

**MINUTES OF THE COUNCIL
VILLAGE OF MARIEMONT, OHIO
COMMITTEE OF THE WHOLE MEETING HELD IN COUNCIL CHAMBER
DECEMBER 11, 2017**

Vice-Mayor Marsland called the meeting to order at 6:30 p.m. to discuss the hillside repair on Whiskey Creek, the hillside at the Steam Plant and the selection of approximately eight trees to be planted on the Murray Avenue median, east of Plainville Road. The following Council members were present: Mr. Brown, Mr. Hlad, Mr. Marsland, Ms. Palazzolo and Mr. Wolter.

Mr. Michael Heines said it was suggested by the Village to donate the hillside back to the Village so it may retain the green space. Mr. Marsland said with recent events with hillsides in the Village we are trying to shy away from that.

Mr. Heines gave some background and update on the status of the development at the Steam Plant. He bought the property years ago and it has taken years to study the site. He obtained reports from surrounding properties. What they learned from those was what they did not want to do such as cut the toe of the hill which caused the hill to fail. The original plan that he submitted had six homes cut into the hill. We have now moved the homes away from the hillside. This site has been very unique as far as development is concerned. There was a building that had been there for 80 years with 80 years of growth not to mention the tons of garbage. Underneath were bunkers because it was a steam plant. There was no way to roll equipment onto the property and tear the building down. The bunkers would have collapsed due to the weight of the equipment. There were also a certain number of trees that housed a breed of bat that required only being able to take the tree down during a certain period of time. We had to follow EPA standards. The area needed to be stabilized and the ash removed from the smoke stack. Once the bunkers were removed soil was brought in to make it stable enough to get equipment in. The process took all summer. They left the piers which are helping to hold up the hillside. His engineers have told him that if you look at trees on a hillside and if they are standing straight it is an indication that the hill is not moving. If the trees are angled it could be a sign that the hillside is moving. Because it was a steam plant water was being collected from above to satisfy the steam. As they went through the reports there was one easement on the east side that was never registered. There are pipes on the west side that go to an eventual pipe that goes underneath the railroad tracks. The standards have been updated to withhold more 30-50 year rain events. Gallenstein also built half of the retention basin on his property. It says on their plates "to be changed and removed later". We have to make that retention basin up to modern standards. This past summer they have been bringing in good soil which has been tested all along. His geotech company is one of the best in the country and they have been there every day to test the soil. There is a process called surcharge. They have brought soil in which is sitting on top of the good soil. There are motion plates throughout the property which monitors any movement. They have been charting it all summer. The old soil will be moved and used for landscaping. What they are doing now is stabilizing the soil for the winter. The drawings will be ready later this week. When we first sat down it was the Village's suggestion to keep the green space. He was following the lead of the Village. There are several home owners who live at the top of the hill that he has been working with in terms making sure that their stuff stays (such as fences etc.). He also showed a picture of a sign on his property of the Paul Prevey Bird Sanctuary.

Mr. Brown said all the site preparation work that was described was done without submitting any drawings or plans to get permits to haul in all the soil. Mr. Heines said only the demolition permit. All the work described was in order to bring the building down. You had to go to "Step C to get to Step A". Mr. Brown said it appears that he is already at "Step D" and asked where the drawings and plans are? Mr. Heines said everything should be ready this week. Mr. Brown voiced concern that several steps were missed in the permit process.

Mr. Wolter asked if the permit process should have started with people who have jurisdiction over this kind of work and get permits from them. Hamilton County has a permit process to identify soil before it is moved to the site so you know the soil is the right compatibility. Mr. Brown said he thought a permit was needed to haul in the soil. He believed a cut and fill permit and an Earthwork permit is required. Mr. Heines said he was taking the lead from his engineer who said it was not needed.

Mr. Aaron Habig, Hamilton County Soil and Water, said anytime there is disturbance over an acre it is required to get an Earthwork permit. Mr. Heines said the work that was performed was under an acre. Mr. Habig said the disturbed area is more than an acre. What was required before any work was done was for plans to be submitted so our geotechnical engineer could review it and verify where the fill dirt was coming from and that it was properly compacted. Mr. Heines said he met with a representative of Hamilton County Soil and Water and not a word was said about a permit. Mr. Habig said the silt fence is not up to proper standards and is not installed properly. He asked if Mr. Heines filed with Ohio EPA for a general construction permit. Mr. Heines said his engineer would be aware of that. Mayor Policastro asked if Mr. Habig works with the Army Corps of Engineers. Mr. Habig said there is not enough flow in that area to involve the Army Corps of Engineers permit process. Mr. Habig said he will work with Mr. Heines to get the permit process in order so the inspection work is up to protocol. He asked if weekly self-inspections were being completed and if so they are being kept on site? An inspection is required for any rain event over half an inch. A tube is usually installed. Mr. Heines said a fence is now up and it is more secure for people to walk around. He voiced concerns about liability and said it could be placed outside of the fence.

Mr. Habig said the railroad has done a great job stabilizing the tracks. Otherwise the rails would have slid into the river years ago. The upper hillside has a ton of water coming out of the hillside. According to the overlay map on CAGIS the hillside is a severe landslide potential.

Mr. Wolter asked how the compaction of the soil is verified. Mr. Habig said if Mr. Heines had a geotech engineer oversee then they are testing it as it is being compacted. Mr. Heines said it is being tested and reports are available for every day of every week. Mr. Brown asked who looks at the reports. Mr. Habig said it is part of the Earthwork permit process. Mr. Heines should have applied for the permit upfront but if he can provide us with the reports that is what we are looking for so we have on record that it was done properly.

Mr. Brown said all the work that has been done up to this point has been done without permits. Isn't the work that has been done so far some sort of construction? Shouldn't there have been some sort of permit issued by the Village to do construction work. There was a permit for demolition which was taken out and closed out.

Mr. Rich said whenever he does any work that alters anything he is required to have a permit from the local agency. He does not know who the engineers are but if they are good they know they need permits. He was surprised that a project in the Village that required demolition did not require drawings. He also believes a plan is needed on what is going to be done with the property. Mr. Heines said a preliminary plan was submitted. Each home will be submitted individually. Mr. Brown said he has never heard of a project proceeding of this magnitude without prior drawings and applying for the proper permits. Mr. Rich said the Village should have something in place with a project of this significance that both the Village and the developer understands what is required to do the work.

Mr. Wolter agreed with Mr. Rich that the Village is behind the eight ball. If the hillside starts to slip the legal system will find out everything that was and was not done. Mr. Rich said the Village has a Solicitor. He would make sure there is a release from liability because it is a hillside development and because the work was done without a permit. Mayor Policastro said Mr. Heines will have to have an insurance policy with completed operations and indemnification.

Mr. Brown said everyone wants this project to move forward. The next move to satisfy everyone would be to submit all the reports and all the plans. Mr. Heines said the plan was to have everything submitted prior to Christmas.

Mr. Heines asked what the Village wanted to do with the hillside. Does the Village still want it as green space? Mayor Policastro said we need to make sure that the hillside is secure. Mr. Rich said a reason the Village may want that land would be to connect it with the Little Miami Trail. Mr. Wolter said given the instability of the hillside it could be a costly trail. Mr. Heines said the property owners have contacted him and have expressed interest in buying the land from him. It was the consensus of the Committee of the Whole and Mr. Heines that that may be the best solution for all involved. It would still allow for the green space. The space would be owned collectively and tied into the Homeowner's Association which will have an insurance policy. It was agreed that the Village not own the land.

Mayor Policastro said once we receive all the final reports the matter will be referred to the Planning Commission.

Mr. Marsland said the second agenda item is the hillside at 6610 Mariemont Avenue. We voted in October to approve the fix but there have been some questions about additional work that may be needed at a cost of \$17,000. The total project cost is \$184,885.

Mr. Wolter said we really need to know what the soil is, what the stability is and the potential for water flow migration. Mr. Justin Anderson, GSI Engineer, distributed a sketch plan view that he did not have at the last meeting which showed the stabilization washout with 10' nails and 6" shotcrete. He explained the plan view to the members of the Committee of the Whole. He estimates that they will go 20' into the ground. He sees this as more of an erosion issue than a landslide issue. The top wall will be 15' tall. Mr. Wolter asked if there will be an engineer drawing. Mr. Anderson said once we go under contract. Mayor Policastro asked if permits from Hamilton County are needed. Mr. Anderson said they excluded that from the scope of work and the understanding is that Engineer Ertel will obtain the permits. Mayor Policastro asked if a permit from the Army Corps of Engineers is needed. Mr. Anderson said Engineer Ertel will check with them but he does not think so as we will not be impacting the stream itself.

Mr. Wolter asked if there is any post testing of the project. Mr. Anderson said there will be proof testing on the nails.

Mayor Policastro asked Mr. Habig if he worked on the Promenade when it slipped years ago. Mr. Habig said he would have to check as he did not work with the agency at that time. Mayor Policastro asked if he could check to see what process was done. It appears to have worked.

Mr. Hlad asked if the CAGIS overlay would show other potential problems in the Village. Mr. Habig said it is a tool that they use throughout the county but he does not believe the tool is available to the general public. He would be happy to do the overlay or if the Village has a license he can provide assistance.

Mayor Policastro asked about planting on the hillside once the project is complete. Mr. Habig said revegetation is vital and grass is the best solution. Mr. Anderson said the area is getting worse and the work should be done prior to the spring rains.

Mr. Rich asked who was going to oversee the project for the Village and will partner with the Building Commissioner. Mr. Brown asked who is going to evaluate the permit process. Mayor Policastro said we have an engineer we have worked with in the past and the Chairman of the Committee of the Whole can be a point person.

The Committee of the Whole was in agreement to go forward with the project with monies in the Permanent Improvement Fund.

Mr. Marsland said the third agenda item is the planting of trees along the Murray median (by the new condo development). He received a recommendation from Martin Koepke for Winter King Hawthorn Trees (with reduced thorns). The cost per tree is \$250. The benefit of this particular tree is its nice canopy shape. Hawthorn trees are in John Nolen's initial plan for the Village at the entrance. The recommendation is for eight trees at a cost of \$2,000. He spoke with Louise Schomburg, President of the Mariemont Parks Advisory Board, who is going to run it by the board members to verify the plantings and the location. The plantings would not occur until spring due to construction in the area.

Mr. Troy Hawkins said he would ask that the placement of the trees leave room for any potential bike/multi-use trail that may be built in the future.

The meeting adjourned at 7:45 p.m.

Dan Policastro, Mayor

Anthony J. Borgerding, Fiscal Officer