

Dover City Special Meeting Minutes of August 24, 2009

Council President Tim Tarulli called the meeting to order at 7:00 pm. All stood for the invocation that was given by Mayor Richard Homrighausen and all recited the Pledge of Allegiance.

Roll Call: Bair, Gunnoe, Mueller, Cappell, Maurer, Parolini...Six (6) present.

President Tarulli stated that although it was not a required city council meeting, roll call was taken for the record. Tarulli turned the meeting over to Mayor Homrighausen who informed the audience that the reason for the special meeting was to discuss water problems along Winkler Drive and the Becker Creek development. The Mayor stated the problems were not a design flaw and a solution would be presented.

Service Director Dave Douglas added that the city has not come up with a plan to keep everyone from getting water in their yards but the proposed solution would help. Douglas said the city will do the best they can and that at this time, building retention areas would be difficult to do.

City Engineer Don Dummermuth made a presentation to council, administration and the audience first going over the history of the area being discussed. Dummermuth stated that the remedy the city has come up with would be to put the swail back in and put a storm sewer in as well. Dummermuth explained that in the back of the lots along Becker Creek, the city owns a 14 foot wide easement for surface and rain water drainage and utilities. Most of the work would be done within these 14 feet but the city would need the cooperation of the residents

Councilman Cappell asked how large the swail would be. Dummermuth answered one foot.

Audience -

Bill Donizetti, 1118 Forrest Ridge Drive Dover, asked why the swail and storm sewer would not be dug on the Winkler Drive properties. Dummermuth answered that the properties on Winkler Drive have gas, power lines and sanitary sewer lines along the back of these properties.

Jeff Ellwood, 1110 Forrest Ridge Drive Dover, asked if the 14 foot easement would be on the Becker Creek properties alone or 7 feet on each property. Dummermuth replied that the 14 foot easement was on the Becker Creek lots and that there is a 20 foot easement on the Winkler lots. Ellwood also asked if all of Winkler Drive had sidewalks and curbs. Douglas replied that some lots in Winkler Drive are in the Dover Township which does not require sidewalks or curbs. Dummermuth added that the majority of the water in question is not Dover water, but water from Dover Township. Douglas added that cooperation is needed from everyone to resolve the problem.

Gale Hewitt, 1137 Winkler Drive Dover, stated that she likes the idea to catch the water before it runs into the yards. Hewitt asked where the first catch basin would be and if it would tie into the larger basins on the street. She thought that adding curbs would be an easy solution. Douglas stated that he would like to work with the township on this and has called them a few times but has not heard back from them. Douglas added that their priority is to take care of those affected by the water and although the curb is a good idea, it would not solve the whole problem.

Jay Coventry, 1155 Winkler Drive, asked where a retention pond could be located. Dummermuth showed on a map where his idea is to put the pond. Don Doidge asked about taking away the dirt to put a curb in with 2 drains. Dummermuth stated that a curb would take care of some of his problem.

Brenda Hurst, 1106 Forrest Ridge Dover, asked if the city would be tearing up 14 feet of her backyard. Douglas responded yes. Hurst asked who would be responsible for replacing sprinkler systems and landscaping, the city or the residents. Douglas said that cooperation would be needed and an agreement would be worked out. While landscaping is the responsibility of the residents the city would sod the area affected. Hurst asked what would happen if the city smashed the sprinklers. Douglas said he was not sure. Tarulli asked if the city replaced obstructions when Dry Hollow was put in. Dummermuth responded that yes, the city replaced a garage but that was because there were no easements then. Also, residents have the option of removing items and putting them back in.

Tim McCrate, 1114 Forrest Ridge Dover, questioned why the city would be doing work in his backyard when it was township water. Douglas responded that there has not been a conversation with the township yet. McCrate asked for clarification. Douglas stated that he has asked for a meeting with the township but they have not returned his calls and that at this point the city must move ahead without the township because residents and the city are tired of waiting. Douglas continued that there are major problems and the city cannot wait any longer. McCrate asked about the timeline. Douglas said he was not sure because the city needs to talk with each resident and each resident needs to be on board. McCrate asked what the major issues were. Douglas replied that residents have gotten a tremendous amount of water in their basements. George Glasser, 1200 Forrest Ridge Dover, added that the water problems have occurred four times.

Gale Hewitt stated that there were no water problems until the drainage was interrupted by the Becker Creek development. Douglas questioned Hewitt's comment. Terry Hewitt stated there has been an increase in problems since the development. Douglas added that the area has had an unusual amount of rain during the past few years and asked Dummermuth if the Becker Creek development could be to blame. Dummermuth replied no. Gale Hewitt added that everyone has fixed their water problems into their yards.

John Hurst asked how sure the city was that the proposed solution will fix the problem. Dummermuth replied that they will mitigate as much of the problem as they can. Hurst stated that that was not a good answer. Dummermuth said the solution will mitigate most of the problem but slight ponding may still occur.

Greg Fiegl, 1122 Forrest Ridge Dover, stated that from what he has seen the storm sewers fill up as it rains then the water starts to flow in the roads and he did not know if the pipe would help. Fiegl suggested that catching the water may solve the problem. Douglas stated that heavy rains may happen anytime and the city has looked at a lot of different ways to solve the problem and the solution presented in the best solution.

Karie McCrate stated that they lived on Hawthorn Drive for 5 years before moving to Forrest Ridge and the flooding was much worse in that area. Douglas asked the Hurst's how long they have lived on Forrest Ridge and they said 8 years without any water problems. McCrate asked if with a bigger pipe it would still turn into a river. Douglas said yes if the rain is like in 2003. Tarulli asked about the residents landscaping. Douglas responded that the residents may lose a little bit of their yard with the swale and mound. Tarulli asked if a sketch could be created showing the residents what it would look like. Dummermuth said that a sketch could be created. Tarulli asked if the project could go further without the resident's permission. Dummermuth stated that the city owns a 14 foot easement for utilities and

drainage. Douglas added that the city does not want to work that way and that the city will work with every resident.

McCrate asked if the developer could be responsible for bearing the burden for the backyard work. Tarulli responded good luck and Douglas stated it would be like working against a wall and that the city has begun putting more responsibility on the builders. Dummermuth expanded on this ordinance. Hurst questioned if the city could have foreseen these problems. Dummermuth stated that it has only been within the last 10 years that developers have started developing the hills in Dover. Gale Hewitt said they sat down with the developers son prior to the development being built and told him that there was going to be problems with the water drainage. Hewitt said his response was that we could handle a little bit of water.

Councilman Gunnoe asked if the 12 inch line was operational now. Douglas said that sometimes it is but there have been landscape changes.

Douglas stated that all of the information gathered from this evenings meeting was good information and that is why the city held the meeting. The city has a lot more to look at especially around the Doidge lot and issues with landscaping.

Councilman Parolini asked if it was possible to estimate if all of Winkler Drive had a curb, how much less water there would be. Dummermuth stated that we can do that but it will not solve the problem. Douglas added that there could be another phase to this solution which would include the township. Tarulli asked for a show of hands from the audience as to whether or not they would agree to the city's proposed solution – 4 yeas 0 nays. Douglas again stated that he does not foresee the city moving ahead without all of the residents cooperating. Donizetti asked why the Winkler Drive residents were being asked because the city was not going to be tearing up their yards.

Ellwood asked if the utility boxes would be moved closer to the houses. Dummermuth said no because there are power boxes on both sides. Ellwood asked if the phone lines and cable lines would be cut. Dummermuth showed on the map where the digging would occur. Douglas added that the lines would not be cut if they were put where they were supposed to be. Douglas stated that this was not going to be an easy job; from start to finish it would be a hard construction. Tarulli asked how long the construction would go on. Douglas said he did not know.

Chris Lane, 1101 Winkler Drive Dover, asked if the digging would interfere with a fence and other structural interest close to his property. Douglas said if there was a piece of structure that would be affected, the city would talk with the resident one on one.

Glasser added that because of the water issues, he has spent between \$12,000 and \$13,000 that he did not plan on spending to protect his house. And, that after that he starting approaching council. The last time there was flooding, city employees came to his house at 10:30 pm to see the flooding. Glasser said he has been talking with the city for 6 years and asked that the burden be shared. He added that if a resident chooses not to cooperate, he respects that but that he will do landscaping to his yard that will cause problems downhill. Hewitt added that they will do landscaping as well.

Douglas stated that he, the Mayor and any members of council that would be interested will be setting up individual meetings with the residents to discuss this further. He stated that he can not guarantee 100% relief from the problems and that he is honestly trying to help everyone out and find the best solution.

Councilman Cappell stated that he would like to ask the Law Director about the laws pertaining to the 14 foot easement. Cappell asked if the residents pay taxes on those 14 feet. Douglas said yes. Cappell asked what the law is regarding the easement. Douglas said that structures are to be kept off of the easement but that the city does not police plantings on this area. Dummermuth added that the city has the right to access this 14 foot area if needed for drainage or utilities. Douglas reiterated that the city does not want to work that way.

Fiegl stated that the yards could be re-graded. Glasser said that the water will then run into Ellwood's yard and end up with the same result. He suggested working together especially since the city is willing to pay for it. Douglas asked the Mayor if the money was in the budget. The Mayor said yes. Lane asked what the estimated total was for the project. Dummermuth said it was previously estimated at \$114,000 but he felt it would be around \$125,000 including sodding the yards.

An audience member asked if the city could purchase the empty lot on Forrest Ridge and put the water there. Douglas said the city has discussed that option and the lot is owned by Jim Nixon Jr. Dummermuth said that would not solve the problem. Douglas added that he agreed that might be a good option. Hewitt asked what size the pipe is. Dummermuth stated 21 inches.

Douglas said the city would like to get the ball rolling on this project and asked the residents to have anyone not in attendance call him with any questions. The Mayor closed the meeting by thanking the residents for their attendance. He said the city knows there is a problem and that the city is going to try to fix the problem in the most effective manner possible which would be to put the swale back in where it should have been kept. The Mayor said the city would take all of the information presented tonight to see if they could come up with other solutions.

Meeting closed at 8:25 pm.

CLERK OF COUNCIL
Julie Leggett