**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**APRIL 9, 2018**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in regular session with Bob Johnson, President; Dan Saylor, Vice President; Marlin Weisheit, Secretary; Phillip H. Baxter, Surveyor; Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; and Kim Lutton, Recording Secretary.

Present in the audience was Bill Lewis, Jim Morley Jr., Bobby Howard, Sherri Rector, Chris Skinner, Jim Biggerstaff, Charles Venditti, Fred Murphy, Cyle Graber, Glea McBride, Randy Beckort, Gary Slankard, Julie Erkilla and Tom Newmaster.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of April 9, 2018 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: First up we have the approval of the minutes for March 26, 2018.

Commissioner Saylor: I make a motion to approve the March 26, 2018 minutes.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

**HEALTHSOUTH DEACONESS REHABILITATION:**

President Johnson: Next up we have HealthSouth Deaconess Rehabilitation Center / Drainage Approval / Bill Lewis / Three I Design.

Bill Lewis: Bill Lewis, Three I Design, representing HealthSouth.

Phil Baxter: We have a Hold Harmless for them. This is for the sewer line. It will go up under Edwards Ditch. We just need to get the Hold Harmless approved. Morrie has read it and he has approved it.

President Johnson: Anything from Steve?

Steve Sherwood: No. Clean cut. Just a Hold Harmless across the legal drain.

Commissioner Saylor: I make a motion to approve the Hold Harmless agreement.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

Morrie Doll: Kim will get it recorded.

**ENGELBRECHT SEC 2, PHASE 5, LOTS 1, 2, & 3:**

President Johnson: Next we have Engelbrecht Section 2, Phase 5, lots 1, 2, & 3 / Requesting no drainage improvements / Jim Biggerstaff.

Jim Biggerstaff: Jim Biggerstaff. We are just rearranging the lot lines. There is one big lot, so we’re putting in 2 lots.

Phil: Drainage has been approved for this development and it’s good to go.

Steve: The drainage is part of the overall drainage plan for the entire development and drains to the retention basin in question.

Jim: In the report, we put the oil interceptor and all that in there. It was all part of the plan at that time.

President Johnson: No other questions? Any remonstrators on Engelbrecht section 2?

Commissioner Weisheit: I make a motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

President Johnson: Morley and Associates. We have quite a few here. First up we’ll have Bellmoore Landing / Drainage approval.

Jim Morley Jr.: Jim Morley Jr. with Morley; Project Engineer. We are requesting a legal drain relaxation. There is currently a 75-foot legal drain on the big rip rap channel on 66 and we’re requesting a 25-foot relaxation down to 50-feet to allow for a parking lot and a pylon sign. The new parking lot will almost line up right there with the parking lot next to it. We’re seeking for the relaxation to allow for that construction.

President Johnson: Any issues here, Phil?

Phil: We have no problem with it.

President Johnson: Mr. Sherwood, do you have any issues with this?

Steve: The overall drainage is part of a larger scope for the entire Bellmoore Landing Development that was approved at a previous meeting a year ago, so what he is asking for would be appropriate.

President Johnson: Counselor?

Morrie: No questions. I think it’s right. Are there any remonstrations for or against?

President Johnson: Are there any remonstrators for the Bellmoore Landing commercial building?

Steve: If you look at the sheet submitted with the Drainage Board package, you can see the parking lot is about in alignment with the one next to it.

Commissioner Weisheit: I make a motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**EASTWICK AT BERKSHIRE:**

President Johnson: Next we have Eastwick at Berkshire / Drainage Approval.

Jim: Jim Morley Jr. with Morley; Project Engineer for Eastwick Subdivision. This is a residential subdivision at the corner of Roslin Road and Oak Grove Road and the property splits in a couple different directions but we’re mimicking existing drainage patterns with our new basins. This subdivision has three retention basins in it and uses a combination of pipes and swales to get the water from different places in the subdivision to retention basins and for all the drainage patterns. Probably two-thirds of the site drains out to the northwest underneath Roslin Road through a couple large existing pipes and maybe the eastern third drains underneath Oak Grove Road through an existing pipe. There are three retention basins and we cover all the storage requirements that’s required by Warrick County standards.

President Johnson: Any issues here? Steve?

Phil: No.

Steve: He meets or exceeds the minimum drainage requirements.

President Johnson: Any remonstrators for Eastwick at Berkshire? Any other questions? I’d consider a motion.

Commissioner Saylor: I make a motion to approve the Eastwick at Berkshire plans.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

**MINI-STORAGE UNITS:**

President Johnson: Next up we have the Mini-Storage Units / Drainage approval.

Jim: Jim Morley Jr. This project is bordered by State Road 66 on its north side and has a large existing lake on it that was actually dug, I believe, as part of the State Road 66 Highway project. This project all drains into that existing lake. That existing lake has excess capacity in it to allow for this additional water to come in there. It is a pretty simple drainage plan. We do reuse a couple of the existing pipes that go through that area. There is a Vectren line out there and we didn’t want to go underneath the Vectren gas main any more than we had to so we reutilized two existing pipes and I’ve shown those calculations to Mr. Sherwood and Mr. Baxter.

President Johnson: Anything Phil?

Phil: No. We met on this again this morning. Do you have anything to say Steve?

Steve: No. The two public drains coming out of Rabbit Run that enter the site go to the basin. He showed an inlet being introduced to either but it was designed under the 25-year storm for Rabbit Run. It will be a little extra water added to those two lines. The rest of the drainage on that site is private. Is that correct?

Jim: Yes.

Steve: And, again, the retention basin requirements meet or exceed our minimum county requirements so I have no further issues.

President Johnson: Any remonstrators for State Road 66, commercial zone ground? Any questions from the Board? I’d entertain a motion.

Commissioner Saylor: I make a motion to approve the plans for the State Road 66 project.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

Jim: Thank you very much.

**ADIO / GILKEY:**

President Johnson: Next up we have drainage approval for Gilkey property.

Jim: This project is at the intersection of SR 261 and Vann Rd. Vann Rd. basically T’s into this piece of property. The property currently drains, it has a low point in the southwest corner of the project site and that project drains southerly through that property so we put a dry detention basin at the southwest corner of the site. We looked at other places we could take that water and there were no other places we could take it without transferring the watersheds. The state highway department, INDOT, does not like for you to transfer watersheds, which means take water to them that they didn’t used to get. They only want the water that they get naturally. The only other pipe system in that area is to the west and it is currently over capacity as it is built today. So we chose to mimic the existing flow where we could. There is no receiving ditch at the downstream discharge point of our basin so we put in what’s called a level spreader. What that does is it turns concentrated flow out of a pipe back into a sheet flow condition. In the drainage report, you’ll see that we supplied supporting data for the level spreader that we chose which was the desired level spreader from numerous studies. I believe North Carolina State University was the leading author of a lot of those studies as a way to turn pipe flow into sheet flow. We have a level spreader and then we drop it from there into an infiltration bed that is 8-foot by 40-feet and 3-foot deep. And that’s a stone bed that the water can go into and then infiltrate into the soil and if it makes it past there, then it will crest over a 40-foot wide concrete curb so that it turns that concentrated flow into a sheet flow 40-feet wide. The water that leaves the site is equal to or less than the water that leaves the site now. As you all know, Warrick County Ordinance requires us to not discharge any more water than is leaving that site currently. That’s why we have the detention basin. This detention basin has roughly 50% more capacity than it’s required to have. We store in excess of a 100-year storm. We gaged it for the 50-year storm but the design laid out and we wanted to provide a little extra buffer for the folks downstream so it will hold in excess of a 100-year storm. It also has a discharge pipe that is throttled down through an orifice plate. And the hole in that orifice plate is 7-inches in diameter. It’s a 12-inch pipe with a 7-inch plate. For hydraulics reasons, we had to put a plate in and that will limit the flow coming off of that property. The maintenance of that basin discharge structure all fall on the owner of the property that that basin sits on. They’ll be responsible for maintaining the discharge pipe, the level spreader, the infiltration bed, all of those things. When we designed the level spreader, we designed it at a width that it could easily be maintained. It has a 12-inch wide troth in the bottom of it. It’s not a hard system to maintain. It’s above the ground so you can see all of it.

Commissioner Saylor: So this is the catch basin before it gets to the gravel?

Jim: Yes. Once it leaves the level spreader, then it drops into the gravel and that is 40-foot wide, 8-feet long and 3-feet deep and it has a geofabric liner on it that separates the rock from the soil. That way the rock doesn’t all just push into the dirt or the dirt come into the rock. So it has a liner on it to separate those. That will act as a percolation bed for some water and so there will be some rains in which water comes down, goes through the basin, goes into bed and never comes out. But there will be some rains in which it’s more than it can percolate at that speed and there will be some that comes out. The percolation bed is something that we added after some conversation. I’d like to think of it as a set of suspenders on our belt. It’s one more layer of protection for the folks downstream. We have no desire to see harm come to the folks downstream and feel like we’ve provided the best product we can. It buffers the water down, so on a normal rain, they will get less water than they get today. And we provided a basin that far exceeds Warrick County requirements.

President Johnson: Thank you. Anything Phil?

Phil: Not at this time.

Steve: Again, it meets or exceeds the minimums. Jim, have you had a chance for everybody that’s here to see your latest design that you just described?

Jim: I don’t know. We sent out a notice as we always do and I didn’t have anyone approach me about this project specifically. I was up here Friday and there was one person that happened to be here when I was here and I asked them if they had any questions that they would like me to cover and they said that they didn’t.

Steve: Repeat to the audience so they’re aware of what our policies are on the design parameters for sites like this. It’s a 50-year storm with a 5-year release and, for the record, all of Old Hickory that surrounds it was designed for a 25-year storm so obviously, Gary Slankford, I think is in the audience, he and I discussed this many times about some of the drainage issues currently with Old Hickory.

Jim: I can walk through some of that if you want?

President Johnson: Please.

Jim: The current Warrick County standards require that any developer, whether how big or how small, they cannot discharge water any greater than a 5-year storm of the existing conditions. So how ever many gallons of water that comes off of that property as it sits today and what they call a 5-year storm, is the most water that I can send out of my retention basin. The additional runoff that comes from rooftop or a parking lot or anything like that, it goes into the basin and it is stored in the basin until it can be discharged at a slower rate equal to the existing conditions. And that is an ordinance or a standard that is used across the board in Warrick County and is the same one that we’ve used for all the other projects so far. In this situation, the basin that we designed actually holds an excess of the 100-year storm. By code, we only have to discharge the 50-year storm, but by design, we will hold the 100-year storm. And so to help explain the discharge system; typically, a retention basin in a subdivision has a pipe and that pipe is stubbed out to a ditch or something like that and that’s what’s called a concentrated flow discharge, because it’s all coming out of one spot. In this situation, there was not a receiving ditch. The water left our site in a sheet flow condition. So we can’t give you concentrated flow when you used to get sheet flow so it’s upon us to give the downstream landowner a sheet flow condition back. So in our system, the water comes down a pipe, hits a “T” intersection and the water comes both directions into a concrete troth and that concrete troth has an even elevation on it, so as the troth fills, it’s no more likely to break here or here or here. And so it breaks over in a 26-foot wide section and then it goes from there, then it drops into a rock bed or a percolation bed and that is a hole. It’s 40-feet long, 8-feet wide and 3-feet deep and it is lined with a fabric membrane and that water then goes into that hole and part of that water will percolate down into the soil. The water that doesn’t percolate into the soil, as it fills, will break over a second concrete curb, that curb is 40-feet long and from there it will hit some sod before leaving the property, the level spreader, (the first part of that, the 26-feet, was what is recommended by several authors, North Carolina State University being the chief author of level spreaders). the rock bed after that and the spreader bar after that is an addition. It’s not required by any of those university studies. It’s something we added beyond the level spreader to help decrease the amount of water that would ever leave this site to help increase the infiltration and to help spread the flow as it leaves the site further.

Steve: Explain to them the amount of rock that’s in that 40-foot………. it’s a larger aggregate stone inertly designed that way to increase the void capacity within that trench to retain water. Is that correct?

Jim: We have called out what’s called a number 2 stone. Number 2 stone has a 40% void ratio on it which means, for every gallon you have, there’s 4/10 of a gallon of water and 6/10 of a gallon of rock. I don’t know if you’ve ever been to Bonefish Grill in Evansville but if you park in Bonefish Grill, you’re parked on top of a number 2 stone rock bed basin. So all of the water in that Target shopping center is stored in a number 2 stone rock bed, the same general construction of what we have proposed here. Beneath the parking lot.

Steve: Just for clarification, this site generally runs to the south, southwest towards that corner you already mentioned of this parcel. Basically all of the drainage now is being contained and will continue to go to that corner but you’re adding the retention, detention facilities and the spreader bar to help dissipate. So in theory, telling these people that they’ll be receiving less water downslope than what they’re receiving now in the current rainfall situation. Is that a fair statement?

Jim: Yes. So when we design discharge systems out of a lake, a peak discharge out of the system cannot exceed the existing conditions that I explained earlier. What may not be evident in that is whenever the most water is in the basin. So if there’s this much water above the pipe then it might discharge 1 gallon but when there’s this much water above the pipe it discharges 2 gallons so our max discharge is set when the head pressure is at its highest which means, when the head pressure is lower, it’s not even discharging the allowable discharge. So it’s only in a 50-year storm that we even approach the existing conditions leaving the site. Other times you’ll see less water downstream with this system than you see in its current state.

President Johnson: Thank you Jim. Obviously we have some remonstrators here. Do you have a spokesman or do you have individuals that want to come up and address this situation?

Steve: Whoever would address, please state your name and your address please.

President Johnson: And please keep it to drainage issues because that’s what we’re here for.

Charles Venditti: I’m Charles Venditti. I live at 3411 Pine Ridge Drive in Newburgh. We do have real concerns about drainage. Water is a big problem in our neighborhood. We’re not asking today to approve or to disapprove this application. We’re asking for a little bit of time to review it. We have not seen this application. I have a professional engineering license. But my license is in chemical engineering, not in civil engineering. I am unqualified to be able to say whether this system works or not. So we, as a neighborhood, are asking for sufficient time to be able to go through and be able to review the plans and validate that they truly will work. Thank you.

President Johnson: Thank you. Anybody else?

Cyle Graber: Cyle Graber; 3122 Summit Court. What is the actual discharge rate that would be coming out of the pipe or spreader system that you’re describing? Are these additional hard surfaces with mesh and things underneath there, are those considered as part of the calculation when you calculate your required runoff rates? What kind of hold time of the water in the basin with the rock area will be required before it actually discharges out? That becomes a different type of nuisance to the residence in the residential zoning area. With a 40%, number 2 stone, that actually brings up a larger issue when it starts to become larger stone because you start to come up with weeds and things like that that get in there. It is also more susceptible to mud and things getting into the top. The mesh helps from the bottom side but it actually hurts when it starts to get covered with mud. Even if you have a 10 or 12-inch drainage basin at the bottom, it doesn’t take much mud to clog that from the topside and you’re not getting it out with a shovel from the bottom side. Again, since we haven’t had a chance to review any of these plans, the only plan I saw was just the site plan, it did show the dry basin and, again, this is more of a wet basin than it is a dry basin. I would be interested to see where this is supposed to be located on the site. You’re talking about a 40-foot long, 3-foot high, 8-foot wide retention wall and I’m assuming that that definitely would not be located on an easement or a utility easement on the south side of that property. So that would probably push that easement a good 10 to 15 to 20-feet but, again, I haven’t seen the plans. Just asking questions from a technical standpoint.

President Johnson: Have you and your neighbors retained anybody to review these plans once they’re given to you?

Cyle: We were not aware that any plans were actually available. The only thing that we received from your courthouse was the general site plan which just showed the existing lot with the three different lots that are actually there. It isn’t technically one lot yet I guess. All we have seen is basically a survey and it shows the grade from there all the way to the south corner finishing at the lowest grade with no improvements or proposed improvements. The last question I would have is, it’s okay to design a system to improve the lot and not discharge more than what you’re discharging today, the question becomes, further to the west, if it does pass through your house and your house and your house, can the existing drainage system handle that additional stuff? So if it does get through their houses, once it gets passed them and onto the street and down to the bottom of the hill, can that drainage handle that? Because we don’t want to take this problem from their backyard and put it in 7 other neighbors houses downstream from that. That’s not necessarily a county issue but if it’s something that’s generated by an improvement upstream, it will become a county issue from that standpoint. The final part of it is, where would the liability for this improvement lie? Obviously if it goes over a 100-year storm then Morley is off the record from a liability standpoint for what they’ve provided. Where would the liability lie for a flood or a rain or something that tops the wall or floods the houses that are downstream of this? Obviously it’s not something that’s happened to them up to this point so it would be something that would be a severe issue if they do get water coming through the backdoor because, again, that property is a good 4, 5, or 6-feet higher than their backdoors. It’s not something that’s unheard of. If something does cause an issue, would that be with the owner, would that be with the county or would that be with Morley? That’s the few questions I have.

President Johnson: Thank you.

Jim: I can address all of those. As far as their review; the drainage plan was submitted March 6 of this year in accordance with the Warrick County standards. When we file for a subdivision we have to file the primary plat, the drainage plans and the road plans all at one time. Those were all filed on March 6 in accordance with the Warrick County standards. The actual discharge, I don’t have that right in front of me but I want to say it’s 1.6cfs. It’s a pretty small amount. Talked about the maintenance of the stone and what happens if the mud comes in. Great question. On the drainage report there’s a statement that says the owner of the basin is responsible for digging all the rock out if it silts up and rebuilding the system. You’re correct. Just like when we did the system in front of Bonefish, it’s very important to keep the mud out of it because if it fills full of mud it’s not worth anything. That is listed on the drainage report. Along with the maintenance of the level spreader is the maintenance of the rock bed and that the owner of the rock bed, if it silts up, has to dig it out and put new rock and new fabric in it.

Steve: And maintenance of the retention basin itself is the responsibility of the owner.

Jim: So all that maintenance falls on the landowner. It is a dry basin. It’s not a wet basin, it’s a dry basin. We made it a dry basin because a basin that small, when it’s wet, isn’t very appealing when you can’t get the kind of depths that you’d really want to have to have good water quality. So that’s why we made it a dry basin. It is located outside of the easements. It is located in what is called a lake maintenance and storm retention easement which is required by Warrick County. It’s covered in an easement itself but it itself does not sit in an existing easement.

Steve: It’s not in a utility easement. It’s in its own lake easement which contains the basin and all the structures and improvements related to it.

Jim: Then there was some discussion; if it leaves here and it comes to different places in the neighborhood, how will that affect downstream? We are not creating additional water. That additional water is coming to that dry basin and it’s staying in that dry basin. So if you go downstream and you go down Vann Road, that water that is leaving our basin is at the same flow rate that’s leaving the basin today. They shouldn’t see additional water there because of this system.

Commissioner Saylor: Jim, I have a question for you. Let’s say that rock catch basin, not the dry basin but the rock catch basin silts up, is that a very costly item to dig out and to maintain for a landowner?

Jim: I would guess it would be a few thousand dollars.

Commissioner Saylor: I mean, it’s not going to cost $25,000, $50,000 or a $100,000?

Jim: No.

Commissioner Saylor: Basically you’re just digging out rock and whatever has been caught in there…….

Jim: Hauling that rock away, putting new fabric in and putting new rock in. Also to note; that rock bed and that second spreader bar is not required by code, it’s not required for this system to work. The system met the code at the first 26-foot spreader bar where we turned that concentrated flow into sheet flow. That’s what is required. It’s a state level code that covers that. So if the rock bed failed 100%, we still will have met the local code and the state code. That’s why I called earlier…I said the rock bed is really the suspenders on the belt. It’s just one more layer but it’s not required to meet any kind of local or state code but it is something that we had some discussion and thought that would be a good thing to do. We recognize that there are some challenges in Old Hickory. I don’t want to say there’s not. But those challenges are not challenges that were created by this project or this piece of property or this landowner or this use of the property. Because there were some challenges downstream, that’s why we wanted to put the rock bed in, to put the suspenders on it. That’s why we wanted to store more water than we had to. You all have seen me for a lot of years. You asked who was liable for that and to be honest, I didn’t know the answer because I’ve never had a problem with a project of mine. I’ve been coming here for 25-years and I had one project one time that wasn’t built correctly, they went back and fixed the construction on it and never had a problem on it again either. So I’ve never had that question come up because I’ve never had a project that caused damage to somebody else’s property.

President Johnson: Thank you.

Cyle Graber: You had asked the question about how costly it is to dig it out. I guess my question is; how do you know it needs to be dug out? Is that something that would be required by the county as far as an inspection rate or does it top the wall to know that it’s silted up and clogged? Is there any inspection frequency or something that would have to be done by the property owner?

President Johnson: Are there any other questions?

Fred Murphy: Fred Murphy, I live at 7555 Chapel Hill Court. Two questions. First question; the liability of the spill over the wall, that was not answered as far as who is responsible if those people that lie south of this retention basin are affected by the spill over? The second question; since we have not had the opportunity to review this plan, what is the harm of waiting a month so we’ll have time to look to this? This is the first we’ve heard of it and we still haven’t seen it yet. Those are the two questions I have.

President Johnson: Thank you. Any other questions?

Randy Beckort: Randy Beckort, 3511 Crossgate. Have you done any tests to see if your rock pit to see how long it’s going to take the water to get out of that? Also, I live at the house below. Is that water going to keep my backyard wet for a long time because we’re looking at quite a bit of elevation between where that’s going to be and where my house is?

President Johnson: Mr. Morley, do you want to address some of these real quick?

Jim: How do you know when it’s time to replace the rock? When it rains, if that water is leaving the spreader bar, when it spills over the spreader bar, it should go down into the rock and you shouldn’t see that same water again for a while until it comes out the other side. So if you go out there and that water is coming over one spreader bar and then two seconds later it’s coming over the other spreader bar then that rock bed is no longer acting as a percolation or as a temporary catchment zone. So that’s how you would know if you have silt built up in there. The responsibility thing; that’s a legal issue that I can’t answer. What’s the harm in waiting? From my client’s side, our plans have been here for just right at about a month. The rock bed that we added as a result of some conversations is really just that much more protection. It was a code compliant project even before we did that. The plan is for this project to go to Planning Commission tonight at 6pm and it cannot proceed to Planning Commission until it has a “yes” from this Board. So if we delay it here, we also delay it at Planning Commission. Based off conversations with my client, he would like to go ahead and get on with this process so that he can utilize the piece of property for a clinic. He’s in a desire to get moved into a new place as fast as possible. We would request that it would be approved today given the fact that it’s been here for review. Relative to the percolation test; we did not do a percolation test because this system is not dependent upon percolation. That’s an added bonus. The system is 100% code compliant and works fine without percolation. Relative to ‘will it leach out’ of the property? There are different situations and it depends on the soil structure and the soil strata and if there’s a hardpan or not a hardpan but typically, once that water goes underground, it should stay underground. Sometimes water will hit what’s called hardpan and it’s a slice of soil that is impermeable. It’ll hit that hardpan and it will run out until you get to a cut slope. I don’t remember seeing a large cut slope on the downhill side of this project. So I would not expect that.

Cyle: Are there any different stratification of soils in the area?

Charles Venditti: 3411 Pine Ridge Drive. How long has your client owned this property? How long has your client been in practice in the Newburgh area?

President Johnson: That’s not relevant.

Charles: I think it is because the response was that he wants to hurry the process along and we’re just asking for time to review the plan. If he’s been practicing in Newburgh for a while it’s not like we’re inhibiting his business.

President Johnson: There are other circumstances that’s creating the situation to where Mr. Gilkey wants to move from his current location. And we caused that. We took some parking spots away from him and he’s not able to service all of his clients as well as he would like to because of that. I realize that’s not your issue but that’s a reason for him wanting to leave.

Charles: What I’m struggling with here is, why are we not going to be given the opportunity to review the plans? Because if the plans don’t work, we have to live with it.

President Johnson: I’ve seen some of the pictures and we definitely know we have a problem down there.

Charles: All we’re asking for is sufficient time to review the plans. Thank you.

President Johnson: I understand. They followed all the rules, all the regulations, and all the ordinances that they need to follow. As far as I know, Mr. Sherwood, who is a professional engineer and our Surveyor Mr. Baxter, have reviewed these plans and it far exceeds what we currently are asking for or require in the county. In my mind, I think it’s an area where I really have no reason to deny Mr. Gilkey and Mr. Morley their approval to go ahead with this plan as far as the drainage plans go. Do you see any issues?

Steve: As I stated earlier; it meets or exceeds our criteria.

Phil: I agree with Mr. Sherwood.

Glea McBride: Glea McBride, 3444 Pine Ridge Drive. My backyard is over 200-feet bordering Mr. Gilkey’s property. My concern would be; if all this stuff is approved, will this system go in before construction starts? His property is higher than mine and right now the water flows down right to my fence and goes down the easement along my back fence. If the construction starts and increases the flow to my back fence, I’m thinking mud and water and everything will come through. So that’s my concern.

Commissioner Saylor: Could you address that Jim? When is this system going to be put in and what things are you going to put in place to control that water during the construction period?

Jim: There was a question about some silt. We have filed a Stormwater Pollution Prevention Plan, an Erosion Control Plan is what they call it, and that Erosion Control Plan has been advertised and approved and it’s ready to be acted upon. The next step for them is to set up BMP’s and they are responsible for keeping any of the silt from leaving the site. So if they go out there and they start digging and there’s a chance that it would rain and that silt would runoff the site, they have to have something in place to keep that silt from leaving the site. It is the developer’s responsibility to keep his silt on his site.

Cyle: A couple things that should be stated for the purpose of recording the meeting minutes; the inspection method is documented and that’s an acceptable way of inspecting but it should be stated clearly in the meeting minutes that the responsibility of doing the inspection does fall upon the landowner and not the neighbors so that if it does fail then the liability of the failure goes along with that. So that way it’s very clear where that liability falls.

Sherri Rector: Sherri Rector, Executive Director of Area Plan Commission. I do just want to state for the record that by our Rules of Procedure, all subdivision, primary plat, drainage plans and street plans have to have notices sent out to adjacent property owners 21-days prior to these meetings, certified with returned receipt so that we have proof that every adjoining property owner was notified. Which they did. They met that criteria. We have had a lot of emails of remonstrates but no one has requested to see any drainage plans from our office. They did meet the requirement of notification to the adjacent property owners.

President Johnson: Thank you.

Randy Beckort: 3511 Crossgate. You were talking about all the silt and stuff coming down there; are they going to be responsible for all the damage that’s caused. Because when the road job was there, Mr. Barisano’s pool got filled up with mud twice. And they had the barriers and all that but it didn’t take care of it. It didn’t damage my property but it went around and it did damage Mr. Barisano’s twice. He had to have the liner replaced and they had to pump the pool out twice.

President Johnson: Thank you.

Fred Murphy: Fred Murphy. I’m just a little bit confused. Most of the property owners that border this property received their notices on the 21st and 22nd of March. This is the first that we have known about Mr. Gilkey and his attempt to do what he wants to do with the property. I’m confused as to, you said that this was filed on March 6th, the drainage plan. Why weren’t the notices sent out then so that we might know because the only thing we know, we received in the mail, was a site plan and the notice of these meetings. I’m confused at the process that you guys did, that they follow, the procedures. It wasn’t a 21-day situation here. That’s where I’m a little bit tripped up as far as you said that they followed the procedures.

President Johnson: If I can have Mrs. Rector come back and she can explain one more time.

Sherri Rector: The primary plat application has to be filed by the first Tuesday of the month. We then set up for site review the following Wednesday with Mr. Sherwood, Mr. Baxter, myself and others to go over the plat, drainage plans, street plans if they have them and then we say that it’s ready to advertise for public hearing. We then have a deadline of 21-days prior to these meetings of sending out the notice for the primary plat and the rezoning in this case. They did meet that criteria. That’s why he said it was filed on March 5th, that does not mean the notices had to be out then. That means that was their filing deadline for us to review.

President Johnson: Than you. Any other questions?

Gary Slankard: Ignorance is no excuse. My name is Gary Slankard and I live in Old Hickory. I guess I’m a little surprised at the process. I was assuming, and apparently wrong, that you would have to have the property zoned before you would design something on it and then figure out how to drain it. None of us ever saw a drainage plan, drawing, sketch, nothing. But drainage is one of the main issues in Old Hickory. These guys have helped me work on over the years many, many times and I appreciate that. One of the neighbors said ‘you know they’re going to run all of these things through and ram this through in one day, today’ and I said ‘no, surely not, surely they’ll give us some time to review and take it a process at a time’. For instance; what if the Gilkey practice didn’t move there and they decided they have to do something else with the property? If it’s rezoned, is it going to remain rezoned? Also, if they do proceed with the project, and change it, do these drainage plans that you’re going to approve still stand in that event or not?

President Johnson: Real quick, Gary, we’re here to approve the drainage plans, the next step of the process is to go to the APC tonight for rezoning and then the APC will either recommend an approval or denial of the rezoning to the Commissioners at our next meeting.

Gary: Bob, does this design stand, even if something else is built other than what the Gilkey’s currently have in mind? Is the drainage plan tied to this specific project?

President Johnson: It’s tied to this project.

Commissioner Saylor: It’s tied to the property Gary.

Gary: So if the property changes owners, the plan stands?

Morrie: Yes.

Gary: I don’t see how you could possibly approve this today. Thank you.

Jim: It’s pretty common in Warrick County for projects to run a rezoning and subdivision path concurrently. That’s a pretty normal process in Warrick County and that’s what we’re doing here today. Relative to the plan and the review of the plan, the plan has been available and to the best of my knowledge nobody has asked to review the plan. Relative to the drainage, there was a question if it was tied to the project; so the drainage report has assumptions in it and those assumptions are all spelled out in the report. So, if this project changed and somebody did something different, if that project didn’t fall within the assumptions of the drainage report then they would have to ask for an amended drainage plan to reset those assumptions. For example, we created our best guess of how this may be developed but let’s just say somebody came through and decided ‘no, I don’t like that, I want to do this instead of that’, that other revised designed would then have to look at the assumptions that are in this report and they would have to fall within the assumptions of this report to be able to be constructed underneath this approval. Which is pretty standard for any commercial subdivision, residential subdivision, any type of subdivision we do in Warrick County. Because typically, in Warrick County, the exact nature of the construction is unknown at the time of platting. That’s why it is tied to the land.

Commissioner Saylor: Jim, let me ask you a question. Does this building project hurt drainage in anyway and is your system that you’ve designed, is it going to catch pretty much everything that is thrown at them?

Jim: Yes.

Commissioner Saylor: Let me tell your experience, for the residents, because I try to put myself in your shoes. This guy was the engineer on our parks. I’ve known Jim for 3 or 4-years. And I’ve known him to be one of our best engineering, himself and his firm. They do what they say they’re going to do. When he does a project we don’t get a lot of negative feedback from it. I appreciate what he did at the park. That was a huge project, moved a lot of dirt. One of the homes wasn’t exactly right because it didn’t drain into the lake correctly and it could’ve been, moving that much dirt, some very serious issues so I trust what he’s doing. I came up here early and met with Phil and Steve because I’ve been contacted by several of you folks by letter or email and by phone calls. I’ve listened to what you have said because, again, I try to put myself in your shoes and I’ve listened to Jim and our engineers and Phil. They didn’t have to do half of what they’re doing. Right now you have that water coming off the property, it’s spread out but it’s coming off the property. If we get these 50-year rains and 100-year rains we’re getting every other week, it’s coming to your house. This way, this slows it down. Would that be fair statement? It captures it? That’s what I have taken from this.

Jim: Yes.

President Johnson: And to reiterate what Mr. Saylor is saying is, we’ve met on this and we’ve talked about this for several, several days now because we were receiving your letters and we want to look out for you and we want to look out for your properties and we want to look out for your homes. I see you shaking your head but we truly do.

Commissioner Saylor: That’s disappointing because if you think we’re doing this for money or our own benefit, we’re not. I can assure you of that.

President Johnson: Where I was going with this; I truly feel that this is actually going to help your drainage situation as far as the water coming off that property onto yours. You’re still going to have drainage issues down in Old Hickory.

Commissioner Saylor: And we’ve asked about those. Ask our engineer. We’ve asked him repeatedly ‘what can be done to help your situation’ because that’s what we want to do. It’s on our radar. We’re trying to do something. It’s not cheap. If you guys knew what their budgets were and we have a council that could cut budgets even more. Nobody wants to spend any money. This takes money to fix. We need to spend those tax dollars wisely.

President Johnson: So we are trying to look out for your best interest and we truly do care and we do listen to you and we’re taking what you’re saying. We try to put ourselves in your situations and try to understand what you might be going through. Is there anything else from the Board? Steve, anything? Counselor?

Morrie: No. If it meets all the criteria, then it would be arbitrary and capricious to deny it.

Commissioner Saylor: Can you repeat that counsel?

Morrie: If it meets all of the criteria of the county and the state for drainage projects, we would be arbitrary and capricious in denying it, which would mean we could be liable.

Julie Erkilla: I’m Julie Erkilla, 3377 Pine Ridge. I don’t back up to the project but I live across the street from people who do. One quick question I had; you mentioned “properly maintained” this system should function in a certain way. What is proper maintenance and how much work does that involve and what happens if it’s not done?

Jim: Proper maintenance, as called out in the drainage report, would be keeping the system clear of any debris or anything, keeping the pipe unplugged, keeping the level spreader channel clear of any silt or anything like that. If the rock bed fills with silt, digging out the rock bed and replacing the rock bed. If it doesn’t get maintained and the pipe gets plugged, then really no water leaves the basin, this basin fills up and the owner of the property has to wade out there in his boots and reach down there and unplug it to get it to drain. Because we have extra capacity and because the discharge rate is a pretty small number, the majority of the “what if” is it ends up filling full of water and the owner has to wade out there and unplug it. It’s not like, if it’s not maintained, a gate opens and all the water just goes shooting right through. Everything still goes into the basin. It’s just the primary discharge is plugged and so no water comes out in the beginning.

President Johnson: Thank you Jim. Do we have a motion?

Commissioner Weisheit: I’ve been sitting here pretty quiet but I’ve been reviewing this for weeks and I’m convinced that Jim and Morley’s have done a great job. It is going to make things better there as far as drainage. He’s come up with an outstanding plan that far exceeds what we require, so I make a motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

Jim: Thank you very much.

President Johnson: No claims. Other business? Stormwater, Mr. Sherwood.

**DEPARTMENT OF STORMWATER**

**BASELINE PLACE SUBDIVISION / NEWMASTER DEVELOPMENT:**

Steve: Yes. Thank you, Mr. President. Switching gears and going to Stormwater. First on the agenda; Tom Newmaster is present as requested. If you’ll remember, I sent him a package on March 27th asking him to show before the Board as the Board requested.

Tom Newmaster: Tom Newmaster with Newmaster Development, Elberfeld.

Steve: We asked him to come because of the development that was constructed at Baseline Place Subdivision. The original drainage plans were approved in 2016. There were no drainage features within the development. We got word through the local Warrick County Soil and Conservation Department that there exists a pond on the property in excess of 2.5-acres. It wasn’t on the original drainage plan. There’s not a properly built emergency overflow and it’s discharging soil and water into the Baseline Road right-of-way.

Morrie: There are photographs.

Steve: I think Mr. Newmaster has copies before you. There was also some concern about the two existing driveways along St. John’s Road that were washed out to some degree. Because of the soil disturbance being greater than 1-acre, we do not have a Stormwater Pollution Prevention Plan on file and we feel that one should be presented to contain any soil erosion on that site due to the addition of the drainage feature.

Tom: And I agree with Steve. We started the development and we did a soil analysis for our field beds. I think we did over 52 different hole sites, dug down about 8-feet to find the proper percolation. That piece of property, when EMEX did their mining, was a storage facility. The center was cut and mined. The outer edges were a storage facility for their top soils or subsoils, some of their shell materials things of that nature. We were trying to dig down to hit the shell materials so that the Presby field bed systems would percolate properly. We originally had like 20-sites and we only ended up with 13 because the ground held water. When we went and got the approval on everything, I went out and I mowed the area because it had crops on it, it’s a big farm field that sheet flows down to Baseline Road and there are large ditches all the way around this 53-acre piece of real estate. In doing that, and after we dug out the property, there was some drainage (water contributories) that ran through that property. All the water naturally sheet flows back to my own property. We decided to go ahead and put a lake in and I thought I did my proper research; if I were to build a lake and as long as the dam didn’t exceed 20-feet, I didn’t have to have a permit to do that. Well our dam height, from the bottom of the ditch to the top, is 10-foot 7-inches. And we went 7-inches higher thinking ‘settlement’, so we were well under the 20-foot requirement and that we could have an acre lake. Well our lake got bigger. And that’s where I failed. I should’ve come back in here. It’s about 2.34-acres. The keyway was cut around the entire 3 sides of this lake. 7-foot deep, repacked with clay material. The lake held water really well. We weren’t finished with it. We had the 11-inches of rain and it filled that lake up in one day. My drain pipe was still sticking up too high because our intent was to come back in and add some more clay material. The drain pipe was too high. I got out there in the rain, at night, to cut the pipe down. We cut 7-feet off of it so my dam, the water on the deep end, is 13-feet 2-inces. The bottom line is, we got the big rain, I was not finished and probably until this week, it’s going to be dry enough that I can get my equipment back out there and finish this project up. We have cut that drain pipe down. My dam required to be 7-foot at the top. By our calculations, it’s 25 at the top. We’re 100-foot off the road and I’m not done. I just haven’t been able to get back out there. I had taken the top soils and put them to the west, southwest corner because I was going to finish it off and then put all of our seeding and that sort of thing in. We got the rains, it messed me up.

Steve: There is no permitting requirements with the county for the creation of a pond. I just wanted to point that out. There is none either for Warrick County Soil and Conservation service. I think DNR is the only agency that controls the construction of ponds. As he’s explained, it’s currently under construction. I don’t believe he has a property emergency overflow in place or, like he said, he hasn’t finished the embankments so there’s probably not enough freeboard capacity in the basin or if his outlet is at the proper height but he says he’s in construction. We still need a Stormwater Pollution Prevention Plan, or a SWPPP for short, filed with the county. I would ask that the Board give him 30-days to get a SWPPP designed and on file with us. Once that’s approved, then give him another time frame, 30 to 45-days beyond that to get all the paperwork in place and make those field improvements happen. He’s obviously trapped by bad weather for the last couple of months.

Tom: We have the drawings and plans.

Steve: I’d just file a copy of that with your SWPPP so we have them.

Commissioner Saylor: So does that timeline work for you?

Tom: Yes. The silt fence we had, got washed down. I put a new silt fence up. The pipe has been cut to the proper level and I left J&J to get the best pricing I can on the overflow because that spillway is not there. It’s where we were going to put it and we know that it flows that way.

Steve: You know your SWPPP has to be designed by an engineer or someone suitable with that title to design the SWPPP?

Tom: Yes.

President Johnson: I’d entertain a motion.

Morrie: 30-days for the SWPPP and then 30 additional days to complete the paperwork?

Steve: I said 30 to 45. Whatever the Board would like to say to basically do the field work that’s in conjunction with the plan and the SWPPP.

President Johnson: What do you feel you’ll need sir?

Tom: So far I’ve been held up because of the rain.

Commissioner Weisheit: I’ll make a motion for 30-days to file the SWPPP, then an additional 6-weeks to complete field work.

Commissioner Saylor: I’ll second that.

Tom: Thank you.

President Johnson: All in favor? 4-0. Anything else Steve?

**SKID LOADER:**

Steve: Just briefly, I just want to let the Board know that the skid loader bid specs are being prepared by Joe and they’ll be out shortly.

**STONEGATE / YORKRIDGE:**

Steve: Also, an update on the Stonegate/Yorkridge Subdivision Drainage Improvement Project; as of today, we’ve only received 6 temporary right-of-entries returned out of 13 that were sent. And of the 3 easements required, we have not acquired any yet today. One lot owner wants to be paid for his drainage easement.

**KEN PRUITT / 5711 ANDERSON ROAD:**

Steve: Morrie and I met on the 5711 Anderson Road, the Ken Pruitt issue. His attorney filed a letter for damages of $2,095.00 to settle. This is after the $30,000.00 tort claim that was filed a year ago. Morrie and I met with the county’s claim adjuster today. I just wanted to update the Board. That’s all the information that I have to report.

President Johnson: Thank you. Anybody else?

**MOTION TO ADJOURN:**

Commissioner Saylor: I make a motion to adjourn.

Commissioner Weisheit: Second.

President Johnson: All in favor? 4-0.