

Minutes of a Meeting of
PUBLIC IMPROVEMENTS, STREETS, SEWERS AND DRAINAGE COMMITTEE

held September 28, 2015
6:45 p.m.

Members Present: Councilman David L. Tadych, Chairman
Councilman Tom Henderson
Councilman Steve Lee

Also Present: Councilman Clark, Councilman Vincent, Councilwoman Lieske

Audience: Marty Mace, Richard Fink, Dave Semler, Lydia DeGeorge,
Pam Cottam

Chairman Tadych called the meeting to order at 6:45 p.m. Mr. Tadych advised that the meeting was called this evening for the purpose of reviewing the following proposed ordinances:

Ordinance Amending Codified Ordinance Section 913.08 regarding Downspouts, Roof and Yard Drains;

Ordinance Amending Codified Ordinance Section 913.11 regarding Corrective Order And Expenses Therefor.

Ordinance Amending Codified Ordinance Section 913.11 regarding Corrective Order And Expenses Therefor.

Mr. Tadych advised that nothing has been changed on this ordinance except one phrase, which went from:

“Such provision for splash boxes or other devices may be permanent if such discharge does not cause hardship onto adjoining properties, city sidewalks, or current property. Inspection to be provided to insure proper connection.”

Changed to:

“All work shall be inspected by the Director of Public Service and Properties to assure proper connection or disconnection.”

Mr. Tadych noted that there is some prior mention of the downspouts and splash boxes, and the discharge of such. Mr. Tadych asked if anyone has any problem with the Director of Public Service and Properties to assure proper connection or disconnection.

Mr. Lee asked if there is an inspection fee, is there a permit required to do the work, will SAFEbuilt, Inc. be involved in any way, is this inspection similar to what SAFEbuilt does when

they do their periodic inspections of construction projects, if there is not a permit or fee involved how are we going to know when the work is being done and that the Director of Public Service should be going out and doing an inspection.

Mr. Tadych stated that he thinks the permit idea is worth talking about. Another question is do we really want to leave it to the Director of Public Service and Properties only. Disconnecting your downspouts is not difficult, but with a permit at least we would be able to go out and inspect the work.

Mr. Henderson stated that he thinks the point about a permit is reasonable, and asked if a fee would be involved. Mr. Lee stated typically when you pull a permit there is a fee involved. Employees of SAFEbuilt, Inc. have to review the plans and schedule and perform the inspections. Mr. Lee noted that he is not trying to create new fees. He is trying to understand the process being proposed, how it works, and how it is similar or dissimilar to what a homeowner does now with projects that go through SAFEbuilt, Inc., while not trying to steer this through SAFEbuilt, Inc. Mr. Lee noted that he is fine with Director Thomas or his designee doing this, but this proposed ordinance raises a lot of questions. This is an ordinance that was just passed in 2014, with Scott Thomas involved in drafting it at that time. Mr. Lee stated that he is all in favor of exploring opportunities to better manage our storm water. He just does not have enough clarity on what they are trying to accomplish with this ordinance and why it is even necessary one year after the other ordinance was adopted.

Mr. Vincent asked if we have anything in the City for which a deposit is required. If we are using City employees, and the City is benefiting, as well as the residents if we are removing water from the storm sewers, it would be reasonable to ask folks to make a refundable deposit that is returned after the inspection. Mr. Clark stated that the one deposit item we have is for the rental of Bay Lodge, where people pay a deposit and it is returned after an inspection of the premises to be sure there was no harm.

Mr. Tadych stated that he does not believe we should charge anybody to disconnect their downspouts. However, an inspection could be necessary.

Mr. Dave Semler, Russell Road, stated that disconnecting footer drains is an entirely different inspection than just cutting your downspout away from your home. Mr. Tadych noted that while he is sure SAFEbuilt would be involved in inspecting the disconnection of footer drains, he does not know if the disconnection of downspouts is pertaining to people that are just good people that want to disconnect. It doesn't say; therefore it pertains to all. Mr. Semler noted that there are EPA regulations regarding how much water goes into pervious soil. You are allowed a certain amount of water to go into pervious soil and retain it. Mr. Tadych noted the difficulty of maintaining that regulation when there is no control over the amount of rainfall.

Mr. Tadych stated that these questions will be brought up this evening to the Committee of the Whole at the committee meeting of Council.

Mr. Henderson noted that one of his constituents recently contacted him to say that he had recently disconnected his downspouts. He is pleased with the results. He informed Mr. Henderson that he is doing this because he wants to help the City because he read about the amount of rain water going into the Rocky River Wastewater Treatment Plant. He suggested the idea of creating some kind of incentive for people to disconnect. His suggestion was that if people voluntarily do this, perhaps they could receive a small discount on their sewer fee. Mr. Henderson stated that his concern would be that if everyone did this and we offered too large of a discount on a sewer fee then we might cause administrative complaints.

Mr. Semler noted that at last week's public meeting conducted by the Service Department with residents of the Bruce/Russell/Douglas/Lake residents, the attendees were informed by Bob Greytak of CT Consultants that the existing combined sewer is not sized adequately to handle the existing storm water. Adding additional water from downspout disconnections may exasperate the issue.

Mr. Clark stated that many times the rainwater from a home that has disconnected their downspouts may run over to a neighbor's property and cause flooding on the neighbor's property. Mr. Tadych stated that is addressed on the next part of the ordinance.

Mr. Clark noted further that the actual title of the ordinance refers to "Corrective Order." He would be against charging a permit fee or providing some rebate against the sewer bill. If the corrective order is not corrected within a certain period of time, the property owner could be subject to a fine.

Mr. Henderson noted that there is no requirement that a property owner has their downspouts connected to a drain which drains to the storm sewer. They may disconnect those downspouts. Mr. Lee noted that the corrective order ordinance deals with water draining into the sanitary sewer.

Ordinance Amending Codified Ordinance Section 913.08 regarding Downspouts, Roof and Yard Drains

Mr. Tadych noted that he had some conversation with the President of Council and also met with Law Director Ebert about this ordinance, working out some of the language included in this draft of the ordinance. When the downspout comes down it should end at ground level; it should not be off the ground higher up. A resident who has their downspout coming down on a new addition has the downspout stopping about seven inches above ground. The downspout has one little curve in it and there is no control of how the water drains; it splashes all about. On a new construction, this will be the Building Department's problem.

Mr. Tadych noted that this particular ordinance deals with the splashing of the water from the downspouts and rain barrels. If rain barrels get full, the water has to go somewhere. We have discussed rain gardens, etc. to control the water. Mr. Tadych stated that the problem he has with this ordinance is the sentence that reads: "Splashing of downspouts requires a minimum distance of five feet from the house." It should be changed to "any house" which would save neighbor

problems. Discussion followed regarding the word “splashing.” Mr. Lee stated that it may be a term everyone understands, but it is not precise. Mr. Lee continued, stating that the changes made in this ordinance make sense and he is all for the idea that we don’t want to create new problems for our neighbors when we are taking these steps on our own property. The language is less precise than what we could have.

Mr. Tadych suggested changing “a minimum distance of five feet from the house.” Be changed to “a minimum distance of five feet from any house.” Mr. Henderson stated that the term “five feet from the adjoining property” is already more restrictive and sufficient. Mr. Tadych stated that he thinks that “adjoining property” is a reference to property lines, not necessarily a building. Mr. Lee noted that buildings are not going to be right on the property line; they have to be set back a certain distance. Mr. Tadych suggested adding “or garage.” To the distance requirement. Mr. Lee suggested the words “any structure” rather than “any house.”

Mr. Vincent asked how the distance of five feet was determined to be the correct distance to use in the ordinance. He stated that this is not very far from the foundation. Any water is bound to return back toward the foundation when it starts to enter the ground. Is there any calculus for the determination of five feet, or is it just considered enough to protect the foundation?

Mr. Henderson stated that he would not want to make it any farther than it needs to be to achieve the goal of keeping the water from the foundation because of the difficulties in lawn maintenance that could occur.

Marty Mace, Elmwood Road, stated that he believes the City Building Code requires that you cannot build within 5 feet from the property line. From the way this ordinance is written, Mr. Mace does not think he can splash anywhere. There are many places in Bay Village where that is going to be a problem. Mr. Lee noted that every property will be different. Mr. Lee has a natural decline in the rear of his property, but he is unsure that even with that five feet will be sufficient. Mr. Tadych noted that the configuration of his property will not permit the disconnection and draining of five feet without flooding the sidewalk or driveway.

Mr. Lee stated that there is a large problem in the City with storm water and anything that can be done creatively to try to manage it over the long term is worthy of consideration. Mr. Lee would like the Mayor to consider a committee of homeowners to be involved in the process of looking at different options. Two residents who are both engineers have expressed an interest in being involved in looking at creative ideas using these different methods to manage the storm water. Also, the incentive idea mentioned by Mr. Henderson might be money well spent to encourage folks to do this. Every house could make a little dent in this, but if you add that up across city-wide it could be a significant improvement in the way things are handled today. It is not a short term thing, but a long term thing and Mr. Lee would like to encourage there be some use of all of these willing experts we have in town and get that input from the public.

Mr. Tadych stated that he thinks this is a noble idea and should be brought up before the whole of Council. Mr. Lee stated that we are talking about managing storm water on your own property. These are things that homeowners can do: rain barrels, splashing, rain gardens. All the

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things you can do to manage the storm water that is coming off of your driveway or property. For example, one of the ideas brought forth was would there be a way for the City to use its purchasing power to perhaps purchase rain barrels or splash blocks. They could be stationed at the Service Garage and homeowners could buy those at a discounted price as opposed to everybody going out and buying those on their own. The City would be endorsing some of these things and involved in the process that way as well by helping residents. Mr. Lee stated this is something he would encourage. There was discussion at the June 29, 2015 Council meeting after the major rain that occurred about such a committee.

Karen Lieske stated that after Hurricane Sandy Mayor Sutherland appointed community members to an Emergency Task Force to come up with ideas concerning communication. Mrs. Lieske was the Council person who sat in on that. Recently there was good input from community members on a certain topic. Mrs. Lieske commended the idea of Mr. Lee.

Bruce/Russell/Douglas/Lake Road area meeting on September 24, 2015

Prior to the Bruce/Russell/Douglas area meeting on September 24, 2015, Mr. Tadych spoke with Mr. Henderson, and asked Mr. Henderson if he could report on the meeting to the Public Improvements, Streets, Sewers and Drainage Committee meeting on September 28, and if he could put that report in a document to be presented at the meeting on September 28, 2015, although the report is not to be considered minutes of the Bruce/Russell/Douglas meeting.

Mr. Henderson read the following comments from the meeting held by the Service Department on September 24, 2015, which he attended, for the residents of the Bruce/Russell/Douglas/Lake Road area meeting. Mr. Henderson noted that these are not minutes, just his recollection of the proceedings of the meeting after the fact.

- Service Director Scott Thomas and Bob Greytak of CT Consultants hosted a meeting on September 24, 2015 at 7:00 p.m. in the Dwyer Center regarding sewers in the Bruce/Russell/Douglas area.
- Paul Koomar, Paul Vincent, and I (Mr. Henderson) were present along with several Service Department employees. I (Mr. Henderson) estimate that somewhere between 25 and 50 people were in attendance in the audience.
- Mr. Thomas opened the meeting by explaining that the purpose of the meeting was to inform the residents about testing, projects and plans under consideration regarding their sewers.
- Mr. Greytak delivered a presentation, including information about:
 - History of the sewers in Bruce/Russell/Douglas area going back to the 1960's when a previously installed combined sewer was separated into storm and sanitary sewers.
 - An explanation that many houses' private drains were connected to the new sanitary sewer back in the 1960's (the combined sewer was left in place to become the storm sewer).

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- Results of a computer model which showed that the existing sewer infrastructure does not have the capacity to drain water at a rate which meets many homeowners' expectations.
 - Illustrations indicating the average ratio of publicly-owned sewer to privately-owned drains.
 - Preliminary recommendations, including alternative options to address the problem
- Numerous audience members shared their individual views, including but not limited to:
 - Belief that the City's selection of Bruce/Russell/Douglas for improvements is unfair.
 - Belief that the engineer's recommendations will not create results that meet some homeowners' expectations regarding the system's ability to drain water adequately.
 - Belief that homeowners should not be responsible for paying for improvements, but rather that the cost should be paid by the city and shared among all taxpayers.
 - Not all members of the audience spoke up. They may or may not share these beliefs.
 - Mr. Thomas provided high level guidance regarding next steps, timing, costs and funding/financing options, but noted that such guidance was preliminary and subject to change.
 - Mr. Thomas recommended selection of 5 people to serve as neighborhood representatives (some audience members disliked that idea). He collected email addresses from those who offered them.

Mr. Henderson invited members of the audience of this evening's committee meeting to share their thoughts about the September 24, 2015 meeting.

Mr. Dave Semler stated that there were a lot of people who were upset. Mr. Semler stated that to himself it doesn't make a difference. He would just like things to move forward more quickly than the way it is moving. You will never satisfy everyone in the neighborhood because in today's society we live with 100-year rains and you can't design a system to collect that much water. It is just cost prohibitive. It involves coming up with a happy medium. The frustration level for the residents is that it has been so long and nothing has moved forward. CT Consultants has not yet put together an RFP to do the preliminary design study.

Mr. Tadych stated that there are other areas that are going through the same difficulties, and it has been so for many years. They have been working on the Sunset area since he has been on Council which began in 2002.

Lydia DeGeorge, West Oakland, stated that going back to the beginning of the meeting when there was review of the proposed ordinance, disconnecting downspouts isn't necessarily going to change anything for some residents. If a resident disconnects, and is charged a fee, and still

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floods, will the fee be refunded? Mr. Tadych stated that he thought the structure of the three on this committee was that there would be no fee for permits. Mr. Lee stated that if it is just disconnecting something and not digging into the ground, there will not be a fee. But, if it involves excavating around the foundation of the house there will probably be a fee.

Mr. Vincent noted that a lot of it has to do with who will do the permits and the inspections. If it is SAFEbuilt, it is possible that it cannot be done without a fee. Mr. Henderson stated that his understanding of the intent is that although it may help an individual property owner with the flooding of their basement, the bigger purpose is to reduce clean water flow to the Rocky River Wastewater Treatment Plant. It wouldn't be expected that someone disconnecting their downspouts would necessarily cause them to not have their basements flooded. So, a basement flood in the future would not necessitate refunding of the fee.

Mr. Tadych stated that in his discussions with the Law Director about C.O. 913.08, the probable result of not having any permits or anything to do this, but just doing it as a good will thing in the neighborhood, was that this would be complaint driven if your neighbor decided to do this and it back flooded and you weren't getting any results from knocking on his door. This would then be a City issue. But, there probably won't need to be a permit needed unless there is an inspection.

Mr. Mace asked if the testing showed that most people are draining both storm and sanitary into the new combined sewer, and fewer people are using the old storm sewer. Mr. Koomar said it is a combination; some people are connected properly, some downspouts are not connected properly, some footer drains are not connected properly. Mr. Henderson stated that he does recall Mr. Greytak stating that every house has some issue in some way, shape or form.

The meeting adjourned at 7:30 p.m.

Joan Kemper, Secretary

David L. Tadych, Chairman