

**RECORD OF PROCEEDINGS
SPECIAL COUNCIL MEETING
MONDAY, AUGUST 30, 2021 – 6:00 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Berger, Canton, Carroll, Galicki, Nairn, Porter

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Street
Commissioner Alder, Solicitor Matheney, Engineer Haibach

VISITORS: Carlene Holtz, MC Art, David Cvelbar, Mayfield Rd.; Jen Lyndall,
Woodrush Circle; Ray Schloss, Mapleridge Rd.; Greg Heilman,
Chillicothe Rd.

The Mayor called the meeting to order. The Fiscal Officer read the roll.

The Mayor advised the first item on the agenda was the application by MC Art Studio for a fence. The Mayor indicated that it is a nice business and it needs help from the Village in putting up a fence to protect the children. He explained that part of the building is on South Russell property, and there is a signed agreement, but a change is required. The Solicitor explained that there was no change required for the agreement. In 1978, the Village granted an easement to the property owner for the part of the building that encroaches over Village property. This runs with the land and is there for the benefit of anyone who owned the property. Anything outside of the building that is being used on Village property needs an agreement or easement granted. The Solicitor advised that there is a strip of Village owned property being used by MC Art Studio which extends beyond the building. The Village entered into an agreement with the property owner, Dr. Holtz and the tenant, MC Art Studio to allow the use of this strip of land. Authorization of the property owner would be required if there were to be anything improved, erected as a structure, or a change of use. The same would apply to Dr. Holtz, where the Village had to give authorization for the proposed fence because it is on his property. She further explained that it would be like anyone in the Village who filled out an application for a zoning permit, which could be executed by a contractor, lessee, etc., but if it were not the actual owner of the property on which the proposed structure was going, authorization would be required from the property owner. This is what is to be addressed by Council. Carlene Holtz is present to request authorization for the fence to be on Village property.

Holtz first thanked the Council, Solicitor, and Mayor for helping arrange the pick-up and drop-off option for the safety of her preschoolers. Regarding the fence, she explained that over the summer, she had temporary fencing, which was not to State standards. A structure was needed to keep children safely inside the studio area. She added that the Village has its specifications for the fencing and the State has its own guidelines. Holtz will be ensuring she complies with the Village and State. She provided these requirements to the Solicitor. She explained that the issue is that part of the fence will be on Village property. Holtz proposed that on her property, posts would be

installed as more of a permanent structure. On the Village property, they would have a sleeve put in the ground in which the fence would sit so that it could be removed if needed by the Village or Farmers Market. Holtz explained that the fence would be welcoming and not a solid structure. She has a full preschool, so the fence is needed. Furthermore, she has funds raised by the parents to build it. Holtz clarified that it would not be a playground but rather an outdoor play space consisting of a couple of small play devices but primarily gardening and hands-on activities. David Cvelbar, a carpenter and artist associated with MC Art Studio, provided images of the proposed black galvanized fencing. Cvelbar described the construction of the fence and how it complied with safety requirements.

Carroll asked if this matter had to go to Planning Commission (PC), and if so, would that be after Council approval? The Solicitor advised that it may have to go to PC but did have to go to the Board of Zoning Appeals (BZA) because of the issue with the three feet from the property line rule. She consulted with the Building Inspector and determined that BZA is necessary because the fence is going to continue from Dr. Holtz's property onto Village property without stopping three feet from either property line. Carroll clarified that if Council approval were obtained, Holtz would then continue through the application process. The Solicitor reiterated that without approval from both property owners, the Village and Dr. Holtz, it would not have been a complete application to submit for a zoning permit.

Holtz explained that the State requires 60 square feet per child for a playground, so she is trying to get as much property as she can. Carroll asked Holtz what space would be required for a play structure, and Holtz explained she would be required to have nine feet between each piece of equipment. She has tiny movable teeter totters. She is also required to have shade for the children, which the Village trees do not supply. Nairn referred to the fencing picture that was distributed and asked for clarification. She asked if Holtz was referring to the State Board of Education, and Holtz said yes. Nairn and Holtz discussed further details of playground requirements. Regarding the removable portion of the fence, Nairn asked if this would be removed daily. Holtz hoped this would not be the case and surmised that it would stay up for the school year but could be moved if necessary for Village purposes.

Porter asked how much of the Village land Holtz would be using, and Holtz said that counting from the middle of the building, it would be a total of 6 to 7 feet.

Carroll asked if the Village would have any final say in the way the fence looked. Holtz said that they are not opposed to suggestions but did not want a chain link fence. She added that they are artists and are flexible. She emphasized that she wanted it to look open and welcoming.

Berger asked the Solicitor whether the easement agreement addresses who is responsible for the maintenance of the Village property inside the fencing. The Solicitor reiterated that the easement is just for the building. The agreement for the strip of land is that the Village will maintain it, but the Solicitor stated that an exception or change could be made. Berger stated that the Village employees must go inside the fenced area to cut the grass, etc. The Solicitor stated yes. Holtz stated that currently there is a good arrangement in knowing where the lines are. Berger did not want the Street Commissioner and employees having to trample over the fence to cut grass. Holtz

said that she maintains this part now. The Street Commissioner stated that she cuts more than her fair share now. Holtz added that it is whomever gets to it first, and the Village always beats her, so it does not matter.

The Mayor stated that the next BZA meeting would be September 15th and he would try to get her on that agenda.

Carroll made a motion to allow MC Art Studio to place a fence on Village property as described, seconded by Nairn. Voice vote – ayes, all. Motion carried.

The Mayor addressed the application for a House Bill 168 Water and Sewer grant. The Engineer explained that the wastewater infrastructure grant announced by the State to be meted out through the Ohio Environmental Protection Agency (OEPA) was very specific to say that it is for drinking water treatment and distribution and wastewater collection and treatment. CT Consultants personnel contacted OEPA and the State to inquire whether it was inclusive of stormwater. Ultimately, the Engineer said that a determination was received from the State that if the Village submitted a stormwater project, it would be considered. The Engineer indicated that the Village has a proposed project for a detention/retention pond south of Village Hall that is currently in the preliminary design phase. He asked what he would need to do to submit this project for consideration and was told that it needed to meet the Geauga County Engineer's criteria because they will pick the 10 most important and effective projects in Geauga County. This is what will be forwarded to the OEPA. The Engineer did some lobbying with the Geauga County Engineer, and the Village project made the list. The Engineer stated, however, that the Village may not see grant money for this retention basin, but there is a possibility. Carroll asked if it was a matching or refund grant, and the Engineer did not know. Carroll did not want to see the project delayed. The Engineer said the Village will move ahead like it will not get the grant. It would not affect the timeline. Nairn asked what the amount of the grant was, and the Engineer thought he asked for \$150,000. Porter asked if the grant application required the attachment of bid specs, and the Engineer said no. The Engineer explained that the State made municipalities aware that they have a \$250 million water and wastewater pool available and would be leaving it to the County Engineers to determine which municipalities would apply for it. The due dates were tight, and the County Engineers were caught off-guard. The Engineer did not have an application but put together what he thought the application should have included and submitted it to the County Engineer's Officer and was told it looked good.

Porter asked where the Village stood with the bid specs for the retention pond. The Engineer said that a CT Consultants environmental scientist came out two to three weeks ago to do a walk through the proposed area. She was going to assess whether it would be worth getting a wetland delineation to determine if the project area could have any wetland impacts or whether the project should perhaps be shifted to avoid such areas. Through her observation, she identified that there were forest and wetlands in the area and is currently working on a wetland delineation to determine where they are. With this information, the Engineer could potentially shift or reshape the retention basin so that it does not affect the areas. The retention pond delineation and the preliminary design should be ready for review by the end of October. The Village will be ready to advertise for bids by the end of November. Trees will need to be taken down, and the clearing of

the area must be complete in February and March 2022 due to the Indiana Bat issue which limits clearing of trees that are potential habitat for the endangered species. If the trees are not cleared by April, they will not be able to do so until October. Thus, the Engineer advised that the contract should be awarded by February or March of 2022. Porter asked if digging would be occurring in April 2022, and the Engineer said this was correct. Porter asked about the completion date, and the Engineer thought it would take three months. Carroll verified that this was the number one project. The Engineer concurred and said it was the number one prioritized project from the 2021 Stormwater Study update. Carroll concluded that the Village could knock this project off the list of the \$1.5 million in identified projects. Porter added that the Village could show the county that it is two for three.

The Mayor stated that three weeks ago, the Village did not have a chance to get the money and now it has a chance to receive \$150,000. The Engineer stated that he would not pin his hopes on getting it, but there is a chance that it could help offset the design and construction costs for the retention basin. The Mayor thanked him for his efforts. The Engineer acknowledged that it is worthwhile to try to obtain grant money for projects that the Village knows it will be doing. It received Ohio Public Works Commission (OPWC) grant funding to offset \$94,000 for the 2021 Road Program. The Village would also be getting grant funding for the culvert replacement as well as the traffic signal. The Mayor stated that the Village had not received funds for the Washington Street paving, which would be \$115,000. The Engineer explained that this would be a tough project to fund with grant money because it is a paving project and OPWC historically does not like to fund paving projects.

Porter made a motion to authorize the Mayor to sign the grant application submitted by the Engineer, seconded by Berger. Voice vote – ayes, all. Motion carried.

The Mayor announced that it was 6:33 p.m. and Council would discuss stormwater. The Engineer stated he already addressed the retention pond. Carroll advised that there was some confusion on the part of elected officials who had stated that a culvert would be appropriate under Chillicothe Road versus doing a retention pond. It was Carroll's understanding that the retention pond is the preferred solution. The Engineer said this was correct. He explained that if the culvert size were increased and/or a second culvert were installed next to the existing culvert under Chillicothe Rd., this would certainly transfer all the water on the east side of Chillicothe Rd. to the west side and it would not overtop the road. However, it would just push the flow downstream directly into the swim lake in the Chagrin Lakes community, which was already inundated with stormwater with the existing smaller culvert that is there now. It did not solve the bigger problem. Carroll summarized that what is needed is the detention/retention area, and the Engineer agreed and said it is the more responsible solution. Carroll indicated that because the water flows into the swim lake, which then flows to the Parkland Dam, the detention/retention pond would soften the impact that this area experiences. The Engineer agreed. He explained that the dry area of the detention pond would be designed to capture and accommodate a 100-year storm event, which is a significant buffer.

The Mayor addressed the three culverts on Chillicothe Rd. and asked the Engineer to explain the locations. The Engineer said the first is just south of the Red Ranch with an inlet of 12-inches

which changes to an 18-inch culvert under the road and discharges into the existing ditch on the Manor Brook property. In 2017 when the North Central Drainage Study was conducted, it was listed as undersized and needed to have a 36-inch inlet. The Engineer explained there is another 12-inch corrugated metal culvert that crosses Chillicothe Rd. right at the Bell Rd. intersection. It does not need to be increased in size but needs to be replaced because it is in terrible condition. The location of the third culvert could vary. The design for the culvert replacements is being done concurrently with the design of the retention pond since that culvert is interconnected with the retention. The culvert that is just south of Village Hall that goes to the dentist's office is a 15-inch culvert and the Drainage Study recommended that it be upgraded to a 30-inch culvert to handle the flows that come through. With the advent of the retention pond, this may not be necessary. There is another culvert south of there that is also small and should be upgraded, and there is a possibility that the retention pond would outlet to the culvert farther south rather than the one closest to the dental office. Thus, this culvert would require replacement. The Engineer added that he left the location description vague with the OPWC grant.

Porter asked if this involved the Lantern, and the Engineer explained that no, it would be north of this. It would discharge to a different area. Both culverts under consideration drain to the Chagrin Lakes swim lake. The Lantern property drainage does not get to the swim lake directly. Rather it goes to the ponds at the corner of Sheerbrook Dr. and Chillicothe Rd.

Nairn asked what the chance was for the third culvert or fourth culvert to ever present a problem to the Cemetery. The Engineer said that with the advent of the retention pond, nil because stormwater would be captured, stored, and slowly released on the east side of Chillicothe so it would really reduce flows on the west side of Chillicothe. She verified that modification of the third and fourth culverts would involve increasing their sizes, and the Engineer concurred. He explained that the reason for this was that the retention pond would be sized for a 100-year storm event. It is possible that there could be a storm that exceeded a 100-year storm event. If and when this were to happen, he would not want Chillicothe to be overtopped. The excess water would still need to be transferred to the west side of the road so that it would not be necessary to close the State Route. Nairn asked if the storm of July 14, 2015, was beyond 100 years, and the Engineer said it likely was. She cited data that indicated South Russell received 7.65 inches of rain in that one afternoon storm. Nairn expressed concern that the Cemetery would be o.k.

The Engineer explained that a typical roadway culvert is sized to accommodate a 25-year rain. A typical retention basin is sized to accommodate a 50-year rain event. In an abundance of caution and because the Village had the perfect site with grade and location, a retention pond could be built that could accommodate a 100-year rain event. The Village could also build a retention pond that encompassed a 300- or 400-year rain event, but it was a matter of return on investment. How much would the Village wish to spend and how much land would it want to take up to accommodate a storm that may never come in anyone's lifetime?

Berger asked if neither the third nor fourth culverts were replaced, and the detention pond overflowed, where would the water go? The Engineer stated it would go over the top of Chillicothe Rd. Berger verified that this would be the worst-case scenario.

Porter stated that he would hate to delay the project but asked if there were such a thing as building a detention pond for a 150-year storm. The Engineer replied, perhaps. He requested Council wait until he determined what land was available for use in terms of the wetland delineation. He was open to increasing the size but suggested it would cost more for excavation. Once the Engineer had the information about the available land, he could provide Council with cost estimates to consider size. Porter explained that the reason he asked this was because Council had been dealing with what people did 30 to 50 years ago, where they conformed to the requirements of the times but not the future. If the Village were to have enough land and budget to make the retention basin bigger, the Council members of the future may not curse the present Council for its decisions.

Canton verified that the Engineer recommended the 100-year storm size, and the Engineer said yes and explained that it was double the capacity of a typical retention basin. Canton agreed with Porter but acknowledged that it would be like putting too much insulation in a house. You get to a certain degree that it does not do any good. Porter said he would phrase it differently by saying that you can get insurance coverage for \$100,000 or for \$25 more, \$200,000. You may never need the insurance, but if you do, you are thankful you paid for the extra coverage. Canton reiterated that he agreed with Porter, but when you get to the point of a 175-200- year storm, there is a problem. Porter advised that in the future, it could be dug deeper. The Engineer said that with a 6-acre parcel, he was cautiously optimistic that he would have plenty of room for a 100-year retention basin. Carroll added that the Engineer's colleague, Clyde, presented the concept to Council of the retention pond having a secondary use when it is dry. He felt that if it were necessary to take more space to make this process work better, that would be great because of the added benefit of having an area that could be used for an ancillary purpose.

Nairn stated that the prediction is that the weather and storms will not get less severe. The Engineer agreed.

The Chief addressed the flooding events when it had been necessary to close Chillicothe Rd. He advised that when the retention ponds at the Lantern fill up and start to spill over, they are hitting a culvert right at the border. He asked what the size of this culvert was and whether it would be addressed since water overtops Chillicothe Rd. in this area as well. The Engineer asked when this last happened, and the Chief indicated it happened with the last storm. The water spilled over from the retention ponds into the ditch in the southeastern culvert and began to flow across Chillicothe Rd. The Chief asked if perhaps this was also an undersized culvert. The Engineer said this was likely the case, and he was not aware of an overtopping event occurring after the improvements were made to the Family Life Center's retention pond. The Chief indicated that this happened recently, and it appeared that the water was travelling north from that ditch and then west across Chillicothe Rd. There was a lot of debris which seemed to be catching in a very small opening over their driveway, so the water was going across the driveway and then over Chillicothe Rd. Carroll asked the Chief if he observed water in the northern most retention pond, and the Chief acknowledged he did, and it was at capacity but was not spilling over like the southern one. Carroll relayed that he recently observed where the one to the south was full and the one to the

north looked dry when there was water going across Chillicothe Rd. The Street Commissioner said he looked at this and saw that the north one has a larger pipe going underneath the road.

The Engineer asked the Chief and Street Commissioner how much of an issue there was with clogging or restricting the capacity of the culvert that goes under the road. The Street Commissioner said he had not seen any. The Chief said it was hard to tell because the pipe is not visible. The Street Commissioner believed the problem was at the driveway into the southernmost pond. The Engineer elected to reserve further comment on this matter until he had a chance to look at the situation. He thanked the Chief for bringing it to his attention and was unaware that after the improvements were made to the Family Life Center retention pond that there were still problems.

The Mayor said that the work the guys did to the Family Life Center cost \$600-\$1,000. It was designed to slowly seep. It goes under their culvert and then turns 90-degrees into a 12-inch pipe. The Mayor further explained there was a bottleneck. Additionally, they do not mow this. The Engineer said he was under the impression that once the improvements were made by the Village that they alleviated the overtopping issue, which appears not to be the case. He would take a fresh look at it.

The Mayor addressed a pipe on the north side of Bullfrog Pond that the Service Department crews from South Russell and Chagrin Falls tried to open. The Street Commissioner explained that there is a 12-inch clay tile pipe. The first 20-feet of it was in such bad shape, they removed it. The work they were doing was in the right of way, and about six-feet from the fence. Being a good neighbor, the Street Commissioner had a sewer jet come out and attempt to clear the rest of the pipe. It would be a secondary overflow for Bullfrog Pond. They were able to get in another 20-feet and then it stopped. He recommended having someone excavate the pipe and replace it. The Mayor verified it was the pipe that flows out of the north side.

The Engineer explained that when the Service Department staff was ditching and found the remnants of the 12-inch vitrified clay pipe, he examined it. He did not know it was there. Carroll asked if it was an overflow, and the Engineer said he did not know. He explained that it goes directly to the water but is only 12-inch. While it would provide some relief from the overflow that occurs behind Village Hall, he could not quantify its value since it is only a 12-inch pipe. The Mayor suggested that the Engineer speak with Craig Cawrse because he built this. The Engineer explained that this 12-inch vitrified clay pipe very likely predated any of development. Clay pipe had not been used for storm sewer since the 1950's and 1960's. Porter and Carroll speculated it had been part of the airport. He felt it was highly unlikely that it was put in as part of the retention pond or Kensington Green improvements.

The Mayor indicated that on October 26th the Kensington Green Homeowners' Association (HOA) would be holding its annual meeting. He indicated that rumors of what the Village may be planning behind Village Hall could cause concern and alarm with the Kensington Green residents because of the proximity to their houses. Years ago, it was an issue with putting different facilities right behind Kensington Green. The Village would want to stay on top of the rumors. The Engineer stated that it is being done on Village property. The Mayor stated that the last time it

happened, people were very upset. The Engineer thought it was a good courtesy the residents know that the Village would be making a stormwater improvement that would be adjacent to their property, but completely on Village property. The Mayor said that it was the same thing as before, but it was the old 'not in my backyard.'

Berger asked the Street Commissioner how long the pipe run was and how much was in the right of way. The Street Commissioner stated 40 to 50-feet and none was in the right of way because the Village removed that portion which was about 15-feet. Berger asked who was responsible for the rest of it if the Village wanted it cleaned out. The Street Commissioner explained it would be the Kensington Green HOA. Berger asked if the Village needed to approach the HOA about it. The Mayor thought that the HOA leadership should be contacted. Galicki clarified that the pipe had nothing to do with the pond. The Engineer said it appears to connect to the pond, so when the pond was built, the pipe was left in place. Galicki clarified that it was not part of the design of the pond, and the Engineer agreed. Carroll asked why the Village would be doing anything else then? Porter stated it was a stormwater feature potentially. The Engineer reiterated it could potentially syphon some of the overflow water out to the north and west rather than directly to the south and west. Porter suggested it might be helpful and would be worth asking.

The Mayor stated that it was 7:00 p.m. and one topic had been addressed. The Engineer addressed the replacement of the three culverts under Chillicothe Rd. The Village received a "nod" that it would be receiving OPWC grant money for a portion of them. The preliminary design will be done concurrently with the retention pond. A preliminary design should be completed by the end of October, and then after finalizing everything, preparing it for bid at the end of November. However, it cannot be awarded until July 2022 because that is when the OPWC money becomes available. It is not permissible to award before the funding is in place. Construction should begin for the culvert replacements in August or September of 2022.

The Mayor stated that he spoke to the Chief, who guaranteed that possibly the Village will not have traffic backed up from Bainbridge to Russell. It will be one lane traffic for a week at a time. The Engineer agreed and added that because the project will involve crossing a State Route, the Village must conform to all ODOT traffic requirements. The Engineer advised that the culverts will be replaced one at a time and they will move the zone as they go.

Berger verified that the detention basin will be in place before the culvert pipes are replaced and asked if this posed a problem. The Engineer stated no, and Porter and Galicki added that this would be what the Village would want because it would be helpful. Berger argued that the drainage out of the detention pond would be significantly more than the culvert pipes could handle. The Engineer stated that it would be significantly less than what comes through now because the water would rush into the retention pond which would fill, accommodate, and then slowly release. It would help the situation. Berger stated that it was good to go from his perspective.

The Mayor introduced Jen Lyndall, HOA President of The Preserve. The Engineer stated that there are currently storm inlet basins and a storm sewer main on Anglers Dr. in Country Estates that collect ultimately to a 21-inch pipe that discharges just west of Pond 3. It drains to an area

that looks like a bathtub of wet area and there is no clear swale that drains it. Over the years it has filled, and the Village needs to consider reinstating free and open drainage for the 21-inch pipe that collects the stormwater and discharges for Anglers Drive. There is also a 12-inch pipe that supposedly drains Pond 3 and discharges to the same general vicinity as the 21-inch culvert. He reiterated that there is no swale or anywhere for the water to go once it makes it through either of the pipes. Porter asked about the adjacent creek, and the Engineer said it was a super limiting factor of the capacity of the 21-inch sewer. There is a drainage channel that goes from that outlet and Pond 3 northwest to Pond 4. The southeast end of it is where the drainage channel needs work, and the ditch needs to be reopened. Nairn addressed a deep defined creek that is in a resident's backyard. The Engineer clarified this goes from Pond 3 to Pond 4. He added that part of that swale is in great shape, but it peters out into nothing as it gets closer to Pond 3. This is the section that requires cleaning to define the channel.

Carroll advised that engineering costs for this were discussed in Street Committee. He clarified that clearing this area would help backflow into Pond 3 which is potentially causing some of the issues in The Preserve to Pond 2. It would ensure that the Village's water has a place to go. The Engineer added that it gives everyone else's water a place to go. Porter asked if there were an easement for that connection between Pond 3 and the creek. The Engineer said there is a 20-foot wide storm sewer easement from the Anglers cul-de-sac to an area between the houses on the property line to where the 21-inch pipe outlets. It does not include the ditch, which is on private property. The Village would need a work agreement for drainage work, and he was working with the Solicitor to draft this. The Engineer explained he would be asking that both properties involved give the Village permission to survey and dig to redo the ditch, which flows directly into HOA property. Porter clarified that permission would be required from the resident with the 12-inch pipe, the resident of the property where the 21-inch pipe outlets, and the HOA.

Carroll summarized the process and reiterated the need to first obtain permissions and then ascertain costs. The Engineer advised that he planned to individualize the agreements for the HOA and two property owners. Carroll asked for the names of the two property owners, and the Mayor stated it was Chris Denkins and Randy Glorioso, both of whom verbally provided permission. Nairn stated they were cooperative. The Engineer advised once he had the work agreements signed, he would begin the survey work within two weeks, and it would take about a week to put the numbers together regarding the grade of the swale. This information could then be provided to a contractor for the Village to get an estimate. Carroll verified it would be done this fall, and the Engineer concurred. Porter asked if the 12-inch pipe would be removed, and the Engineer stated it would stay. He would highly recommend it be removed because it is definitely a restriction, but it does not impede the drainage of Village streets and Village property. Carroll verified the Village's work would help the situation with the 12-inch pipe. Carroll stressed the importance of taking care of the Village's water. Porter added that it would theoretically help The Preserve residents. The Engineer agreed.

The Mayor addressed Pond 2 and indicated that it flows directly east. The Engineer said it should flow north into Pond 3 but does not appear to do so. Part of this is because Pond 3 has nowhere to go. Once there is an outlet for Pond 3, he thought it would help the Pond 2 discharge issue as

well. Porter advised that the flow would go to Pond 4 which is a bigger lake but heavily silted. He asked if there would be an issue with Pond 4 with it overflowing. The Engineer said no because any water that comes into Pond 4 has a defined clear channel to get out. It continues flowing north and west. Porter asked if the Engineer thought Pond 4 would need to be dredged. The Engineer said it can be dredged, but it would depend on the intended purpose, like swimming. Porter said he wanted Pond 4 to relieve the problems of The Preserve and Country Estates. The Engineer explained that Pond 4 is just a hole that is dug in the middle of a drainage channel. If Pond 4 did not exist, the water would still flow right on through. Nairn verified there was a lot of silt, and the Engineer reiterated that it would only be necessary to dredge to accommodate recreation. The Mayor stated this was on the list of HOA projects but they are still gathering money to do it. Porter explained that 30 years ago, it was a swim lake but had filled.

The Mayor indicated that the pipe that goes from Pond 1 behind John Dishong's home in Country Estates, under Spring to Pond 2 is broken. The Street Department will fix it. While on tour of the area with Chagrin River Watershed Partners (CRWP) recently, it was recommended that the Village plug up the wetlands to keep the water out of Pond 1 and then pump some of the water out so the culvert could be repaired. The Mayor asked about the implications of plugging the wetlands if a storm were to hit. The Engineer explained that based on habitat restoration that occurred with the original Village 319 project, there was retention that was created in the park. An earthen dam/embankment structure was created with a pipe underneath and a flow control box with a gauge that was designed to control the amount of water impounded in the wetland. It is currently 50% restricted. During a rain event, the flow out of the Park is restricted partially. The Engineer thought that what the Mayor was talking about was restricting it to the maximum extent so the maximum amount of water is retained in the park and then allowed to slowly drain. In the event of a heavy rain event, it would overflow but not create a detrimental effect. The Mayor stated that this should be done so that the Service Department staff can fix the catch basin. The Engineer agreed and said Pond 1 would have to be pumped down to do the storm sewer repair. Carroll suggested that with the issues in The Preserve, the water should be held back now. He asked if this would have an impact on the issues in The Preserve and Country Estates. The Engineer said it would help. Carroll offered that holding water back on the Village's property would help these two communities. Nairn clarified that Carroll was suggesting this on a permanent basis, and Carroll said yes. The Engineer agreed with Carroll but offered that the habitat that the EPA and CRWP were looking at creating was more of a moist wet meadow. By restricting the outlet to its maximum restriction, it would noticeably hold more water for a longer time and change the habitat. The Engineer said there is no issue because they made the structure adjustable. Carroll reiterated that the Village should hold back the water then, and the Engineer agreed. Porter noted that it would create a large mosquito pond. The Engineer added that by increasing the restriction, the water would be held potentially for days instead of hours. He said there was currently a mosquito issue in this area, and it could be exacerbated by increasing the water. Carroll preferred to have a mosquito issue in the park rather than in residents' backyards.

The Mayor stated that after Labor Day, the Village would hold back all the water it could in the Park and pump out Pond 1 so the work could be done. Then, they could let the water go. The Engineer explained that the restrictor would be left in place. The Mayor stated it was

recommended to let the water go as much as possible because they have to go in to brush hog after the Fall Festival. Carroll said the intent should be to hold the water back again at full capacity after brush hogging. Carroll did not want this proposed change to be forgotten down the road because the proposed work in Country Estates along with the actions in the park could help The Preserve and Country Estates.

Jen Lyndall, 145 Woodrush Circle, thanked Council for paying attention to the issues and helping to find solutions. She asked if the materials that will be excavated with the proposed ditching could potentially be reused for building areas along pond banks. The Engineer did not think it would make for good structural material. Lyndall indicated that there was a portion of the swale to be addressed that is connected to Country Estates HOA property in the wooded area that is also very wet and is attached to The Preserve HOA property that is also very wet. She asked if there was consideration given to connecting this area to the new swale. The Engineer advised this would be a fine idea but explained that the Village was focused on determining Village responsibility and the Village's best interest for the public drainage system. This would be reestablishing the swale that drains the 21-inch culvert that drains all of Anglers and getting it towards Pond 4. Carroll verified that the lidar survey was still planned, and the Engineer said it would happen in November when the leaves were off the trees.

The Engineer reviewed that he had provided Council with the timetables for the detention/retention basin, the culvert replacements, and the drainage issues in Country Estates and The Preserve. The Mayor asked the Engineer if he would recommend that Sugar Bush clean the silt pond this fall or wait a year. The Engineer said it did not matter. Carroll offered that the prices to do the work would go up. The Engineer replied that sooner would be better to get the functionality restored. Either way, it would have neither an advantageous nor detrimental effect for the Village.

Carroll addressed the closing of open ditches in the Village. He noted that the Engineer's preferred method is to keep ditches and swales open, but some residents like to close them for maintenance issues and cutting grass. In the last couple of years, the Engineer had been involved in looking at some ditch enclosures. Carroll offered that if residents are going to enclose the ditches, the Village should have a process by which they do it. He offered that it could involve obtaining an application through the Building Department and ensuring that the Engineer looks at it to determine that it is sized correctly and has the right inlets. Nairn asked why the Village is allowing residents to fill in the ditches since they are there for a reason. Berger clarified that there is a culvert pipe, and the residents are not just filling the ditches with dirt. He explained that the issue pertained to regulating the process to ensure the appropriately sized pipe is installed. Council discussed whether an ordinance existed that addressed this issue, to include the right of way permit. The Street Commissioner thought that it included ditch enclosure. Berger said he would research the ordinances that might apply and potentially draft legislation for Council to consider. Carroll thought this would be beneficial to prevent residents from doing it improperly which could lead to property damage. Porter suggested that the Street Commissioner also be involved in developing a policy since the work would be taking place in the right of way with proximity to the road.

Galicki said it would be interesting to see if the Village had guidance about the depth of ditches per se. He noted that in some of the older neighborhoods like on Daisy Ln., there are properties that have a gentle swale where the ditch used to be, but there is no pipe underneath, and it is open to the apron which goes under the driveway. He wondered how many of the Village's stormwater issues could be addressed with consistent ditching throughout the Village. Galicki cited the ditch in Bel Meadow which used to run to Chillicothe Rd. The Village used to maintain it, but no longer does. Again, how much of the Village's problems might be alleviated if it just maintained consistent standards on the road ditches. The Engineer said the residences adjacent to the ditch would benefit a lot when the Village cleaned the ditch all the way back to Bel Meadow. Galicki noted that this ditch had been discussed for a couple of years.

The Mayor asked at what depth the ditch would become a hazard. The Engineer said there are highway standards that dictate this in conjunction with the pavement surface material and condition as well as the proximity of the ditch to the edge of the roadway and the width of the shoulder. The speed limit is another factor determining the depth of the ditch. Years ago, many ditches in the Village on Bell Rd. were enclosed because they were deep and right against the edge of the pavement. In their place, inlets were installed as well as dedicated storm sewers.

The Mayor stated that all the culverts in Bel Meadow were redone and dry culverts were blown out. There would be more water coming down and hitting the ditch turning on Bel Meadow. He said that a drunk teenage driver ended up in this ditch and the Mayor wondered if it should be enclosed. The Engineer advised against ditch enclosures because it puts a pipe underground, it is much more difficult and costly to maintain, and there is always a chance of it getting clogged. It becomes out of sight and out of mind until a big problem occurs. Then there is a large maintenance cost to remedy the problem. The more inlet basins the better, but this comes at a cost. Open ditch is the most cost-effective way to drain water away from the road and is always preferable.

The Street Commissioner said a portion of the ditch to which Galicki referred was cleaned within the last two years and the east quarter of it would be cleaned the following week. The middle will be addressed when there is a place for all the water to go. Carroll asked for clarification as to when the middle would be done since residents on Chillicothe Rd. and West Bel Meadow were dealing with water issues they should not have. Carroll advised that the can gets kicked down the road with projects and clarified that the Street Commissioner was saying that this project would be done after the Chillicothe Rd. project is completed. The Street Commissioner agreed. Carroll asked if it could be opened beforehand and the Engineer agreed. Carroll reiterated that this is something that could be done for the residents. The Engineer did not think it would be an issue to open and maintain the big ditch that flows to the elliptical culvert that runs under Chillicothe Rd. to a defined channel that winds through Manor Brook to Fox Run and then Sugar Bush and ultimately to Chelsea Ct. The drainage channel was designed to be there and can be accommodated downstream. Opening it will help households that are adjacent. He did not think it would make a significant change for the worse downstream. Carroll reiterated that this project must be done and asked the Street Commissioner if it could occur this fall. The Street Commissioner agreed.

Carroll addressed doing an annual ditching program and budgeting for it. He would discuss this program in the Street Committee and Finance Committee meetings.

Canton asked if the Street Commissioner's men still cleaned the drains of leaves, and the Street Commissioner said yes. Canton noted that after a heavy rain they were clogged, but he had seen the Street Commissioner's men cleaning.

Nairn referred to the Manor Brook ditches and asked if the Street Department was still cutting them and trying to keep them semi-open. The Street Commissioner said yes.

Regarding the Manor Brook project, Carroll advised that Council had asked Porter to be involved with the conversations with the Manor Brook residents. He wanted to make sure the project was moving forward. Porter said the last he heard was that the Auditor's Office was waiting on information from the attorney for Manor Brook Gardens. Carroll recalled that Porter referenced the Mayor's interactions in relation to status, but it was the expectation of Council that Porter was to be a part of the conversations. Carroll encouraged the Mayor to be sure to include Porter in any and all conversations so that the Village could either move forward on the project or shut it down.

Carroll was aware that the Engineer had a meeting in the last week or two. The Engineer stated that he met with the Mayor and a small group of residents who are adjacent to the stream restoration project the Village wants to do through Manor Brook. These individuals were very interested in what the Village was proposing and understood that property ownership needed to be established before progressing. They walked the proposed project area, but prior to doing so, there were concerns articulated by neighbors in the condominiums/cluster homes regarding four areas adjacent to the project area with horrible drainage. The Engineer explained that the pond just east of the cluster homes supposedly has an outlet structure with a pipe that discharges to the existing ditch, but the Engineer was never able to find this. This area was not pleasant and was full of mud, thorns, poison ivy, mosquitoes, etc. In the meeting, they walked the property with the residents who had previously considered it property used by the community. It became evident to those in attendance that this was an area that was not used. The Engineer said that there were ancillary drainage issues that could be helped with the Village's project with some additional ditching. They were very interested. He explained to them that it could not be part of the project, because there was a defined area in which the Village may work. However, it could be considered as a follow up project that would include some light ditching work and would remedy a lot of their problem areas on their properties. Perhaps this could be considered when it comes time to determine the valuation and benefit that they would get from the Manor Brook project.

Porter asked the Engineer if he knew what the holdup was with the Auditor's Office. The Engineer said there are two HOAs involved, Whitetail and Manor Brook. The same attorney represents both. Berger stated not anymore. The Engineer further explained that the attorney wrote a legal opinion that said that all the land is Whitetail's. The Manor Brook residents disputed this. Then the attorney admitted they were right and some of the land is Whitetail's, and some is Manor Brook Gardens'. However, the attorney turned in paperwork to the Auditor's Office that said all of it is Whitetail's, but now they are trying to change it, and the Auditor is saying that they need to really delineate who owns what and why so that they can assign proper ownership. The

Engineer thought this was reasonable. There is a hold up with the attorney that represents Manor Brook and the attorney that represents Whitetail, which happen to be the same exact attorney. Nairn clarified that it is Kaman and Kusimano. The Engineer thought this was correct. Nairn clarified that it was not two different law firms. The Fiscal Officer advised that the Auditor said it was not, but the problem was that the attorney went to Europe for a month and a half, and everyone is waiting.

Carroll asked if easement costs came up and added it should be \$1 to \$100. The Engineer agreed and said it would be for property that was otherwise useless. Carroll stressed the need to move in some direction on the project. Porter said the Village is hearing the same story over and over involving the untangling of the legal ownership. Carroll acknowledged that trees had been discussed at one point in time relative to trading out bigger trees for smaller trees and asked the Engineer if this were permissible. The Engineer said yes. Carroll verified it would not be trees at the development entrance and only in the scope of the project. The Engineer concurred. He explained that the residents felt that all the trees, brush, and bramble in the parcel which would be removed provided screening from Chillicothe Rd. They requested that fewer but bigger trees and shrubs be planted to reestablish the screen. The Engineer thought this should be considered and would fit within the grant.

Porter asked the Engineer if he knew what the drop-dead date was, and the Fiscal Officer said September 2022 and explained the Village is in year two of the project.

The Mayor stated that there is a lot of emotion from some of the Manor Brook people about the project. The word is out that the Village will be cutting down every tree between the Manor Brook Condos and Chillicothe Road, which is not the case.

The Mayor further advised that a subtle comment was received from the OEPA about hoping to see some action in the third quarter. When the Mayor was at the Auditor's Office on August 16th, he was told that the ball was in his court when they asked about the Manor Brook project. The Mayor explained the Village was waiting on Thomas and Thomas or Manor Brook or somebody to do something but they have their ducks in a row. The Solicitor stated that she was not sure that it was that the ball was in the Village's court. She felt what was meant was that the ball was in Manor Brook's court, not the Village's. Porter said the situation had not changed in a year and a half. Nairn clarified that according to the Auditor, Whitetail owned all four parcels. The Engineer added this was a legal opinion that was written.

The Mayor said that the interesting thing is that the valuable property is on the north side of Manor Brook near the condos. That had always belonged to Whitetail and was where most of the work would occur. But the people of Manor Brook Gardens look at that. If it got ugly, the Village could say it is Whitetail's property. Manor Brook Gardens' property is on the south side by the water plant. Their three parcels are very small. Berger agreed.

The Mayor indicated that Kim Brewster, CRWP, wanted to meet and he would try to set something up. The Solicitor thought that what Brewster wanted was to reschedule the meeting with the Manor Brook residents.

The Engineer stated that until ownership was determined, and permissions were given, there was nothing more he could do on the project. Galicki referred to the drop-dead date and wondered if the Village would just be waiting until that time to figure it out. The Solicitor stated it is not on the Village to require the HOAs to figure out the ownership issue. But since the Village is aware of it, she would never recommend the Village enter into an agreement with just Whitetail without having some sort of release from Manor Brook. Galicki said that unless there were some initiative on their part, it would seem like it might be a prudent time to consider walking away. The Mayor suggested that they be provided with a reminder that in 2022 there will be a culvert sending water over to them and they may want to get it settled. He did not get the impression that they are stalling. He thought they were in favor of it, but wanted protection of their property and property values, which was where the trees and landscape plan were requested so they could show it to the residents. Porter said he understood this, but there was nothing to add from the last meeting.

Carroll addressed the Parkland Dam, and Canton stated this was not a stormwater issue. Berger asked why it was considered stormwater. Carroll explained that there was discussion of spending money on a dam because it was stated that if it failed there would be flooding downstream, so he assumed it was a stormwater issue. The Mayor said this was stated by Bruce Hendricks. Carroll observed that the Mayor and Berger had already discussed this issue. The Mayor said they had not. The Mayor offered to provide an update on Parkland Dam. He went to Solon and spoke to their engineer who would be providing the Village with a copy of their HOA agreement with Briar Hill. He also went to look at the Briar Hill situation and said that they took out a bridge and the dam was part of the bridge. It was \$1.5 million, and it is a 40 year situation that the people of Briar Hill are paying. Porter clarified that they are paying over 40 years, and the Mayor concurred that they are paying Solon over 40 years. The Solicitor stated that they were not paying the full \$1.5 million because Solon was paying a certain amount and there was an assessment for the remainder. The Mayor said Solon received stormwater funding for part of the dam.

Carroll advised that going forward, the Solicitor had provided information concerning how the Parkland Dam could be funded. To reiterate from the Budget Commission Hearing, there was concern about the Village providing a loan, which was stated at several Council meetings. This issue had been portrayed as a stormwater issue. Carroll said that Berger or someone said that if it failed, it would not cause damage, then perhaps it would not be stormwater. It is not a dam or a levy. He verified with the Engineer that there would be no downstream consequences if it were to fail, and the Engineer said no, that it was not listed as a rated structure. Porter stated it was hard to believe that all that water going down that ravine would not cause some damage somewhere downstream. The Engineer explained that there are no homes within the spill-out area of the dam. It could be detained within the drainage channel downstream. Porter reiterated that it seemed like a lot of water with it being 10 to 12 feet. The Engineer explained that if it were to fail, it would likely not fail all at once all the way to the bottom. The pattern of failure thus far has been that as water comes in there is a combination of an undersized outlet structure that causes the emergency overflow to be easily engaged. When water goes over the dam, it erodes the soil of the dam. The pattern would continue until the water level of the lake inches lower and lower until there is a mound of dirt that was the dam and a channel cut around it. Porter asked what would happen if they did nothing, and the Engineer said the lake would go away.

Carroll referenced the 2020 Hazard Mitigation Plan for Geauga County and the Parkland Dam was not listed as a hazard mitigation issue. He knew there was concern about the issue, and added that the Solicitor had also prepared a list of things to consider. The Budget Commission was concerned that the Village would outlay public tax dollars for having engineering and plans done with no recoup in place. Given that they can be put into a bond, how can the Village accomplish this? He deferred to the Engineer to explain the cost of completing a study of the dam. The Engineer stated that without knowing too much geotechnical information about the dam, it is hard to say how much it would cost to fix the dam. The Engineer relayed that Carroll asked him what it would cost to ascertain what needed to be done, and that number would be around \$20,000. This would include some geotechnical exploration, flow net to determine how the water passes through and around the existing structure, and the extent of the damage already done. Carroll indicated that this would provide Council with initial information about the extent of the scope of the project. Carroll indicated that the residents should be paying for this, but it could be billed to a bond. He offered that the 11 homes could put up \$2,000 each to get the initial work done. The Village would not be exposed to spending funds on a very private project. The residents would be paying for the work and would be privy to the information. They could do whatever they wanted or could ask the Village to go through the process to fund the whole project and formal engineering, etc.

At the last meeting, Council was preparing to outlay \$40,000, but it was tabled. He reiterated that the Village could go through the process in a systematic way that protects the public and tax dollars for a private project by having the residents come up with the \$2,000 each to cover the initial assessment. Then, the information could be used to decide how to proceed with the project. The Engineer agreed and added that another engineer could coordinate all the preliminary work and provide it to the Village. The math and science are all the same regardless of who does it. He would be happy to do it if Council wished. However, it is his recommendation that Council not get involved in the project at all because it is not for the good of the greater public. It is for preserving the integrity of a pond in the back of 11 residents' homes. He would be happy to do whatever Council decides.

Porter verified the residents could hire CT Consultants or another engineer to do the work, and the Engineer concurred. Carroll verified the Engineer could use information provided by another firm. The Engineer explained that any competent engineering firm will do the same level of geotechnical investigation. The math and science are universal. Carroll noted that the Engineer mentioned earlier there was another set of residents asking for assistance with their dam. The Engineer explained that it is a pond between Parkland Dr. and Royal Oak Dr. and has issues similar to the Parkland Dam. This pond belongs to five residents, and he could see them asking the Village for the same Village involvement. Berger asked if this pond was owned by the five residents or by the HOA. The Engineer confirmed it is owned by the five residents. The Mayor said that it is owned by five, but only four pay to maintain it.

The Mayor stated that Parkland Dam got two black eyes for two reasons. One was that the word loan was used. He indicated that Parkland Rd. is a private road and asked what if the residents came to the Village asking to make the private road into a public road. The Mayor advised that

they would probably be told this is what it would cost them and then boom, it would be turned into a public road. The other issue with Parkland Dam that bothered him the most was that if they were to lose their lake, they would lose \$40,000 to \$50,000 per household in value. This is what motivates him to want to make the program work. It is the best looking of the seven lakes in Chagrin Lakes. This amount was the speculation of a realtor. Carroll asked what realtor, and the Mayor said it was Mike Henry. Carroll asked if Henry lives on the lake, and the Mayor said he lives on Lake Louise. Carroll said that this could be said about every private lake in the Village. Bellwood has 115 homes and Lake Louise likewise has many homes. He added that Paw Paw Lake came to the Village to ask that their roads be taken over. They did not meet the Village's specs, so they chose not to go that way. It was a private property issue.

Carroll read the Village's mission statement, "The mission of South Russell Village is to serve the residents of the Village by providing a high level of essential services, planning for future needs while preserving the character of the Village, promoting an attitude of professionalism and impartiality among Village officials and employees in a fiscally responsible manner." He considered this statement in looking at the Parkland Dam and having the residents pay for the initial study and then going through the bond process if the Village were to consider doing it. Briar Hill is a rated Class 1 dam, which is the highest rated dam. Some of the other things that Council should consider before moving forward are as follows: Is the dam or levy rated? It is not. If not rated, what are the downstream consequences of its failure? Nothing. Porter said he did not agree. Carroll said this was based on the Engineer and the fact that it is unrated. The Engineer said in looking at the rating criteria, downstream consequences is one that ODNR uses to assign a rating. Carroll continued, is there greater public good? How does this impact overall South Russell Village with the number of homes impacted? What is the defined benefit to the Village as a whole because Council has a responsibility to the greater public good and not individual people? What are the funding options? It was stated by Council that the Village would give them a loan, that the Village had this extra cash and let's loan them the money. Bond was later brought into the conversation. Are there grants available for the project, whether this means partner with them or help them to facilitate it? These are all things to consider. What are the long-term needs of the Village in the next ten years? What he meant by this was that if the Village was going to do a bond for the project, the Village should set the term of the bond. 40 years is too long, and Carroll did not think Council should tie the hands of the Village elected officials in ten years beyond ten years because they do not know what will be happening. It would also be important to let the residents know that if the Village does the bond, it will be a 10-year note, or whatever Council determines. There could be several options for the Parkland Dam ranging in price, and Carroll would be fine with the residents picking whatever option they want, but the term would be set so they would have to decide how it would be paid back. Carroll also thought the Village Engineer should be used for the project because if the Village were to take it on, it becomes a public project with all the cost being borne by the residents as much as possible. With the initial project engineering, the Village should not be outlaying \$42,000 which was going to be a motion, but was delayed at the last Council meeting. Porter did not think there was a motion. Carroll indicated Porter was looking towards making one, and Porter said he was thinking about it. Carroll further stated that the public and Budget Commission would have come off the rails if the Village were to have done this. He thought the option of having the residents put \$2,000 each into an escrow

account to cover the initial engineering was the type of thing that should be considered moving forward. He acknowledged the Solicitor's efforts in putting together all the steps for Council. He did not want to see anyone lose their property values, but at the end of the day, it is a private project with 11 homes.

The Mayor said for him it boils down to what are we here for? We have a chance to help our residents and it will not cost us a penny if we do it properly. Why do we exist? 11 people need our help. Carroll asked if Council is being impartial and is it for the greater public good? Council is here for the greater public good. 3,800 residents are served. He appreciated the Mayor's opinion, but there are a lot of private streets like Paw Paw Lake with 47 homes. The Village could not help them because at the end of the day it was a private issue, and they could not meet the Village standard. The Village already has another lake in Chagrin Lakes coming to the Village with a request. Council is going to start offering up public funds, and at the end of the day, only so much money can be bonded out. What then becomes a priority in bonding issues? If Bell Rd. east must be bonded for whatever reason and there is a bond for \$300,000 for 11 homes, how will everyone east of Chillicothe Rd. look at this when the Village has a lower bond rating because it already has a debt encumbered? The Engineer said that this would also entail providing the same level of service for every other neighborhood improvement and anyone who has a dam. Nairn asked if there were 20 total dams, and the Engineer said this was close.

Berger asked Council why it entertained Paw Paw Lake and doing their road? Why was the Engineer and Street Commissioner sent there to do a survey and determine what would need to be done to bring it to standard? Why was all the time spent on this if it was a private project? Carroll explained it was going to become a public road and they wanted to know what it would take for the Village to take it over as a public project going forward. This included what money they would they have to spend, and they were not asking the Village for the money. Carroll also explained that the Village went through the process and at the end of the day, the residents did not do it. Berger stated that Paw Paw Lake turned the Village down.

Porter added that initially they wanted the Village to widen the road as well as the Village to pave and plow the road. They were told if the Village were to do this, they would get a bill for about \$1.5 million and most of the residents would lose four to eight feet of their front yards. They decided to explore some other alternatives. It was conveyed to them that they had to fix their road to Village standards and then the Village would take it over. Porter recalled that they wanted the Village to take it over and make it conform.

The Mayor stated that in reading the report from Chris Courtney, the engineer the Parkland Dam residents hired to do the preliminary assessment, it was stated that Parkland Lake was about 17 acres and suggested that when they fix it they should shrink it down to under 15 acres so that it would not be regulated. The Engineer made an estimate of how many acre feet of water are impounded by the Parkland Dam at a maximum of slightly under the 15-acre feet minimum requirement to be a rated structure under ODNR. He believed ODNR was correct in its assertion that this was not a rated structure. It was close, but it did not meet any of the other ODNR requirements for rating. The Mayor stated that according to the Parkland Dam engineer, there are 17 acre feet now, and the engineer wanted it under 15. The Engineer cautioned the residents

should not want the limit to be bumping up against the limit of having to be a rated structure because that puts them on the hook for a host of regulatory issues in the future. Currently, they enjoy no regulation of their lake and dam.

Carroll cautioned that the Village should not be using public dollars for a private project. He felt that the expense of the initial study should be borne by the residents. Any money expended by the Village on the front end may not be able to be recouped on the back end with the bond. In fairness to the Parkland residents, the Village should give explicit directions so they understand how the Village would be looking at the project which should be from a taxpayer standpoint. The Village would do a bond if it were to happen, and the residents will bear those costs. The Mayor stated that his latest email to Marc Bloch and Bruce Hendricks asked if they were willing to spend \$22,000 and have everyone come up with \$2,000. He had not heard their response. Carroll thought this was a good first step but stressed that they should understand that this would not be committing the Village. It is the first step to allow the Village Engineer to identify some solutions so that the process could continue. Furthermore, the residents could use the information as they wished.

The Mayor stated the meeting had gone for two hours and 30 minutes and asked if Council wished to continue or if they were done.

Berger suggested that the Parkland Dam residents will have to do something one way or another. If the Village chooses not to participate, then they will have to consider other financing alternatives. The \$22,000 they would invest in the study would not be lost money either way. Berger had no issue with asking the residents to fund this up front. To be fair, if Council is not interested in pursuing the bond issue, then it should be cut off at the pass now and Parkland given direction for what they choose to do next. He did not want to see the residents led down the road if Council had no intention of doing the project. Carroll agreed.

Carroll stated that to be honest and blunt, he did not think the Village should do the project. Having said this, he agreed that the Parkland residents must do something, and suggested having them go down the path to do the work that needed to be done and Council could mull it over more. But if the flavor of Council is that the Village is not interested, then they should be told this now. He added that the Village retention pond project will help soften the impact on their dam. The current water level of the dam was discussed, and the Engineer said that judging from the amount of water in the twin culverts, it did not look like the water levels had been lowered at all. He acknowledged that there has been rain and it may be a matter of time for it to get back down. Carroll stated that it had been lowered, but it was not clear how much.

Carroll reiterated that a decision could be made immediately, but he did not know if Council had all the information to make the decision. The Engineer said that one aspect of this situation that bears some consideration by the homeowners is that if the Village chose to bond the project and the Village takes control and ownership of getting the project done, ultimately turning it over to the residents who would pay the Village back as an assessment, being a Village and publicly funded and let project, requires a certain standard of design and construction. For example, all the workers must be paid prevailing wage. A Village project would cost the taxpayers more because

it is held to a higher standard. If the residents opted to pool their money and address it privately, it is a private project which would be about 20% less than a public project. As a public project, by necessity it will be a more costly project.

Carroll clarified that the Engineer was saying that the project would be potentially 20% more as a public project, and the Engineer concurred. Carroll verified that this could be on top of the interest the residents would be paying on the bond. Canton asked how the quality of the work compared, and the Engineer said they could not be compared. For example, a company may pay the same workers different wages depending on whether it is a private or public project. As a public project, the highest quality is demanded. This does not mean that a private project could not be built to the same quality.

The Solicitor asked if the preliminary work the Village would be asking the residents to obtain would also be held to these standards. The Engineer said that if they wanted to hire a private firm for the geotechnical investigation and project scope, that information is equal. Carroll asked if this were to go forward as a public project, would the Engineer be able to use this privately garnered information for his scope of work. The Engineer said that if a licensed engineering firm is used for the analysis and scope of the project, it would be to the level of a public engineer. The Fiscal Officer noted that it was obtaining measurements, and the Engineer concurred it was soil and geotechnical engineering to determine the extent of the problem.

Galicki asked if Council was engaged in the discussion just to provide the homeowners with a recommendation for a way forward or was it to support underwriting the \$20,000 that it will take to have the engineering study done? If it is up to the residents to decide with whom they wished to engage for the geotechnical survey, Council did not need to be engaged in it. There were times he did not understand why Council was having the discussion because fundamentally, the matter should go back to the owners to say that the first step is the geotechnical study that they will have to fund and the Village will not be funding it for them. The Engineer explained that if Council were inclined to make this a Village project with the residents paying the Village back, he would prefer to do the geotechnical investigation in house. Galicki understood this but said the scope of work is unknown and as the Engineer said, depending on the results of the study, it could be a \$200,000, \$400,000 etc. depending on the scope. He asked whether with all the unknowns, would Council want to go forward and agree to take on the project and underwrite the costs of an unknown project? Perhaps the fundamental entering argument is, give the Village the study results and the Village will consider the matter. If it were a \$40,000 project, perhaps the Village would consider it, but if it were a \$400,000 this might require discussion of other solutions for the 11 homeowners.

Porter did not think Council was able to decide based on what it had heard. Carroll thought a geotechnical study was still needed. He thought this was something that they had to do. The Engineer added that the Village did not have to drive this. Carroll said that although Berger and the Mayor appeared to be having the most conversations with the residents, this was something that they needed to provide to the Village and the Village should not pay for it. He did not understand why the Village would put up public tax dollars for a very private project. That is not to say that moving forward there would not be a bond issued. They have to do this anyway and

may find through the geotechnical survey that it is a \$100,000 fix and instead of adding 20% to it and bonding it out, they could choose a home equity line of credit. Carroll thought the Village should be cautious about putting out the taxpayers' dollars for a very private matter. The Engineer reiterated that if the residents are interested in repairing the dam, the geotechnical work needs to be done regardless. Carroll verified that the geotechnical survey information from a private contractor could be used by the Village in the event the Village chose to go forward with the project, and the Engineer concurred.

ADJOURNMENT: Being that there was no further business before Council, Porter made a motion to adjourn at 8:47 p.m., seconded by Nairn. Voice vote – ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki