

# *The Village of Walton Hills*

## *Committee of the Whole Meeting*

Date: January 10, 2017

Time: 6:00 p.m.

Location of Meeting: Council Chambers

Council President Don Kolograf called the meeting to order. The roll call was taken by Katie Iaconis. Present: Councilpersons Denny Linville, Mary Brenner-Miller, Paul Rich, Gloria Terlosky, Don Kolograf, and Brian Spitznagel. Councilman Kolograf makes the motion. Councilman Kolograf announced that Mayor Hurst had another grand-daughter early this morning so, unfortunately, he cannot make the meeting and he apologizes for that. He makes a motion to excuse Mayor Hurst from the COW meeting, seconded by Councilwoman Brenner-Miller. No questions or comments and six ayes approve. Administration present: Katie Iaconis, Fiscal Officer and Mr. William Mason, Law Director.

Persons having business before Council – There are none.

Approval of Special Council meeting minutes of December 6, 2016 – Councilman Linville asks for approval of the Special Council meeting minutes of December 6, 2016, seconded by Councilman Spitznagel. No questions or comments, and six ayes approve.

Approval of Committee of the Whole meeting minutes of December 6, 2016 - Councilman Linville asks for approval of the Committee of the Whole meeting minutes of December 6, 2016, seconded by Councilman Spitznagel. No questions or comments, and six ayes approve.

Item F – Approval of Committee of the Whole meeting minutes of December 13, 2016 – Councilwoman Brenner-Miller asks for approval of the Committee of the Whole meeting minutes of December 13, 2016, seconded by Councilman Rich. No questions or comments, and six ayes approve.

Item G – Discussion – Joe Gigliotti is here from Chagrin Valley Engineering. Councilman Kolograf invites Joe to this meeting and we can direct any and all questions to Joe in order to gather information and talk about pending issues, etc. Councilman Rich asks for a bullet-point about what the storm water sewer management monies are to be used for. Joe clarifies that we are speaking of the account we have with Northeast Ohio Regional Sewer District. After clarification of this, he states that this is used for storm water projects, or anything in the storm water improvements, such as water quality, water quantity, or any of those things. Councilman Rich asks specifically about the project that the Blondin's have today, if the project was not completed or done, what effect would that have on Walton Hills, South Meadowpark, specifically. Joe mentions that if nothing was to be done, the concern would be if and when the culvert fails and collapses, it could have an effect not only on the Blondin's property, but also on the Village's infrastructure. This is the concern that the engineer would have. This could result in flooding, erosion, or damage to our road, our pavement, culvert, water mains, etc. Councilman Linville states that they have searched their records and have found nothing as far as the Village going on that property and installing any of that. We have, in prior years, prior Mayor's that have done things and not reported them. We do have anecdotal evidence from people who live on the streets saying that the residents themselves put that in. Basically, we have nothing that indicates that the Village did that. When he walks the property, the concerns are that the cement headwall structure in the back of the property and the main pipe that is collapsing comes down, and it looks like it goes into the structure that goes underneath the east side of South Meadowpark road. His questions concern that head wall and that other structure. It is obvious that the Village put that in because it is connected to the pipe going underneath the road. He is wanting to know if the head wall is a Village issue or did the resident put that in. Joe agrees that there are no records. He also agrees that it is a substantial head wall and someone did a professional job. He says it is certainly

not outside of the abilities of a private resident to have something like that built. We don't know who that resident was 40-50 years ago though. He states he believes there are three pipes who tie into it. He cannot say who put that in and states that it possibly could be the Village because that structure is probably right on the right-of-way line. It possibly falls within the Village's right-of-way. The 48-inch pipe and the headwall certainly could have been done by a private resident, in his opinion. Councilman Linville comments that everything that is connected there ties back to Alexander Road and the pond across the road from the Anielski property. It is the same type of pipe and everything, a corrugated/ribbed pipe. There is a head wall there as well, and then this all matches up to everything down to the Blondin property. His sense is that this was part of an overall storm water management effort on the part of, whether the Village wants to say that or not, that they were involved with. He is wondering who did that head wall as well, because that is part of the overall scheme. Joe confirmed that they did the research and there are hardly ever any records on this kind of thing. He states that the area-wide problem is one of the main reasons why the sewer district created the storm water program, to take an area-wide approach to these drainage problems and hence the reason the funding mechanism we are looking at for the Blondin work is the sewer district storm water account. Discussion ensues regarding this with the entire Council and Joe from Chagrin Valley Engineering.

The floor is opened to residents.

Bill Deak at 17076 Egbert Road speaks. He states that the property they are talking about is the old Kamotik property. He had a lake on there that was higher than the road. Marilyn Pearce lived down from that house and she had a lake below that level. He had a valve on that lake that we could open up and drain water from his lake into her lake. This was years ago.

Chuck Victor from Egbert Road speaks. He is asking for a memory refresher on who paid for the Bill Allen reconstruction of the storm water problem he had in his back yard. It was clarified that the Village did. There were three properties involved in that. Discussion ensues on the past work done on that area. He asks how much it was for that and Councilman Linville states it was \$43,000. Chuck asks if Bill had to pay anything or the residents there. It was clarified that neither Bill nor any of the other residents there had to pay anything. Chuck brings up that the gentleman who owns Hilltop Towing has been having a problem with that sewage pump over there and every once in a while, he will get raw sewage pumped into the creek over there. Discussion ensues on the history of this issue as well. They state that this may be something that may need to be reported to the EPA.

Sara Blondin from 16883 S. Meadowpark Rd speaks. She brings up that a number of people in the Village have implied that the homeowner may or may not know who potentially put that in. They did speak with the daughter of the homeowner and she states that it was her interpretation that the Village engineers at that time had it put in to maintain flooding, and it was a recommendation by the engineers at that time. She asks if we know who the engineers between 1958 and 1962 were. No one has an exact answer but they will do some research and try and find out. She is asking that we understand that things were done substantially different between 1958 and 1962 where discussions were held with the Mayor, if he was there, and that the Mayor had access to this material all the time and these deals were done over handshakes. So with the respect of Mr. Turner and Phyllis Barone who have conflicting stories, she wants to be sure that hear-say does not have too much weight and those decisions will be made based on the facts and what that metal, corrugated storm water pipe ties into in consideration of Village infrastructure. She states that at her work, she belongs to the WEF (Water Environment Federation) and it was put on her desk today as Special Issue Storm Water, so she views this as a good feeling that she was meant to read this and have a lot more education on it. She is sure that Joe has access to it as well, but she will leave it with them. Assessment on how the fees are allocated is in there. The question she has is if there is anything, based off of the Council's experience, that would rule them out of being qualified for having those Northeast Ohio Sewer District storm water funds allocated for this project. It is stated by a Councilmember that those funds are specifically in place for storm water improvements. She also asks if the Village of Walton Hills has an

MS4 permit and the Council says yes they do. She then asks what the next steps for follow-up will be – and whether they will be followed up with after the COW, and what the next steps are. Councilman Kolograf explains that they are gathering information and they will now talk about it and whether they put it on the Council meeting is unsure. He does not know if it will be on the next Council meeting as the Mayor is not here and other discussions need to be had. He thinks that it would be put on the following COW meeting. He states that it is in the forefront and that it will continue to come to a resolution. It is considered to go into Executive Session at the next Council meeting to discuss it further, which would be next week. They are ball-parking it as February or so. It is also brought up that even if the decision is made tonight to do this 100%, the money is still not there to do it and we would have to wait for funding. We are not putting this off or holding things up, we just need to go through the process. Sara Blondin makes it known that they have done everything to be cooperative and since they originally brought this to the Council on February 7, 2016, they have been very patient and cooperative and they have gaping holes in their property that they really want to have taken care of. Also, Sara Blondin asks why some things need to be discussed behind closed doors when they are community funds. It is verified that it is because they all have to come to a consensus between Councilmembers on everything. Bill Mason mentions to Sara that there has been a dialogue going on for at least a year now, which he has participated in. He thinks that part of the dialogue is that if the result is not what she wants, they would probably take action, such as litigation. When we talk about what potential litigation there will be here, these conversations go into Executive Session so they are not discussed in public so the Council can weigh their ideas without having to deal with litigation-type issues. Sara speaks again and says that if this was ever implied, they do not have legal representation and are not going to throw that around. She is concerned about how the storm water fee allocation ties into litigation when its municipality is storm water. It is stated that if, hypothetically, a decision comes back not in Sara's favor, she may want to do something about that and Bill Mason states that he sees this as litigation. So, those conversations should be had in Executive Session so they can speak candidly about what these issues are, and then come out in open public and have a vote. She asks if this is the typical amount of time it takes for resolution to take place on matters such as this, when all the facts have been presented, the engineer has been involved from the beginning, etc. Councilman Spitznagel states that in his experience, yes. Councilwoman Terlosky asks Joe regarding Sara Blondin's question about the storm water and wants to clarify that they cannot pursue this on their own and that this is something that has to go through the Village. Joe verifies that this is correct and the sewer district account that is in place for these storm water improvements can only be accessed by the Village, not by a private resident. So, it is not a free-for-all and not every resident can grab a piece of it. The requests have to come from the Village from the Mayor. Sara Blondin asks if there have been other private residents asking for those funds. Joe says not that he is aware of. He backs up the fact that these conversations do take a long time and for everyone's reference, the residents on Walton Road first approached the Mayor and Dan Stucky in the summer of 2015 and the program is just now in place and the work is taking place. This was 18 months. Sara states that she wants everyone to know that we first brought this to Dan Stuckey's attention in 2013 trying to go get coverage, but the Mayor stated that for these types of problems directly it needs to go to Council. Joe says that there are a lot of opinions here saying who installed the culvert that is now failing. He says that the sewer district account is our funding source and to the sewer district, it does not matter who installed the culvert. They are not going to ask that and we are simply going to apply for the money. Councilwoman Terlosky acknowledges the amount of time it is taking for Sara Blondin, and further clarifies this by saying that 50 years from now, they are going to be bringing up the Blondin property so we have to be sure we are doing the right thing. Priorities do shift when more serious things arise. She also clarifies that the water fund is paid for by everyone who is sitting in this room. Sara thinks there is a difference in what we feel is priority. Sara states that she also heard that if something happens on this road tomorrow or in the next 5 seconds, she is not 2<sup>nd</sup> anymore, they are 15<sup>th</sup>, or wherever that puts them. She feels that they have done their due diligence to be as cooperative, professional, and respectful as possible in bringing this matter up, but at the same time, it was interpreted as us threatening anything because we are not; but at some point, we are going to need to take care of our family, which is our #1. This is a safety concern. Councilman Kolograf confirms this and that when we start the project, we finish the project. Discussion ensues.

Councilman Spitznagel addresses Mr. Gigliotti and states that Councilman Linville and he were at a head wall on Dunham Road that he took pictures of, but he never forwarded them to him. It looks like the head wall is collapsing. Behind the head wall, onto Dunham Road, there is a hole where, when it rains, you can see that the water goes in there and it is pushing this thing out. This is one issue and another issue is that right above that is a guardrail that is so frail, I am of the impression that if a car hits it, the only thing that is going to happen is the car is going to get impaled on one of those vertical posts and flip over into the culvert. It was their impression that this needed to be addressed, at least the erosion behind the head wall. Joe Gigliotti says that he is aware of this and that this has been around for 8 to 10 years. He does not want to speak for the Service Director, but he would think that repairing the hole and the guardrail would certainly fall to service. Joe says he will call this to the Service Director's attention tomorrow morning. The head wall topic came up this past spring and he took a couple of photos of the head wall and compared them to some photos that I took in 2008. Oddly and surprisingly enough, each sandstone block was in the exact same position. Councilman Linville asks if the pipe going out the back of the main outlet should be the same size as the other pipes. Joe states that the pipes would normally remain the same size or get larger in diameter as they go downstream. Councilman Kolograf sums this up by stating that we will have an Executive Session related to this topic on the next Council meeting. The Council is okay with this and Mr. Mason expressed that the Mayor was okay with that, so that is what we will do.

Item H – Discussion on the Street Commissioner's contract. Councilman Kolograf states that we have had discussion on that with the Mayor, etc. and he would like to have some further discussion with the Mayor on that, so he would like to just leave that the way it is for now. Councilman Linville asked that if we do not vote on this week or next week, would we be able to extend the contract temporarily since it is up at the end of the month. Mr. Mason states that he will have to look at the contract to see what it reads, but he is not going to be forced to leave because the contract was not signed or extended. Councilman Kolograf states that we could also put it as first reading, like any of those contracts, if not just hold off on it. Councilman Linville states that this contract is always done in February but, like Mr. Mason said, Councilman Kolograf does not think it will be an issue.

Item I – Councilman Kolograf states that he would like to have some further discussion with the Mayor on this, so he would like to just leave that the way it is for now.

Item J – Councilman Kolograf states that he would like to have some further discussion with the Mayor on this, so he would like to just leave that the way it is for now.

Item K - Councilman Kolograf states that he would like to have some further discussion with the Mayor on this, so he would like to just leave that the way it is for now.

Item L – Discussion on the CIC appointments. Councilman Kolograf states that the Mayor's recommendations were himself and Councilwoman Brenner-Miller, simply because there is election coming up and he just wanted it voted out. Councilman Kolograf states that the reason was that Councilman Spitznagel has expressed interest from the time we started that and that if he is still interested, to think about it and if he wants to go with the Mayor's recommendations or not. His recommendations are for two residents and this information was put in front of them. Councilman Kolograf asks the audience if they have any questions on the CIC recommendations. Bill Mason explains to the audience what the CIC is to the audience.

Item M – Resolution 2017-2 – Declaring intent to proceed with election on the question of additional tax in excess of the \$10 million limitations, declaring an emergency. That is the police levy. Councilman Kolograf states that we need a resolution and he would like to have it at the next Council meeting so we can move forward to take this to the vote of the people. Mr. Mason clarifies that the next vote would actually be expressing our intent to put it on the ballot. Then, this would go to the Board of Elections to actually place it. It is clarified that this is \$5 million at 4 years, and would take place in 2018. It is agreed that this

is what was agreed on. The Council, at any time, can change or cancel this levy. Councilman Linville comments on this by asking if there is any verbiage that can be put in that this is a police maintenance levy or anything like that. He just doesn't want to pass this and suddenly have certain groups saying that it was their levy and they want more money, etc. Councilman Linville would like it on record that he is voting for a police maintenance levy and it does not necessarily entitle any particular group or special interest to these funds. It needs to be clarified that this levy is in order to maintain the current level of safety services and police department that we currently have, not to double the force or add to the existing services. Discussion ensues. The floor is opened to audience members. Chuck Victor approaches the microphone and asks if we have approached the union for the police officers to see if we can get a give-back from them. Every company that he knows has always asked for give-backs from their employees. He is wondering if we have ever asked for a give-back from the police department and whether we have ever gotten one. It is stated that yes, and yes we have gotten one several times. Councilman Kolograf clarifies with Mr. Victor that we have negotiated and the Mayor has negotiated contracts, and we have had our legal team negotiate and we have actually negotiated some contracts, and they have been very fair with us. It is questioned by Mr. Victor about reducing the size of the police force and filling in with the auxiliary police that we now have. Councilman Kolograf states that we have discussed that and actually that has been done by some. We have taken some full-time positions and replaced them with part-time police officers. So yes, their budget has been reduced over the years. Councilman Spitznagel states that we have replaced the duties of some of the police officers such as court, escorts, etc. with auxiliary officers where possible. Councilman Linville asks if every time a police officer makes a stop, is there another police officer on the way to sit behind or with that officer making that stop to make sure he is safe. He is concerned about this given the atmosphere that we live in today and the war that has been declared on police officers. He is okay with this even if it takes a few more dollars. Sara Blondin says that if there is any way that residents can be of support, whether it is communicating the support for the levy, she would like to offer help in this way whether it be participating in Town Hall or any way we can support the benefits of that. She is thanked by the Council.

Item N – Other Business. Councilman Linville states that he has full faith in Mr. Gigliotti's expertise and Mr. Sheehy's expertise, and he wants everyone to know that he is not going to do us or the residents wrong. They will give us accurate, good information and they are the best, as far as he is concerned.

Councilwoman Terlosky motioned to adjourn the meeting of January 10, 2017, seconded by Councilwoman Brenner-Miller, and six ayes approved. The meeting adjourned at 7:33 p.m.

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Katie Iaconis, Fiscal Officer