

**RECORD OF PROCEEDINGS  
SPECIAL COUNCIL MEETING  
WEDNESDAY, MAY 3, 2023 – 7:00 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

**MEMBERS PRESENT:** Bell, Canton, Cavanagh, Galicki, Porter

**MEMBERS ABSENT:** Berger

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

**VISITORS:** John Relyea, Sheerbrook Dr.; Sandra and Tom Meyer, Sheerbrook Dr.; Jane Hellwig, Royal Oak Dr.; Dyanne Thomas, Maple Springs Dr.; Tom Asplin, Sheerbrook Dr.; Michael Sparger, Parkland Dr.; Edith and Walker Todd, Sheerbrook Dr.; Marc Levey, Sheerbrook

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

**STORMWATER DISCUSSION:**

The Mayor stated that the purpose of the Special Council meeting was to discuss the Chagrin Lakes culverts. The Mayor provided a slideshow presentation and explained the water flow and issues throughout the Village. He described Chillicothe Rd. as being a dam under which water flows, and at times it flows over the road. He described the culverts to be replaced, beginning with the Manor Brook culvert. The second culvert will be at the intersection of Bell Rd. and Chillicothe Rd. The Mayor referred to the presentation and identified the culvert that will affect the Chagrin Lakes swim lake. He showed a picture of the ditch next to Dr. Rosenthal's former dental office and explained that water flows from behind Village Hall, under Chillicothe Rd., and to the Chagrin Lakes swim lake. The second Chagrin Lakes culvert is located near the intersection of Sheerbrook Dr. and Chillicothe Rd. It is designed to stop situations where water backs up in a 100-year storm.

Porter, who serves on the Public Utilities Committee, said that the Village had put a lot of effort into storm water mitigation over the last couple of years. The effort began with the catch basin at Chelsea Ct. in 2006 –07 and cost about \$500,000. The Manor Brook 319 grant project was next and was designed to help water move from east to west through upsized culverts while having a place for the water to go so that it was contained and would not flood homes. The Central Retention Basin cost about \$500,000. This went in first because this is where the water will collect. Upsizing the culvert is the next step so that the water can be transferred east to west without flooding anybody. There is a flood control device on the culvert that is currently installed at the Central Retention Basin so as to control the flow of water. The Village is moving east to west to control flooding within the Village. The next project will occur this summer with culvert replacements. Porter acknowledged Chagrin Lakes' concerns of not wanting to be flooded out in place of other people who had been flooded. This is the reason the Central Retention Basin was installed first so that it would act as a collection point, and now it is time to upsize the culverts. Porter continued by saying that the Village is not done. Manor Brook Phase II is hopefully the next big project on the section of land that is south of Manor

Brook Drive. It is possible but not a settled question at this point that there might also be a smaller retention basin built on the Fox Run property to help the people in Sugar Bush and downstream.

The Engineer explained that when the culverts were put under Chillicothe Rd., they were installed using standards which dictated that culverts under a roadway must be capable of passing a 25-year storm. The culverts under Chillicothe Rd. have functioned in this capacity, but in recent years, storms in Lake and Geauga Counties are getting more severe. The average rain fall is the same, but it comes in short intense bursts. It overwhelms the 25-year design storm culverts quickly. In 2007-08, the Village proactively mandated that everything built henceforth should accommodate a 100-year storm. This is a storm that statistically has a 1% chance of happening in any given year. The Village has experienced several of these. There are two culverts being replaced of the four that directly impact Chagrin Lakes. The first is the one just south of Village Hall near the Central Retention Basin which collects and impounds water, releasing it slowly. There is a 15-inch culvert that goes under Chillicothe Rd. next to Dr. Rosenthal's former dental office. During a big storm which exceeds a 25-year storm, the water piles up so deeply that it overtops the road and flows into the Chagrin Lakes swim lake. This swim lake has experienced a lot of flooding, erosion, etc. over the past decade because the culvert is too small to accommodate anything more than a 25-year storm. Once the water crests the road, the 15-inch culvert is no longer slowing the water down. The Central Retention Basin is designed to accommodate a 100-year storm so the water can pile up there and release much more slowly across Chillicothe Rd. It is designed so that the existing 15-inch culvert is the controlling feature. It will never go over the road and it will not come out any faster than the 15-inch will allow. The reason it is being upsized to a 30-inch culvert is because this is the size required to transmit a 100-year storm across the road. There will be a 15-inch orifice in a control structure that regulates the water allowing it to back up and flood the Central Retention Basin and then slowly send the water across the road. In the event of a 100-year storm, the goal is to prevent water from cascading across the state highway, which is a main arterial and cannot be closed for health and safety reasons. In the event the Central Retention Basin were to fill, the full bore of that 30-inch pipe would be engaged in order to get the water across the road so that it does not overtop it. The Engineer explained that the 30-inch replacement is to address the worst-case scenario and will not allow any more water to come to the swim lake any faster. Rather, it will slow the water and make it basically a 15-inch tube of water that comes down the existing ditch, which the ditch can currently handle.

The second culvert of concern to Chagrin Lakes is at the intersection of Sheerbrook and Chillicothe Roads. Specifically, it is between Sheerbrook and the Lantern. The culvert that is there now is almost big enough to transmit a 100-year storm, but not quite. The problem with it is that on the upstream side, additions have been made to it over the years using smaller and smaller pipe. There are also restrictions on the upstream end of the culvert near the Lantern. The Village will be replacing it with a 24-inch culvert so that it can transmit the 100-year storm across the road. On occasion, the area near the Lantern has overtopped the road, resulting in the big wash of water into the first pond closest to Chillicothe Rd. and Sheerbrook. The Engineer explained that the other two culverts the Village plans to replace are much farther north, and a small culvert crossing Bell Rd. near the Service Department and are not of much consequence to Chagrin Lakes.

Sandra Meyer, 1106 Sheerbrook, addressed the replacement of the current 18 -21-inch culvert with a 24-inch culvert. She explained that she had done a lot of work to prevent flooding at her home. As the water comes down Sheerbrook in a heavy storm, the drain in front of her house becomes a geyser and overflows which then floods half of her front yard. Two drainage contractors were engaged because

the water was getting too close to the house. Both concluded that there was nothing wrong with her drainage. The problem is that when the water shoots down the street, there is a torrent of water and no place for it to go. She felt betrayed. They invested in the drainage by pushing it to the back of the property so it can go down into that culvert. It was at their expense because the Village did not adequately drain Sheerbrook. Now the Village is stating it wants to add more water that will come down Sheerbrook and this makes her livid. Meyer further explained that other communities and subdivisions need to do more in their neighborhoods because it is not right to send it all to Chagrin Lakes. Otherwise, the drainage must be vastly improved on Sheerbrook.

Dyanne Thomas, 5219 Maple Springs Dr., verified that there would be more water, but it would be slower. The Engineer said that it would be to the swim lake because the Central Retention Basin meters and slows the water. She asked if the road would be closed during construction. The Engineer said the contractor, Grade Line, Inc., plans to have local closures with one lane at a time using a temporary red light/green light device. They do not anticipate more than two days at any of the culverts. There will be minimal traffic inconveniences.

John Reylea, 1057 Sheerbrook Dr., stated that there are many houses on Sheerbrook that have flooded. It is actually storm water backing into the houses or the result of the storm water drains being so full that their house drains have nowhere to go and it backs up into the houses. He had no problem with culverts if the Village addressed the whole problem, but this appears to be half the problem. The culvert replacement is getting the water across the road and then making it Chagrin Lakes' problem, which is not acceptable. What needs to be addressed is how that water will move through Chagrin Lakes before the Village opens the spigot and potentially doubles the amount of water flowing through with a 100-year rain event. This should be the starting point prior to opening the spigots because otherwise, they will be dealing with more flooding for the next three to seven years until there is some grant to do something about their homes. After bad storms, peoples' basement carpets are sitting out by the road up and down the street. Any increase in water will only increase the existing flooding on Sheerbrook. He believed it was really irresponsible not to address how to get it out of their neighborhood entirely and only to focus on getting the water over to Chillicothe Rd. which then makes it all the problem of Chagrin Lakes.

Jim Flaiz, 1087 Sheerbrook Dr., is currently the President of the Chagrin Lakes Homeowners' Association (HOA). While he appreciated the Village having this meeting, he wanted to point out that the contract for the culvert replacements had been signed and the project was going forward. This was somewhat pointless and what is said in the meeting means nothing. Flaiz pointed out that the pipes are already sitting in the parking lot of the Village campus and are going to be installed. To do this dog and pony show now is insulting. Relyea asked if this was true, and another participant indicated that the Engineer said the contract had been signed.

Flaiz referred to his email chains with the Mayor, which he distributed to the residents. The reason the Chagrin Lakes residents were in attendance was because of the complete lack of communication between the Village and the Chagrin Lakes HOA. It is a long-standing problem, and the cause of the problem is the Mayor. Flaiz shared that he had lived in the Village most of his life and had served on two HOA boards in the community, to include being President of both. He served on Council for seven years and is the longest serving member of Planning Commission. Flaiz explained that he had dealt with past Mayors and Councils. This would never have happened previously. He found it absolutely insulting to Chagrin Lakes residents that they were not told and there was no

communication. The first communication he received about the culvert at Sheerbrook was when the Mayor emailed him to say that the Chagrin Lakes sign might be destroyed in the course of the culvert replacement, but that the Village would fix or replace it. Flaiz replied to the Mayor asking for more information, specifically whether the culvert would be enlarged. He received no response for six days, and when he did, it was the Mayor emailing to say he sent Flaiz's email to CT Consultants. Flaiz had submitted a public records request for the information, to which CT had not responded. Yet, the Village has this meeting with Chagrin Lakes HOA, with the pipes sitting in the parking lot, and not only did they not engage and try to talk to the HOA about the project, but they had also not even fully responded to the public records request. As a result, he was unable to attend the meeting somewhat educated to discuss the matter. It is very, very insulting. As someone who has served in various capacities in the Village, he is appalled at the treatment from the Mayor. Flaiz asked to meet with the Mayor repeatedly, and indicated a Special Council meeting would not be necessary. Flaiz only asked that the Mayor, Street Committee, Engineer, and a couple of HOA members attend a Zoom meeting to be given the information. However, the Mayor refused to communicate with him. Furthermore, the Mayor said he would meet with Flaiz at the Building Department between 8:00 a.m. and 11:00 a.m. on April 26th but did not show up and Flaiz sat waiting for an hour. Flaiz invited the Mayor to meet with him at Flaiz's office, and he never responded. Flaiz concluded that he was there to argue about the mistreatment. It was all in the emails, that this is how the Mayor is treating the Chagrin Lakes residents. Flaiz addressed Council and stated that they are supposed to advocate for the residents but are not. They trust that the Mayor will communicate with the residents and he is not. Council cannot just come to the meetings twice monthly and trust that the Mayor is doing his job. He is not doing his job and they need to do their job, which is what they are elected to do. When Flaiz sat on Council, he interacted with residents, and they need to do the same.

Flaiz referred to the 2021 Storm Water Study. He explained that according to the 2004 and 2021 Village Storm Water Studies, it is a 15-inch culvert at the Lantern. The Engineer thought it was a 12-inch. Flaiz stated that the Lantern was not engineered properly, which is the fault of CT Consultants. The Village allowed the building of a giant nursing home across the street from Chagrin Lakes, with two tiny detention basins in the front which act as storm water control for the property. The Engineer explained that the stormwater retention basins were sized for the impervious area only that the Lantern added. It was not sized to pick up water from beyond the Lantern. Flaiz observed that they do not hold much water. He requested the topographical map be displayed on the monitors from the Master Storm Water Study that shows the culvert at Sheerbrook and Chillicothe Roads. While waiting for this display, Cavanagh asked if she could ask a question. Flaiz encouraged Cavanagh to read the email exchange with the Mayor and explained that the issue goes back further. He relayed that the Central Retention Basin installed by the Village was a wonderful project that benefitted Chagrin Lakes, but Council was dragged into doing it kicking and screaming. First, Chagrin Lakes was told that the Village would be doing a retention pond next to Village Hall but built a habitat and lied to Chagrin Lakes at a HOA meeting. The Mayor, especially, was kicking and screaming not to do the project, which the Engineer recommended a long time ago to address the Chagrin Lakes swim lake issues. He appreciated that the Village finally did it and appreciated the expenditure. It has greatly solved problems not only for the swim lake but also for the residents on the Parkland/Royal Oak Lake. But now there is a problem down at Sheerbrook which is significant. Cavanagh said this was the first time she heard about this and people know they can contact her. She asked if it would be fair to say that the flooding and overflow was with the building of the Lantern. Flaiz thought this was the case with the complaints received from residents on Sheerbrook. There was a bit of relief offered when the Village



worked with the Family Life Center (FLC) to do the control valve on its retention basin, but it is a very small basin. The problem is that with whatever help they were given by doing this, the proposed culvert replacement will completely moot that.

Flaiz explained that if the Village does the project, which it has already agreed to do, there is a home on Sheerbrook that will be flooded. He referred to a topographical map and explained that given the topography, water will fill up and continue to the front doorstep of this home. The Engineer said it could happen in a rainstorm. Flaiz clarified that this is before the culvert replacement. He asked the Engineer if any study were done as to the impact of increasing the culvert in relation to the flow of water through the two driveway culverts pictured on the display, through the detention basin, and through the undersized culvert system that ultimately goes under Maple Springs. The Engineer said yes, a study was conducted. However, the premise is a little flawed. The Engineer explained that Flaiz is assuming that an immense amount of water is being held and upsizing the culvert is going to make all of the water come faster. The storage capacity on the east side of Chillicothe Rd. is minimal. It is about a quarter of an acre that floods to about 30-inches deep. Flaiz agreed that everyone has seen a ton of water fill up on the east side of Chillicothe Rd. Flaiz indicated that there was a great illustrative picture that was shown at the beginning of the meeting. He asked that it be displayed in response to the Engineer's statement that it is not like there is a ton of water that will be sent across Chillicothe Rd. into Sheerbrook. (Photo attached)

Cavanagh asked Sandra Meyer about the location of her home on Sheerbrook, and Meyer explained that she lives where the existing drainage is already inadequate. She has been fortunate in that it has not come into her basement.

Marc Levey, 1104 Sheerbrook Dr., explained that when that water backs up at Meyer's house, it washes to his driveway and goes into the garage and basement. It has happened three or four times in the eight years he has lived there. The Mayor thought they were getting into two situations. Levey stated this water was washing through the street and into the storm sewer. The Mayor clarified it was water coming down Sheerbrook in a culvert. Relyea stated that the concern is that by expanding the culverts, it would be sending more water down Sheerbrook. There is water coming down on Sheerbrook and flooding people's houses. The culverts will be significantly expanded, which leads to only one outcome and that is that more water will go through a bigger culvert. It may be limited on the end, but as he said, if there is a 100-year rainstorm, it will overwhelm it and more water will come through it. All he is asking is to make the plan on how to deal with the water on their side of the road before releasing the torrents of water because they are already having problems. Flaiz suggested the creation of a proper retention or detention project on the east side of Chillicothe Rd.

Flaiz reiterated that the Engineer just said that it is not like there is a ton of water that will be sent more quickly under Chillicothe Rd. to Sheerbrook. The Engineer concurred. Flaiz referred to the photo of a flooded location across from Sheerbrook and said that all of that water would be significantly hastened in its travel underneath Chillicothe Rd. into the house on Sheerbrook. The Engineer explained that all of it gets there anyhow once it breeches the road. Flaiz said that perhaps he was confused. He clarified the capacity of the culvert, and the Engineer explained that it is being expanded to transmit a 100-year storm across. Right now, it is sized to transmit a 25-year storm across the road. Flaiz asked for the percentage of increase, and the Engineer explained that a 100-year storm is not 4 times as much water. Jane Hellwig, Royal Oak Dr., asked the Engineer to answer the question of the percentage increase. The Engineer clarified she was asking the percentage difference between a 15-inch culvert

and 24-inch. While the Engineer determined this, Flaiz explained that this quantity was going to be sent into the front yard of the home. It will become a situation where instead of backing up and blocking the Lantern driveway, it will back up into people's homes on Sheerbrook and this is the problem. Two months ago, they could have had a rational conversation about it, if the Village had actually communicated with the community. No one on Council lives in their quadrant of the Village. Chagrin Lakes residents live with this issue, and instead of talking with them about it, the Village forged ahead with the project that will impact the safety and security of the Chagrin Lakes residents.

Cavanagh asked Flaiz what the HOA might see as solutions. Flaiz said that if the problem is that water is gathering on the east side of Chillicothe Rd. and it is important to keep Chillicothe Rd. open, the Village's solution is to send a torrent of water to Chagrin Lakes. His solution would be for the Village to explore the creation of a retention or detention project on the east side of Chillicothe Rd. to handle the water, so it is not necessary to release all of the water to Chagrin Lakes. Porter said this is one solution, but he thought there were others.

The Engineer advised that upsizing the culvert would mean a 30% increase in capacity. Regarding other solutions, he said he is a fan of creating more retention on the east side of Chillicothe Rd. This would be the most cost-effective solution. The Engineer discussed the informal relationship the Village has with the FLC and explained how the restrictor placed on the detention pond prevented the water from simply flowing out as fast as it came in. He noted that the FLC is not in South Russell, but in Bainbridge. It helps but is not enough. Regarding the ponds of the Lantern, they are not huge but designed to the standards to which the Engineer is bound. Before it was built, there was a field. With the building of the facility, the runoff coefficient increased for that piece of land. The ponds are sized to compensate for the difference between the pre and post construction phases. This is what is required, and the Lantern cannot be held to accommodate anything other than the increase in the impervious surface that the Lantern created. A solution the Engineer would envision would be to create a more formal agreement with the FLC and blow out the northern edge of their small retention area and make it a bigger retention area that spills over into the Lantern property so that it is a bigger combined retention area.

Porter suggested ditching on the Sheerbrook side. The Engineer said the drainage could be improved through Sheerbrook, but the bigger bang for the buck would be to slow the water down before it gets there to let the ditches and stormwater infrastructure work and not be overwhelmed. Porter also discussed increasing the size of a culvert into a pond on the corner of Sheerbrook and Chillicothe Rd. The Engineer explained that there are issues with the outlet of the pond.

Relyea stated that if the biggest bang for the buck with residents' tax dollars is to build another retention pond, how did the Village end up signing a contract, buying culverts, and digging up roads? Why was this not the first option to be addressed? The Engineer explained that the reason the Village is replacing the culverts is because they were identified as undersized, and Chillicothe Rd. is being paved this summer. It is necessary to get the culverts installed before the road is paved.

Flaiz understood the issue with the Ohio Department of Transportation (ODOT) schedule, but asked that in the future when doing projects that affect Chagrin Lakes, the Village reach out before the contract is signed. What he would propose is a commitment to put a restrictor on the east side of the culvert so it functions as it currently does with the same outflow until the Village can address a retention or detention project on the east side of Chillicothe Rd.

Porter asked the Engineer if Flaiz's request was feasible. He would not want to defeat the purpose of the upgrade. The Engineer said with the restrictor, it will behave exactly as it does now. If the water builds up to the point where it is going to come across Chillicothe Rd., then it will. In the meantime, it would give the Village a larger culvert before paving and it would perform at its current level. It would allow about a quarter of an acre of land on the east side of Chillicothe Rd. to get about 30 inches of water in and then it would eventually breach and come over the road. He reiterated that it would perform the way it currently does, and he would be fine with that. The restrictor could be removed if and when there is more retention on the east side.

The Street Commissioner inquired about the flow of water between ponds in Chagrin Lakes.

Porter clarified that a restrictor plate would keep the flow as it is now, but if the Village gets a 100-year storm, it will breach the road. The Engineer concurred that it would function as it currently does. Relyea offered that this could be just temporary until the retention pond is built, and then perhaps the restriction could be reduced.

Porter addressed the 2004 Storm Water Study and described the time and effort involved in getting projects done. His point was that storm water stuff is not something that can get done tomorrow. Relyea expressed concern with opening up the larger culverts before establishing other retention. It could take four to eight years to build the retention, but the spigot is just open wide, and Chagrin Lakes would have extra water for eight years. He understood the need to put the culverts in now, but a restrictor is necessary to prevent any more water than they have now.

Porter continued to review the Village's storm water projects. He asked the Engineer where the Village would put another detention basin on the eastern side of Chillicothe Rd. The Engineer suggested just north of the basin at the FLC or expand this basin into the Lantern property. Porter noted that it is in Bainbridge and on private property. Galicki asked if this would qualify as a Special Improvement District (SID) between Bainbridge, the Lantern, and the Village. The Engineer said yes. Galicki thought it would fit into this program and would be viable instead of using the approach of a gentleman's agreement to split the cost. Cavanagh asked who would pay for the SID, the FLC?

The Mayor said not to get ahead of themselves and that there was one Engineer in the room. The Mayor said this is a new culvert. The water flows like it always does to this pond, leaves the pond, goes underground to the culvert, and then proceeds on to the other lakes on the north side of Sheerbrook. The Mayor did not see how the water that stays on the north side of Sheerbrook is getting to the residents on the south side of Sheerbrook who are getting water. What they were running into is the typical water coming down in such a large volume and it is flowing downhill. He thought they were looking at two different issues. The Village has engineering firms to make these decisions and they could speculate all they wanted.

Meyer, noted that the FLC has a small building and a lot of property. The Lantern, Kensington Green, and Fox Run do not have retention ponds before water gets to Chagrin Lakes. Chagrin Lakes has a series of lakes and is doing more than their share of holding water. The Engineer explained that all of their ponds have water going through but do not hold water there. In looking at how dense the building is in some of the areas, she was wondering if there was something that could be done to hold water before it even gets close to Chagrin Lakes.

Walker Todd, 1164 Sheerbrook, commented about the water flow from the south side. It is not so much from the Lantern but is definitely from the development of the FLC. It somehow increased the

water flow onto the high ground behind his residence. There is a retention pond between them and Wembley. In the last 10 years, the water flow in his back yard has quadrupled. They have so much water now that it attracts ducks. The solution for the south side would be some grand agreement with the adjacent property owners to expand that retention pond. It would also go a long way in solving some of the problems described by Sandra Meyer because it would tend to reduce the volume of water going into the storm sewer or encroaching on their houses. The Mayor said Todd described the situation around the Village. 40- to 50-year-old homes used to have swales, but the swales are now flattened allowing more water to come faster. Cavanagh asked if Todd's issue started with the building of the Lantern. Todd said that his problem started with the building of the FLC. He thought if he were on the other side of Sheerbrook, the problem would have been the Lantern. The Engineer observed that Todd's issue was more tied up into the development of Wembley. Todd said Wembley's retention pond is right behind his property. Wembley is a little higher than his property.

Flaiz asked for the project start date, and the Engineer said this has not been determined and is dependent on when the contractor can get all the materials. The Mayor said it would be in June with the pavement coming in August. The Engineer said that the contractor would start with the Sheerbrook culvert and then work their way up. Flaiz discussed the bond with the Engineer. The Engineer explained that the Village holds retainage in the amount of 8% of the first 50% of the work complete. Flaiz verified that if their entry sign is destroyed, he can come to the Village and ask for money for the sign.

Regarding the public records request, the Engineer indicated Flaiz asked for a large volume of information and he had been slowly compiling it. He was not able to drop everything to complete it. Flaiz explained that when he is treated poorly, he tends to lash out. He stated that the public records request would not have been necessary if the Engineer had met with the Chagrin Lakes Board. The Engineer responded that he works at the discretion of the Village. Flaiz understood if the Village would not allow him to meet with the HOA Board.

Flaiz verified that all of their landscaping would be returned to its original state. The Engineer agreed and added it would be anything that was disturbed during the course of construction. Flaiz advised that there is underground electric associated with the sign. The Engineer said that the hope is to avoid the sign.

Flaiz asked again whether Council would make a commitment to put a restrictor on the east side of the culvert and maintain the flow at the status quo until a retention or detention project could be addressed on the east side of Chillicothe Rd. The Mayor said a decision like that could not be made until a recommendation was received from CT Consultants. The Engineer said he could make that recommendation now. They can put the culvert in the ground and get the ODOT paving and keep it functioning exactly how it is today. Flaiz asked if they were committing to Chagrin Lakes to do that. The Mayor stated it would be done on Monday night. The recommendation will come on Monday night at the Council meeting. Flaiz pointed out that the Engineer just made the recommendation. Why can they not just take a vote? The Mayor did not think they could. The Solicitor said they could make a motion. Porter said that the Public Utilities Committee, which meets Friday, May 5<sup>th</sup> at 9:00 a.m., should hear more from the Engineer and then make a recommendation to Council. Flaiz said he had been through this rodeo with the Village before. A participant noted it was just a delay tactic. Flaiz asked for someone on Council to make a motion, and asked Galicki to do it to see if Council would pass it. The Mayor said to just hold on. There is a Regular Council meeting on Monday night and



there is a Public Utilities Meeting on Friday. A participant said he thought this was the purpose of the current meeting. The Mayor said he would never jump, and they would never want us to jump in here because just what was discussed tonight. We need to take our time and think about this. He told the attendees to come back Monday. A participant said he trusted the Engineer and what he had to say and added that the Engineer had made a recommendation. Another participant asked what else the Mayor needed.

Galicki stated that the Engineer seems to wholeheartedly endorse the restrictor and thought it was a reasonable request from the HOA given the fact they have concerns about the increased potential of water flow. In order to accomplish the needs of the Village with respect to placing a culvert prior to the paving project, it seems like the HOA has no objection to the Village proceeding with that, but he felt it was a reasonable accommodation to the HOA to ask that a restrictor be placed until such time as there is an opportunity to evaluate the impact and look at another solution on the east side of Chillicothe Rd. Given that, **Galicki made a motion that Council and the Mayor accept the fact and make a commitment that the Village will place a restrictor in the newly placed culvert to ensure that water flow is not greater than what it is today until a future solution can be addressed, seconded by Canton. Voice vote – ayes, all. Motion carried.**

Dyanne Thomas asked if retention ponds can be made deeper so they hold more water? The Engineer said no and explained that it was like the pond discussed earlier in the meeting where the water comes in and flows out at the same rate. A retention basin has a water surface that must be able to fluctuate a certain degree, so it flows out and goes back to neutral over two to three days. It is a freeboard that provides retention and slow release.

Jane Hellwig asked what effect increasing the size of the culvert will have on the swim lake. She lives on Royal Oak and is south of the swim lake. When the swim lake with a culvert that is twice the size of it is installed, the issues change significantly. She thought this was the plan she was hearing that the culvert that currently leads over towards the community lake would be doubled in size. The Engineer said it will be a bigger culvert, but it is being increased from a 15-inch to a 30-inch because a 30-inch will pass a 100-year storm. There is a giant retention pond capable of holding a 100-year storm above that. The only reason that culvert is being replaced and upsized to pass a 100-year storm is that everything is being built to accept a 100-year storm event. At some point, it will be exceeded. The reason that culvert is being upsized even though no more water will flow through it than what currently does is in the event that the retention area gets maxed out, it can pass underneath the road without overtopping the road and causing a health and safety concern for police, fire, ambulance, etc. Any rain event that falls within and up to the 100-year recurrence interval will not have an adverse effect on the swim lake or any properties downstream because the retention basin is functioning. She verified that no additional water should be going through the culvert unless there is a rainstorm that exceeds the 100-year storm.

Hellwig asked why Council has not talked about solving the east South Russell water problem with east retention issues until tonight? The Engineer said it was not an easy task. The Village does not own or control the land that is owned by FLC and the Lantern. It will be necessary to broker a deal to make something happen. The storm water projects that have been done by the Village have come at an incredible cost and effort to the Village. It takes a long time to muster up enough cash and energy to make those projects happen. The Village has been talking about it for 15 years. Local government moves at the speed of government and snap decisions are not generally made because they may not be

good decisions. Careful consideration must be given to spending such huge chunks of taxpayer money. Porter used the Manor Brook property ownership as an example.

The Mayor addressed communication. There was a lot of communication with the residents of the Parkland dam over the year. Additionally, he and the Chief go to every HOA meeting but are told to stay away and not attend Chagrin Lakes' HOA meeting. If they want him to come to their meeting on Sunday at 4:30 p.m. he will be there. He also invited them to stay after the meeting if there were individual questions. The Mayor asked for a motion to adjourn.

Mike Sparger asked if the same restriction would be put on the culvert that would go to the swim lake. The Engineer said that currently, there is a 15-inch culvert acting as a restrictor plate. When it is replaced, there will be a new concrete outlet structure that will have a 15-inch restrictor that will keep the water throttled at a 15-inch diameter until it fills up to the point where it will crest the road, then it will drop down and get across under the road. Sparger asked if there was a systemic hydrological view that identifies the Geauga water flow. The Engineer said this was studied in the course of the Storm Water Master Study in 2004 and 2021. If a drop of water falls on the highest ground, where does it go and how does it snowball by the time it gets to the bottom? Sparger verified that this would allow the Engineer to look at the impact with the individual subdivisions. The Mayor explained that it is like the Manor Brook project, which effects Fox Run, which effects Sugar Bush, which effects Chelsea Ct. It had all been looked at.

Cavanagh referred to Lake 1 of Chagrin Lakes with the problematic culvert, and asked if it would be the HOA's responsibility to maintain it. Flaiz explained that all lakes in Chagrin Lakes are private except the recreation swim lake. They have no control, although they wish they could treat that lake. It is up to the property owner and the bylaws prohibit the HOA from improving or spending money outside of the common area off of Maple Springs. Hellwig asked if the Village could help with the exit from the lake if granted access. The Mayor clarified she was saying for the Village to maintain someone's private property and said that gets really tough. Porter said that the Public Utilities Committee will consider it at its meeting Friday. He asked for the address. Another resident asked the committee to consider fixing two small drainpipes that run under two adjacent driveways to this lake. If the Village were to fix the outlet, there would then be a choke point under those two driveways unless something is addressed. Porter said the Village sees storm water as a Village wide problem that the Village largely has responsibility to take care of over time. Because it is a Village wide problem, it requires a Village-wide solution in pieces, which might include culverts under driveways and keeping a restrictor plate so they do not get flooded out. Yes, it is on private property and the homeowner can deny them access. Porter again described details of the Village's recent storm water projects and storm water mitigation to include past agreements with the FLC and the Lantern.

Galicki added that complicating the issue a bit is that the FLC is located in Bainbridge. This puts the Village in a position of expending public funds on not only private property, but private property in another township. This entails a process that requires the Solicitor with easements or declaring a nuisance. This action provides the Village an opportunity to do some limited work since the Ohio Revised Code limits expenditures that any municipality or township can do on private property. They are looking at compromises and different avenues to address solutions, but the process is complicated and takes time.

The Solicitor asked if Pond 1 was owned by one private property owner, and attendees answered two. She asked if they would be willing to enter into an ESID to get the work done. Cavanagh suggested the HOA change their bylaws.

The Mayor said he would stay to answer questions. He thanked the residents for attending.

Cavanagh told Flaiz that he had known her for a long time, and she was surprised and said Flaiz could have reached out. She did not know the scope of the problem. Her phone number is public and asked that they come to some sort of solution so that Sheerbrook is not drowning.

A resident said that her mother always said it was not raining when Noah built the Ark.

**ADJOURNMENT:** Being that there was no further business before Council, **Canton made a motion to adjourn at 8:24 p.m. seconded by Porter. Voice vote – ayes, all. Motion carried.**

  
William G. Koons, Mayor

  
Danielle Romanowski, Fiscal Officer

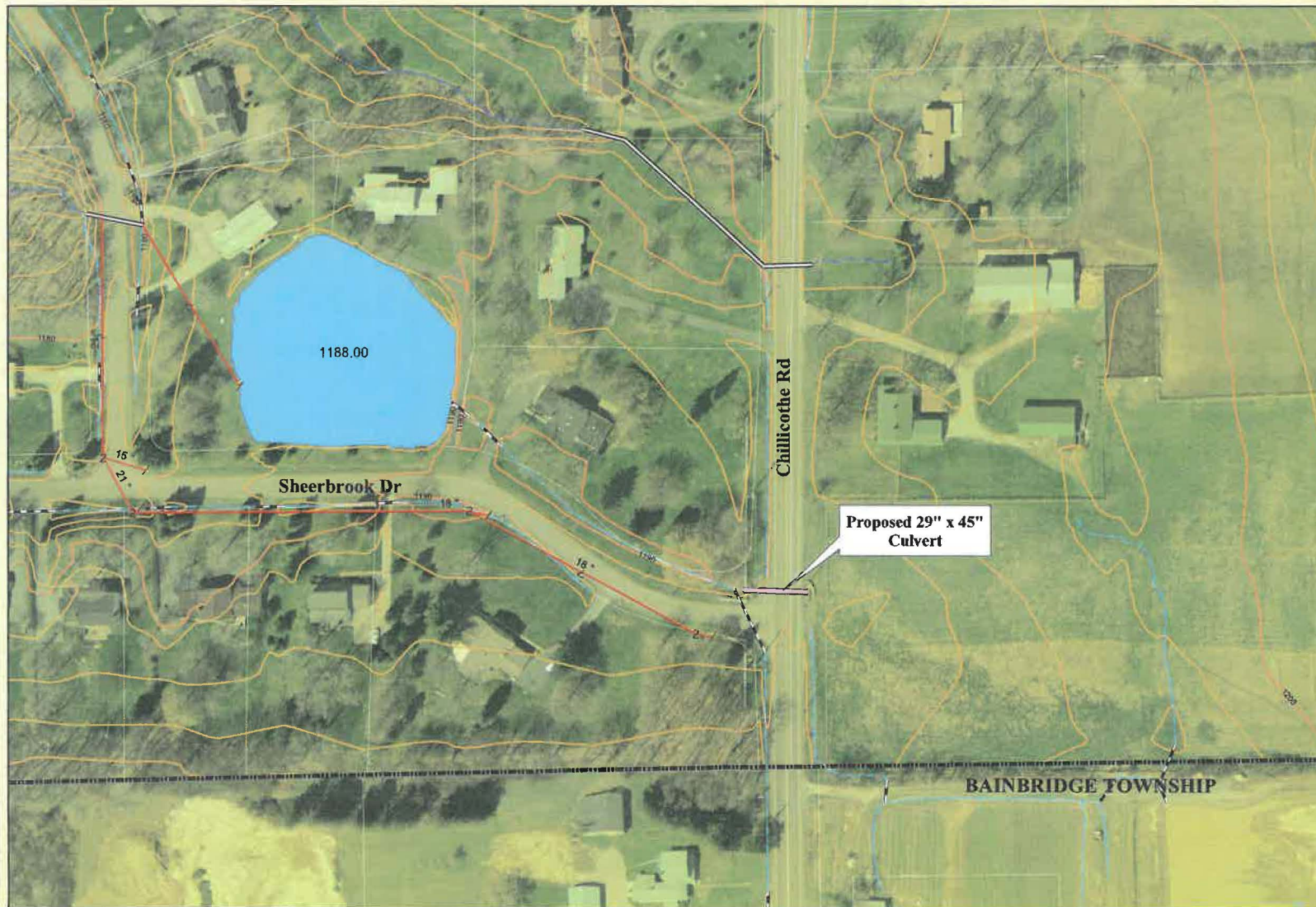
Prepared by Leslie Galicki





# MC-13A DRAINAGE PROBLEM

South Russell Village  
Chillicothe Rd



## Project Data

Drainage Area = 28 Acre  
Peak Flow, 25 Yr = 30 cfs  
Existing Capacity = 14 cfs  
Estimated Project Cost = \$30,680

## Legend

- ⊗ Catchbasin
- Headwall
- / Inlet Basin
- 2 Manhole
- ⊗ Weir
- == Culvert
- Storm Main
- Watershed
- Roadside Ditch
- Other Drainage
- Problem Area
- Retention Facility

100 50 0 Feet

1 Inch = 100 Feet

Figure 6



