Pike, Park Committee

At 1:30 p.m., President Pro Tem Carroll called the Special Council meeting to order. Fiscal Officer read the roll. Carroll advised the Mayor was unable to attend the meeting.

Carroll asked the Street Commissioner to provide an update on the West Bel Meadow Lane/Chillicothe Road ditch swale cleaning. The Street Commissioner stated he arranged with one of the residents to move a vehicle that was in the way on August 20, 2019. On August 21, the Street Department personnel were able to mow back as far as the fence line, which was about 75 feet of a total of 130 feet. The Street Commissioner offered to show Council pictures of the progress. Alder relayed that the Engineer provided a scope for the project.

Carroll stated that one reason the meeting was called was because the project was deemed not to be a priority by the Mayor. Carroll believed it was a priority to Council because of water issues. He acknowledged that the Street Department was short staffed currently and asked how Council could help accomplish the project. Specifically, he asked if the Street Department's equipment was adequate to do the work specified by the Engineer. The Street Commissioner said that it probably was not. He explained that they were able to go back about 123 feet. Through email, the Engineer asked that the first hundred feet be cleared. The original scope of the work was 30 by 350 feet. He explained that over the years, changes had occurred with both homes on either side of the creek line, which included the planting of trees along the property line. As a result, the Village could no longer get the equipment back to the north side of the road. The house on the south side of the creek line installed a chain link fence with a gate located along the garage. The Street Commissioner stated that the easement was 30 feet, which is 15 feet from the center on each side. The slope of the hill is so great that with the chain link fence where it is, the crew would be unable get back any further. There would be too much of a chance of the machinery tipping. Carroll asked if there was equipment that could be rented or borrowed to help the situation. Alder said a track excavator could be rented and would be a little more stable. The Street Commissioner said that the appropriate thing would be to get someone in with a big enough piece of equipment that could straddle the creek line. This would be staying within the easement and it would be possible to go back to the woods.

Regarding the possibility of causing increased issues downstream, Carroll said he spoke to the Engineer, who explained that the ditch used to be mowed, and clearing it would not make matters worse than they were previously. He did not anticipate creating downstream issues. With that being said, the Engineer said that the channel was roughly free of debris through the wooded segment. Carroll interpreted this to mean where it was thick and overgrown to be cleared out. The Street Commissioner said he thought it was a drainage line that was running from the north to south to the creek line behind the houses on Chillicothe Rd. He surmised the Engineer was thinking of getting access to that area so that the back lots could drain into the creek line faster to get to Chillicothe Rd.

Carroll stated that the Engineer mentioned that once it was cleared out, he would be able to return with surveying equipment to see exactly what else had to be done. The Street Commissioner concurred.

Carroll asked the Street Commissioner what he required from Council to accomplish the project. The Street Commissioner said there were a number of ways it could be done. He suggested contacting the owners of the home to the south (5129 Chillicothe Road) and ask them to remove some of the fencing. Galicki asked if the fencing was in the easement. The Street Commissioner said it was not, but it was so close to it, they could not get their tractor by the fence. Carroll asked again if there was a piece of equipment that could be rented. The Street Commissioner said he was sure there was equipment out there. Schloss acknowledged that the Street Department needed help and asked the Street Commissioner whether the Village should be considering a local contractor to do the work.

Carroll reiterated that he was aware that the Street Department was busy, but this was a high priority and asked what Council could do to help. According to the Engineer, this project could help with the stormwater issues and flooding issues. He stressed that the Village needed to do something. The Street Commissioner said the Village has the equipment but not the accessibility because of the tree line and the fence.

Galicki said he understood but asked if there was rental equipment that could provide the service to trench, or if the Village could have the work contracted. The Street Commissioner said he was sure the Village could get a contractor who already had the equipment.

Carroll stated that when Council met in July, there was supposed to be a scope of work provided and then consideration given to contracting it out and getting it done. Galicki asked if the Street Commissioner was aware of a contractor who did this type of work, and the Street Commissioner volunteered Radick's Landscaping. Galicki said he had heard of Mr. Excavator, but was unsure of the exact type of work the company did. Schloss said Mr. Excavator had all the equipment to do the job.

Carroll advised that the Engineer estimated the excavating project would be about \$2,000 if it were contracted. Carroll added that the Street Department already did most of it and asked how much remained. The Street Commissioner said another 100 to 125 feet remained. Nairn asked when the project was started and clarified that they had reached the waterway that day. Schloss asked if the Street Commissioner could call Radick's to see if there was something available.

The Street Commissioner asked if he should contact Radick's or Buckeye Excavating. Schloss suggested both to see who was available and had the cheapest cost. Nairn said it should be necessary to get a couple of estimates. Canton stated that his concern was that the water would flow more freely resulting in a higher volume of water travelling to the west side of the Village more quickly causing flooding downstream. Carroll read an email from the Engineer which basically said that there was no reason to wait to clean out the channel. The work that was necessary had previously been done for years, but then the Village stopped doing it. The Engineer told Carroll that more problems would be created with waiting to clear the ditch. It was currently causing problems for the homeowners adjacent to the ditch.

The Street Commissioner said they were excavating a little more than a foot of silt out of the bottom of the ditch. Galicki questioned whether the red ranch had flooding issues during the time the Village used to clear this ditch. The Street Commissioner said since 1994, during his time with the Village, it had been mowed but not excavated. He did not think that not excavating it had an impact on the red ranch because this home is south of the ditch. The biggest complaints were coming from houses north of the ditch which had flooding in the back yards. Some of these houses had changes, but there was more water in their backyards. They were trying to get the water to go south to the creek line to drain their back yards. Galicki asked what was done with the fence and the evergreens and if the resident regraded. The Street Commissioner said that during the first couple of years after the trees were planted, he was able to get in with the equipment. Ten years of growth was the problem. Galicki asked if this changed the flow of water. The Street Commissioner stated that a lot of the debris had come over from West Bel Meadow Lane, in the form of foliage and yard waste.

The Street Commissioner asked if Council wanted to contact the new homeowner of 5129 Chillicothe Road about potentially realigning the chain link fence. He said getting a contractor in was only a temporary remedy. Carroll added that the Engineer relayed that the ditch would need reevaluation every three to five years. The Street Commissioner added that getting back that far for the Village would still be an issue.

Nairn asked if the Village required a permit to put up a fence and the Street Commissioner said he did not know. It was only a 30-foot easement and the majority of it was hillside. Galicki added that if something was not in the easement there was nothing restricting someone from installing something. The Street Commissioner relayed that there were requirements only if it was a type of stockade fence. Porter said there were requirements about fencing but it depended on where the fence was. He asked how much more room would be needed to properly clean the ditch, specifically how far would the fence have to move to accomplish this. The Street Commissioner responded about 10 feet. If the resident would move the fence 10 feet, the Village would be able to maintain the area. Nairn stated that 10 feet was a lot. The Street Commissioner explained that the Village would not be asking for an easement, just for the fence to be moved over, and it would still be the resident's property. Galicki added that it would still be the resident's expense to move the chain link fence. The Street Commissioner asked if this would be something the Village would want to do, and questioned whether it would be a cheaper alternative to having a contractor come in. Galicki said that an immediate solution was first to clear the ditch and then the fence issue could be evaluated later. He would not hold up work entirely waiting for a resident to decide whether out of the kindness of his heart he would move

his fence 10 feet. Schloss suggested having the Street Commissioner contact some excavators. After the ditch was cleared, Council could assess the situation. Porter asked how long the fence line was. The Street Commissioner said about 100 feet. Schloss asked if an excavator with the proper equipment could get the project done in a day or two, and the Street Commissioner agreed. He said the Street Department staff could finish up as far as they were able to go, which was to the front of the garage, and then beyond that would be another 65 feet of fence line. He said the excavator would just be asked to start where the Village left off and to go to the wood line but nothing from the wood line over. Carroll said the Engineer wanted to have the wood line done first so that he could evaluate it. Porter suggested getting a couple of estimates and deciding from there.

Carroll suggested making a motion to ask the Mayor to have the Service Commissioner get a couple of estimates for completing the work to the wood line as soon as possible which the Service Department could not complete due to the limitations of the equipment. Porter did not think a motion was necessary, and Carroll stated he wanted to ensure it was done. Nairn added that it was spending money, and Porter stated that phone calls were not spending money. Carroll stated the motion could include approving up to \$2,000 for the work, and the Street Commissioner and Schloss felt this would not be enough. Porter suggested the Street Commissioner make a couple of calls and have the contractors submit written proposals because they would not bring machinery in without a written proposal. Carroll explained that he mentioned \$2,000 based on what the Engineer had stated the clearing might cost.

The Street Commissioner said that in the past, contractors sprayed weed killer in the creek line and Carroll asked why this had been stopped. The Street Commissioner said this was not something that the Village would want to do these days. Schloss said the EPA stopped it. Carroll clarified that he was not speaking of the spraying but about maintaining the ditch and dealing with the vegetation. Carroll asked how long the Village had the easement, and the Street Commissioner stated since 1987. Carroll concluded that there had been some level of maintenance going on since 1987. The road levy to free up money to address stormwater issues was passed two to three years ago, and to this day, nothing had really been done. Carroll stated that some things are being developed, but the projects need to get done.

The Street Commissioner asked if the estimates were for the Council meeting September 9<sup>th</sup>. Schloss said he thought they wanted to get the work done as soon as possible. Porter stated that the Street Commissioner could get the quotes and let Council know through the Mayor and said he did not know if another Special Council meeting would be necessary depending on the cost.

Carroll addressed the playground dirt pile, especially with the Fall Festival approaching. He added that a sledding hill had also been discussed. Carroll's opinion was that the dirt pile needed to be moved elsewhere and grass planted in preparation for the Fall Festival. He did not think it was complementary to the awesome playground. The Street Commissioner said it was, and that the kids were playing on it and loving it. The Street Commissioner said the trench line was filled but the end of it, which would connect to the swale, was fenced off. He recommended the swale not be dug prior to the Fall Festival. Schloss asked if the dirt could just be spread over a couple of hundred feet and grass planted. Canton thought it should be hauled out of the area. Schloss agreed. Canton further advised that the idea of a sledding hill was nothing but that. He said that

the official approval had not been given by the Western Reserve Land Conservancy, and that he was still waiting for this. His idea, as Council's representative to the parks, was that once the authorization was received from the Land Conservancy, then the he and Parks Committee would discuss it further and then present it to Council. Porter asked the Street Commissioner if the dirt pile was on the Village's three acres, and he responded that it was close. Porter asked if the Land Conservancy's approval was required. Canton stated he believed the approval was something the Village should have.

The Street Commissioner asked if Council was asking to leave the current dirt pile where it was or to relocate it. Carroll asked if there would be an issue with moving the dirt pile to take it offsite. He was not saying that he was against a small sledding hill, but added information about it was lacking, such as where it would go. Canton said that placement would be another issue to discuss with Council. He said most likely it would be on the east side of the playground towards the power lines, but reiterated he was just throwing ideas out. Porter suggested that the children were enjoying the dirt pile and asked if the Village wanted to move the dirt twice. Carroll said that with the way it looked and where it currently was sitting, he had no problem moving it twice. Galicki said that the playground needed to be finished, and keeping the dirt there was unsightly.

Regarding finishing the playground, Canton stated it would make more sense to have concrete bases for the benches, and this probably would not be done until Spring. He added that there were fifteen trees to sell, and four had been sold. He did not know if the Village would wait until all 15 were sold before planting them. He was hoping that some of the trees would be planted, the benches installed, and the dirt pile would be moved before the Fall Festival, but it did make sense to him that the benches should have a concrete base. The Street Commissioner asked if Canton would want the trees planted at the same time for uniformity in growth. Nairn reminded the Street Commissioner of the issue in the cemetery with planting trees at the wrong time of year. She stated the heat of August was not the right time to plant the trees.

Carroll proposed that the dirt pile be moved, and the area leveled out for the Fall Festival. The Street Commissioner said he certainly would not go to any expense in trying to top dress it and seed it and added that it would not be established. Carroll asked the Street Commissioner what he would do with the dirt from the dirt pile. The Street Commissioner said it was top quality dirt and he would rather keep it. If it were moved to the dump and it was determined the Village wanted a sledding hill, the Street Department would bring in older dirt for that. Galicki stated that if the Parks Committee wanted to showcase the park for the Fall Festival, having the dirt pile there gave it an unfinished appearance.

Canton and Porter asked Pike what he thought about the dirt pile, and Pike responded that it was Council's decision and that it was an expense. Porter asked how long it would take to haul the dirt over to the dump, and Alder replied probably a little over a day. Porter asked if the equipment was available to do this. Pausch stated the dirt was piled up because it was too wet to be haul out. They could move the dirt if they were able to drive the trucks back through and get out without tearing everything up. He said it would not be too big of a deal.

Nairn said that the playground should be looking stellar for the dedication. Canton said it would be looking better next spring and summer. Nairn said she was concerned when she saw little kids climbing up on the dirt pile with their mom turned completely around on her phone. She stated that there was no sign posted about not climbing on the dirt and it was a liability for the Village. Porter stated it would be hard to prevail against the Village on this. He said the best armor was staying out of cannon range, so you don't want to get sued if you can avoid it. He asked if it would keep kids off the dirt pile, and he guessed it would not. He added that there was no sign that said people should watch their kids. Nairn stated there needed to be a sign to that effect.

Carroll made a motion to have the Mayor have the Service Department employees move the dirt pile to the dump at the earliest convenience, seconded by Canton. Voice vote – ayes Schloss, Canton, Carroll, Galicki, Nairn. Nay, Porter. Motion carried.

**ADJOURNMENT:** Being that there was no further business before Council, Carroll made a motion to adjourn, seconded by Canton. Voice vote – ayes, all. Motion carried.

  
~~Michael Carroll, President Pro Tem~~

WILLIAM G. KOONS, MAYOR

  
Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki