

**RECORD OF PROCEEDINGS
SPECIAL COUNCIL MEETING
WEDNESDAY, APRIL 26, 2023 – 5:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Bell, Berger, Canton, Cavanagh, Porter

MEMBERS ABSENT: Galicki

OFFICIALS PRESENT: Fiscal Officer Romanowski, Street Commissioner Alder, Engineer Haibach

VISITORS: Residents of Paw Paw Lake Drive: Virginia Dix, Chris Manchester, Devin Baumgart, Jeanne Turk, Tim Serazin, Claire Roush, Heidi Baumgart, Rich Haber, Patric Fransko

The Mayor called the Special Council meeting to order and the Fiscal Officer read the roll. Galicki was absent. **Porter made a motion to excuse Galicki, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

The Mayor stated that the purpose of the meeting was to discuss Paw Paw Lake's situation. Berger said that at the last Council meeting concerning storm water, Council heard the residents of Paw Paw Lake and agreed they needed to get together with the residents to understand what is going on, to have feedback, and conversation. The Public Utilities Committee, through the leadership of Porter, is responsible for storm water issues in the Village. He thanked the residents for attending and hoped to have productive discussions to get issues on the table and move forward with finding solutions.

Porter said that Paw Paw Lake's silt pond seems to be the main issue and secondarily the swim lake. He wanted to hear from the residents about the status of the dredging of the silt pond and the estimated completion date. Chris Manchester, who serves on the board, said they have been working on it for at least six months. The contractor has had to start and stop due to various factors including the quantity of water flowing through. The project is about 2/3 complete. The contractor did the soundings, but now claims it is a much bigger project than anticipated. He takes this with a grain of salt. The community had the silt pond dredged about six years ago, but it is filling up faster than they have ever seen. Secondly, they have taken the lake down three to four feet but with heavy rain, they will find water going over the spillway. This indicates that there is much more water coming into that silt pond and the lake than ever before. Cavanagh said that Manchester is the one who helps control the level of the lake. The increased level of the lake can be attributed to many things including climate change, etc., but is a problem and they realize that the silt pond is filling up much faster than it ever has. Manchester said it is not just a Paw Paw Lake problem but a combination of all of the runoff from many different places. It is difficult for the community to be obligated to dredge the silt pond every six years.

Porter asked about the status of the swim lake, specifically if there were plans to dredge the swim lake. Manchester said it needs to be dredged but will cost at least \$250,000 to do this. They will try to fund and address it in portions. The south end of the lake is virtually full and further north

it gets deeper. At one point, Paw Paw Lake had a diving board and finding a spot that is 8 feet deep now is rare. They have to do something because the lake is the foundation of their community.

Heidi Baumgart stated that the community had looked for many years at different dredging options. At one point there were seven to eight silt ponds around the lake and other catch basins of silt, and all are now filled. They are currently visible with the silt pond dredging project.

The Mayor referred to a large farm in Bainbridge and asked if the farmer were to do something different, would this impact silt in Paw Paw Lake. The Engineer said that any number of factors can influence the amount of water and silt that ends up in Paw Paw Lake. The more water that flows through the drain channels and the faster the water moves, the more energy it has to hold in suspension. All of the soil and silt particles that the Paw Paw Lake community ultimately sees when this water hits their silt pond, the energy dissipates, and it all settles out. The Engineer referred to a diagram of tributaries but added that it did not do justice to the amount of acreage that is tributary flow and volume wise to Paw Paw Lake. The Engineer said in taking a hard look, it became apparent how many hundreds and hundreds of acres and runoff from those hundreds of acres are tributary to Paw Paw Lake. It is an enormous amount of water that is ultimately passing through. Changes in land use, new construction, construction of more impervious surfaces like asphalt driveways, rooftops, barns, sheds, etc. affect what is happening downstream and is a large part of what the Paw Paw Lake community is seeing. The amount of yearly rain has not changed as much as the intensity and duration of the events which results in energy and velocity picking up soil particles and carrying them to Paw Paw Lake.

The Engineer was asked by the Street Commissioner to look at areas immediately upstream of Paw Paw Lake to determine if there were any areas that were really susceptible to erosion that could be contributing to the amount of sediment. The Engineer said he did not really find this in the Village. There is an even gradient that precludes the waterslide effect where water picks up energy and debris. The stream south of Cascades Dr. is sandstone and has a hard bottom and would contribute little to no soil or debris. He hoped he could identify an area with a steep gradient on loose soil washing into Paw Paw Lake but could find no smoking gun. Baumgart suggested Bell Rd. The Engineer said these are roadside ditches, which represent a little bit from a whole lot of areas. Looking at elevations topographically, there are no steep gradients and hydraulic grade lines on any of this section of stream in the Village. He did not focus on areas in Bainbridge since the Village does not have control over this. The Village could perhaps make improvements in the Village but cannot impose this on neighboring municipalities.

Cavanagh described that before the dredging occurred, Manchester had everything lowered so that it was down to stream level. The water rushes through there from the south end of the Bell Rd. bridge. When there is no water in the silt pond, there is a lot of water coming in even on a sunny day. Regarding the farm to which the Mayor referred, Cavanagh observed that this is not new. The Engineer said he could not say that this specific parcel was the source of the bulk of the silt flowing in. It could be a contributor, but no more than everything else. Cavanagh explained that the newest development is the Ashleigh subdivision which is 20 to 21 years old, and Silver Creek runs right through there.

Claire Roush acknowledged that the discussion principally pertains to the silt pond because that is the project at hand, but from her property, it is not just the water coming into the silt pond. It is water coming from all the surrounding areas. She has lived in the neighborhood nine years and has experienced four to five inches of water rushing through her yard to the backyard, which is all carrying sediment. It is coming across Paw Paw Lake and from the Silver Springs neighborhood. She wanted to know what was going on back there resulting in the amount of water she gets on her property.

Canton verified that what the Engineer was saying was that there was not one point on the map that is contributing the most to the problem, but several points. The Engineer said yes, and said the lake is the low point and everything funnels into it. Referring to the map, he indicated that there is an enormous main channel that comes in, but all of the sheet flow that comes into that lake cannot be discounted. It contributes to both the volume and silt problems.

Baumgart indicated that Roush is on the inside of the lake as she is. She has two erosion swales on each side of her property because of how the elevation goes straight down 12-15' towards the lake. They cannot grow grass on these areas of rock, gravel, and dirt. There are 15 to 20 homes in similar situations around the lake. Bell asked if this was different from previous years. Baumgart said she has lived there six years and every year it has gotten worse.

Roush said that as a private community, there are hurdles. If the water is coming to her property from Silver Springs, what could be done in that neighborhood to manage the water better before it gets to Paw Paw Lake? She was sure this could be said on both sides of Bell Rd. and on the west side of the lake.

Canton said that a wise person once told him there is no such thing as a problem, only solutions, so we have to come up with solutions. Berger agreed, but said tonight, he thought this was about a silt pond issue. By addressing the silt pond issue, that would address the issues for all of Paw Paw Lake. What he heard was that it is not enough. Just addressing the silt pond did not solve all of their water issues. There is a much bigger issue. He asked Porter if this was his impression as well. Porter thought their silt pond was the biggest problem. If that problem gets solved, then they can evaluate to see what else needs to be done. Addressing the silt pond will have a positive impact on the swim lake and on the water issues. Roush thought it would be foolish to do anything with the swim lake before the silt pond is fixed because they would just be emptying the lake to put the silt in it. The silt pond should first be addressed, but then what are the greater community action steps?

The Mayor asked if it would help to put in a silt pond on the south side of Bell Rd. for the water coming from Silver Creek and Lake Louise. Cavanagh asked if this would be on the Bramble property, and the Mayor concurred. She thought this would help. Rich Haber said that anything that would catch silt before it gets into their silt pond would help. However, they would probably be creating a different problem, or the same problem but just moving it down. Over time there is a deterioration of the waterways that is allowing acceleration of the flow of silt. That is the beginning of a solution. Looking at the southern portion of the lake and its condition, it is in that condition because the silt pond is full. If a silt pond is created south of Bell Rd. but is not kept clean, Paw Paw Lake will end up with the same problem with their silt pond. Patric

Fransko added that essentially their south lake has served as a silt pond for the last couple of years because the silt pond was full. He thought what Haber was saying was that this would just potentially delay the silt pond filling, and eventually the problem would continue.

Bell noted that they dredged the silt pond six years ago. Cavanagh said it was in 2015, which is almost 8 years. Prior to that, Bell asked how frequently it was dredged. Haber said it was done in 2000. They quoted the silt pond dredging project two years ago and needed to dredge it four to five years after it was last done. Prior to 2000, it had been a long time. Cavanagh said it was in 1970. Haber explained that there was acceleration, but it was a function of a lot of different things. They felt that the issue after 2015 had to do with the East Ohio Gas main work, and there were a lot of development, road projects, bridge projects all of which dump water into the waterways that end up in their silt pond. They bear the brunt of this financially.

Baumgart addressed the dredging relative to the gas line project. Residents reached out to the Village at that time to complain about how the project had affected the dredging project in the silt pond. At that time, the community ended up spending more time trying to figure out how they would pay for the road that wildly eroded. The road project then superseded getting the dredging quote until 2020. Bell asked what year the gas line project occurred, and Cavanagh said 2016.

Roush asked if the Village entertained the silt pond on the south side of Bell Rd. and it was appropriately maintained, would that then allow them to go a more reasonable amount of time between their dredging? It will always be necessary to dredge, but they do not want to have to do so every five or fewer years. Haber said that from an expense standpoint, it is a combination of frequency and the amount of silt removed since they are charged by the depth of the silt. If the health of the water flowing into the silt pond is better and they can dredge less frequently and pull less silt out, they can minimize expense and it becomes more manageable. This is a public waterway flowing into a private waterway. There should be some kind of governmental grant to address the health of the streams and lakes in the community. They own the property but do not have the ability to do much other than maintain it for the benefit of everybody else because that water has to continue to flow through the community to get to the Chagrin River.

Fransko asked why South Russell would entertain the cost of creating another silt pond when it would be just as easy to help Paw Paw maintain their silt pond. He encouraged everyone to see how much silt is currently being removed. The entire field off of Bell Rd. is covered in several feet of silt.

Cavanagh stated that she showed Bell the silt pond over the weekend. The water level in the silt pond was high so he could not see what had been done. She offered to show anyone who would like to see it the following day.

Jeanne Turk said she previously served as Secretary of the Board and recalled reports from the Lake Committee that once the silt pond was cleaned out, yearly soundings would be conducted so as to be more accurate in determining the rate it was filling. There was also a matter of better understanding the way watersheds work, even if the Village put a silt pond on the south side of

Bell Rd. Bell Rd. is asphalt and any water coming down Bell Rd. will most likely go into the Paw Paw silt pond.

Fransko stated that the community was treating the lake themselves, but because of the way the lake had progressively become more and more shallow, it became too difficult. They contracted with Aqua Doc. Cavanagh added that this costs the community \$10,000 per year. Fransko reiterated that the south end of the lake has effectively acted as a second silt pond since their silt pond filled. The Engineer asked what Aqua Doc was treating, and Fransko replied it was for algae blooms. There is more vegetation because the lake heats up.

Porter asked what the design depth was for the silt pond and swim lake. Cavanagh thought it was close to 10 feet for the silt pond and the lake was 18 feet by the diving board and 20 feet in another section. Baumgart added that it is now possible to walk to the center of the lake.

The Mayor concluded that the silt pond is currently 1-foot deep and at its peak was 10-feet deep. Cavanagh would look up the exact depth. Bell asked where the water flowed after it went from Silver Creek into Paw Paw Lake and whether it went to Russell Township. There were multiple answers simultaneously. Bell noted that when he goes fishing on a river, it is public property. When he goes onto the banks, it could potentially be on private property. The waterway is technically public property. The Engineer concurred. However, he did not know what the threshold was for how big the waterway needed to be for it to be waters of the State. Haber believed legally that Paw Paw Lake owns the lake, but because it is a waterway, they do not have a lot of discretion on what they do with it. For example, their dam is regulated by Ohio Department of Natural Resources (ODNR). The lake would be regulated by the Environmental Protection Agency (EPA). It is not a public lake in that people who are not members of the community cannot come to fish and swim in it. At the previous Special Council meeting, Haber joked about putting up a screen under the bridge to catch the silt and make it be the Village's responsibility to clean it. In reality, they legally cannot do this because it is regulated by the governmental agency that covers lakes, streams, rivers, etc.

Porter said it occurred to him that this is largely a maintenance issue. They are getting more silt because there is more water, higher volume, faster, etc. The maintenance must be done more often than 30 years ago. The Village is getting more water as well, which is why the Central Retention Basin and the Manor Brook project were done. The guiding principle was that both of the projects affect more than one neighborhood. Kensington Green feeds into the Central Retention Basin which affects Chagrin Lakes, Parkland, and Chelsea Ct. The Manor Brook project impacts Manor Brook, the houses on the east side of Chillicothe Rd., over to Fox Run, and eventually through Sugar Bush and down from there. The Paw Paw Lake silt pond deals just with Paw Paw Lake because the water comes in from the south and flows north. The neighborhood that is affected is theirs alone. Because it is a stormwater erosion type of issue, he thought the Village could probably address it. He added that Lake Louise asked the Village for monetary assistance when they did their silt pond, and they did not get it. This is something of a change for the Village in that their silt pond and their lake affects Paw Paw Lake's neighborhood, which would seem to fit within the rubric that the Village developed. It may be the best solution which he would offer to the Paw Paw Lake residents. Although Council had not approved it by any means, as a suggestion, the Village could take over the silt pond if Paw

Paw Lake ceded the silt pond land to the Village. The Village would thereafter be responsible for maintaining it at the designed depth. The Village would also put a second silt pond south of Bell Rd., but that would be on private property and the Village would have to get an easement or something from the property owners to do that. It is a ravine that is not buildable. It might be a two-prong approach to solve their swim lake problem. Porter reiterated that the Village would have to maintain both of them perpetually. There are two members of the board present, and he did not expect them to come to a decision right now. He felt sure they would want to discuss it with other board members, and it may require a vote of the Paw Paw Lake community. It may be far more involved than what he is talking about, and he offered that the Engineer could speak on what needed to be done. If it needed to be done annually, that would be a better solution than doing it every 8 years with digging the whole thing up and then finding a place to dispose of the silt, which is the main cost of dredging operations. Haber said that shipping the silt off-site adds to the expense, which is why they are finding places to dry it and will then grade it. Haber noted that there were three members of the board present, but even the entire board could not pass on such a proposal without a special meeting of the community. It also depends on what is meant by 'cede the silt pond.' If the Village is proposing a legal transaction that transfers ownership of the silt pond boundaries to the Village, then that would mean changing deed restrictions for the community. It is part of their acreage. He did not think there would be much interest in ceding the land next to the silt pond but did not think that was what Porter was suggesting. Haber offered that they could give the Village an easement to maintain the silt pond itself. It is complicated from a legal perspective, and he would not dismiss it out of hand because it may solve part of their problem. If the silt pond were maintained properly, the lake would last 50 years instead of having to do it repeatedly. The silt pond has not been maintained to the level it needs to be to protect the lake. It is something Paw Paw Lake community can discuss.

Porter said that the Village is familiar with the complicated nature of these transactions from the Manor Brook project. Porter explained the history of the Manor Brook project property ownership and easement as well as the impact of the project on neighboring communities. He advised that the Village would own the acreage around the silt pond and the silt pond which it would maintain. This is a significant expense for the Village going forward. 1,400 homes and 4,000 people are paying for the silt pond for 42 homes and 150 people.

Haber said that his community pays for everyone else's stuff over and over, so they are not that sympathetic. However, they understand the Village's position. Theirs is different and he thought they could respect each other's position. Porter relayed how Village residents all paid for the stormwater mitigation projects through taxes for various parts of the community. Porter indicated that they are in this together. He reiterated that in the past, the Village has typically only pursued projects that helped more than one neighborhood and this was a departure because this was exclusively a Paw Paw problem. Porter discussed changes in weather patterns.

Manchester commented on the building of large homes down Bell Rd. and on Snyder Rd., which will result in more runoff and the trend is for it to continue.

Baumgart pointed out that she did not appreciate the repositioning of the problem as just fixing a swim lake. At the first storm water meeting she attended in September, the statements she made were repositioned by Councilman Galicki in a future meeting that she watched as a sewer or

septic runoff issue, which did not address the silt. At last week's meeting, they repositioned that one silt pond, a huge and overarching issue, as being a swim lake issue. She appreciated that they are trying to find a solution for the silt pond, but the next phase is the storm water remediation from all over, as mentioned by the Engineer. While she is not looking for all solutions today, she did not want the conversation to keep being repositioned down to 42 homes and their swim lake. This is wildly affecting all of their property values, how much money they spend, their HOA, and it is not something they can control. She wanted to make the point that it is not just so her kids can swim. It is a much bigger issue than repositioning a silt pond, lifestyle goodness for 42 homes. Porter said his point was that the swim lake and silt pond are for Paw Paw Lake community, and they are asking the Village to help them fix this problem. Because it is a stormwater issue, the Village should address it. The proposal they are thinking of is that they transfer ownership of the acreage around the silt pond to the Village and then the Village will maintain it and pursue the possibility of a silt pond south of Bell Rd. if the property owners are willing to work with the Village.

Fransko wanted clarification on Porter's description of the acreage around the silt pond. He reiterated Haber's suggestion that it would be just the silt pond and Paw Paw Lake would grant the Village an easement through the acreage to access the silt pond. He noted Porter kept referring to the acreage around the silt pond and wanted to know whether he was saying that the only way the Village would consider this is if the whole front area that abuts Bell Rd. were ceded to the Village. Porter indicated that the Village would have to be able to get in and out with heavy equipment. Haber reiterated that an easement could accomplish this. Furthermore, if the Village were to take the whole property, they would also have to cut the grass. Porter said that the Village has done this for the Central Retention Basin and the easement for Manor Brook Phase I. Haber indicated that with an easement, Paw Paw Lake would continue to maintain the grass area. His concern was how much land would be ceded. The details would eventually need to be addressed. Porter concluded that this was the proposal that Council was considering. Berger said this was an option and asked if there were other options and considerations. They have raised the issue of a silt pond south of Bell Rd. but were there other options the Village should consider as solutions to these problems. Cavanagh clarified that south of Bell Rd. is the Bramble Farms set aside land that cannot be developed. Silver creek runs through it. A silt pond there would be a good thing. Haber said he was not an engineer but thought the Village was on the right track with putting a silt pond on the other side or doing something to maintain the Paw Paw Lake silt pond. Slowing down the speed of the water and ultimately slowing down the resulting sediment is the right approach. He noted that the issues may be further upstream with sediment flowing from projects outside of South Russell. It may not only be a South Russell issue and they may want to get other people involved.

Porter asked how big the silt pond was, and Cavanagh said it is an acre and a half and the lake is 12 acres. Porter said there would be a Public Utilities Committee on May 5th and the committee will explore it further. He thought Council is willing to provide Paw Paw Lake a written proposal for their consideration. Cavanagh said she appreciated this.

The Mayor said that next Wednesday, two people from CRWP will be meeting with Congressman Joyce's office for a luncheon meeting in Kent to look at someone else providing money for this issue. Porter advised that there was a grant for the Manor Brook project and

Central Retention Basin, which did not cover the whole thing by any means, but it was better than footing the bill for the whole thing. He thought this may be possible for this situation. The Mayor said the Village just picked up a little over \$1 million to do Bell Rd. east, and they keep digging to find someone else's money.

ADJOURNMENT: Being that there was no further business before Council, **Porter made a motion to adjourn at 6:30 p.m. seconded by Canton. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki

Paw Paw Lake – Tributary Streams

