

**STORM WATER COMMITTEE MINUTES
JANUARY 5, 2021**

The Storm Water Committee meeting was held on January 5, 2021 at North Royalton City Hall, 14600 State Road. The meeting was called to order at 7:14 p.m.

PRESENT: Committee Members: Chair Jessica Fenos, Vice Chair Vincent Weimer, Linda Barath; **Council:** Paul Marnecheck, Jeremy Dietrich, Michael Wos; Joanne Krejci **Administration:** Mayor Larry Antoskiewicz, Law Director Thomas Kelly, City Engineer Mark Schmitzer; **Other:** John Nickell, Dan Langshaw, Jonah Pichette

APPROVAL OF MINUTES

Approval of the November 4, 2020 Committee minutes. Moved by Ms. Barath, seconded by Mr. Weimer. Vote: Yeas: 3; Nays: 0. **Motion Carried.**

UNFINISHED BUSINESS

1. **Storm Water/Infrastructure Maintenance Monthly Report**

See handout.

2. **Maintenance Projects**

Mr. Schmitzer states for Indian Trails, the ingress/egress for the Clark property to the stormwater management basin that could not be constructed at the end of the year, the Developer had some serious medical issues. We did secure the money in escrow that the City has on hand for that, if he does not do that in the Spring then we have the money in place to go ahead with that work. With the southeast corner, the development that needed to be built up. I did contact the contractor, and they did have that scheduled to be worked on. Incidentally, I received the Latopo Plan for the corner lot, if it is not done by the developer, I may put a note on the development plan that the owner has to build up that to elevation and get it done that way.

Mr. Weimer states we may have to hold off on any attempts to try to develop that Indian Trails space based on additional information that has been brought to Council's attention. There were some things done by the developer that were billed to the Homeowners Association that were explicitly told by the Planning Commission not to be billed to the Homeowners Association.

3. **Turnpike Mitigation**

No updates.

NEW BUSINESS

1. **North Royalton Community Report – Policy and Public Education Recommendations:**

- **Riparian Setback Ordinances**

Mr. Schmitzer states we have the Riparian Setback Ordinance in place since 2005. We were the first ones in Northeast Ohio to adopt those ordinances that were recommended to all the communities that do a permit with the Ohio EPA. The way it is regulated right now, a stream or a water course has to be on a topographic map or a USGS map. We have talked with the sewer district and Chagrin River water shed partners who puts a lot of the model water shed Ordinances as well as Cuyahoga Soil and Water. We felt that covering any type of stream or water course as long as it had a defined bed and bank should be covered, because there are a lot of minor drainage areas within the City that don't fall under our ordinances for Riparian setbacks and they are being filled in and they are just as important if not more important to some of the drainage that we have in the City that is causing issues. I have it drafted, I will share with the Law Department and Council. Currently our

Code kind of stops you as if it is only on a map. What they recommend is that we change 1492.06(b) and eliminate items 1 and 2 that call out the maps and replace those with: 1) all streams draining in areas greater than ½ a square mile or, 2) all streams draining in less than ½ a square mile and having a defined bed and bank in determining its streams have a defined bed and bank the City may consult with a representative of Cuyahoga Soil and Water Conservation District or other technical experts as necessary, any cost associated with such consultation maybe assessed to the Applicant. Once it is adopted it will apply to the Riparian Setback Code to all those additional streams currently not covered and offer better protection for the environment and natural drains in the City. There is another part that can be added, and not many communities do this, it would be a large task in this community, they kind of do a Riparian map, they create a map ahead of time that shows all the Riparian corridors. If anyone knows North Royalton, we have a lot of drainage courses. It is kind of a guide map, if a consultant comes in and wants to look at it. We don't necessarily need that, we can consult with Cuyahoga Soil and Water and the Sewer District and say, no that is a defined bed and bank, we are applying our Riparian Code onto that, you cannot develop that. My recommendation would not to have that map.

- **No-Net-Loss Requirements**

Mr. Schmitzer states that this has to do with flood plains and flood damage reduction, Chapter 1466 of our Code. Currently, we do not have anything in there that says that you have to provide compensatory storage which is another way of saying no net loss of flood plain. I looked up the Ohio Department of Natural Resources publication that was recommended in the report. There are two sections; 1466.32, we would add a subsection d Compensatory Storage Required for Development, it reads; Development within the area with special flood hazard area shall result in no net loss of natural flood plain storage, the volume of the loss of flood water storage due to development in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site. We allow up to one foot of rise in the flood plain elevation due to development and if there is compensatory storage that needs to be done, it is usually in the watershed, it usually does not benefit North Royalton, this would add and say, if you are filling in a flood plain because you are putting a parking lot on a flood plain, you have to compensate for that loss of storage right there or next door. Section 1466.14(e) we will add item 7; the volume metric calculations demonstrating compensatory storage has been provided as required by 1466.32(d). That tells the Applicant that you have to provide the calculations to show what was there is being provided back into the flood plains so that we are whole again either on the site or adjacent. I had discussions in November with the Chagrin River Water Shed, Sewer District and Cuyahoga Soil and Water, they are going to be looking at our construction code and our storm water codes. EPA is coming out with a brand-new permit for MS4s and we have to meet those regulations, I want to make sure that we have enough in place.

2. **York Road Property**

Mayor states York Road is a little over three quarters of an acre property, it butts up against a piece of land that we own that is about a quarter of an acre. In total it would equal about an acre of property. The importance of it is that it sits behind Cedar Estates, Elmwood Oval cul-de-sac which always has problems as far as water. The land value is not very great, the assessed value is not very great, they don't pay a lot of taxes on it. One of the problems is that it is in a trust, the lady that is listed on it, and there are five people in the trust. It might take more time and dollars than what it is worth, but for us the value is what it can do for us. Once we obtain that piece of property then we can help the situation. Assistant Law Director Ms. Vojar has been in contact with their lawyer, they were kind of lazy in trying to get it done and they are scattered all over. My directive with Ms. Vojar is to give them a certain amount of time to deal with the lawyer, and if that does not happen, then we will proceed with just taking it. There is no access point to get back there and clean those lines.

Mr. Schmitzer states there is an existing easement where there is a large pipe when Cedar Estates was developed there were two streams from the south, one from the east that traveled into Cedar Estates. They developed that in 1978, then FEMA came in and started mapping everything, indicated that there are flood

plains; do not develop here. They got away with it and piped in with a very large pipe where the two streams come together into a zigzag pipe system where there are only two points of access along 1200 feet of large diameter pipe. We have never been in that pipe. The idea would be is to provide as much volume of storage in open basin to slow the waters down before it got into that pipe, right now it is shooting through channels hitting that pipe and the pipe cannot handle it, it fills up and Vivian gets the brunt of it at her back patio door; two foot of water against her door. This would provide an opportunity to slow things down. It would include access manholes that would basically be CMP pipe welded onto the top so we can get down in there and see what is logged jammed in there since 1977.

ADJOURNMENT

Moved by Ms. Fenos, seconded by Ms. Barath **to adjourn the January 5, 2021 meeting.** Yeas: 3. Nays: 0.
Motion carried. Meeting adjourned at 7:44 p.m.