

Portage County Board of Commissioners

Informational Session

Meeting Minutes

449 South Meridian Street
Ravenna, OH 44266
<http://www.co.portage.oh.us>

Sarah Metts, Acting Clerk
330-297-3600

Thursday, October 26th, 2023

2:00 PM

Commissioners' Board Room

*The Commissioners' meeting minutes are summarized; there is an audio recording available.
Please contact the Commissioners' Office for specific details.*

The Portage County Board of Commissioners' meeting came to order with the following members present:

Attendee Name	Title	Status
Anthony J. Badalamenti	President	Present
Sabrina Christian-Bennett	Vice President	Present
Mike Tinlin	Board Member	Present

HILLS POND DAM DISCUSSION

Presenting: Shawn Arden, Director of Water Resources Engineering EMH&T

Present: Assistant Prosecutor Chris Meduri.

Spring valley residents: Michael and Kathy Rhoades, Pauline Persons, Carol Groh, Greg Peters, and Douglas Hayes.

Discussion: Hills Pond Dam Remediation Project

Shawn Arden EMH&T Consultant introduced himself and began his presentation to update the residents of the Spring Valley Subdivision on the long-term plans for Hills Pond Dam. Mr. Arden began by referencing the past meeting in 2016 with the residents and explained that the current two step plan was formulated based on the feedback received.

To start the presentation, Mr. Arden summarized that he would be discussing a brief background of the dam and its current regulations under the State of Ohio through the Department of Natural Resources, the plan for addressing regulations, and next steps with the project. They have established a class two hazard rating for the dam in its current state with the concern that if there was ever a failing with the dam, that State Route 532 could be in jeopardy. Based on the hazard rating state statute substandard for how large the spillway should be the current dam does not have adequate spillway capacity to handle a class two. That is what had them initially looking at a way to address the ODNR compliance concerns.

After the meeting in 2016, the plan was revised to account for the concerns raised by the residents of the Spring Valley Subdivision. The current plan is a two-phase approach. The first phase includes constructing a rock barrier with the purpose of maintaining the existing pool upstream along the affected area adjacent to the residential subdivision. This structure would include an impervious core that will not allow water to pass through, and while it is not regulated the same way, it will be functionally similar to the current dam. Phase two will include the modification of the existing Hills Pond Dam. That will include removal of the flash boards which would lower the water level between the two sites as well as construction of a rock line

spillway to allow stormwater runoff to pass through the embankment. Each of these structures would not be large enough to be regulated by the State of Ohio as a dam.

Commissioner Christian-Bennett asked Mr. Arden to elaborate on why neither structure would be regulated by the State of Ohio under the current plan. Mr. Arden explained the three different criteria set by the State of Ohio in which the embankment would not be regulated by the state. The embankment is less than six feet in height, regardless of how much volume is stored behind, it has less than 10 feet in height and stores less than 15 acre foot of volume, or it stores less than 15 acre feet of volume regardless of the height. Each of these structures will be less than 6 feet in height after modification. He clarified to the residents that after the modifications no one would regulate the structures, they would still be considered a county infrastructure asset, just not be regulated as a dam.

Michael Rhodes asked about the water level dropping. Mr. Arden explained that yes, downstream the water level would drop about two and a half to three feet. The area on county property would convert from a shallow pond to more of a wetland feature. The area along the subdivision would stay within 6 inches of the current water level.

Mr. Rhodes expressed his frustration with the current water level and that he believes it has already been lowered to an unacceptable level and that currently the water is so low it does not reach the dock to be able to launch a boat. He voiced his concern about the smell and water level being detrimental to his property value. Mr. Arden explained that the current plan is to mimic the existing water level as closely as possible.

Greg Peters asked about the rock structure and clarified that after phase two it would not be removed. He also asked whether it would be above or below the water line. Mr. Arden elaborated that it would be below but actually set the water line. The rock barrier will have a 10-to-1 slope on the downstream side so water will cascade as it flows downstream, similar to ripples you would see in a natural stream.

Kathy Rhodes clarified that the current plan will prevent them from taking their canoe from one end of the pond to the other. She expressed concern that they are cutting in half an already small pond.

Mr. Peters asked if it would be possible to move the structure further to make the water level higher. Mr. Arden explained that we are working with the 6 foot height threshold so that would not be possible.

Mr. Rhodes expressed that the county took ownership and should have been maintaining it. He feels that the county created the problem and that this is not a solution but just something to appease the state so that it does not need to be regulated. He reiterated that he believes this will destroy the property values of the properties along the pond. He emphasized his concern about the water level.

Commissioner Badalamenti asked for clarification on how the water level was lowered and who lowered it. Mr. Rhodes did not have an answer, just that when he moved in the water level

reached his dock and now it does not. He is claiming that when the water level naturally lowers, it is now so low that there is no water at all. It's just dirt and it smells. He stated that when his septic pours out the pipe used to be partially submerged and now it is just emptying on the ground. Commissioner Badalamenti asked Mr. Rhodes to clarify that the issue he's speaking about is from upstream. Upstream is owned by Summit County while downstream from the subdivision is what is owned by Portage County.

Mr. Rhodes claimed that the boards on the dam were lowered to drop the water level. He criticized that this plan would take the pressure off the county. He voiced concern about deterioration over time since the rock structure will not be regulated by anyone. Mr. Arden explained that while everything has the potential to deteriorate over time, this is an engineered structure and rocks. It is designed to last. Mr. Rhodes continues to clarify this will not bring the water level back up, it will continue to take it lower. Mr. Arden emphasized it will only lower the water 0-6 inches.

Commissioner Christian-Bennet asks the residents if they have another solution. She reminds them that when this was initially discussed, there was a grant that would cover the removal and that the residents expressed that that would not be a solution that they were happy with.

Mr. Rhodes said that initially there was an option to redo the dam at a cost but the county only got a grant option to remove it. He believes the county should have been maintaining the dam so that it is their responsibility to return the dam to its previous state and to continue to maintain it.

Pauline Persons states that this has been an ongoing problem for 20-30 years.

Commissioner Badalamenti reiterated that we still do not know why the water level has dropped. Mrs. Rhodes points to a lack of communication as being the reason they do not know what is causing these problems.

Commissioner Christian-Bennett asks whether the residents know if the boards on the dam are currently up or down. No one could confirm whether they were up or down.

Carol Groh asks about the cost of this plan compared to the grandiose plan proposed at the 2016 meeting. Mr. Arden says that while they are still working on the design, the current concept is over two million dollars.

Commissioner Christian-Bennett expresses her disappointment in the response from the residents. She emphasizes that this is 14 properties benefiting from two million tax payer dollars and that while this is the county's responsibility, we still have the option to just remove the dam with grant funding. She expresses her frustration since no one wants to create an association to help cover the cost, TESTA was not interested in helping to cover the cost, SUNOCO was not interested in helping to cover the cost, so everyone wants the benefit, but no one wants to pay for it.

The residents claim that more people use the pond. There was some discussion about who has access or rights to access the pond. Most of the people with access live in the development and to reiterate they were offered the option to start an HOA to fund the project and maintenance and the homeowners denied the offer.

Douglas Hayes asked what the effects of removing the dam would be. Mr. Arden explained they would lose the lake and it would turn into more of a stream or wetland corridor. This could also impact the fuel farm because the fire department has a hydrant that uses the water for firefighting purposes.

Commissioner Christian-Bennett states that it wouldn't just be removal. There would be landscaping and additional changes to the feature.

Mrs. Rhodes expressed concern about additionally losing the wildlife.

Mr. Rhodes asked about pour off if the dam was removed. Commissioner Christian-Bennett pointed out that all of that would factor into the design. Mr. Arden further elaborated that the corridor would turn into a linear wetland feature and would most likely have multiple braided string channels running through it because of the spring conditions.

Mr. Rhodes mentioned there are also septic systems dumping into the pond.

Mr. Peters asked how the location of the rock feature was determined. Mr. Arden explained that they went as far upstream as possible to maximize the water level with the six foot maximum threshold in mind. They also chose a narrow point to keep the cost to a minimum.

Commissioner Badalamenti summarized the points made by the residents and asked if anyone had been to inspect the dam to see whether the boards are actually up or down. The residents responded that no, no one has been down to inspect.

Administrator Crombie empathized with the residents and stated that unfortunately this dam is not constantly monitored so if someone had removed the boards that is unfortunate and shouldn't have happened. She reiterated that in the past there was an offer to give the dam over to the homeowner's association and asked if that is something that the residents would like to revisit. Mrs. Rhodes asked if there is an existing HOA. Commissioner Christian-Bennett clarified that there were talks about creating an HOA for this purpose, but the plan was rejected by the residents.

Mr. Arden clarified that the six inch difference is based off of existing field surveys that were completed in 2015 and 2022. During both surveys, all three-foot vertical flashboards were in place so the water level should be at the design maximum water level.

Commissioner Tinlin asked if having the rock barrier will cause the water level to rise over time or slow down the current flow. Mr. Arden elaborated that the width across the lake is about 300 feet across and with the regulation of the discharge at Mogadore Reservoir the flow rate

through Hills Pond is much lower than you would expect for a watershed of this scale. For a 100 year flood event, the water depth over this barrier would be about 12 inches.

Administrator Crombie clarified that it was the Spring Valley Allotment that was given the option to take over the dam. Commissioner Christian-Bennet clarified that would be all of the homeowners and everyone voted no.

Administrator Crombie explained that the thought was that in lieu of 160,000 tax paying residents in Portage County, the allotment was offered to take it over. She asked if the homeowners would like to revisit that as an option. Mr. Rhodes asked where they would get the funds to be able to afford the repairs from a small allotment of homeowners.

Commissioner Christian-Bennet reiterated that the only people benefiting from this are the 14 houses along the pond. This lead to some discussion about who has access rights to the pond, beyond the homeowners with direct access. It is unclear whether this includes the entire allotment. In the current state, there is not much access to the pond because the water level is so low, however the residents recalled that previously there was a lot more use of the pond. Despite that, they do not believe anyone else with access would choose to take on any of the cost. She reiterated that the two options are either to go with the current proposal or to remove the dam.

Mrs. Rhodes asked how much it would cost to repair the dam. Commissioner Badalamenti explained that the original design proposal to repair the dam was several million dollars.

Ms. Persons asked about the original bill of sale. She claimed Portage County benefited from the sale. She asked for some kind of statement that would lay out the agreement to maintain the dam.

Administrator Crombie stated that at one point the Water Resources Department had the funding and could accommodate the need and her understanding is that the original reason for purchasing the dam was for the water source. At a certain point it was determined that the Water Resources Department could no longer use the fund because they were not getting a benefit from the water source. There was a change with an EPA regulation that made it so that the Water Resources Department could no longer use the enterprise fund that was previously covering maintenance costs for the dam and at that time it fell back on the general fund.

Mr. Peters inquired about whether they could remove the current dam and build a rock wall in the same place to keep the water level the same. Mr. Arden explained that it would be a much taller structure in that location, meaning that we would have to follow ODNR regulations.

Ms. Persons asked about the contract and bid process. Commissioner Badalamenti informed everyone that anything over \$50,000 is publicly bid.

Mr. Hayes asked who would be making sure that the construction company followed the design. Mr. Arden went on to explain that ODNR will require post construction visit and take

pictures of the site but will also require a certification from a professional licensed engineer that oversaw construction and can confirm that the project was built according to the plan.

Mr. Peters asked what phase two of the process regarding the existing dam structure would involve. Mr. Arden explained that phase two will convert the existing dam, so it is no longer regulated by the state. The flash boards will be removed since the water level is being maintained by the rock wall barrier that will already be constructed. Low flow will still cascade over the concrete structure so the waterfall you can see from 532 will remain. On the northern embankment, adjacent to the concrete structure there will be a rock line auxiliary spillway for additional discharge capacity. On the southern embankment the trees will be cleared, and a portion of the embankment will be lowered to meet the six foot maximum height criteria.

There were no further questions, so Commissioner Badalamenti motioned to adjourn.

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Motion To: Adjourn the Official Meeting of **October 26, 2023 at 2:53 PM.**

RESULT: **ADOPTED [UNANIMOUS]**

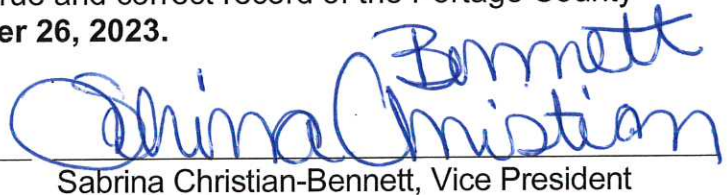
MOVED: Anthony Badalamenti, President

SECONDED: Sabrina Christian-Bennett, Vice President

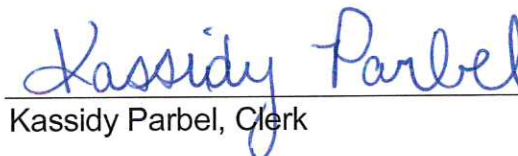
AYES: Mike Tinlin, Board Member

We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **October 26, 2023.**


Anthony J. Badalamenti, President


Sabrina Christian-Bennett, Vice President


Mike Tinlin, Board Member


Kassidy Parbel, Clerk