

**DEERFIELD REGIONAL STORM WATER DISTRICT
REGULAR DISTRICT BOARD MEETING
Landen Station, 3292 Montgomery Road
Loveland, OH 45140**

September 12, 2006

CALL TO ORDER:

President Walter Daniels called the meeting to order at 6:43 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ATTENDANCE:

Those present at the meeting were:

Board Members:	Walt Daniels and Susan Berger
Attorney:	Eric Luckage, Esq., Albers & Albers
Engineering:	Jamie Coleman, Ph.D., CDM Inc.
DRSWD Admin. Asst.	Cathy Herrick
Public:	Kay Edwards, Frank Krailler

APPROVAL OF MINUTES

The Regular Board meeting minutes dated August 8, 2006, were presented and reviewed.

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels to accept and approve the meeting minutes of August 8, 2006, as written. Vote: All Yes.

REPORTS OF BOARD, AND COMMITTEES

Walt Daniels began by saying that the first order of business would be a revision to the 2006 budget as it appears there is a deficiency in the legal and engineering categories. Susan Berger continued by referring to a proposed revision she had prepared indicating funds would be moved from the contract office category and the Phase II category to satisfy the deficit.

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels, to move \$1,440.00 from line item Contract Office and \$23,560.00 from line item Phase

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II, with \$10,000.00 going into the Engineering category and \$15,000.00 going into the Legal category, totally \$25,000.00 being re-budgeted accordingly. Vote: All yes.

Susan Berger presented the monthly invoices for approval and payment by the Board as follows:

Payment of the Bills:

- CDM, 2006 General District Support through May, 2006 \$3,892.50;
- CDM, 2006 General District Support through July, 2006, \$1,400.10;
- CDM, Illicit Discharge Inspection Services, Task Order No. 6, through July 29, 2006, \$10,055.91;
- CDM, Illicit Discharge Inspection Services, Task Order No. 6, through July 1, 2006, 13,275.85;
- Albers and Albers, invoice#10181, for legal services, \$7,566.50;
- Cathy Herrick, wages in the amount of \$417.35, also reimbursement of expenses for postage, \$9.72;
- Minute Man Press for miscellaneous copying services in the sum of \$9.68.

➤ **Action Taken/Required:** Walt Daniels made a Motion seconded by Susan Berger to accept and pay the invoices as listed above. Vote: All Yes.

Public Relations: Susan Berger reported she and Amy Pond, the new Education Specialist with WCSWCD, had recently attended a kick-off planning meeting of the area Girl Scout leaders. Many displays were available offering ideas for the scouts to participate in to earn patches. Ms. Berger said Ms. Pond had compiled a packet for the leaders containing information about the Little Miami Watershed Festival to be held in October and the EPA's patch program where the girls could earn patches for completing various requirements such as storm water drain tagging and taking responsible for portions of area streams and maintaining them. Ms. Berger said many leaders asked Ms. Pond to provide the information and assistance necessary to initiate this program right away indicating a very favorable response. Ms. Berger added Ms. Pond was in contact with the Mason area Boy Scout troops attempting to have them become involved as well. Walt Daniels inquired as to whether Ms. Pond would keep the District updated as to the progress of this endeavor. Ms. Berger said she would be in contact with Ms. Pond and would express the interest of the Board in keeping updated on this and other educational goals.

Ms. Berger also mentioned that, while attending the Warren County Soil and Water Conservation program planning meeting (see under new business), she and Ms. Pond spoke with Kathy Dorman, of the Mason SWD about the idea of having an annual watershed festival in coordination with Deerfield Township and the city of Lebanon. They discussed the possibility of the three entities sharing the responsibility and rotating

the location of the festival each year at one of each area's local parks. Ms. Berger said she hoped to have more to report on this proposed project at a later date.

SPECIAL ORDERS

None.

UNFINISHED BUSINESS AND GENERAL ORDERS

CDM Update: Dr. Coleman advised the Board, CDM had submitted a draft billing file for the user service fee to the Warren County Water and Sewer Billing Department who ran the data against their files and found there were only a couple of mismatched items which were currently being corrected. Dr. Coleman also reported he had spoken to Chris Brausch of the Warren County Water and Sewer Department and Mr. Brausch had provided to him, copies of example billing statements with the line item circled as it would appear which he shared with the Board for review. He also had copies of charge registers and billing registers indicating exactly who the bills would be sent to and record thereof and which the District would receive each month for their records. The Board discussed the various billing registers and which they should be required to keep and how long for auditing purposes. It was decided that Susan Berger would check with the accountant to get a better understanding of what records might be required to retain and for what period of time. Mr. Daniels asked that Dr. Coleman check with Chris Brausch to get an idea of the size or dimension of the monthly printout so that provisions could be made to create a storage/filing system to retain these records. Mr. Luckage also indicated that the District should consider adopting a Records Retention Schedule to be approved by the Ohio Historical Society. These Schedules describe how long the District would retain certain public documents before they could be disposed.

- **Action Taken/Required:** Jamie Coleman shall inquire of Chris Brausch as to the size or dimension of the monthly printout for the District and email Cathy Herrick the information for preparation of a retention system

Pursuant to Task Order No. 6, Illicit Discharge, Dr. Coleman reiterated that the majority of this task order was completed for this year with regard to the outfall mapping with the only thing lacking being the creation of a report of their findings to be presented to the Board. Secondary to the outfall mapping, he advised that CDM was also in the process of developing a map of the home sewage systems within the District utilizing data being shared by the Warren County Health Department which CDM has geo-coded or matched up with the county parcel data and would then indicate on the map each of these systems by a dot. The next step would be to identify from those dots or locations, what the adjacent streams to these systems would be, in the event an overflow or discharge situation occurs, thus making it easily distinguishable which stream would be the nearest to receive the effluent.

Dr. Coleman continued saying the next step is the process of creating a draft illicit discharge detection and elimination plan which would lay out the various types of illicit discharges, pursuant to Phase II Clean Water Act, which provision requires the permitted entity, such as the District, to regulate anything which is not storm water and ends up getting into the storm drainage systems. This plan would state the approach the District would take as far as who is responsible for the different types of discharges and anyone that finds one.

Private Property Projects Policy Update: The Board agreed to discuss this matter at a later time when working on the creation of the Code of Regulations as this will become a section of said code.

Utility Billing Agreement with Warren County: The Agreement was delivered to Warren County after the August meeting. The status of the agreement was unknown at this time but, Mr. Daniels asked Dr. Coleman if he would check on this matter when conversing with Chris Brausch in the upcoming week.

➤ **Action Taken/Required:** Dr. Coleman shall inquire as to the status of the Utility Billing Agreement with Warren County and inform the Board of his findings.

DFT/SWD Communications: Walt Daniels advised he had not met personally with Mr. Corey this past month but had a telephone conversation with him regarding the potential candidates for the vacancy on the District's board. The Board discussed the date of the meeting and it was decided that Susan Berger would sit in on the meetings with these candidates as Mr. Daniels would be unable to attend due to previously scheduled commitments.

Susan Berger added she had knowledge of the township's intention to form a new land use plan and felt that it would be in the best interest of the District for a member of the Board to be involved in this process as it could be directly connected to the storm water efforts. Mr. Daniels said he was unaware as to whether or not the township intended to form an actual committee but, he would mention this to Mr. Corey and investigate the possibility of the District becoming included in this project.

WCSWCD Planning Meeting Update: Susan Berger reported she had attended the Soil and Water Conservation District program planning meeting along with members from many of the Warren County departments and representatives of other area cities and townships within Warren County, designed to make plans and set goals for the County for the next five years. Ms. Berger said attendees received a list of Warren County's objectives, goals, and different activities going on. She said many speakers reported and in particular, the Warren County Health Department advised of a new state law whereas new households being constructed with septic systems within Warren County will be changing leach fields to mound systems and new technology. Also, soil inspections were done by the health department on the new lots but now regulations will require scientists

to conduct the testing. Ms. Berger advised there was a 15-20 minute presentation available setting out the new rules which could be viewed by anyone interested. Ms. Berger noted this might be something which could be shared with the Township Trustees as it could effect the planning in new developments or anyone who may have to replace an existing system.

There also was a discussion about the OPEA 319 Grants which address non-source pollution and in-stream or retention basins.

Special environment projects can be tied to Phase II.

Little Miami, Inc. was also in attendance. They are working with the Ohio Department of Natural Resources to rewrite the management plan for the Little Miami River. They are also about to open a scenic trail education center in the Loveland area. It was noted, the biggest threat to the river was phosphorus and builders.

The city of Lebanon just passed a new land use plan which includes a large section on storm water quality. Lebanon, Mason, Warren County, and others got together to design a joint land use plan. Lebanon's is online. Mason plans to pass theirs next year.

Little Miami Partnership is in the process of collecting biological and chemical data on the Little Miami and Todd's Fork.

Dave McElroy, Director of WCSWCD, talked about their future goals. The WCSWCD would like to be technical advisors on water problems for homeowners. They would also like to do periodic inspections on detention basins. There are over 1000 of these in Warren County. Another goal is to provide assistance within urban streams.

Mr. McElroy would also like to implement a policy of streamside setbacks and easements preventing new building near streams. The size of the easements would depend on the size of the stream. For existing structures already in the easement, regulations would limit expansion by no more than 15%. Hamilton County has already developed such a policy but have not yet implemented it. This will directly effect how many houses can be built in an area adjacent to a water way.

Deerfield Day: Ms. Berger reported that the District obtained a very good location this year along side of the Township's booth. It was reported she and Dr. Coleman had met prior to the festival and created packets containing information to be handed out. Dr. Coleman would be bringing a working display model showing how water reacts when applied to an impervious surface and a non-impervious surface. They planned to have handouts for the children as well.

NEW BUSINESS

Regulations, Private Property Policy, Credit/Adjustment Policy, Fee Schedule: Ms. Berger made a proposal to schedule a special meeting to discuss the regulations, private property policy, fee schedule, and the credit and adjustment policy as the information was recently received and she felt she had not had adequate time to review the information thoroughly.

The Board discussed the various documents and the legal and practical timelines involved with having them in place prior to the actual initiation of the fees. Eric Luckage explained to the Board that before the bills go out, the District would want to have regulations, fee schedules and other governing policies, in place before the first bills are sent so that guidelines may be referenced as needed. He also advised, even with their adoption no matter when, there could be revisions or modifications made at any time.

By agreement of the Board, it was decided to schedule a special meeting/work session regarding this information to be held the week of September 25, 2006. Dr. Coleman advised he would speak with Chris Brausch at Warren County to establish exactly when the fee might be initiated and email the Board regarding his findings as to the convenience of coordinating this special meeting and adoption of the policies and regulations.

CIP List: Jamie Coleman reported on a telephone call he received from Dan Evers, Township Administrator, inviting the District to join the Township in including a list of the capital improvement projects and their costs along with the ones the Township and other outside sources had compiled concerning erosion problems which need to be mitigated along Simpson's Creek, by virtue of a request for funding to be sent to the state representative. It was noted with this type of 50/50 grant, the state would match one-half of the storm water service fees to aid in completing the projects listed. Dr. Coleman said he did not know the status of the funding. Mr. Daniels clarified if the grant is actually received, it would be at the discretion of the Board as to whether the District would actually participate at that time.

Storm Water Fee – Informing the Public: The Board reaffirmed the importance of informing the Township residents of the implementation of the fee before they receive the first bill. This is a priority and Ms. Berger stated she had been working on several ways of informing the public of the initiation of the user fee. She had updated the DRSWD website with specific information, such as the spreadsheet which Dr. Coleman had provided to her illustrating the formula for ERU's and calculating fees to aid in understanding of the amount of fees. She also was in the process of creating letters to be sent out through the Warren County Water and Sewer Department, informing residential and non-residential community members of the upcoming fee.

Ms. Berger said she had spoken with Fran Klatte, Public Relations Director of Deerfield Township, who informed her that the segment pertaining to DRSWD had been being aired throughout the summer. Ms. Berger inquired as to the possibility of a new program regarding the user fee. Ms. Klatte agreed. Ms. Berger asked Dr. Coleman participate in the production of this program, to which he agreed. Ms. Berger also reported Ms. Klatte had offered to assist her with the preparation and publication of press releases throughout Deerfield Township. Ms. Berger said there were also packets which were prepared for Deerfield Day, available for anyone requesting information.

COMMENTS FROM BOARD MEMBERS: Walt Daniels commented on a letter received from Marsha Rolph, of the WCSWCD thanking the DRSWD for their participation and support in their 2006 Sediment and Erosion Field Day. Dr. Coleman added that he had attended along with Jeff Thomas and it was a very worthwhile regional event. Dr. Coleman said it was a mix of different attendees such as builders, developers, and sediment and erosion materials. Groups were routed to presenters. Outside, they had sediment and erosion presentations set up which were very effective as well.

COMMENTS FROM GENERAL PUBLIC: Kay Edwards, 9293 Shore Drive, Loveland, addressed the Board with her concerns about flooding on her property whenever heavy rains drain down the hillside and causing erosion as well. Ms. Edwards expressed her view that the builders were causing the majority of this flooding by building above Loveland Park and causing the runoff to flood the existing properties and creating new streams and ditches where there are not provisions for proper drainage. Ms. Edwards inquired as to whether the District could assist her in resolving this problem. Mr. Daniels informed her that the District wants to work cooperatively with the Township and the County to make sure there are not any builders creating any additional water hazards. Ms. Berger told Ms. Edwards about the District and that it was the desire of the District to assist community members with storm water issues when it was in the position to do so and if funding was available. She explained that the District's goals were dealing with water quality and water quantity. Ms. Berger continued saying the builders have regulations and unfortunately some of the previously developed areas were not closely looked at prior to the construction therefore causing flooding issues. The Board expressed they were very aware of the issues contained in the Loveland Park area. Mr. Daniels suggested she make the Deerfield Township Trustees aware of these problems. Ms. Berger agreed and added some of the issues which the District would be dealing with would be in conjunction with the Township and they needed to be made aware as well.

Mr. Frank Krailler, owner of Under Water Scuba, located at 8837 Columbia Road, addressed the Board with his concerns about flooding issues on his business property. Mr. Krailler claims his property is in a "funnel" and all the surrounding properties overflow of storm water, drains towards his property posing a threat to his training pool and surrounding building. The Board advised Mr. Krailler, at the present time, the District did not have the operating funds to assist private property concerns but hoped to

do so as storm water fees are generated to operate with. They directed Mr. Krailler to contact the Warren County Engineer's office, specifically Neil Tunison or Chuck Petty as that is the County's jurisdiction, but as the first step, Mr. Daniels asked Dr. Coleman to assist Mr. Krailler with his efforts and investigate the situation and then return to the Board with their findings. Mr. Daniels also suggested contacting Dave McElroy as well, to make him aware of the situation.

RESOLUTIONS

Eric Luckage presented the following previously adopted resolutions for signature of the Board: Resolution 2006-34, Approving payment of the bills as presented; Resolution 2006-35, Accepting and approving DRSWD's 2007 Operating Budget; Resolution 2006-36, Accepting and approving Utility Billing Agreement; Resolution 2006-37, Establishing DRSWD Storm Water Management Utility.

MOTION FOR ADJOURNMENT

Susan Berger made a Motion, seconded by Walt Daniels, to adjourn at 8:20 P.M. Vote: All Yes.

Next Regular Meeting: October 10, 2006.

The Deerfield Regional Storm Water District Board meets the second Tuesday of every month at 6:30 p.m., unless otherwise notified.

Attest:

Susan Berger, Secretary/Treasurer