



City of Mentor-on-the-Lake

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE OCTOBER 23, 2018

CALL TO ORDER: PLEDGE OF ALLEGIANCE

ROLL CALL:

Aye: **At Large:** JIM LUNDER, Vice President
Aye: **Ward 3:** ROB JOHNSON
Aye: **At Large:** KEVIN BITTNER
At Large: PRESTON WOLK (Absent/Excused)
Aye: **Ward 1:** DAVID CHABUT
Aye: **Ward 2:** PAUL MORRIS
Aye: **Ward 4:** DESIREA THOMPSON, President

7:01 P.M. PUBLIC HEARING

ORDINANCE NO. 2018-O-28

(FIRST READING: September 11, 2018 / SECOND READING: September 25, 2018 / THIRD READING: October 9, 2018)

AN ORDINANCE REZONING MULTIPLE PARCELS THAT ARE MAINLY LOCATED ON ANDREWS ROAD TO EITHER A BUSINESS I OR A BUSINESS II CLASSIFICATION

The Public Hearing on Ordinance No. 2018-O-28 was called to order by Council President Desirea Thompson at 7:01 P.M.

Council President Thompson asked Council Member Johnson to provide a brief explanation of the Ordinance. Council Member Johnson stated this Ordinance is the actual rezoning of lots along Andrews Road. Some are currently zoned Office District and will now become what is now created as Business I and other lots would become Business II. The difference between the two different zones are the requirements for conditional use permits and buffering that is required between residential and business units.

Council President Thompson asked if anyone in the audience had questions regarding the Ordinance. There were none.

Council President Thompson asked if anyone wished to speak in favor of the Ordinance. There was no one who wished to speak in favor of the Ordinance.

Council President Thompson asked if anyone wished to speak against the Ordinance. There was no one who wished to speak against the Ordinance.

Council President Thompson asked if any members of Council wished to comment on the Ordinance. There was no one who wished to speak.

The Public Hearing on Ordinance No. 2018-O-28 closed at 7:02 P.M.

READING OF MINUTES: Regular Meeting of Council – October 9, 2018

MOTION MADE BY MR. CHABUT, Seconded by Mr. Lunder, for Approval of the Minutes of the October 9, 2018, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

CORRESPONDENCE:

Council Member Morris advised he had received a phone call from a gentleman on Miami Drive who was complaining that his neighbor is live trapping any stray animal in the neighborhood, cats, skunks, raccoons, etc., and is euthanizing them through carbon monoxide gas from his lawn mower. The resident is asking the City to look into this; he has had the Police Department there but he did not say they did anything about this. Council Member Morris said he will be contacting Chief Gielink to see how he wants to proceed with this.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva turned the meeting over to Nancy Guthrie representing Lakeland Community College and the Lakeland Foundation who discussed Lakeland Issue 3 which is on the ballot in November. She shared information about Issue 3 as being necessary to help students upgrade their skills and advance their careers, updating classrooms and equipment for applied engineering and manufacturing training programs so students are job ready; creating spaces specifically designed to support success for all students; improving campus safety and access to education for all students. Issue 3 is less than \$1.20 per month per \$100,000 in property value. She asked everyone to support Issue 3 to keep Lakeland up to date, and if anyone has any questions, they can visit www.voteforlakeland.com, or reach out to the Lakeland Foundation or the Office of the President of Lakeland Community College.

7:07 P.M. Mayor Eva turned the meeting over to Mike Ryba, Chief of Audit, and Jim Bichl, Manager of Special Audit, CCA Division of Taxation, who were present tonight to answer any questions or provide information on what has been going on. Channel 5 was also present filming this portion of the meeting. Mr. Ryba thanked everyone for allowing them to be present tonight. The reason they are here tonight is because of a recent letter campaign to obtain vital tax dollars for the City which resulted in calls and emails of an unsavory nature both to their offices and to the City. He and Mr. Bichl wanted to take this opportunity for any questions, including their authority for taking these actions.

Council President Thompson asked if any Members of Council had any questions. Council Member Morris stated he was approached by a former constituent who no longer lives in the City who received an audit letter dated 2014 to 2015. He asked why the 8-year period and weren't audits done during those years, or was this the first time CCA has done an audit to find tax money. Mr. Ryba stated it was his understanding the letters were from 2010 through 2015 and does not know if an 8-year period was requested. Council Member Morris said that was not what he was asking; it is 2018 and we are just seeing audits for 2010. He did refer the gentleman to the CCA, and the gentleman was going to attend tonight's meeting if he did not get any satisfaction but he does not see him here tonight. Mr. Ryba stated they have a 6-year period they can go back and request information especially when it comes to

non-reporting. There are other legalities with the statute of limitations but for a complete non-filer, they do go back six years as a matter of general practice as they do not get the extracts they use for the data until a year after tax forms are filed with IRS, so they are always kind of a year behind. This data is then checked with the data they have on file to insure that everything is complete and accurate. Council President Thompson stated she gets her taxes done by a local tax agency, and she thinks there may be some confusion that Mentor-on-the-Lake has a non-file requirement but that non-file requirement is that you live and work in the same city, not if you live here and work in a different city, so where she gets her taxes done, they always say she does not have to file, but she does not work in the City, so how do you get the word out to tax preparers that there may be some inaccurate information they have. Mr. Ryba stated this does cause a lot of confusion with multiple situations that could arise that would require filing versus not filing. They did discuss with the Mayor prior to tonight's meeting on ways to get information out to the public, and to call CCA if there are any questions. Council Member Chabut asked if CCA does find any delinquent taxes, are they allowing any type of payment arrangement and does CCA allow any kind of lump-sum settlement. Mr. Ryba said they cannot authorize a lump-sum settlement, that would have to go through the Tax Administrator. CCA does offer payment plans. As the penalties and interest pile up, it can be fairly daunting to an individual so they do offer payment plans that initially stretch out to twelve months and in extreme circumstances, in communication with the City Administration, they can go further. Council Member Chabut asked if the Tax Administrator was Mayor Eva. Mr. Ryba said it is Mrs. Bartone. Council Member Morris stated he also has a tax preparer, and one of the biggest complaints he has heard from almost every tax preparer is how complicated the CCA forms are, and this too might cause some of the problems. Is there any way to simplify the forms. Mr. Ryba stated because of their structure and the number of municipalities they collect for, each year they go through the forms with a Review Committee and this form has proven to be their best option to use. He stated the CCA offices and phone lines are open from 7:30 A.M. to 4:30 P.M. Monday through Friday, and they will walk a person through the form step by step. They also offer e-file as well.

Council President Thompson asked if anyone from the public had questions. A number of the residents had complaints, comments, and questions for Mr. Ryba as well as Mr. Bichl, including among other complaints, the penalties and interest that have built up, filing out the forms, confusion about the non-filing requirement, obtaining filing information, and especially the lack of response from CCA when they called with questions about the letters. A question was raised about who initiated the audit. Mr. Ryba stated CCA initiates these programs for all of their members and uses the legal means necessary to go after taxes that are due the City. Mayor Eva advised the City did not initiate the audit. He and Mrs. Bartone have fielded phone calls and emails and tried to work with CCA to get this resolved. A question was raised about explaining the tax credit, which Mr. Ryba explained. Additional questions were asked about the tax credit. Even when complied with, and taxes paid every year, letters were received by residents threatening jail time, fines. Documents proving payment have been submitted by residents to CCA but there has been no response from CCA. Residents were given ten days to respond with no information given as to who to send a check to. Mr. Ryba was asked if everyone in the 44060 zip code were audited, and were those who do not live in Mentor-on-the-Lake but use 44060 filtered out. Mr. Bichl responded their data analyst gets the information from IRS and then compares street names with the State, County, and City. They were asked how many letters were sent out. The initial letter was sent to 756 residents, the second letter was sent to 425 residents, and the third letter was sent to 485 residents. A question was raised about reducing penalties and interest. Mr. Ryba indicated CCA cannot make those decisions and they are turned over to the Tax Administrator. Mrs. Bartone stated all of the requests she has had to this point that have been as a result of the special audit, she has waived penalties and interest for most of them. As long as the taxes were being paid as agreed or paid to date, she has been waiving all of the penalties and interest. Mr. Ryba was asked, if there are taxes due, how often are people informed. Mr. Ryba indicated once liability is established, there will be three notices, and explained the process. A question was asked about why W-2's are not checked for payment of local taxes before letters are sent out, and Mr. Bichl explained they are doing it based on the income from one particular year and assuming that no tax withheld because they do not have any verification of the local tax.

Council President Thompson thanked Mr. Ryba and Mr. Bichl for coming and asked if they could stay around after the meeting for any residents who had other questions or to get their information to respond to their concerns and questions. Several residents indicated they still had questions which they then asked regarding the letters sent out and CCA obtaining information as well as how any payments received are handled. A resident also asked the City to consider getting another tax collection agency or doing its own tax collection. A number of the residents felt an apology and some payment was due for the emotional stress and suffering this has caused. Mr. Ryba did offer an apology for the lack of communication, notifications, circumstances, which was definitely an oversight. Mr. Lyons asked what was included in the first letter. Mr. Ryba stated the first letter did not have a check box to indicate whether a resident lived and worked in Mentor-on-the-Lake and to provide a W-2. This was corrected in the remainder of the first letter as well as the second and third letter. A resident said this was incorrect as the check box was not included in the first two letters. Mr. Lyons asked if they had asked residents to provide W-2's, then CCA could have determined whether they had to file or not and if any tax was due; and if they did provide the W-2, CCA could tell how much had been withheld and what the credit would be as CCA could have done that internally, now they are doing an audit. Mr. Ryba agreed as to supplying the W-2's. One of the residents indicated W-2's have been supplied but no response was received from CCA, and they are not going to keep sending in copies of their W-2's. Mayor Eva asked if W-2's had been received in response to the first notice, and these reconciled, would there have been a different second notice if something did not quite reconcile to the 2%. Mr. Ryba stated if there was something due, there would have been a statement sent. Mr. Lyons asked if there was a procedure within CCA about responding to any response. Mr. Bichl said not generally. Mr. Lyons asked why not, why can't CCA send out a letter acknowledging receipt of the information. This would relieve someone's mind that the information has been received and being reviewed, and they do not have to worry until a response is received. Mayor Eva asked if there was any kind of reconciliation when a check is received, what is the process. Mr. Bichl explained they would reach out to the taxpayer. Information on W-2's and obtaining that information was discussed. Mr. Ryba stated he will take these concerns to their Administration, specifically as it relates to the correct information and how it should be made known of resident's liability. He thanked everyone for their questions and thoughts, and will wait around to talk or get personal information to check on any specific questions and concerns. Mayor Eva advised if anyone wanted to meet with the CCA representatives right now, they could. The discussion concluded at 7:58 P.M.

Mayor Eva stated Council has received a Memo from Mrs. Bartone dated October 17, 2018, asking for emergency passage of Ordinance No. 2018-O-36. The reason is this has to be certified to the County Auditor. Also Resolution No. 2018-R-22 also needs to be passed tonight for the Southland drainage improvement project. Ordinance No. 2018-O-35 for the lawn maintenance expenses for foreclosed properties also needs to be passed tonight.

Mayor Eva stated he has emailed the Police Department's September month end report to Council, and had asked Christine Ball, the Secretary at the Police Department, to resend it as the attachments were not included. On October 12, 2018, Chief Gielink sent out the Third Quarter Prosecutor's Report, and if there are any questions, please let them know.

Mayor Eva advised he had received a Memo from Chief Gielink dated October 10, 2018, regarding the Helmet Smart Citation Totals and Winners for 2018. This year Dan Kaleal donated some prizes for the officers based on the number of "citations" given. This year's First Place winner was Ptl. Tina Desapri, Second Place was Sgt. Scott Daubenmire, Third Place was Ptl. Clay Braidic, Fourth Place was Ptl. Mellissa Kelly, and Ptl. Michael Frank, Ptl. Rob Higginbotham and Ptl. Conner Matson each received a prize from Mr. Kaleal. His partnership in that program is appreciated.

Administrative Director – Mrs. Bartone

Mrs. Bartone stated she contacted representatives from Aqua Ohio to see if they could attend tonight's meeting regarding the construction going on. Mr. Bowers is out on sick leave otherwise he would have been here, and he advised he would be happy to be at the next meeting in November to address any concerns. If anyone would like to talk to him before then, Mrs. Bartone has his contact information, or if anyone wishes to meet with him before then. As she had stated at the last meeting, this is a \$1,000,000.00 project and is required to prevent the algae bloom happening in Western Ohio. Aqua Ohio has to update their system which has not been done in decades. It is a carbon filter system and will benefit all 75,000 residents that Aqua Ohio services on a daily basis.

Law Director – Mr. Lyons (No Report)

City Engineer – Mr. Sayles (No Report)

Service Director – Mr. Moore

Mr. Moore stated the new salt truck is here and ready for the winter season. The Service Department is also in the process of getting its other trucks prepped for winter and continues to maintain its equipment and the police cars. For 2018, the Service Department was able to sewer jet 1700 feet of storms and culvert pipes. It performed twenty-one work requests plus any additional ditching or culvert pipe replacement that was needed to help out the drainage. The Service Department received 481 Ohio Utilities Protection Service tickets. When it receives a ticket, it has forty-eight hours to go out and mark the storm sewers. The Service Department crack-sealed this year and went through approximately 4500 pounds of material. It is continuing to patch potholes. The Housing Department has performed ninety-five point of sale inspections, thirty-three house rental inspections and one hundred forty-six apartment units. This does not include phone calls, reports that have to be written, or any reinspections that may be needed.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council Member Bittner asked Mrs. Bartone, as far as Aqua Ohio, he does not believe it is a question whether the upgrades needed to be done or not, it is a question about where it was done. He went over to see the silo yesterday. It is pretty tall and maybe Aqua has an explanation why they had to put it where they did, and being able to talk to them will help clear some things up. Council President Thompson thought if they can have them at the meeting so the residents can hear firsthand Aqua Ohio's reasoning and their explanation would be good. Mrs. Bartone said they were very limited as to where they could put the new processing facility. Council Member Chabut said the residents have concerns and thought it would be good to have Mr. Bowers come to the next meeting. Mrs. Bartone said he would be happy to come, he was just unable to come; he will not be back to work until next week.

BOARD/COMMITTEE/COMMISSION REPORTS:

Board of Zoning Appeals / October 15, 2018 / Mr. Lunder

Council Member Lunder advised the Board of Zoning Appeals met on October 15, 2018, at 7:00 P.M. Present were Board Members Al Buescher, David Baranski, Ed May, Mike Sweeney, Council Vice President Lunder, Mayor Eva, and Mary Bill, Secretary. The Minutes of September 17, 2018, and the previous meeting on February 19, 2018, were approved. There was a problem with some language in the Rules which were changed in 2017 and the wording had to be taken out of the Rules which consisted of basically if there was a meeting and no subsequent meeting they can email the Minutes to the Board and the Board can verbally approve the Minutes. They found out this was illegal and the wording had to be removed from that section of the Rules. The meeting concluded at 7:20 P.M.

Ordinance Committee / October 22, 2018 / Mr. Morris

Council Member Morris advised the Ordinance Committee met on October 22, 2018, at 6:35 P.M. The Committee met to discuss proposed changes to Chapter 618 concerning vicious dogs, further discussion on background checks for all solicitors, and the issue of driveway ordinances. Present were Council Members Paul Morris, Dave Chabut, Kevin Bittner, Rob Johnson, and Council President Thompson. The Committee discussed proposed changes to Chapter 618 concerning vicious dogs and is removing a section that refers to a specific breed of dog to be in compliance with the Ohio Revised Code. All members present supported the amendment and it will be passed at the next Council meeting. The Committee reviewed the issue of background checks for all solicitors, and a review of solicitor's applications and ordinances from other communities found that we follow most other communities and require fingerprint checks from BCI and FBI for all solicitors. The form is set by the Safety Director and includes these to be attached. Concerning driveways, this was referenced to the complaint by Mr. Waites at the last meeting. Council Member Morris met with him on Monday afternoon concerning the issue he brought up. His main concern seemed to be a grade change when his neighbor to the south put in a gravel driveway causing his yard to flood from time to time. Council Member Morris stated he would like to talk to Mr. Sayles about this after the meeting. The meeting adjourned at 6:58 P.M.

Zoning Committee / October 22, 2018 / Mr. Johnson

Council Member Johnson advised the Zoning Committee met at 6:04 P.M. The purpose of the meeting was to review Ordinance No. 2018-O-37, the list of properties to rezone from Garden Apartment to Single Family E. Present were Council Members Rob Johnson, Paul Morris, Dave Chabut, Kevin Bittner, and Council President Thompson. This meeting began before the Ordinance Committee meeting because there were a number of residents present with concerns about the Aqua Ohio construction so they did not have to sit through the other meeting. The residents expressed a number of concerns regarding noise, vibration, structural damage to residences, visibility of tank, and negative impact to home values and quality of life. A copy of the letter received by the Committee is attached. Council Member Johnson advised regarding Ordinance No. 2018-O-37 it was reviewed and there were no additions or corrections needed. The meeting adjourned at 6:35 P.M.

OPEN TO THE PUBLIC TO SPEAK: 8:10 P.M.

Michelle Okerwall, 5599 Chagrin Drive. Ms. Okerwall was present to address the Aqua Ohio concerns and talked about her problems and concerns with the new construction and the damages to her home. She is going to pursue this to whatever extent she can and feels some kind of moderate restitution is in order for the damages. She appreciates Council Members coming to her home.

Vance Nails, 5635 Chagrin Drive. Mr. Nails was present to address the Aqua Ohio concerns and described the damages to his home.

Dr. Luka Ziblnik, 5595 Chagrin Drive. Dr. Ziblnik was present to address the Aqua Ohio concerns. He has called Aqua five times and has not received a response from anyone in authority to discuss his concerns. Dr. Ziblnik also talked about his house vibrating and the damages to his home.

Steve Mihelic, 5616 Chagrin Drive. He lives across the street from Aqua, and talked about the damages to his home and garage, the ground shaking from the heavy equipment being used. He also talked about the silo being built as well as the dome, and can't understand how the City approved this.

Brian Pearson, 8025 Lakeshore Blvd. Mr. Pearson wants Council and the Mayor to look into another taxation program other than the CCA, and look at the cost and what repercussions there may be because at this point he believes CCA has been found inadequate. He thinks another company should be found who can do a better job than CCA for the money they are being paid. Mr. Lyons indicated he doesn't

know if R.I.T.A. would be better than CCA, there is good and bad in both companies. Mr. Pearson stated he agreed and thought there should be some investigation into the cost of the City possibly doing this itself.

CLOSED OPEN TO THE PUBLIC SECTION: 8:21 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2018-R-22

A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR AND CITY ENGINEER TO PREPARE AND SUBMIT APPLICATIONS ON BEHALF OF THE CITY FOR OPWC ROUND 33 FUNDING AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO EXECUTE SUCH FORMS AND CONTRACTS AS MAY BE REQUIRED TO PROPERLY SECURE OPWC ROUND 33 FUNDING ON BEHALF OF THE CITY OF MENTOR ON THE LAKE, LAKE COUNTY, OHIO, AND DECLARING AN EMERGENCY

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 6/0

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, for Passage of Resolution No. 2018-R-22. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2018-O-28 (THIRD READING)

AN ORDINANCE REZONING MULTIPLE PARCELS THAT ARE MAINLY LOCATED ON ANDREWS ROAD TO EITHER A BUSINESS I OR A BUSINESS II CLASSIFICATION

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, for Passage of Ordinance No. 2018-O-28. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2018-O-30 (THIRD READING)

AN ORDINANCE LEVYING LIENS FOR EXPENSES INCURRED FOR LAWN MAINTENANCE AND/OR CULVERT REPAIRS, AND DECLARING AN EMERGENCY

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Passage of Ordinance No. 2018-O-30. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2018-O-32 (SECOND READING)

AN ORDINANCE LEVYING LIENS FOR EXPENSES INCURRED FOR LAWN MAINTENANCE AND/OR CULVERT REPAIRS, AND DECLARING AN EMERGENCY

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Lunder, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2018-O-37 (Continued):

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-37 is placed on Second Reading.

OLD BUSINESS:

Mayor Eva stated, back to the Safety Committee and Pinehurst, as he was reading through the Minutes, the way it was worded it seemed to be that he was relying on the Police Chief to make the decision. When he reported on this back in September, he thought he had made it pretty clear that he talked to the Police Chief about the hour before school and the hour after school, and he also talked to Principal Hoynes about that same thing. They both agreed on the hour before and the hour after school, the reasoning being if there are early or late arrivals, or in the afternoon, some of the kids stick around for Student Council or something like that, which is why they settled on 8:00 A.M. to 9:00 A.M. and 2:30 P.M. to 3:30 P.M.. Also at the same Safety Committee meeting, two of the Safety Committee Members, Mr. Wolk and Mr. Bittner, both agreed they thought the 8 to 9 and 2:30 to 3:30 were reasonable, and Mayor Eva did not see that in the report either.

Council President Thompson asked Mayor Eva if he has heard back from LakeTran on the study they were going to do. Mayor Eva said he had not, but he will call them.

NEW BUSINESS:

Mayor Eva stated there are a couple of Ordinances Council can look at regarding the CCA, 890.01, 890.012, 890.09, 890.081, really the 890 series would get them to how they currently define the process. In talking to the gentlemen before the meeting, it would be really hard to change something for 2019, and but for 2020 we can look at the process CCA has, or R.I.T.A., or if this is something the City wants to do on its own, he thinks those are the options at this point. Clearly the gentlemen here tonight realized there was some miscommunication, and Mayor Eva would look to them to go back to the CCA Administration and say this is what we came up against and what can we do to fix their process. The City did not initiate the audit, it blindsided them, and they had no idea of the verbiage in the third notice. As far as what they have collected so far, it looks like collections to date have been about \$82,500.00 from the audit. They are not quite done and will probably update this number by the end of the year. Council President Thompson asked if there was any way to follow-up with them to make sure they will call the residents back and find out what steps they will take to improve. Mayor Eva said yes, and between he and Mrs. Bartone, he called CCA immediately after the first email, and he was able to reach Craig Adams, who was responsive. For any other inquiries he received, he went through Craig Adams. Recently, Mrs. Bartone has met with several residents, and he thinks the tone now is that everyone wants to comply with whatever we can do, and to Mrs. Bartone's point, the City is not looking to add penalties or anything, just whatever the tax bill was. Council President Thompson said she appreciates the Administration did waive the fees for the residents. Mrs. Bartone said she did go out on a limb assuming everyone might agree with her on that.

OPEN TO THE PUBLIC TO SPEAK: 8:34 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 8:35 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Planning & Zoning Commission

Monday, November 5, 2018, at 7:00 P.M.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2018-O-32 (SECOND READING) (Continued):

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Lunder, for Passage of Ordinance No. 2018-O-32. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2018-O-33 (SECOND READING)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 850.02(b) AND (c) IN ORDER TO AUTHORIZE NOPEC TO COMPILE A DO NOT KNOCK LIST FOR THE CITY

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-33 is placed on Third Reading.

ORDINANCE NO. 2018-O-34

AN ORDINANCE LEVYING LIENS FOR EXPENSES INCURRED FOR LAWN MAINTENANCE AND/OR CULVERT REPAIRS, AND DECLARING AN EMERGENCY

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-34 is placed on Second Reading.

ORDINANCE NO. 2018-O-35

AN ORDINANCE LEVYING LIENS FOR EXPENSES INCURRED FOR LAWN MAINTENANCE AND/OR CULVERT REPAIRS, AND DECLARING AN EMERGENCY

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Chabut, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, for Passage of Ordinance No. 2018-O-35. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2018-O-36

AN ORDINANCE TO AMEND THE 2018 APPROPRIATION ORDINANCES AND DECLARING AN EMERGENCY

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Lunder, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Lunder, for Passage of Ordinance No. 2018-O-36. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2018-O-37

AN ORDINANCE REZONING MULTIPLE PARCELS THAT ARE CURRENTLY ZONED GARDEN-TYPE AND ELDERLY APARTMENT TO THE RESIDENTIAL SINGLE-FAMILY DISTRICT E ZONING CLASSIFICATION

Council Member Morris stated, in light of what the Mayor has asked Council to review, he would suggest it go to the Income Tax Board of Review. Council Member Johnson suggested it go to the Committee of the Whole. Council President Thompson agreed, and asked Mayor Eva and Mrs. Bartone to attend.

Committee of the Whole
Public Hearing on Ordinance No. 2018-O-37

Monday, October 29, 2018, at 6:00 P.M.
Tuesday, November 27, 2018, at 7:00 P.M.

Council Member Chabut advised the Parks & Recreation Board will not be meeting Thursday night because of the Lake Elementary Boo Bash on Friday, October 26, 2018, from 6:00 P.M. to 8:00 P.M.

Mayor Eva announced the Second Annual Fight the Flame 5K to support RSD/CRPS will be held on Sunday, November 4, 2018, at 9:00 A.M. starting at City Hall.

The meeting with Aqua Ohio will be held at the next regular Council Meeting.

Regular Agenda Meeting
Regular Council Meeting

Thursday, November 8, 2018, at 6:00 P.M.
Tuesday, November 13, 2018, at 7:00 P.M.

ADJOURNMENT:

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, for Adjournment. **ROLL CALL:**
Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

The Regular Meeting of Council adjourned at 8:39 P.M.

APPROVED:

November 13, 2018
Date



DESIREA THOMPSON
President of Council

Attest: Joyce M. Joyce
Clerk of Council

Attached to Council Minutes

Dear Chagrin Drive Neighbors:

**If you have concerns with AQUA, please attend the City Council meeting TONIGHT!
Monday the 22nd of October at 6PM at 5860 Andrews Road.**

Concern/ Grievance: installation of CO2 (Carbon) Feed System at Aqua Ohio located at 7748 Twilight Drive Mentor on the Lake, Ohio 44060, beginning the week of 9/17/2018. Imminent and Long term damages.

Resident feels the planning was negligent

Reason: Zoning has repeatedly allowed for Aqua's continued builds of chemical processing towards the residential properties. The builds are seemingly an obvious risk to the homeowners and their properties on Chagrin Drive. The Aqua "builds" which are towards the residential properties, are considered a safety hazard because of the chemicals, size/ content of the system versus the close proximity to homes. Residents do not understand the decision to bump up chemical processes against their properties when Aqua has open footage, closer to the throughput.

Other consideration(s)

- Resident was disheartened with no communication being provided. The installation was loud, beginning prior to 8AM and on weekends, it was disruptive to home(s) with possible structural damage. The residence was repeatedly impacted when the crane was present and during the excavation, the foundation/house shook (as if a sizable earthquake, scaring the resident). Note: the foundation of the residence was already repaired in the past. Note: the tile in kitchen was recently replaced after it cracked. Other neighbors claimed they have repeatedly complained in the past: " their house vibrates keeping them up at night", " their tile broke , " the slab underneath their home cracked". Neighbors also question if water in their yards can be attributed to Aqua's retaining wall(s) forcing rainfall drainage into their properties.
- Noise and vibration (stench ?) associated with the new system
- Potential change in property value and loss of investment. Multiple residents invested significant amounts for home improvement, the latest new system is considered an eye sore which will decrease market value. This change with Aqua is happening directly after receiving a notice from Lake County about a pending property value tax increase.
- Potential for change in lighting - resident had all trees removed for lighting for gardening; a proposed (inadequate) privacy fence would cast a shadow.
 - Potential for change in environment, the new (50ft high) tank is seemingly a lightning rod near pools of water

Resident feels the Chagrin Dr occupants, who are primarily elderly, rentals and low income have been taken advantage of because they do not have the means, nor resources readily available to handle this situation.

Resident feels Aqua seeks gain from damages caused by their activity (letters offering insurance options).

Resident does not understand, why Aqua claimed no permanent structure was allowed in the same or near area in the past for safety reasons, yet now installs, thereby contradicting themselves.

Resident directs this document to:

1. Aqua Ohio Inc. - Property
2. City of Mentor on the Lake Zoning - approved zoning for chemical alterations
3. Lake County Building Permit - approved the building permit