

My name is Bill Tepe. My wife and I live in the Waters Edge HOA on the north side of the Knox Dam property.

Waters Edge is not a Knox Dam property owner. Our HOA entered into a Settlement Agreement with Jerry Baker, approved by the Knox County Common Pleas Court, that excludes us from ownership.

Because we are not an owner of this property, our view on the issue is not colored by any potential financial loss.

Based on what we know, the City should acquire the property. There are several points that support this:

- The Knox Dam was not built as part of the area's housing development. It dates to 1946 and has been an important part of the City's stormwater management system since then.
- The City approved construction of units in the high-risk area that led ODNR to increase the Dam's classification from II to I. There is no record at ODNR of a pre-approval request to review the development plan.
- The City offered to acquire the property from Baker during the early stages of development. Unfortunately, Baker rejected the offer.
- The ownership of the property is in dispute. It's likely this will lead to a protracted legal battle. The only guaranteed winners are the attorneys who will argue the case.

Some Council members are concerned that acquiring the property will establish a troubling precedent. It might make it difficult to reject other requests to acquire private property. I don't see this as a problem.

- The City has acquired private property in the past. In at least one case, this involved property in the area of the levee.
- The Knox Dam is a unique situation that does not exist elsewhere in the City. It's clearly very different than say the Walmart retention pond.
- Decisions are made every year that impact specific subsets of City areas or populations. This would be no more or less precedent setting. For example, the City installed pickleball courts that are used by a small number of area residents. This doesn't require you to approve requests for outdoor racquetball or badminton courts.

I think you all agree the City did not handle this development appropriately 20 years ago. There is an opportunity now to fix the problem by acquiring the property. I hope you'll seriously consider this. Thanks for the opportunity to speak.



Brian Ball <engineer@mountvernonohio.org>

Knox Cattle Dam

1 message

Alex Varughese <Alex.Varughese@mvnu.edu>

Tue, Aug 13, 2019 at 11:58 AM

To: "Mayor@mountvernonohio.org" <Mayor@mountvernonohio.org>, "Engineer@mountvernonohio.org" <Engineer@mountvernonohio.org>, "bhawkins@mountvernonohio.org" <bhawkins@mountvernonohio.org>, "sbarone@mountvernonohio.org" <sbarone@mountvernonohio.org>, "jfrancis@mountvernonohio.org" <jfrancis@mountvernonohio.org>, "nvail@mountvernonohio.org" <nvail@mountvernonohio.org>, "mhillier@mountvernonohio.org" <mhillier@mountvernonohio.org>, "cmenapace@mountvernonohio.org" <cmenapace@mountvernonohio.org>, "mstarr@mountvernonohio.org" <mstarr@mountvernonohio.org>, "jseavolt@mountvernonohio.org" <jseavolt@mountvernonohio.org>

Cc: Alex Varughese <Alex.Varughese@mvnu.edu>, Marcia Varughese <Marcia.Varughese@mvnu.edu>

Dear Mount Vernon City Mayor, Council Members, and Engineer:

My name is Alex Varughese. I reside at [62 Woodlake Trail](#). I have been a resident at this address since May 2016. However, I have been a Knox County resident since 1982.

Thank you for the opportunity given to me and others in the Landings subdivision to voice our thoughts on the issue of the repair and maintenance of the Knox Cattle Dam. The meeting last night (8/12/19) at the Station Break was informative and encouraging.

I have also attended the City council meeting in July and listened to the deliberations about the allocation of the City's reserve fund for the repair of the dam.

I submit the following for your kind consideration, based on the information and data I have been able to gather about the dam and the need for its repair and maintenance.

1. Since the ownership of the Knox Cattle Dam is a disputed matter between the City and the residents of the Landings Subdivision, its current status, using the best analogy I can think of, is that the pond/dam is an "orphan," unwanted by both the City and the area residents.
2. When a child becomes an "unwanted orphan," it is customary for the State/City to assume responsibility for that child. I request that the City assume its custodial responsibility for the dam without acknowledging ownership, since its well-being is necessary for the well-being of the residents at the Crownhill condos.
3. This is not the time for the "blame game." Mistakes have been made in the past and they cannot be rectified now. A long drawn out legal battle between the City and the Landings Subdivision is not the way to resolve the issue and identify the parties responsible for the repair and maintenance of the pond/dam.
4. It is about time for the City to determine "all the sources" that have a share in the drainage into the pond, either directly or indirectly from their properties or public and private streets.
5. Though the pond was initially designed as a drainage pond for the Landings subdivision, did it evolve into being a drainage pond for other entities, such as properties along Yauger Road?
6. My observation is that water from the Woodberry Glen Condos (a private drive), Autumn Run, Wildwood Lane, Woodlake Trail, and Mallard Pointe, Knox Community Hospital area, and Yauger Road (perhaps from Upper Gilcrest Road??) drain either into the pond or its spillage channel that connects the Knox Cattle Pond with the small pond adjacent to Medical building on the corner of Yauger Road and Woodlake Trail. The large drain pipe on the northeast corner of the pond is draining a substantial amount of water into the pond (coming from Yauger Road??)
7. Assuming that this observation is correct, I submit that all the properties situated in the areas mentioned above (including the City for drainage into the pond from Yauger Road) have responsibility to contribute equally for the cost of the repair and maintenance of the pond/dam.
8. My understanding is that ODNr during its last visit has determined that the status of the Dam has not changed since 2017. What this means, I think, is that the repair of the dam is not an urgent matter that needs to be done in the next few months.
9. I request the City to have an estimate done on the cost of the repair to satisfy the ODNr requirements and collect the share of the cost from each property owner located in the areas mentioned above (item 4) through the

semiannual tax liability or monthly water bill over a period of time to eliminate excessive financial burden on the property owners.

10. Perhaps the City can have a part of the funds necessary for the repair of the dam raised through additional tax liability or water/sewer payment in 2020 and plan to have the repair work start in 2021.

11. I assume ODNR would be satisfied by a proposal from the City to give oversight of the repair and maintenance of the dam by the funds collected from the property owners.

12. If the council agrees to this plan of action, then diverting money from the reserve funds to meet the cost of the repair would not be contentious issue for the council. The City will be recouping the cost from the property owners.

I believe that the City has a responsibility to deal with this matter in a manner that is reasonable and equitable to all parties concerned.

I trust that our elected leaders will do the right thing and resolve this issue without creating unnecessary attention to our city, which in the end will be detrimental to our city, particularly property value in the Landings Subdivision.

Respectfully,

Alex Varughese

alex.varughese@mvnu.edu

740-507-3527



Brian Ball <engineer@mountvernonohio.org>

Question for Landings Public Involvement Mtg

1 message

Bob Rafferty, Sr <bobraffertysr@gmail.com>
To: Brian Ball <engineer@mountvernonohio.org>

Thu, Aug 15, 2019 at 10:32 AM

My questions are: if the City opts to lead the repairs what is the estimated cost and which specific property owners will be asked to share in the costs. If ODNR leads the repairs what will the costs be and who will be asked to share in the costs.

Robert Rafferty, [19 Woodlake Trail, Mount Vernon, OH 43050](#), Tel: 740 397-2634. email: bobraffertysr@gmail.com

The Landings Subdivision Public Involvement 08/12/2019
COMMENT SHEET (ADD SHEET)

1. Was or has The Landings lake/dam, by action or inaction of the city of Mount Vernon ("City"), whether intentionally or unintentionally, been incorporated into the storm water abatement plan for the City rather than solely for that private property known as The Landings?
 - The Storm Water Abatement Plan for The Landings ("Plan") indicates the development to be approximately 125 acres. It refers to the "total watershed", however, as being 290 acres, and makes reference to "offsite drainage" entering the "site" (The Landings) "from the north across Yauger Road, and from the south across New Gambier Road." Is the privately owned lake/dam receiving storm water runoff from the "watershed", in whole or in part?
 - A map of The Landings "Drainage Basin" shows an area significantly larger than the development. Does the "Drainage Basin" indicate the areas of storm water runoff that flow into The Landings privately owned storm water abatement system?
 - The Landings Storm Water Abatement Plan is dated August 27, 1999. It appears to have been approved on behalf of the City on September 14, 1999. At that time, while there was vacant land available for development east of The Landings, it does not appear that any development had been started or was planned. The Landings Phase V plat (southwest and below the lake/dam) was approved by the City on December 13, 1999. More importantly, the plat for the first phase of Crown Hill Condominiums (immediately west and below the lake/dam) was approved by the City on March 22, 2002. Over the next two (2) years (July 3, 2003 to April 21, 2004) there were four amendments to the plat of Crown Hill Condominiums representing four additional phases of development. Wasn't or shouldn't the City have been aware that additional, extensive residential development immediately below the lake/dam would have an impact on the requirements, maintenance, cost and oversight by the Ohio Department of Natural Resources ("ODNR") relative to The Landings lake/dam which the City had approved when it accepted the plat of Watersedge Phase IV development on March 23, 1998, five (5) years earlier?
 - Was The Landings, as developed, consistent with information provided the City in conjunction with the Plan that was approved by the City in 1999.

2. Did the City fail to utilize and or enforce City Ordinances that may have avoided the issues currently in front of Council? The following storm water ordinances, if they or similar ordinances were in effect at the times in question, appear to relate to The Landings lake/dam situation, including but not limited to the question of ownership.
 - Sections 920.21; 920.24, specifically (a)(d); 920.25, specifically (a)(8)



Brian Ball <engineer@mountvernonohio.org>

Fw: Knox County Cattle Company Dam Issue

1 message

Cloyd Yough <cyough@columbus.rr.com>

Sat, Aug 10, 2019 at 1:11 PM

To: SWAC-Julia Warga <julia.warga@gmail.com>, SWAC-Karen Oehl <revoehl@gmail.com>, SWAC-Chuck Martin <cmartin@mountvernonnews.com>, Landings-Allied Lisa <LLester@republicservices.com>, SWAC-Gary Koester <gkoester1@columbus.rr.com>, SWAC-Jeff Gottke <jgottke@knoxadf.com>, SWAC-Tony Edwards <tony.edwards@mvnu.edu>, SWAC-Brenda Crawl <bschirt200@gmail.com>, SWAC-Robert Clendening <rclenden@knoxswcd.org>, Clifton SWAC-Bailey <clinton.bailey@gmail.com>, Caitlin SWAC=Cram <caitlin@vacationservicesinc.com>, SWSC-Doug Brenneman <doug@brennemanlumber.com>, SWAC-Brisn Ball <engineer@mountvernonohio.org>, SWAC- Bill Itepe <billtepe77@gmail.com>, "city-vail, nancy" <nvail@mountvernonohio.org>, "city-starr, matt" <mstarr@mountvernonohio.org>, "city-seavolt, janis" <jseavolt@mountvernonohio.org>, "city-menapace, christphe" <cmenapace@mountvernonohio.org>, Richard City-Mavis <mtvmayor@mountvernonohio.org>, "city-hillier, mike" <mhillier@mountvernonohio.org>, "city-Hawkins, bruce" <bhawkins@mountvernonohio.org>, "city-francis, j" <jfrancis@mountvernonohio.org>, Joel city-Daniels <mtvssd@mountvernonohio.org>, "city-barone, s" <sbarone@mountvernonohio.org>, city-auditor terry scott <mtvauditor@mountvernonohio.org>, Robert broeren City <probertbroeren@mountvernonohio.org>

Another example of questions unanswered.

----- Original Message -----

From: Bill Tepe

To: Richard Mavis

Cc: Mike Haughton ; cyough@columbus.rr.com ; ksevans65@gmail.com

Sent: Sunday, July 14, 2019 6:19 PM

Subject: Knox County Cattle Company Dam Issue

Mayor Mavis, I'm attaching a memo and related documents for City staff and Council review prior to the July 22 Stormwater Utility meeting. Would it be possible for your office to distribute this to City and Council addressees? If this is a problem, please let me know. Thanks. Bill 860-558-6839



Virus-free. www.avg.com

2 attachments



memo to city officials and council 071519.docx

16K



ODNR Docs (2) 2008-09.pdf

2476K

August 12, 2019

Cloyd yough, 50 Wildwood lane, Mount Vernon, Ohio, 740-397-2495- cyough@columbus.rr.com I am speaking as one of the neighbors of the Knox cattle dam. I do not in anyway speak for my neighborhood association. I am only expressing my personal opinion in this matter.

I have rewritten this presentation many times. This past week was an up and down one for me. It got me to thinking about the passion Sam and Chris displayed in one of the recent meetings. Right after that we got to see the proposed amended ordnance 2019-30 and then the people of Mount Vernon lost half of it's representation on the council Boy, that is scarey.. Those two actions, in my opinion, have no place in Mount Vernon, Ohio government or politics. Then we get the letter from the mayor this past week and that was scarey too. Those action made me feel that the Landings group has done a pretty good job of informing you all of the situation and how we got here. The city is fearful of losing the opportunity to get more MONEY. .

Currently, As I understand the city is trying to help solve the repair issue at the Knox Cattle dam by offering to bank roll the studies and repair but then require the responsible property owners to replay the cost of the studies and repair. Here again, the city gets to decide who the responsible property owners are. That could be a minimum of \$3000 to a max of \$30,000 a house hold. On top of that the city expects our area residents to support the storm water utility with it's monthly fee, and any future maintenance to the Dam. We have not established who the owner of the dam is so we don't know what he or she wants. That doesn't matter because the city has the right under 920 city code to step in and do what they want. This is another way for the city to get more stormwater funding. My HOA has been accused of accepting responsibility for the dam maintenance. In my research of the by-laws and deed restriction on our HOA , I have not found where we committed to maintain any dam.

Why is the city so eager to get started on this project? The ODNR has noticed homes and property down stream of the dam and if we have a big storm, those properties are in danger of damage and possible loss of life. Now who authorized or permitted the construction of these family homes down stream of the dam?

The city administration. The mayor and the current city safety service director sat in meetings discussing potential flooding of the properties back in 2001 but did not contact ODNR for any information or direction. The mayor stated that the ODNR has had the Knox cattle dam on their radar since the 1970's so why didn't our seasoned veterans contact them. Who knows that was 19 years ago. The mayor in a current meeting has stated that the Landings development did not get proper supervision as it should have. We now have a big expense facing us. The city wants property owners around the dam, who had nothing to do with placing homes below the dam to pay for the repairs to the dam. Kind like, your car was stolen, the crook wreck your car and now he wants you to pay for having it fixed. I don;t really fault the mayor or the safety service director. We all do or don't do things that should be done., It happened so let's go on.

The one way the city and the property owners could get the requirements of ODNR done, is for the city to take ownership of the pond/dam. ascertain the real cost of the bringing the situation up to code and apply for a grant to cover the cost. Our problem here is that the city does not want to establish a precedent of taking ownership of private property. Well, we assumed ownership of Ariel Foundation Park? The city has established other precedent by using the old conflict of interest to eliminate half the people's representation to council. Has that ever been done before. How about ordnance 2019-30. Is that another precedent established?

I think the first thing the council should do is to table any further action on amending ordinance 2019-

30 and any action on the stormwater utility until cooler heads can administer this city. There is something sinister about this whole series of events. . Let's get back to working together and not against each other. THAT IS MY THOUGHTS AND I AM STICKING TO THEM!!!

The Landings Subdivision Public Involvement Meeting 08/12/2019

COMMENT SHEET

Name: _____

Address: _____



Mr Philip Petrie
54 Wildwood Ln
Mount Vernon, OH 43050

Telephone: _____

740 393 1022

Email: _____

petrie 58 @ embaugmail.com

Please return this comment sheet to the sign in table during the meeting, by mail, or email by August 19, 2019

to: Mr. Brian Ball, P.E., City of Mount Vernon
40 Public Square, Mount Vernon, OH 43050

or

Mayor Richard Mavis, City of Mount Vernon
40 Public Square, Mount Vernon, OH 43050

Email: Engineer@MountVernonOhio.org

Email: Mayor@MountVernonOhio.org

If you have comments or suggestions concerning the Landings Subdivision area, please print them below.

Hazard mitigation grants are part of
FEMA programs which cities may pursue.

Has/would the city consider such?

Address: www.ema.ohio.gov/Mitigation-FEMAPrograms.aspx

See attachment.

Thank you

Phil Petrie



HOME |
TRAINING & EXERCISES |

OHIO EMA BRANCHES |
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STATE PLANS |
ODPS DIVISIONS |
CONTACT EMA

ODPS Ohio Emergency Management Agency **FEMA Mitigation Programs**

[Disaster & Preparedness Grants
Division - MainPage](#)

[Mitigation Branch](#)

[Hazard Mitigation Planning](#)

[FEMA Mitigation Grant Programs](#)

[State Hazard Mitigation Team](#)

[Best Practices](#)

[FY 2012 Unified HMA Application
Information](#)

[Quicklinks](#)

- [State of Ohio Hazard Mitigation Plan 2011](#)

FEMA Mitigation Programs

Hazard Mitigation Grant Program (HMGP)

To provide funds to States, territories, Indian Tribal governments, and communities to significantly reduce or permanently eliminate future risk to lives and property from natural hazards. HMGP funds projects in accordance with priorities identified in State, Tribal or local hazard mitigation plans, and enables mitigation measures to be implemented during the recovery from a disaster.

Unified HMA Program

The Unified HMA Program is to create a unified grant guidance, application period, eligibility, implementation, management, and close-out process for each of the four pre-disaster mitigation grant programs provided by FEMA. All four programs have unique statutory authorities, program requirements and triggers for funding. The Unified HMA Program does not integrate the four grants into one singular program. Each grant will retain its unique characteristics. The UNIFIED HMA PROGRAM WORKSHOP: BRINGING YOUR LOCAL HAZARD MITIGATION PLAN TO LIFE! is a 3-hour workshop designed and delivered by the Mitigation Branch to provide an overview of the Unified HMA Program and the HMGP grants.

Flood Mitigation Assistance Program (FMA) - To implement cost-effective measures that reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insured under the National Flood Insurance Program (NFIP).

Pre-Disaster Mitigation Competitive Program (PDM) - To provide funds to states, territories, Indian Tribal governments, and communities for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. Funding these plans and projects reduces overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations.

Repetitive Flood Claim Program (RFC) - To reduce or eliminate the long-term risk of flood damage to structures insured under the National Flood Insurance Program (NFIP) that have had one or more claim payment(s) for flood damages.

Severe Repetitive Loss Program (SRL) - To reduce or eliminate the long-term risk of flood damage to severe repetitive loss residential properties and the associated drain on the National Flood Insurance Fund (NFIF) from such properties

Additional Resources:

- [FY 2011 Unified HMA Program Guidance](#)

Subject : Hazard mitigation grants

To : petrie58@embarqmail.com

https://www.ema.ohio.gov/Mitigation_FEMAPrograms.aspx

Mr. Brian Ball, City Engineer

From: Loretta Godfrey
43 Mallard Pointe
740-392-1561
rgodfrey@columbus.rr.com

We residents who are directly on the pond—and probably most involved—did not receive the letter from the mayor. After reading the letter, however, I strongly object to one statement made in the letter: “Landowners in the Landings Subdivision would be required to repay these costs.”

I live directly across the pond from the 24-inch pipe that brings storm water into the pond. After a hard rain (and it doesn't take much) I can stand in my kitchen window and watch the water gush from that pipe. It seems obvious that that is not storm water from the Landings but from commercial properties across Yauger Road: the hospital hill, Career Center property, the veterinarian, and even the roadway. Nothing was mentioned at the meeting Tuesday evening about this being a retention pond for any commercial entities. Why? I am willing to pay my share, but let's not put all the responsibility on residences in the area.

Thanks. Loretta



The Landings Subdivision Public Involvement Meeting 08/12/2019

COMMENT SHEET

Name: Dan & Cara Risser
Address: 43 Wildwood Ln
Mt Vernon OH 43050
Telephone: 540-383-5929
Email: dan cara 07@gmail.com

Please return this comment sheet to the sign in table during the meeting, by mail, or email by August 19, 2019
to: Mr. Brian Ball, P.E., City of Mount Vernon or Mayor Richard Mavis, City of Mount Vernon
40 Public Square, Mount Vernon, OH 43050 40 Public Square, Mount Vernon, OH 43050
Email: Engineer@MountVernonOhio.org Email: Mayor@MountVernonOhio.org

If you have comments or suggestions concerning the Landings Subdivision area, please print them below.

We moved to Mt. Vernon last fall from Virginia, and purchased a home in the landings subdivision. Never once was it mentioned by our realtor or title search about there being any issue with the pond or dam. The first notice we had was the letter from the city this month. It seems to me that many local areas drain into the dam and it handles the waste water needs of this entire area. I think the city should take over ownership of the pond as it is not clear who owns the dam property. I was told years ago the city offered to take ownership of the dam and I think the city should reconsider it. We would applaud the idea of fencing in the pond as we have young children and view the pond as a safety issue. Fencing may also aid with the overabundance of geese.

Thank you,

Dan Risser and Cara Risser





Richard Mavis <mtvmayor@mountvernonohio.org>

Input Regarding Stormwater Management in the Landings Subdivisions Area

1 message

Diane Goodrich <ddgood@hotmail.com>
To: Richard Mavis <mtvmayor@mountvernonohio.org>

Fri, Aug 16, 2019 at 5:29 PM

Dear Mayor Mavis, President of Mt. Vernon City Council, and Council Members:

Thank you for soliciting input regarding the management of stormwater in the Landings Subdivisions Area. I trust that my comments/suggestions as well as those of other concerned parties will be read and carefully considered by you, the decision makers.

Background Information:

- My husband and I live at 64 Woodlake Trail. We moved into our home eight years ago, in August of 2011.
- I attended the public involvement meeting on 08/12/2019. Instead of speaking at the meeting, I've chosen to submit my comments/suggestions in writing.
- Even though I am currently the secretary of The Landing Development Phase VII & VIII, Inc. homeowner's association, I write this as an individual homeowner; I do not speak for the entire association.
- Immediately prior to my retirement, I taught management courses at Clark State Community College. Earlier in my career, I worked as a trainer/consultant for Holt Learning, and Management Team Consultants, and I served as the Director of Educational Services at Hamilton Medical Center. In these positions, I learned about and then taught basic skills of problem solving. I was taught that one of the first steps in problem-solving and/or decision-making is to establish a common goal.
- Therefore, I would like to start my comments by offering a common goal.

Common Goal:

It seems to me that residents and decision-makers would agree that an overall goal of the current situation regarding stormwater management in the Landings Subdivisions Area is:

- To maintain the value of the properties in the Landings Subdivisions Area, including monetary value, aesthetics, and safety, so that this area will continue to be a highly desirable residential and office area in Mount Vernon.

If actions taken now by decision-makers diminish the desirability of the Landings area, it will not only hurt the current landowners but, ultimately, the City of Mount Vernon as well. It seems to me that if potential buyers are frightened about what they may be held financially responsible for in the future, houses/lots in this area may not sell, property values may drop, and property tax revenue for the city may be reduced. It also seems to me that the City of Mt. Vernon should want to attract homeowners, not deter them.

With this goal as a backdrop to the remainder of my comments, let me move on.

Urgency of Repairs of the Knox Cattle Dam:

One of the aspects of the current situation that I am puzzled about is the "urgency" of making repairs on the Knox Cattle Dam.

I personally have not read the report from ODNR's inspection of the dam on July 24, 2019—I'm not even certain that it's available yet. However, it was reported by Cheryl Slain in Knox Pages on August 8, 2019 that "The condition of the dam is unchanged from the last inspection," which was nearly four years ago. Based upon this information, it seems that there is time to work through the various issues.

Please slow down this decision-making process and take time to consider a variety of options that will maximize the chance of achieving the common goal that I outlined earlier.

Furthermore, it seems that Section 2 of the proposed Ordinance 2019-30 which states that "This Resolution is hereby declared to be an **emergency measure** necessary for the **immediate** preservation of the public, peace, health and **safety**..." is unnecessarily alarmist.

I urge you (and city employees who are speaking and writing about this issue) to refrain from such an alarmist tone.

Consequences of Dam Failure:

I am also unclear about what would (allegedly) happen if the dam should fail.

What properties would be damaged? Would there be potential loss of life?

It seems to me that if the decision-makers are seeking "buy-in" from the residents, then the residents need to have a better understanding of what the dam currently does, who it protects, and what would happen if it indeed were to fail.

Extent of Modifications/Repairs:

I am also unclear about what kind of repairs are needed and how extensive they would need to be.

One of my neighbors, Lee Rhoades, who was a bystander at the July 24, 2019, ODNR inspection, told me that one of the ODNR representatives told him that if the water level of the lake were lowered by 17 inches that the dam would be re-classified and no further repairs would be needed.

It strikes me that the City Council resolution to transfer \$ 300,000 is quite premature, and perhaps not necessary.

Payment for Repairs and/or Modifications:

As to who is responsible for paying for repairs and/or modifications to the dam, that is obviously a complicated issue because there is no clear "owner" of the dam.

I have a copy of the "Declaration of Building and Development Restrictions for The Landing Development Phase V, Phase VB, Phase VC and Phase VI" which was filed on July 14, 2000 (The number 090867 is stamped at the top of each page.) Item 10 on page 6 of this document states "**No Use of the Lake – The lake adjacent to this subdivision (the "Lake") will be owned, maintained, repaired and regulated by Waters Edge Homeowners Association, Inc., an Ohio non-profit corporation.** The owners of the land subjected to this Declaration (including, but not limited to, Lots 522 through 528 which abut the Lake) shall not have any right or easement to use the Lake in any manner whatsoever. Developer assumes no responsibility for any activities in and around the Lake."

This would lead me to believe that Waters Edge Homeowners Association, Inc., owns the lake.

In the "Declaration of Building and Development Restrictions for the Landing Development Phase VIII", which is the phase in which I reside, reference is made to lot owners becoming members of a non-profit corporation know as the Landings Common Area Association, Inc. However, I have been the secretary of the homeowner's association of The Landing Development Phase VII & VIII, Inc. since 2013, and I find no record of an association or organization with this name in any of my records; I do not believe that it ever existed.

This would lead me to conclude that Steve Mullins, who filed the document, retains ownership of the lake and the dam.

If the lake and dam are "orphans", as some of my neighbors have suggested, then it seems that ownership defaults to the City of Mount Vernon.

Assessments:

I realize that there will be expenses involved in identifying what modifications and/or repairs to the dam **may** be necessary. And, if modifications/repairs are required, there will need to be a source of money to cover those expenses.

If all properties within the city limits were assessed an additional small amount for stormwater management with the next property tax bills due in February, 2020, it seems to me that the money needed to conduct a study of the lake/dam would certainly be acquired.

If more monies are needed, then assessments would continue until the appropriate amount of money is generated. This money should only go for stormwater management, not for any other city expenses.

My reasoning is that all city property owners should pay for stormwater management just like they pay for other basic services. For example, all property owners pay for fire and police protection, even though fires happen much more frequently in some areas of the city than in others and police are called to some neighborhoods of the city much more frequently than others. All property owners pay for road construction and repair, even though some may drive extensively in the city while others rarely travel on city streets.

To summarize my comments/suggestions:

- Keep the common goal in mind throughout the entire problem-solving and decision-making process. (If you feel that the common goal that I articulated doesn't work in this situation, develop one that does fit the big picture.)
- Tone down the alarmist rhetoric. (Nothing that I have read, heard, or seen indicates that the stormwater management in the Landings areas is a bona fide emergency.)
- Clarify the potential consequences of a dam failure.
- Identify what modifications/repairs really need to occur.
- If assessments are required to generate money to pay for modifications/repairs, assess all properties within the city.

I appreciate the opportunity to submit comments/suggestions.

Best regards,
Diane Goodrich
64 Woodlake Trail
Mount Vernon, OH 43050
937-727-1234
ddgood@hotmail.com

1. I have a few questions that I would like answered: I live on the north side of Mallard point I did not get a letter pabout the meeting.
2. At the meeting all the homes were addressed, but none of the businesses, hospital or any other Land owner were discussed. I would like to see a map of all of the houses and businesses and property that flow into the pond.
3. It is my opinion that the city should take ownership of the pond, which has no owner at the present time. How that slipped through The legal system no one will ever know.
4. If The city does take ownership of the



Tanya Newell <clerkofcouncil@mountvernonohio.org>

Public comments sheet submitted to City of Mount Vernon -- JHarris

1 message

J Harris <jeffrydharris@gmail.com>

Wed, Aug 14, 2019 at 11:13 AM

To: Richard Mavis <mtvmayor@mountvernonohio.org>, "P. Robert Broeren Jr." <probertbroeren@mountvernonohio.org>, Joel Daniels <mtvssd@mountvernonohio.org>, "P. E. Brian W. Ball" <engineer@mountvernonohio.org>

Cc: Tanya Newell <clerkofcouncil@mountvernonohio.org>

Good morning, City Administration,

I write to respectfully submit my Public Involvement comment sheet to you for inclusion in the record from Monday's City Council hearing.

Thank you,
Jeff Harris
President
Landing Development Phase VII & VIII, Inc.

 Landings Subdivision Public Involvement comments sheet - JDHarris 08.12.2019.pdf
343K

The Landings Subdivision Public Involvement Meeting 08/12/2019

COMMENT SHEET

Name: JEFFRY D. HARRIS
Address: 71 WOODLAKE TRAIL
Telephone: (614) 352-0737
Email: JEFFRYDHARRIS@GMAIL.COM

Please return this comment sheet to the sign in table during the meeting, by mail, or email by August 19, 2019 to: Mr. Brian Ball, P.E., City of Mount Vernon or Mayor Richard Mavis, City of Mount Vernon
40 Public Square, Mount Vernon, OH 43050 40 Public Square, Mount Vernon, OH 43050
Email: Engineer@MountVernonOhio.org Email: Mayor@MountVernonOhio.org

If you have comments or suggestions concerning the Landings Subdivision area, please print them below.

I AM THE PRESIDENT OF THE LANDING DEVELOPMENT PHASE VII : VII.
OUR HOMEOWNERS ASSOCIATION HAS ENGAGED LEGAL COUNSEL TO REPRESENT OUR COLLECTIVE INTERESTS. HE IS REVIEWING THE MATTER TO ADVISE US IN OUR RIGHTS.
AS TO THE PROPOSED RESOLUTION, WE NOTE THE FOLLOWING:
① THE STORMWATER PLAN DATED AUG-27, 1999 WAS NOT A MATTER OF NOTICE OR AWARENESS FOR ANY OF OUR NEIGHBORS. THAT DOCUMENT'S EXISTENCE WAS NOT KNOWN UNTIL 2019 BY OUR HOA LEADERSHIP TEAM & ^{FORMER} COUNSEL.
② WHAT SPECIFIC "ENFORCEMENT ACTION" HAS BEEN INITIATED BY THE ODNR?
③ AS TO THE ODNR'S JUST COMPLETED, AND FUTURE SCHEDULED INSPECTIONS, WILL THE AGENCY'S INSPECTION(S) ONLY REVIEW TO FIX THOSE SPECIFIC FAILURES SUBJECT TO THE ODNR ENFORCEMENT ACTION? OR IS IT A MORE GENERALIZED/ROUTINE INSPECTION?



Richard Mavis <mtvmayor@mountvernonohio.org>

Pond and Dam

1 message

jharpe <jharpe@columbus.rr.com>
To: mtvmayor@mountvernonohio.org

Sun, Aug 18, 2019 at 5:54 PM

I think these meetings are meaningless until a study is completed showing all the options, including a depth study of pond and a good estimate on the amount of water in the pond.

I also think for the city to propose a threatening ordinance like they are trying to do is very disrespectful to the citizens of Mount Vernon, Ohio.

Jerry Harper
53 mallard Pointe
Mount Vernon, Ohio. 43050
740-397-6613
Jharpe@columbus.rr.com

Sent from my Galaxy Tab A

The Landings Subdivision Public Involvement Meeting 08/12/2019
COMMENT SHEET

Name: Jesse Marlow
Address: 61 Woodlake Trl
Mount Vernon, Ohio 43050
Telephone: 740-507-3053
Email: Jesse.l.marlow@gmail.com

Please return this comment sheet to the sign in table during the meeting, by mail, or email by August 19, 2019
to: Mr. Brian Ball, P.E., City of Mount Vernon or Mayor Richard Mavis, City of Mount Vernon
40 Public Square, Mount Vernon Ohio 43050 40 Public Square, Mount Vernon Ohio 43050
Email: Engineer@MountVernonOhio.org Email: Mayor@MountVernonOhio.org

If you have comments or suggestions concerning the Landings Subdivision area, please print below.

Thank you for the opportunity to comment on the Landing Subdivision area. I submit this as an individual and do not represent any other individuals, organizations or HOAs.

I am particularly concerned with matters during recent communications that are completely contrary to my understanding of parliamentary law as detailed in Roberts Rule of Orders Newly Revised, 11th Edition (RONR). If City Council's, as a deliberative assembly, formally adopted rules of order are something other than RONR or modified RONR and those rules/modifications address my concerns then my comments are moot; while my concerns remain and are perhaps heightened.

My specific concerns stem from the Mayor's July 19, 2019 letter to the President of Council and Council Members. In his letter he states, "that we have 3 people on council who will have to abstain from voting on this." This being Resolution 2019-77. He goes on to state, "that it takes 2/3 of council to take money out of the reserve-balance fund and research on that means we can determine what 2/3 of 4 members is because 3 members of council would be disqualified due to ethics involved." I would like to know the exact sections and paragraphs of the Council's rules of order that enable the Mayor, or anyone for that matter, to compel a member to refrain from voting and disqualify their presence, authority and obligations in the assembly.

If those rules do not exist, it is up to each individual member to determine whether or not they should abstain, or not, due to a question of direct personal interest¹. And, should a member or members choose to abstain for such reasons, they are proffering a negative vote². If 7 members attend an assemble to move on a question, of which 5 affirmative votes are required, and 4 vote affirmative and 3 abstain, the motions fails.

I suggest the council revisit their formally adopted rules of order and make sure each member understands their rights and obligations. This will identify and insure ethical behavior on all members of council, the Mayor and his advisors.

Respectfully submitted,

Jesse Marlow

¹§45. VOTING PROCEDURES Rights and Obligations in Voting, Abstaining from Voting on a Question of Direct Personal Interest, RONR p. 407, states, "No member should vote on a question in which he has a direct personal or pecuniary interest not common to the other members of the organization. For Example, if the motion proposes that the organization enter into a contract with a commercial firm of which a member is an officer and from which contract he would derive personal pecuniary profit, the member should abstain from voting on the motion. However, no member can be compelled to refrain from voting in such circumstances."

²§4. THE HANDING OF A MOTION, Putting the Question, RONR pp. 44 and 45, gives greater insight as to what an abstention is. "[T]he chair calls first for the affirmative vote. ... then he calls for the negative vote." (page 45 lines 1-4). In addition, "[t]he chair should not call for abstentions in taking a vote, since the number of members who respond to such a call is meaningless. To 'abstain' means not to vote at all, and a member who makes no response if 'abstentions' are called for abstains just as much as one who responds to that effect." (page 45, lines 14-19).



Brian Ball <engineer@mountvernonohio.org>

The Landings Subdivision Public Involvement Meeting 08/12/2019

1 message

Jesse Marlow <jesse.l.marlow@gmail.com>

Fri, Aug 16, 2019 at 4:28 PM

To: Brian Ball <engineer@mountvernonohio.org>, mayor@mountvernonohio.org

Please find my completed comment sheet attached.

--

Jesse Marlow

 **Comments to city.pdf**
118K

The Landings Subdivision Public Involvement Meeting 08/12/2019

COMMENT SHEET

Name: Joyce Harris
Address: 36 Coventry Court
Mt. Vernon OH 43050
Telephone: 740-398-3271
Email: harrisjoyce~~123~~416@gmail.com

Please return this comment sheet to the sign in ^{N/A} table during the meeting, by mail, or email by August 19, 2019
to: Mr. Brian Ball, P.E., City of Mount Vernon or Mayor Richard Mavis, City of Mount Vernon
40 Public Square, Mount Vernon, OH 43050 40 Public Square, Mount Vernon, OH 43050
Email: Engineer@MountVernonOhio.org Email: Mayor@MountVernonOhio.org

If you have comments or suggestions concerning the Landings Subdivision area, please print them below.

When I decided to sell our home and get a condo, I bought the one listed above. I cannot see the lake, but I thought it was a fit for me. I planned to stay here until I went to a nursing home or funeral home. My realtor did not tell me it was in a flood plain, nor did anything come up about it at closing. I did assume the city would take care of it. Some of the property owners around the lake are financially able to pay what the City decides, but the ones in Crown Hill are retired & on a fixed income. I feel, as some of the Council members do, that with all the mistakes made in the past, & no one claims to own the dam, the City SHOULD take care of this, advance the money out of the fund suggested, and then spread the cost over all of Mt. Vernon's citizens. That would keep the amount we all pay at a reasonable amount. Still befuddled, if it is true, that a deed was recorded with no warranty. Once the SWAC is created, you would not have to deal with another event like this.

Respectfully submitted
Joyce Harris

I have a few unanswered questions after attending 2 council sessions regarding the Cattlemen's Dam.

1. If the dam is privately owned, why is the city permitted to divert storm water to private property with no financial obligation or responsibility for maintenance?
2. If private citizens are fined for damaging city property, why is the city exempt from responsibility in misusing private property?
3. Who is responsible for the amount of storm water entering the dam area causing a flooding hazard? (It is not the small number of home owners who will be assessed.)
4. Who permitted the developer to construct a storm water system that would become a burden to a few property owners?
5. Does the city have a moral and ethical responsibility to pay for what it uses?
6. Should a small number of property owners be held financially responsible for poorly thought out decisions made by those in power?
7. What is fair and equitable?



Brian Ball <engineer@mountvernonohio.org>

dam issue

1 message

Korey Kidwell <kkidwell@mrkattorneys.com>

Thu, Aug 15, 2019 at 10:50 AM

To: Brian Ball <engineer@mountvernonohio.org>, Lacie Blankenhorn <lacieleeb@gmail.com>

Cc: Terry Scott <mtvauditor@mountvernonohio.org>

Brian:

I just had a very interesting and enlightening conversation with Steve Mullins about the Landings dam. You should definitely make the time to call him. You will likely find it informative. Had the HOA continued to collect dues like they should have been doing, there would be money to maintain the dam. Steve's number is 740-627-0455.

Korey M. Kidwell, Esq.

Partner and Title Agent

Murray Rauzi Kidwell & Cunningham, Ltd.

Owl Creek Title Agency, Ltd.

112 North Main Street

Mount Vernon, Ohio 43050

740.397.7474 (office)

740.398.2536 (mobile)

740.397.5466 (facsimile)

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To: Richard Mavis; Bruce Hawkins; Sam Barone; John Francis; Nancy Vail; Mike Hillier; Chris Menapace; Matt Starr; Janis Seavolt; Joel Daniels; Brian Ball; Rob Boran

From: Mike Haughton (Mallard Point); Cloyd Yough (The Landings); Gary Evans (Crown Hill); Bill Tepe (Waters Edge)

Date: July 15, 2019

Re: Knox County Cattle Company Dam

There has been much discussion this year about how to handle the Knox County Cattle Company Dam issue. The purpose of this communication is to provide you with information that hopefully will lead to an informed and full discussion of the issue at the July 22, 2019 Council meeting.

As noted in the attached October 14, 2009 letter, ODNR changed the Dam's classification from II to I because they "found significant development had taken place immediately downstream of the dam". The April 30, 2008 ODNR inspection report indicates that houses were located 5-10 feet vertically and 15-100 feet horizontally from the channel and were within 500 feet of the toe of the dam. From what we've been told by Mia Kannik at ODNR, there is no record of the City contacting them to determine if development this close to the Dam posed any risk or would require the developer to upgrade the Dam.

As residents of the HOAs in the Dam area, we believe the City should take the lead in resolving the issue for the reasons outlined below:

1. The City's role in initially creating the problem and exacerbating it by continuing to authorize development;
2. Ownership of the property by multiple entities is unclear or in dispute (as opposed to other property owned by a single HOA with limited impact on the City stormwater system);
3. The Dam and its lake and retention ponds have been an important part of the City stormwater system for many years.

We believe the best solution is for the City to assume ownership of the property since this seems to be the only way to resolve the problem. At the July 8 Council meeting, this was described as "private property". This does not describe the situation. At best, it could be described as "disputed property", since it is very unclear who owns it.

After the City acquires the property, it should appeal ODNR's classification. With 24 acre-feet or less of water, it seems unlikely that a breach would cause probable loss of life. If the appeal is successful, work required to meet Class II standards should be well under \$2M. Whether or not the appeal succeeds, the City should apply for a grant to cover all or part of the cost to upgrade the Dam and meet applicable EPA standards.

We look forward the views of the Council and Administration at the July 22 meeting.



Brian Ball <engineer@mountvernonohio.org>

Landings Subdivision Public Involvement meeting follow up

1 message

Noah Aydin <aydinn@kenyon.edu>

Thu, Aug 15, 2019 at 6:42 AM

To: Mayor@mountvernonohio.org, Engineer@mountvernonohio.org, bhawkins@mountvernonohio.org, sbarone@mountvernonohio.org, jfrancis@mountvernonohio.org, nvail@mountvernonohio.org, mhillier@mountvernonohio.org, cmenapace@mountvernonohio.org, mstarr@mountvernonohio.org, jseavolt@mountvernonohio.org

Cc: Nuh Aydin <nuhaydin@gmail.com>, Sueda Aydin <sueda.aydin@yahoo.com>

Dear City Officials,

We have owned a [lot \(5 Longvue Ct\)](#) in the subdivision for 12 years and we are now building a house there. We will be moving to the neighborhood by the end of the month.

I know that there are many technical issues surrounding this issue and most, if not all, of them were raised during the public meeting Monday night. Setting those technical matters aside*, I have a simple, plain, and common sense point.

We do not have access to the pond/dam. We do not even have a view of it. Why is it that we are treated differently from other citizens of the city when it comes to paying for the problems related to the pond. It is just NOT fair. It defies common sense. All of these technical arguments do not make much sense in the light of this simple real life fact.

I hope the city will come up with a common sense solution to the problem.

Sincerely

Noah & Asiye Aydin

[5 Longvue Ct](#)

* I am a math professor and I am well familiar with the role and necessity of complicated technical arguments. However, whenever possible, simple arguments and simple solutions are preferred over complicated ones.

Nuh (Noah) Aydin
Professor of Mathematics
Kenyon College, Gambier, OH
Office Tel: +1-740-427-5674
URL: www2.kenyon.edu/depts/math/aydin
<https://www.springer.com/us/book/9783030149499>



Ohio Department of Natural Resources

TED STRICKLAND, GOVERNOR

SEAN D. LOGAN, DIRECTOR

David Hanselmann • Chief

Division of Soil & Water Resources

October 14, 2009

Mr. Steve Mullins
The Landings Property Owners Association, Inc.
11301 Upper Gilchrist Road
Mt. Vernon, Ohio 43050

Crown Hill Condominiums
Nelson & Nelson CPA's, Inc. (Statutory Agent)
1684 Venture Drive, Suite B
Mt. Vernon, Ohio 43050

Mr. Stephen P. Upham III & Stephanie J. Lord
41 Mallard Pointe
Mt. Vernon, Ohio 43050

Mr. John Michael & Mary Ann Haughton
39 Mallard Pointe
Mt. Vernon, Ohio 43050

Mr. Wayne E. & Virginia L Dunlop
37 Mallard Pointe
Mt. Vernon, Ohio 43050

Mr. Floyd E. & Carolyn Matthews
35 Mallard Pointe
Mt. Vernon, Ohio 43050

Mr. Bruce E. & Peggy L. Oldham
33 Mallard Pointe
Mt. Vernon, Ohio 43050

William & Barbara Hatfield
Trustees of Hatfield Trust
31 Mallard Pointe
Mt. Vernon, Ohio 43050

RE: Knox Cattle Company Dam
Knox County
File Number: 0323-003

Dear Dam Owners:

The Division of Soil & Water Resources, Dam Safety Engineering Program, has responsibility to ensure that human life, health, and property are protected from dam failures. Reviewing the development downstream of dams and performing periodic inspections are important tasks for achieving dam safety. The Division of Soil & Water Resources investigated the development downstream of the Knox Cattle Company Dam using aerial photography. The dam is shown on Figure 1, which has been attached. It was found that significant development had taken place immediately downstream of the dam. Division engineers visited the dam during the spring of 2008 and evaluated its classification according to the mandates of Ohio Administrative Code (OAC) Rule 1501:21-13-01 (see enclosed Site Visit Memorandum). Based on aerial photography and field observations, the classification of the Knox Cattle Company Dam has been changed from Class II to Class I due to the potential downstream hazard of the dam. Failure of the Knox Cattle Company Dam will likely cause structural damage to downstream residential and commercial developments. In accordance with OAC Rule 1501:21-13-02, the design flood for a Class I dam is 100 percent of the Probable Maximum Flood or the critical flood. The inventory records for this dam have been revised based on the information obtained from this inspection.

The Division of Soil & Water Resources' files had indicated that Knox Cattle Company was the owner of the dam. Based on information gained from the Knox County Auditor's web site, Knox Cattle Company no longer owns the dam, and the persons and entities listed above are the owners of the dam (see Figure 1). Under Ohio's dam safety regulations, "owners" are "those who own, or propose to construct a dam or levee." OAC Rule 1501:21-3-01(V). A "dam" is defined as "any artificial barrier together with any appurtenant works, which either does or may

impound water or other liquefied material ..." OAC Rule 1501:21-3-01(F). "Appurtenant works" include, but are not limited to, spillways and other drains that are integral to the performance of the structure. If you believe that you are not an owner of the Knox Cattle Company dam or believe that there are additional owners of the dam not addressed in this communication, please contact Jim Huitger at 614/265-6736.

The Knox Cattle Company Dam currently does not meet required dam safety standards. The owners must address the following items within five years from the date of this letter:

1. Perform a hydrologic and hydraulic study to determine the adequacy of the dam's discharge/storage capacity to safely pass the required design flood. Prepare plans and specifications as necessary to increase the discharge/storage capacity to pass the required design flood. (This item requires the services of a registered professional engineer.)
2. Prepare an operation, maintenance, and inspection manual and an emergency action plan (EAP) including an inundation map. Guidelines for the preparation of these documents are included with this letter. A registered professional engineer must prepare the inundation map and Section IV (Emergency Detection, Evaluation, and Classification) of the EAP. It is recommended that your engineer contact the Division of Soil & Water Resources prior to undertaking the engineering study for the inundation map.
3. Provide a device or plan to permit draining of the lake within a reasonable period of time in accordance with OAC Rule 1501:21-13-06 (in case of emergency). Contact the Division of Soil & Water Resources for further discussion.

Please note that additional responsibilities of dam owners can be found in the Ohio Revised Code (ORC) and OAC. Links to the ORC and OAC are available on the division's web site (<http://www.dnr.state.oh.us/tabid/3329/Default.aspx>) and hard copies are available by request.

We look forward to working with you to improve the safety of this dam and your cooperation is appreciated. Please contact Jim Huitger at 614/265-6736 if you have any questions.

Sincerely,



David Hanselmann
Chief
Division of Soil and Water Resources

DH:krb

cc: Jim Huitger, ODNR, Dam Safety Engineering Program

Enclosures



SITE VISIT MEMORANDUM

File Number: 0323-003 **Date/Time of Visit:** April 30, 2008; 10:30 AM
Project Name: Knox Cattle Company Dam **County:** Knox
Site Conditions: 65° F, Sunny,
Dry Ground Surface
Inspectors: Peter George, P.E. P.C.,
Jeremy Wenner, E.I.

A site visit was made to Knox Cattle Company Dam to investigate potential downstream hazard.

Observations: The current spillway configuration of this dam does not appear to match inventory information. The principal spillway discharge system appears to consist of a trapezoidal concrete weir located in the left groin. Dimensions appeared as followed (estimated): 11-foot top width, 6-foot bottom width, 3-foot vertical distance between top and bottom. Below the weir, the channel had been lined with riprap. Currently, the system appeared in stable condition; however the system did appear to be poorly configured for safe operation during high flows. Additionally, owner information has most likely changed. These items will require follow-up.

Many houses were located directly downstream of the structure. Houses were located between 5-10 feet vertically and 15-100 feet horizontally from the channel approximately 0-500 feet downstream of the toe of the dam. Beyond this distance several businesses were noted. See the aerial photo and noted structures attached to this memo for more information.

Discussion: It appears that this structure should be reclassified to Class I based upon potential downstream hazard. Final decisions regarding classification will be made at a later date.

TO: Mayor and members of Mount Vernon City Council

August 19, 2019

RE: Cattle Dam Issue and Hazard Mitigation Grants

FR: Philip Petrie, 54 Wildwood Land, Mount Vernon, Ohio 43050.

Phone: 740 393 1022

Email: petrie58@embarqmail.com.

A friend of mine made me aware that FEMA in conjunction with the state of Ohio has grant monies under "Hazard Mitigation Grants".

Their web site: www.ema.ohio.gov/Mitigation_FEMAPrograms.aspx

Attached is the cover page referencing the program and agency

This may be worthy of consideration.

Thank you.



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ODPS Ohio Emergency Management Agency FEMA Mitigation Programs

[Disaster & Preparedness Grants
Division - MainPage](#)

[Mitigation Branch](#)

[Hazard Mitigation Planning](#)

[FEMA Mitigation Grant Programs](#)

[State Hazard Mitigation Team](#)

[Best Practices](#)

[FY 2012 Unified HMA Application
Information](#)

[Quicklinks](#)

- [State of Ohio Hazard
Mitigation Plan 2011](#)

FEMA Mitigation Programs

Hazard Mitigation Grant Program (HMGP)

To provide funds to States, territories, Indian Tribal governments, and communities to significantly reduce or permanently eliminate future risk to lives and property from natural hazards. HMGP funds projects in accordance with priorities identified in State, Tribal or local hazard mitigation plans, and enables mitigation measures to be implemented during the recovery from a disaster.

Unified HMA Program

The Unified HMA Program is to create a unified grant guidance, application period, eligibility, implementation, management, and close-out process for each of the four pre-disaster mitigation grant programs provided by FEMA. All four programs have unique statutory authorities, program requirements and triggers for funding. The Unified HMA Program does not integrate the four grants into one singular program. Each grant will retain its unique characteristics. The **UNIFIED HMA PROGRAM WORKSHOP: BRINGING YOUR LOCAL HAZARD MITIGATION PLAN TO LIFE!** is a 3-hour workshop designed and delivered by the Mitigation Branch to provide an overview of the Unified HMA Program and the HMGP grants.

Flood Mitigation Assistance Program (FMA) - To implement cost-effective measures that reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insured under the National Flood Insurance Program (NFIP).

Pre-Disaster Mitigation Competitive Program (PDM) - To provide funds to states, territories, Indian Tribal governments, and communities for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. Funding these plans and projects reduces overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations.

Repetitive Flood Claim Program (RFC) - To reduce or eliminate the long-term risk of flood damage to structures insured under the National Flood Insurance Program (NFIP) that have had one or more claim payment(s) for flood damages.

Severe Repetitive Loss Program (SRL) - To reduce or eliminate the long-term risk of flood damage to severe repetitive loss residential properties and the associated drain on the National Flood Insurance Fund (NFIF) from such properties

Additional Resources:

- [FY 2011 Unified HMA Program Guidance](#)



Richard Mavis <mtvmayor@mountvernonohio.org>

storm water issue

1 message

Philip Petrie <petrie58@embarqmail.com>
To: mtvmayor@mountvernonohio.org

Sat, Aug 17, 2019 at 5:21 PM

I am June Petrie living at 54 Wildwood Lane, Mount Vernon, writing as an individual resident. I sent a list of questions recently by postal service regarding the dam. I would like to add other questions to those proposed in that letter. Did the city have to approve the addition being built by the hospital? If so, was there any discussion regarding storm water run off before that approval? With a large amount of ground surface on that hill being covered by a building and parking lot, where is storm water going to go? I suspect it will be diverted to the Cattleman's dam area. Did the assumed owners of the dam consulted about this additional stress on the dam? I await your response. June Petrie



Brian Ball <engineer@mountvernonohio.org>

Comment Sheet on The Landings Subdivision Public Involvement Meeting 8/12/2019

1 message

Sue Kinton <skinton@columbus.rr.com>

Thu, Aug 15, 2019 at 11:57 AM

To: Engineer@mountvernonohio.org, Mayor@mountvernonohio.org

Sue Kinton
78 Woodlake Trail
Mount Vernon, Ohio 43050-8915
(740) 326-1404
skinton@columbus.rr.com

Comment Sheet on The Landings Subdivision Public Involvement Meeting 08/12/2019

I think we can agree to disagree in a peaceful and respectful manner. The Cattleman's Dam issue is dividing our city which is very sad. We are small town government and we know each other. We are starting to behave like Washington. We residents just want honest answers.

I am only expressing my thoughts and personal opinion and am not speaking for my neighborhood association. The questions I have are ones I personally would like answers to -

- (1). How much will the study and repairs to the dam cost?
- (2). Will they be assessed to our taxes if we are found to be responsible? If so, for how long?
- (3). How many households will be included in this if it is a tiered fee?
- (4). If this gets voted in and more money is needed down the road will it just get added on to the amount we already owe? This seems like an easy way to get more money, if needed, without any input from us.
- (5). I heard city council say that 2019-30 is to amend 920.99 of our codified ordinance resulting in enforcing much stricter penalties on unpaid fines. Council said that is not directed at The Landings or any of the homeowners involved in the Cattleman's Dam dispute, but instead toward Stone Works LLC, (an entity known as Colonial Woods Condos) as a way of collecting unpaid fines. They had asked for emergency passage on one reading instead of three. I understand it was tabled until September. Am I correct that if this legislation is passed it can be used as an enforcement tool for our area or was it actually directed at our area to begin with? And, if it were to be voted on for emergency passage, why were city council not more aware and informed on it? At our meeting and later at the regular meeting they all seemed to be surprised and confused.
- (6). Why are new residents to our area not being told about the pond/dam disagreement when they purchase property? We were told nothing about the pond or dam by Bill Blanchard when we closed on our home February 2013. In fact, we weren't told we had a HOA until we asked when we were looking at our final paperwork. The first time we heard the dam and pond mentioned was at our first homeowners' meeting later that same month. At that time we were reassured by attorney Kim Rose that we were not responsible for either since the Landing didn't own them. Since we can't see either from our home we assumed he was correct. (I still have the paperwork he gave me that night). We just got neighbors behind us that closed on their home June 27th, 2019 and they weren't told about a HOA or the pond/dam dispute. Our neighbors beside us who moved in a year ago were not informed about the dispute either. Clearly there are rules of disclosure which are not being followed.



Brian Ball <engineer@mountvernonohio.org>

Further Information

1 message

Teri Blanchard <blanchard@kenyon.edu>

Thu, Aug 15, 2019 at 10:16 PM

To: Richard Mavis <mtvmayor@mountvernonohio.org>, Brian Ball <engineer@mountvernonohio.org>

Cc: Bill <bill@reshowcasemtv.com>

Hello again,

I pulled out the *Declaration of Building and Development Restrictions for The Landing Development, Phase III Revised* recorded in Book 467, beginning Page 180, 1998. On page 181, which is attached, it says that Lots 8-25 are specifically excluded from the requirement to form an association. We are Lot 19.

Teri



Declaration of Building & Development Restrictions.pdf

354K



Brian Ball <engineer@mountvernonohio.org>

Knox Cattleman's Dam

1 message

Teri Blanchard <blanchard@kenyon.edu>

Thu, Aug 15, 2019 at 8:53 PM

To: Richard Mavis <mtvmayor@mountvernonohio.org>, Richard Mavis <mayor@mountvernonohio.org>, Brian Ball <engineer@mountvernonohio.org>

Cc: Bill <bill@reshowcasemtv.com>

Dear Dick and Brian,

Attached please find our comments concerning the Knox Cattleman's Dam. Please contact Bill or me if you have any questions.

Best wishes, Teri



Comments about The Dam.pdf

471K

The Landings Subdivision Public Involvement Meeting 08/12/2019

COMMENT SHEET

Name: William A and Teri L Blanchard
Address: 4 Deer Trace
Mount Vernon, OH 43050
Telephone: Bill: 740-504-6915 ; Teri : 740-398-3417
Email: Bill: bill@reshowcase.mtv.com ; Teri: blanchard@kenyon.edu

Please return this comment sheet to the sign in table during the meeting, by mail, or email by August 19, 2019
to: Mr. Brian Ball, P.E., City of Mount Vernon or Mayor Richard Mavis, City of Mount Vernon
40 Public Square, Mount Vernon, OH 43050 40 Public Square, Mount Vernon, OH 43050
Email: Engineer@MountVernonOhio.org Email: Mayor@MountVernonOhio.org

If you have comments or suggestions concerning the Landings Subdivision area, please print them below.

We live in The Landings III. The owners in this phase have never been part of a Landing's homeowners association and there is nothing in our legal documents that indicate that we have any relation to or responsibility for the Knox Cattleman's Dam.

Should the City take over the Dam, we are willing to pay the same assessment as any other Mount Vernon resident would pay. We, however, think it is unreasonable for this assessment to fall solely to the residents of this development since the Dam's impact on our property is equivalent to someone living on High Street.

As a side note, if it's ODNR that thinks it is a critical problem, let the State take on the responsibility à la Buckeye Lake. I imagine our tax dollars will be paying for that rescue for the rest of our natural lives!

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- (b) changes in color, material finish, or appearance of any improvement;
- (c) excavation, alteration of grade;
- (d) landscaping, tree or shrubbery removal or plantings;
- (e) construction, placement of or addition to or alteration of any:
 - i. fencing, walls, screening;
 - ii. walkways, driveways, parking area;
 - iii. patio, deck, porch;
 - iv. swimming pool, hot tub, etc.
 - v. children's recreational equipment or structures (including treehouses, playhouses, basketball hoops, and playground equipment);
 - vi. tennis court or other athletic facility; or
 - vii. flag pole, exterior lighting, ornamentation, or sign; or
- (f) any other change which in any way alters the exterior appearance of the lot from its theretofore natural or improved state, including a change, alteration or other modification of any of the foregoing previously approved hereunder;

shall be commenced or permitted to remain on any lot unless such improvement or change has the prior written approval of Developer. No excavation shall be made, no construction begun and no materials shall be stored on the lot until receipt of written approval from Developer.

B. Developer shall require all the individual lot owners in the lake area of the subdivision to form an association of lot owners. This shall not include Lots 8-25. Said association may enforce sections of these Restrictions in the future and impose liens as provided, as well as provide for maintenance of common areas, entries, boulevards, lighting, signage, and the like. Initial Articles of Association are attached hereto and recorded herewith.

C. Approval of plans or drawings shall be based, among other things, upon conformity and harmony with the subdivision as to exterior design, appearance and type of construction, materials, colors, setting, height, grade, elevations, landscaping, effect on nearby properties and the like. Neither Developer nor an owners' Association shall have any liability to any party for exercising the judgment required to review plans or drawings; neither shall they have any liability for any structural defects in such plans or drawings or in any building built pursuant to them, or any drainage problems resulting therefrom, or any other effects upon the subdivision or its owners. By submission of plans or drawings for approval, every person doing so agrees not to bring any action or suit against Developer or the Association for damages or any other reason. No lot owner may rely upon any submission of plans or drawings by any other owner for any purpose.

D. All approvals shall be requested by submission to Developer of plans and specifications in duplicate, showing the following:

COMPARED



Brian Ball <engineer@mountvernonohio.org>

The Landings Subdivision Public Involvement Meeting Comments

1 message

Bill Tepe <billtepe77@gmail.com>

Wed, Aug 14, 2019 at 6:11 PM

Reply-To: billtepe77@gmail.com

To: Richard Mavis <mtvmayor@mountvernonohio.org>, Brian Ball <engineer@mountvernonohio.org>

Cc: "bhawkins@mountvernonohio.org" <bhawkins@mountvernonohio.org>, "sbarone@mountvernonohio.org"

<sbarone@mountvernonohio.org>, "jfrancis@mountvernonohio.org" <jfrancis@mountvernonohio.org>,

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"mstarr@mountvernonohio.org" <mstarr@mountvernonohio.org>, "jseavolt@mountvernonohio.org"

<jseavolt@mountvernonohio.org>

*Name: Bill Tepe**Address: 12 Waters Edge Drive, Mt. Vernon, OH 43050**Phone: 860-558-6839**Email: billtepe77@gmail.com*

As suggested at the August 12 meeting, I'm attaching a copy of the presentation made to the Council. Bill

 **1 council meeting comments 081219.docx**
16K