

# REGULAR DRAINAGE BOARD MEETING:

September 19, 2016

**President, Clarence Hensley, called the meeting to order. Present at the meeting were the following:**

Clarence Hensley, President  
John Landers, Vice President  
Shannon Henry, Member  
William Whitehead, Member  
Stan Willis, Chief Deputy County Surveyor  
Brandon Murphy, Board Attorney  
Cindy Harty, Recording Secretary

**Mr. Hensley** opened the meeting by welcoming the audience and inviting them to participate in the pledge of allegiance.

## **APPROVAL OF MINUTES:**

**Mr. Hensley** entertained a motion for the approval of the August 15, 2016 Drainage Board Minutes.

**Mr. Whitehead** moved for approval. Motion seconded by Mr. Landers. Mr. Henry abstained from voting since he was not present at the August meeting. **Motion passed 3-0.**

## **OLD BUSINESS:**

### Hearing on Flooding Issues/Improvements on County Road 400 West Jakes Creek

**Attorney Brandon Murphy** reported to the Board that he had written and mailed letters to Mr. Mao located at 6000 West County Road 400 North, and Mr. McCoy located at 4605 West County Road 400 North. Mr. Murphy asked if Mr. McCoy or Mr. Mao were present. No one responded. Mr. Murphy stated that he thought someone was present for this hearing, but not sure who. Mr. Murphy stated the letters were sent certified mail, and he believed the return receipts had come back. Furthermore, Mr. Murphy stated that Mr. Taylor had put together a cover letter on costs of materials for the project, and recommended that if the Board was prepared, he felt

they could act on this matter.

**Mr. Hensley** entertained a motion. Mr. Henry requested that Mr. Hensley wait to make a decision, and asked Angie Moyer if she would like to speak on the subject.

**Angie Moyer of the County Engineering Department** asked the Board if they were referring to 400 North, instead of 400 West. Ms. Moyer introduced Leanne Pherson who is also with the Engineering Department. Ms. Moyer stated that Ms. Pherson had been working with Surveyor Phil Taylor, and they are trying to relieve the drainage from the road so the highway department can pave it. Ms. Moyer stated that the residents along the north side have complained many times that they are flooding, but Ms. Pherson and Mr. Taylor have come up with a solution, as follows: The highway can provide some side ditching along the south side of the road, but they need a way to outlet it to Jake's Creek. Ms. Moyer distributed maps in which Ms. Pherson prepared showing the natural swale and how it would run. Ms. Moyer asked Ms. Pherson if Mr. Taylor planned to install a buried tile, and Ms. Pherson stated yes. Stan Willis stated that they would install a 12-inch tile. Ms. Moyer stated that she believed that this would provide a lot of relief for the residents along the north side and the roadway. Furthermore, Ms. Moyer stated that this road is severally deteriorated, and the road has flooded many times over the years.

**Mr. Whitehead** questioned Ms. Moyer about the footage from the road to the creek. Mr. Willis answered and stated that it is 825-feet according to the map. Mr. Henry asked Ms. Pherson and Ms. Moyer to approach, and asked them if this is what they proposed. Mr. Henry stated that the county highway would come in and ditch in here (looking at map), and then we would run our line between these two property owners, 825-feet back to the ditch. Ms. Pherson stated that she knew how closely Mr. Taylor wanted to follow the natural lay of the land, which would probably function on its own (**cannot hear what Ms. Pherson is saying**); it is just not flowing through. Mr. Henry stated that according to this drawing, that is not what Mr. Taylor shows, and that both maps are different. Mr. Willis stated that Mr. Taylor wanted to go to the end of the tree line to where the open field is and then go towards the creek. Ms. Pherson stated, "They are going backwards because you are going to get deep down here". Mr. Henry stated that with the flow that the engineer's office has proposed, are we going to have to put a breather in back there. Mr. Willis stated that the highway would dig the swale going down in front of the house down to the end of the woods, and then they would put a breather there, and then tile will go to the creek. Ms. Moyer stated there is an existing cross pipe, and Mr. Henry asked her if there was a cross pipe right here? Ms. Pherson stated there are two pipes right here and his (McCoy's) driveway already has a pipe in it, so all the water causing these people to flood, will get in the swale and go.

**Mr. Hensley** asked how bad the flooding was in that area. Ms. Pherson stated it has been very bad. Ms. Pherson stated if you stand in the middle of the low spot, even if they get a very mild rain, it is a foot deep. Mr. Hensley stated that he goes to that location all of the time, and he has never seen water standing. Ms. Pherson informed the Board that she has pictures from people who live in that area showing how bad it is. Mr. Henry stated the only concern from what he had heard; both of the property owners, or one of them did not want a swale through the property

anywhere.

**Mr. Willis** stated what he understood from Mr. Taylor, someone did not want the swale that is why the buried tile is being installed from the road to the creek. Ms. Moyer asked if the pipe would connect to the cross-pipe. Mr. Willis stated it was possible, but they would not know until they get down there. Mr. Henry stated that if they proceed in doing it the way Mr. Taylor proposed on the maps, they would need to put another breather here (pointing to the map). Mr. Willis stated that yes they can find it when they are digging, and if necessary, they can put another breather back there.

**Mr. Whitehead** asked once the swale was put in would it be sodded, stone or what. Ms. Moyer stated they are just digging an open ditch. Mr. Willis referred to the map and stated the county highway is going to dip this and clean it out all the way down through here, and then what we are doing is finding this tile here, possibly having to put another breather right there, and then we are going to put a breather here, actually at Mr. McCoy's woods. Mr. Willis further stated then we will run buried tile back to the creek.

**Landowners, Mike McCoy and Dan Macbeth are present and are speaking to the Board.**

**Mr. McCoy** asked about the engineer's pictures and Mr. Willis stated that was their proposed mapping. Mr. Willis explained that they are going to come all the way across here to the end of the woods and then they will go straight back into the creek. Mr. Macbeth asked if it would be right down the fence line, and Stan answered pretty much, because that way they can get out of all of these trees. Mr. Willis stated that the highway will be dipping in front, and then the Surveyor will have their contractor install a breather, and then come all the way back to the creek with buried tile. Mr. Willis stated the tile would be 12-inch tile.

**Mr. Macbeth** stated that all of this is fenced in, and Stan agreed. Mr. McCoy asked Mr. Willis if they would go on his property or Mr. Macbeth's property. Mr. Willis asked Mr. McCoy if the woods are part of his property. Mr. McCoy stated, "Pretty much". Mr. Willis stated he would rather stay out of the woods if they could, if that is okay with Mr. Macbeth. Mr. Macbeth stated that he uses it for pasture, and as long as it will be put back the way it was found. Mr. McCoy stated that it would probably take a lot of the water off that dip where it drains naturally, and asked Mr. Willis if that was true. Mr. Willis stated yes. Mr. McCoy stated that it would probably dry Mr. Macbeth's property up pretty well. Mr. Macbeth stated that he has some big trees on his side of the fence and he does not care if they are taken out.

**Mr. Murphy** asked both residents to state their names and address. **Mike McCoy** approached and stated that he lives at **4605 West CR 400 North**. Mr. Murphy asked him if he received the letter to be present today. Mr. McCoy stated yes. **Dan Macbeth** approached. Mr. Murphy asked Mr. Macbeth if he purchased his property from Mr. Mao and he stated yes. Mr. Murphy stated the county records must not have been updated.

**Mr. McCoy** asked Mr. Willis what the green lines were on the map. Mr. Willis stated that is

where the county highway department will dip the ditch. Mr. McCoy asked if they were digging the swale through here and Mr. Willis stated yes. Mr. McCoy stated that it is closed today so they must be starting on the work. Ms. Moyer stated that she believed someone was installing a sanitary sewer, and the resident east of Mr. McCoy is installing a connection to that sanitary sewer. Mr. Macbeth asked when the county proposed to do this work. Mr. Willis asked Ms. Moyer when they would try to start, because they would have to wait until their work is completed. Ms. Moyer stated they would work in coordination with the Surveyor and asked if they would be doing the work this year. Mr. Willis stated yes. Ms. Moyer stated she would check with the bridge foreman and check the schedule, so at least a few days away to get the work orders lined up. Mr. Willis stated approximately in the next two weeks, and three weeks at the most. Mr. McCoy asked Mr. Willis, "This is going to be dug out deeper, this green line." Mr. Willis stated that it would be. Mr. McCoy stated there are some big trees in that area. Mr. Willis stated that they will fix the swale so instead of the water sitting on the road, it will get into the swale and come this way to the breather and then to the creek. Mr. McCoy stated that he has two 12-inch pipes that go underneath his driveway, so they will probably dig out down through there, and Mr. Willis answered on both sides of it. Mr. Macbeth asked if they could notify him as to when the work would begin because he has cattle out there, and does not want them to get out. Mr. Willis stated that yes they could do that. Mr. Macbeth furnished his telephone number to Mr. Willis. Furthermore, Mr. McCoy stated that he has a drainpipe that goes all the way from the back of his house to the ditch and it runs all the water off his house, so he does not know if they want to go and look at that. Mr. Willis informed Mr. Macbeth that they would call when they get ready to do the work putting the buried tile in on his property. Mr. Willis asked Mr. Macbeth if a day ahead of time would be okay. Mr. Macbeth stated that would be great.

**Mr. Murphy** informed Mr. McCoy and Mr. Macbeth that this is the opportunity for both property owners to state their opinion on this project. Mr. Murphy stated this is their opportunity to either agree with the project or dispute it.

**Mr. McCoy** stated that the water flows from the field down to here, and asked if the swale would catch it. Mr. Willis stated yes that is the whole purpose to catch it and run it west of Mr. McCoy and then down to the creek. Mr. McCoy stated that he is all for it. Mr. Hensley asked Mr. Macbeth if he was okay with it and Mr. Macbeth stated he was.

**Ms. Moyer** asked if this project is approved, would this tile be accepted into the regulated drainage system for future maintenance. Mr. Henry stated that is how it was proposed, and it will be on the record as part of the regulated county drain. Mr. Hensley asked if there was any more discussion on the issue.

**Hal Ashton, Surveyor, 325 W. Washington Street**, approached the Board and stated that he represents Andy Parkinson who is developing Bonterra Place. Mr. Ashton stated there is already a storm sewer that comes from the creek over to the first retention pond that Mr. Parkinson made. Mr. Ashton informed the Board that Mr. Parkinson wanted to continue with further development at this time. Mr. Ashton stated that the second part of the development would have to be drained at a lower elevation than the first pond. Furthermore, Mr. Ashton stated that this

drain could be a benefit and was curious if the Board would entertain Mr. Parkinson and himself working with the Surveyor as they make their plans. Mr. Ashton explained that if it came to a point where they would have to use some additional depths or different sizes of pipe, the owner would be willing to pay the difference in those, and wondered whether they could negotiate something like that. Mr. Ashton stated that he does not have all the plans together at this time, so it is a little premature on his part, but he definitely has seen the necessity for them to have a second retention pond. Mr. Ashton stated that on the second retention pond, by topography, it would have to be located at the south end of Mr. Parkinson's addition, and looks like it could benefit him and the community. Mr. Ashton stated it would be a benefit if they could get the water off the back of those lots instead of the front of the lots, which will probably happen once they start this development, and it would be a considerable help on the drainage situation in that area.

**Mr. Henry** stated as you just heard we are going to start this project within a couple of weeks, and that being the case, advised Mr. Ashton to submit his plans to the Surveyor very quickly. Mr. Ashton stated if they are starting within a couple of weeks they do not have time to do that because there are many phases to it. Mr. Ashton stated that, "We do still have the other drain we could tie-into." Mr. Ashton stated that he just saw the opportunity here for something that could be beneficial to all parties. Mr. Ashton stated that he was unaware of the plan for that area until they had their previous planning committee meeting.

**Mr. Murphy** recommended that Mr. Ashton contact Mr. Taylor concerning this matter. Mr. Ashton stated that he did speak with Mr. Taylor briefly. Mr. Henry stated that they already are putting a 12-inch tile in and does not know how much flooding they have in that area, but a 12-inch tile is a decent size. Ms. Moyer stated that she did attend the committee meeting with Mr. Ashton, and she suggested that Mr. Ashton contact Mr. Taylor or come to the Drainage Board meeting because he is very familiar with that area and the development of Bonterra Phase I. Ms. Moyer stated that Mr. Ashton has also worked with the Sanitary District, and wondered if there was a way for all to work together to alleviate the water problems in that area. Ms. Moyer stated that Mr. Ashton mentioned tying into the existing drain. Mr. Ashton stated that the existing tile runs where the roadway comes through and the tile drain comes up at the road. Ms. Moyer stated that is Ironwood, and it ties into this pond. Ms. Moyer asked Mr. Ashton if it is running in the right-of-way. Mr. Ashton stated that it runs on the north side over to Morrison Road and south to the creek, and it is overloaded considerably. Ms. Moyer stated that even if they tied into the existing tile it would not help. Mr. Ashton stated what will help those residents is when they put the new retention pond in back behind those properties. Ms. Moyer asked if that would be a couple of years away, and Mr. Ashton agreed. Ms. Moyer stated that Mr. Parkinson does want to develop the area but we do not know how the economy will turn out. Furthermore, Ms. Moyer stated that the residents have patiently waited on the county to assist them in some way. Mr. Ashton stated that if they install the 12-inch pipe, especially if they could connect into the other drain, and that would alleviate any fear that he would have. Ms. Moyer thanked Mr. Ashton for coming to today's meeting.

**Mr. Hensley** entertained a motion.

**Mr. Henry** stated that Mr. Taylor has submitted a written proposal for costs of this project as follows: \$5,000.00 for 825-feet of 12-inch pipe; and contractor costs for installation considering the depth of the pipe, at \$5,000.00 plus. Mr. Henry stated that they are looking at \$10,000.00 plus. Mr. Henry stated that he would like to make a motion that the Board approve \$15,000.00 for Mr. Taylor's use on this project, which would give him \$5,000.00 extra dollars for the possibility of increasing the pipe size, and in case there is a way to help Mr. Ashton. Mr. Henry stated that the motion is that the Board approves the project with the possibility of purchasing larger size pipe. Mr. Whitehead seconded the motion. **Motion passed 4-0.**

**Mr. Murphy** recommended that part of that motion should be to accept the new portion into the regulated drain system of Delaware County as well, or possibly a separate motion would be appropriate since that was the purpose and focus of this meeting.

**Mr. Henry** moved that once the county highway's work is completed and the Surveyor is done with his work, that this drain be considered a regulated county drain. Mr. Landers seconded. **Motion passed 4-0.**

**NEW BUSINESS:**

**No new business comes before the Board.**

**MAINTENANCE CLAIMS:**

**Mr. Hensley** entertained a motion for the approval of the maintenance claims as presented. Mr. Whitehead so moved. Mr. Henry seconded. **Motion passed 4-0.**

**ADJOURNMENT:**

The meeting adjourned at 2:52 p.m.

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Clarence Hensley, President

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John Landers, Vice President

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Shannon Henry, Member

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William Whitehead, Member

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Cindy Harty, Recording Secretary