

**MINUTES OF THE CHARTER REVIEW COMMISSION OF THE CITY OF AVON, OHIO
HELD THURSDAY, MARCH 23, 2017, AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF
THE MUNICIPAL BUILDING, LOCATED AT 36080 CHESTER ROAD**

Chairman James Smith, called the meeting to order at 7:00 p.m.

ROLL CALL- COMMISSION MEMBERS PRESENT:

Greg Dziak; Pat Jankowski; Jeff Lindsay; Marcel Mylen; Mark Principe; Frank Root, Jr.; Vice-Chair, Bruce Klingshirn; Chairman, James Smith; Alternate A Patricia Ashley; Alternate B Eugene Rouse

ALSO PRESENT:

Law Director, John Gasior; Secretary to the Commission, Barbara Brooks

ABSENT:

Anthony Moore

APPROVAL OF MINUTES OF THE THURSDAY, MARCH 9, 2017 CHARTER REVIEW MEETING

A motion was made by Ms. Jankowski, seconded by Mr. Klingshirn to approve the minutes of the meeting of the 2017 Charter Review Commission, held Thursday, March 9, 2017, and to adopt said minutes as published, and the vote was unanimous in favor and the motion carried.

DISCUSSION OF ARTICLE V SECTION 2 – PROSECUTING ATTORNEY

Mr. Root inquired if this section needed updated where it states that the Law Director may act as Prosecuting Attorney.

Mr. Gasior stated the language probably dates back to when the City had only 3,000 – 4,000 people and the Law Director could also act as Prosecuting Attorney for the City.

Mr. Root said he would like to know who appoints the Prosecuting Attorney and he inquired if it was the Law Director.

Mr. Gasior said no, the Mayor appoints the Prosecuting Attorney. He stated the Mayor appoints the Magistrate and the Prosecutor. Mr. Gasior advised it is similar to the Street Superintendent or the Utilities Superintendent who are listed under the Service Department under the Service Director, but it is the Mayor that appoints that position. He said there is a classification specification that is adopted as part of an ordinance and there is a position description provided and someone is chosen to fulfill the job duties. Mr. Gasior stated every year when Council considers employee raises, they review the list of the non-bargaining unit employees; those are all appointments. If a new Mayor comes in, the Mayor could appoint a different Prosecutor or any or all of the Directors. He said it is all very much generated by the Mayor. Mr. Gasior advised even though the Charter states the Law Director may act as Prosecuting Attorney, he felt those days are long gone, as there is no way with all the duties the Law Director has that there would time for such. He continued by saying the Prosecutor's job at the County is a two-day a week job that takes up most of each day.

Mr. Smith stated he could see where if someone gets put into office as the Law Director in the future and decided to do the prosecuting for the extra pay that could become an issue. He said maybe there should be something in the Charter that the Law Director cannot also be the Prosecutor, except under an emergency or for a minimum amount of time.

Mr. Gasior advised the Charter now states that the Law Director may act as Prosecuting Attorney. He looked for a classification specification and job description for the City Prosecutor in the Codified Ordinances and felt it would most likely state that position is appointed by the Mayor; however, he could not find these.

Mr. Smith inquired if Mr. Gasior was stating that it did not need to be in the Charter. Mr. Gasior advised the Charter is vague and he felt the Ordinance Council passes is more specific about who the Prosecutor works for in the City. Mr. Klingshirn felt it was broad enough the way it is written in the Charter.

Mr. Gasior indicated he would have to research whether or not a Classification Specification was ever created for the Prosecuting Attorney. He advised it appears we do not have a separate Classification Specification for the City Prosecutor and it has probably been that way since before he was Law Director. Mr. Gasior speculated that whoever was Law Director years ago must have had the Mayor appoint a separate Prosecutor and the City put him on the payroll and it has continued on in that manner.

Mr. Smith and Mr. Root agreed there was a City Prosecutor separate from the Law Director that goes back to at least the 1970's. Mr. Gasior felt there is most likely an ordinance that set up the position, but a Classification Specification was never codified and that is not unusual. Mr. Gasior advised we are trying to create a Classification Specification for every position in the City and he would be contacting Clemens Nelson to create one for the Prosecuting Attorney and have it adopted by City Council, but he was also going to have to find an ordinance from way back.

Mr. Smith inquired if there are special criteria required for practicing as a Prosecutor in any of the courts. Mr. Gasior said they have to be a licensed attorney in the State of Ohio. Mr. Gasior stated when you do not have something local in the Charter then you refer to the Ohio Revised Code and he is going to have to review the ORC Title VII.

Mr. Root advised he felt it should stay as an appointment by the Mayor. Mr. Gasior said he is guessed that when that first Prosecutor was appointed here, it was probably by Ordinance and he was probably selected by the Mayor since he hires employees. Mr. Gasior stated that the Classification Specification and position description should be there for every employee, although some have multiple employees fall under one Classification Specification and job description to be filed in the Finance Department and Human Resources. Mr. Gasior said the Mayor hires and City Council approves the pay unless there is a Charter provision that requires the two-thirds consent from City Council.

Mr. Gasior stated the Prosecutor's job has already been separated away from the Law Director, although he has filled in a couple of times, but in Avon Lake Municipal Court there are three Prosecutors and they fill in for each other. He said he has never had to prosecute anything in front of Mayor's Court because we do not really prosecute in Mayor's Court.

Mr. Root inquired if Avon could request a Prosecutor from Sheffield Village similar to a mutual aid situation. Mr. Gasior stated yes, they formalize it in situations where there is a conflict. Mr. Gasior said recently there was a police officer from Avon who was charged with a traffic offense and he prepared an agreement with the Avon Lake Prosecutor to act as the Prosecutor for the City of Avon on that case and the City agreed to pay this Prosecutor his hourly rate and it came out of the law budget. Mr. Gasior advised barring that kind of special situation they will just cover for each other because they all have private practices and work in various communities. Mr. Gasior stated he does not want our Prosecutor handling a case in Avon Lake because he would still be in front of the same judge. He indicated it did not matter if he were to handle a case in North Ridgeville or in Elyria.

Mr. Gasior stated he supposed the Charter language could be stated better, but he believes they took the wording right from the Ohio Revised Code and we have been operating with a separate Prosecutor for a long time as it predates former Mayor Smith. He did not know if the Commission wanted to do anything or just let it go the way it is, although he is going to point out to the Finance Director that there is not a specific Classification Specification or position description for the Prosecutor. The duties will then be outlined and it will be clear that they are appointed by the Mayor.

Mr. Gasior stated in Article III Section 5 DUTIES AND POWERS OF THE MAYOR (a) *[second paragraph]* "Except as may otherwise be provided by this Charter or the laws of the State of Ohio, the Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee of the Municipality except (a) those required by this Charter to be elected, and (b) those whose terms of office may be fixed by this Charter."

Ms. Jankowski stated she is hearing them state that we have a Prosecutor that has no job description. Mr. Gasior advised back when the first Prosecutor was appointed years ago, he is sure City Council at that time passed an ordinance to name someone as City Prosecutor and set the pay. Mr. Gasior said ever since that time they must have just filled that position. Mr. Gasior speculated that the position goes back so far that we were not doing Classification Specifications at that time. It was not until the mid to late 1980's that Avon started to take off and back when he first took office they

were still writing ordinances with the name of the person getting the position and when different people took those positions they had to amend the ordinance. Mr. Gasior indicated they soon realized they needed to put the job title in the ordinance and they could place people in positions when needed without amending the ordinance. Mr. Gasior believed the Mayor has appointed the Prosecuting Attorney at the Organizational Meetings at the beginning of his term every four years, but he would double check that as well from a prior Organizational Agenda. Mr. Gasior said it is probably one of those things that slipped through the cracks because it has existed for so long and when we began updating all these positions, it was overlooked.

Mr. Root inquired as to the position of Magistrate. Mr. Gasior said he believed it was the same thing and we never had a Magistrate until later because it was always the Mayor up until the liability was not covered by the City. Ms. Jankowski said that needed to be cleaned up. Mr. Gasior agreed and said any cleaning up would be done by City Council legislatively.

No motion was made.

DISCUSSION OF ARTICLE V SECTION 7 – DIRECTOR OF PARKS AND DISCUSSION OF ARTICLE VII SECTION 3 – PARKS AND RECREATION COMMISSION

Mr. Smith advised over the last 35 years the Parks Director's job and the Parks and Recreation Commission have mutated. He said there used to be a Parks Commission and a Recreation Commission, which were two different commissions. Mr. Smith stated now, there are enough full-time employees and his theory is the Parks and Recreation Commission is not needed. He said it gets confusing with the Parks Director and who is their boss and maybe some on the Commission feel they are not being heard. Mr. Smith advised we have a Parks Director with six employees and he personally felt it should be a superintendent's job. Mr. Smith stated he did not know if the City was at the point where the position should be designated as a Parks Superintendent, but he does believe the Parks and Recreation Commission has outlived its usefulness because we have changed as a City.

Council Member Mary Berges, who serves as the Council Representative on the Parks and Recreation Commission advised it is unfortunate that Diane Corrao, the Director of Parks, was unable to attend the meeting tonight because we have had a few conversations over the last year about the Parks and Recreation Commission and whether it is as useful as it used to be. She agreed when there was not a full-time Director, the Parks and Recreation Commission contributed to the budget discussions and what issues or topics the parks needed to discuss. Ms. Berges stated that Ms. Corrao solely prepares the parks budget and presents it to the Finance Committee of Council. She said Ms. Corrao is the one that determines what equipment needs to be purchased and what parks need to be renovated and no one serving on the Parks and Recreation Commission has that breadth of knowledge that she has. Ms. Berges advised she supports removing the Parks and Recreation Commission as she felt it is time. She said with Parks Director we have in charge, full-time and her assistant, that she really serves the purpose. Ms. Berges stated if at some point Ms. Corrao feels a volunteer group is needed they could create "Friends of Avon Parks" similar to what other communities do whenever the Director needs additional help.

Mr. Smith felt it has been needed to abolish this Commission for the past five years. He stated before that there was probably some usefulness to the Commission. Mr. Smith said whether or not the Director should be a Superintendent did not make much difference as it was just a name as our current Superintendents have ten to twelve employees in their charge. He indicated the other Directors in the City have education requirements or specific background requirements.

Mr. Mylen inquired if the Parks Director and the Parks and Recreation Commission could be combined. Mr. Smith did not believe so because the Parks and Recreation Commission is a committee that meets once a month and they try to give ideas for parks and recreation in the City and all of that can be accomplished by the Parks Director or the Parks Superintendent.

Mr. Lindsay inquired if they were to consider a name change as to what that would mean for the position. He inquired if it would be the same pay, same role, if it would be the same everything, but a different title description. Mr. Smith stated yes and it is not a big department with six or seven employees.

Mr. Klingshirn stated the Parks Director reports directly to the Mayor. Mr. Smith said the Service Director used to have control over all the City grounds. He said the Service Director controlled the streets, utilities and the parks at one time. Mr. Smith advised now there is a Parks Director who controls the parks.

It was noted, the current Parks Director served under Mr. Smith when he was Mayor. Mr. Lindsay advised she is really good at her job and Ms. Jankowski agreed. Mr. Dziak inquired if a Superintendent is hired by the Mayor. Mr. Smith said that position is still hired by the Mayor. Mr. Dziak stated it would be a matter of removing the Director of Parks and replacing it with Parks Superintendent. Mr. Smith said that was just something to think about, but he felt the main thing that needed to be done here was the Parks and Recreation Commission has outlived its usefulness. Mr. Lindsay inquired if other people were asking for the title change to Parks Superintendent. Mr. Smith advised no, that is his idea and no one else. Mr. Smith added he has lived with it and felt there were only a small number of employees and maybe there would come a point where they would make a change, but it is not necessary and he wanted to put it out there because he is doubtful he will be on the next Charter Review Commission.

Mr. Rouse advised he could see where they could run into a problem where someone talks to the Park Director and when they are not satisfied with the answer given then they could go to the Parks and Recreation Commission and it creates a conflict of who reports to whom. He said there is the possibility of someone going to different leadership and he felt it could create a problem with jurisdiction. Mr. Rouse felt eliminating the Parks and Recreation Commission makes it more clarified as to who is in charge.

Mr. Smith inquired if Ms. Berges agreed it is an appendix, something we have that is not necessary. Ms. Berges agreed and she stated the Director can take care of anything the Commission is doing. Mr. Smith advised the Parks Director is already doing that and prepares the budget.

Ms. Jankowski inquired of Mr. Gasior what needed to be done to remove the Parks and Recreation Commission. Mr. Gasior stated they could make a motion to remove Article VII Section 3. Ms. Berges noted that Ms. Corrao, the Director of Parks is also in favor of abolishing the Park and Recreation Commission. Mr. Dziak inquired regarding the powers and duties of the Park and Recreation Commission if aside from suggesting things if they had any real authority to pass changes. Ms. Berges stated no, they are an advisory board only to Ms. Corrao.

Ms. Ashley advised if we eliminate the Park and Recreation Commission then there is a sentence in the Director of Parks job description that refers to the Director attending the Park and Recreation Commission meetings. Mr. Gasior agreed that language will have to be struck from that section as well and will need to be amended as well. Mr. Gasior advised there would be two amendments as one would be to abolish the Park and Recreation Commission and then to strike the sentence that refers to the Commission from the Director of Parks Article V Section 7. Mr. Gasior stated he would check with the Board of Elections if they can be combined as it was a pass or fail for both items as they are related one to another. Mr. Gasior advised it could be a matter of notifying the publisher to eliminate the reference should the Park and Recreation Commission be abolished and would be irrelevant.

MOTION

A motion was made by Mr. Root and seconded by Mr. Lindsay to abolish Article VII Section 3 - Park and Recreation Commission, and the vote was: Mr. Mylen, "yes"; Mr. Principe, "yes"; Mr. Root, "yes"; Mr. Dziak, "yes"; Ms. Jankowski, "yes"; Mr. Lindsay, "yes"; Ms. Ashley, "yes"; Mr. Klingshirn, "yes"; Mr. Smith, "yes".

The vote was 9 in favor and 0 opposed and the Chair declared the motion passed.

Mr. Gasior noted if the Commission needs to do anything differently he would let them know at the next meeting.

DISCUSSION OF ARTICLE XIII SECTION 9 – DETROIT ROAD PRESERVATION

Mr. Root stated this is his third time to serve on the Charter Review Commission and he believes this should not be in the Charter. He said this is not what the Charter is supposed to be and it was passed by a weak Charter Review Commission.

Mr. Gasior advised the Charter Commission back in 2003 had eleven original members, just like this one with 9 seated members and 2 alternates, Taylor Smith was Chairman and he immediately set up the agenda and one of the first items on that agenda was the Detroit Road Preservation. He said there was a lot of discussion about whether that should be in the Charter or not and Mr. Taylor Smith insisted it go forward, that he wanted it in the Charter and wanted the people to vote on it. Mr. Gasior stated he believes five of the eleven members quit because in their minds it was not a democratic process and the Chairman was going only with what he wanted and would not consider anything else and they walked out. He said the question came up as to whether the Commission could still operate and they could not fall below six members. Mr. Gasior advised in 2004 the Charter was amended to add the provision in Article XIII Section 7 that the Commission could not fall below seven members or it was deemed dissolved. He said the Charter was also amended to state that members from the same family could not serve on the Charter Review Commission at the same time as Mr. Matthew Smith, the son of Mr. Taylor Smith served on that same Charter Review Commission in 2003. Mr. Gasior advised another provision was added that every Ward had to be represented on subsequent Charter Review Commissions and other safeguards. Mr. Gasior stated that weak Charter Review Commission in 2003 placed the Detroit Road Preservation requirement on the ballot as well as the Landmark Preservation Commission. He said Mr. Taylor Smith was instrumental in getting those two issues placed on the ballot for insertion into the Charter.

Mr. Gasior stated when something is added to the Charter that restricts a State Route to the number of lanes, there was a big discussion about whether or not that can even be done. He said there was no definitive answer, but the sense he had is that if the State comes in and wants to widen SR 254, they probably were not going to allow our Charter to stop them and would the City be suing the State of Ohio as it would be a Home Rule issue. Mr. Gasior advised he did not know if the City would succeed or if City Council would want to spend the money to fight the State of Ohio if the State felt it was necessary to widen the street. He said what is in the Charter may not even be enforceable.

Mr. Mylen stated five years ago when this topic was on the agenda the Council Chambers was half full with people opposed to the removal of the Detroit Road Preservation provision from the Charter or even discussion of removing that provision. He said he is surprised almost no one showed up tonight.

Mr. Gasior advised his issue is should something be put in the Charter that is inviting us to get sued some day or forcing us to sue the State of Ohio because of that half member Charter Review Commission in 2003. Mr. Mylen stated he agreed. Mr. Smith indicated the State recently said that small cell towers can be placed in our City right-of-ways and we cannot do much to stop them and in this case the State owns the State Route that the Charter currently prohibits them from widening; he did not feel it would carry much weight if challenged. Mr. Gasior said this Charter provision is effectively saying to the State of Ohio that the City of Avon is going to control the State Route and he is not sure it is worth the paper it is written on.

Mr. Lindsay inquired if Mr. Gasior was suggesting it be removed.

Mr. Gasior stated he is not suggesting it be removed, but is saying that while it is there it is giving us some false sense of security perhaps.

Mr. Lindsay inquired if because it is in the Charter should the State say they want to widen the road does that mean the City has to fight them. Gasior said no, but otherwise we will have to widen the road.

Mr. Gasior said the problem is that it is there and it may be something that we cannot undo because if it is put on the ballot to remove the Detroit Road Preservation provision of the Charter there would be a fight with the people who placed it on the ballot initially and think it is a good idea. He stated he did not know if they want to have that fight. Mr.

Gasior advised if they succeed in keeping it in the Charter it would reaffirm they want to keep Detroit Road to three lanes. He said he did not see the need for it to be widened within the next five years.

Mr. Root said as a business owner in Avon he certainly sees the need for Detroit Road to be widened. He stated there is a stack of cars day in and day out. Mr. Gasior said his point is we just went to three lanes six or seven years ago. Mr. Root agreed that helped.

Ms. Jankowski felt it was a big safety issue and we need to listen to the chiefs and maybe we should have them tell us what is going on. Mr. Smith advised we can go to three lanes and the intersections you can go five lanes for a certain number of feet. Ms. Jankowski stated Council is handcuffed as is the Mayor if we would want to do anything in the future.

Mr. Gasior advised taking the Charter provision out of the equation and explained how the road gets widened. He said the Mayor would contact the State of Ohio, ODOT and you would petition to get it widened and City Council could pass a Resolution in support of the widening just as the City did recently for the roundabout.

Mr. Gasior said his point is, the City would not be doing anything to bring that about. He stated the problem with the Charter is if City Council decides to appropriate funds to widen Detroit Road between SR83 and French Creek Road, someone is probably going to challenge that action of Council and possibly sue the City stating it violates the Charter.

Mr. Dziak added because how it is stated in the Charter now, City Council cannot even act on it. Mr. Dziak stated in all circumstances with grants the Mayor could go to the State with this idea of widening and money will always come out of the State's funds, but this Charter provision restricts the City from putting funds toward it so even if it is needed to widen the road, they cannot. Mr. Smith confirmed such, but said if the State declares an area unsafe they will provide the funds to make the area safe to their standards. Mr. Gasior advised the way the Charter is worded regarding the Detroit Road widening is that *"neither Council nor Planning Commission shall act to widen..."* and any road project has to have a recommendation of the Planning Commission. Mr. Gasior said this Charter provision is saying that Planning Commission cannot even act on anything that would involve the widening of Detroit Road.

Ms. Jankowski inquired as to Mr. Gasior's recommendation. Mr. Gasior stated he does not recommend.

Mr. Dziak advised his feeling is that we should remove it from the Charter because on top of those restrictions it would also prevent the City from being able to use their money. He said what he is hearing is that often times if there is a project the State will give grant funds, but the City has to come up with additional funds to help pay for the project. Mr. Lindsay agreed and said it handcuffs the Council. Mr. Dziak said it may not be for five or ten years, but in fifteen years Detroit Road may need to be widened.

Mr. Gasior said that in this type of situation, everyone is handcuffed and the only thing they could do is get a judge to tell you what you can and cannot do. He said by the time you get to the point where the final judge makes his ruling; you probably will have spent a lot of money and probably five years have passed. Mr. Gasior advised when you put a provision in the Charter like that and there are legal challenges to that Charter provision you can almost guarantee it would go to the Supreme Court level.

Mr. Dziak stated he was in favor of having Article XIII Section 9 removed from the Charter and the voters could decide.

MOTION

A motion was made by Mr. Dziak and seconded by Mr. Lindsay to abolish Article XIII Section 9 – Detroit Road Preservation, and the discussion was:

Ms. Berges said this topic has come up the last two terms of Charter Review meetings and she had a couple of observations. She advised one, the voters approved it and they were ultimately the decision makers. Ms. Berges stated it may have been strange the way it all came to be and how it was placed on the ballot, but the voters agreed it was a

good thing. She said just last week there was an article in the paper where she believed the Mayor, when questioned about removing this from the Charter answered that it was not going to happen. Mr. Smith clarified that Mayor Jensen said it was not being discussed. Ms. Berges stated there are people concerned about it and she wondered what the likelihood is in the next 5+ years of the State of Ohio telling Avon they have to widen Detroit Road. She said she agrees if the State ever came to the City about widening Detroit Road, common sense tells us, that we would do whatever would be necessary at that point in time to change the Charter to put it on the ballot. Ms. Berges advised Council can place a Charter change on the ballot without the Charter Review Commission. She said she did not feel like the City would be stuck and she did not believe there was anyone on City Council who would sue the State of Ohio if they told us we have to widen Detroit Road, but she does not see that happening any time soon. Ms. Berges stated she wanted to give the Commission a couple of things to think about because she does not know that there is an immediacy and the voters, at one point, thought it was important enough that they supported it. She thinks the supporters might ask the Commission as to what is prompting them now to make the change to remove it from the Charter and would ask if there is something imminent. Ms. Berges advised she believed the voters would want to hear there is an imminent reason for taking this provision out of the Charter.

Mr. Gasior stated it might lead people to think that the City is going forward with plans to widen Detroit Road. He said when voters see it on the ballot they may see it as a vote to widen Detroit Road and if it passes they would wonder why nothing happened after five or more years.

Mr. James Smith asked the Commission if they would like to vote on the motion tonight or wait until someone can come and speak on behalf of keeping it in the Charter.

Mr. Matthew Smith advised he served on the 2003 Charter Review Commission that placed that provision on the ballot. He said the number one reason they wanted the Detroit Road Preservation is to preserve the historic homes found along Detroit Road. Mr. M. Smith stated Detroit Road is part of the North Ridge Scenic Byway and there are only 26 byways in the State and Avon is one of them. He felt the minute that language is removed from the Charter the possibility exists that many of Avon's historic homes will be gone. Mr. M. Smith said the last thing he wants to see is Detroit Road be like Lorain Road in North Olmsted or what currently Center Ridge Road is changing into in North Ridgeville and that is the reason they wanted the Preservation of Detroit Road put in the Charter. He understands if the State of Ohio wants to come in and make changes, they cannot stop that kind of action, but they wanted it in the Charter so the City Planning Commission and City Council could not just suspend the rules and pass it overnight. Mr. M. Smith said as long as that language is in the Charter and the citizens thought it was important enough to put it there, we want to keep it in there because he felt the minute it was gone historic homes are in danger. He stated once the historic homes are gone that was it, that the whole historic integrity of Detroit Road is destroyed. Mr. M. Smith realized that the three lanes had to be done, but felt once they go beyond that it is not good. He said we want to protect the historic homes in Avon and that is what gives Avon its unique qualities and he understands some people do not value that, but there are people that do and that is the reason why that issue passed at the ballot in November 2003. Mr. M. Smith advised we have to keep Detroit Road safe to keep the historic homes safe. He stated back in 2003 there were people saying it does not belong in the Charter, but the citizens put it in the Charter.

Mr. Dziak asked how many historic homes are left on Detroit Road. Mr. M. Smith felt at least 60 percent. Mr. Dziak stated he was talking number wise over the time since Detroit Road has been developed with the Avon Commons and across the street with City Centre. Mr. M. Smith stated he did not have the exact number, but he has the listing of historical homes in Avon.

Mr. J. Smith felt the definition for historic homes is pretty liberal and he indicated some of the homes are just old homes and are not in good condition. Mr. J. Smith stated the language defining historic homes needed tightened to what is actually historic and should be preserved. Mr. M. Smith advised the problem when you widen the road, whether someone thinks a structure is historic or not, the road is getting widened and the bulldozer comes. Mr. J. Smith agreed that is another subject within a subject, but felt that language should be tightened and said there are some structures that he does not think are historic. Mr. Klingshirn added they are close to the road.

Mr. M. Smith advised the reason the Detroit Road Preservation was put in the Charter is to preserve the historic integrity of Detroit. Mr. Rouse inquired as to how far off the road the older houses on Detroit Road are set back. Mr. M. Smith said they are pretty close to the road, but he did not know exactly how many feet. Mr. Rouse said if one more lane is added on Detroit Road he asked if these homes would actually be affected. Mr. M. Smith said what he is concerned with is that once you allow a widening then we become like Lorain Road in North Olmsted with a five lane road or what is happening on Center Ridge Road in North Ridgeville. Mr. Rouse inquired if it would be four lanes or five as he is trying to find out the actual facts and not arbitrary speculation. Mr. M. Smith said there are currently three lanes and they are pretty close to the homes now, but he does not have the actual footage. Mr. Rouse advised he understands the point of preservation, but the point that it is going to destroy the homes he wondered in reality how far they were setback from the road.

Mr. J. Smith suggested we invite Chief Root and Chief Bosley to the next meeting to discuss the safety issues on Detroit Road. Mr. Lindsay stated there was not reason they had to vote tonight. It was suggested it could be tabled. Mr. J. Smith said he was shocked years ago when this Charter provision was added and he was also shocked as far as our scope of what is considered an historic home. Mr. J. Smith stated he has not said much about it in the past because if the State wants to come in or if the City reaches a point where they have to take care of it, City Council can put it on the ballot as a Charter amendment any time for a General Election. Mr. J. Smith said from the time of planning until the time of actual widening would be approximately 7-9 years. Mr. Gasior clarified the articles the Commission is deciding on here go to a General Election, but the Council can put a Charter amendment on at a Special Election. Mr. Smith suggested the topic be put off until the next Charter Review Meeting.

Mr. Dziak withdrew his motion. It was noted, it could be brought back at a future meeting.

Mr. Root noted all the Charter Review Commission does is send it to the people for a vote.

ADDITIONAL COMMENTS

No further comments.

ADJOURN: 8:20 p.m.

A motion was made by Mr. Root and seconded by Mr. Lindsay to adjourn the meeting of the Charter Review Commission, and the vote was unanimous in favor.

Respectfully submitted by:

The Clerk of Council
Secretary to the Charter Review Commission
Barbara Brooks