

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MARCH 25, 2019
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

The Chairman, Council President Craig Witherspoon, called the meeting to order and led the Pledge of Allegiance.

PRESENT

Council Members: 1st Ward – Bob Butkowski; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; 4th Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon, Council President; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

ABSENT

Service Director – Michael Farmer

Chairman Witherspoon noted that Ordinance No. 25-19, Ordinance No. 26-19 and Resolution No. R-8-19 would only have the second of three readings tonight and would not be acted on by a vote of Council. He mentioned that the vote for these three pieces of legislation would be at the Regular Meeting to be held on Monday, April 8, 2019.

CORRESPONDENCE

The Clerk reported she received a request for a new liquor license for Speedway, LLC, DBA Speedway 7236 located at 1835 Recreation Lane for a C1, C2 and D6 permit class.

No concerns were voiced from Council.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MARCH 4, 2019

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Work Session of Council held Monday, March 4, 2019, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, MARCH 11, 2019

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, March 11, 2019, and to approve said minutes as published, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

MAYORAL REAPPOINTMENT OF RALPH WHITE TO THE LANDMARK PRESERVATION COMMISSION

Per Charter Article XIV, Landmark Preservation Commission, Section 1(a), this appointment requires the concurrence of a majority of the membership of the legislative authority.

A motion was made by Mr. McBride and seconded by Mr. Fischer to concur with the Mayor's reappointment of Ralph White as a member of the Landmark Preservation Commission for a four-year term January 1, 2019 to December 31, 2022, - Charter Article XIV, Section 1(a), and the vote was: Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes; Mr. Witherspoon, "yes".

The vote was 7 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 24-19 – REZONING A 3.0 ACRE PORTION OF A 6.1419 ACRE PARCEL OF LAND LOCATED AT 35765 CHESTER ROAD, PERMANENT PARCEL NO. 10-04-00-016-104-047 FROM O-2 PLANNED RESEARCH OFFICE PARK TO O-2/C-4 PLANNED RESEARCH OFFICE PARK/GENERAL BUSINESS DISTRICT OVERLAY

The Clerk read Ordinance No. 24-19 by title only, entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING A 3.0 ACRE PORTION OF A 6.1419 ACRE PARCEL OF LAND LOCATED AT 35765 CHESTER ROAD, PERMANENT PARCEL NO. 10-04-00-016-104-047 FROM O-2 PLANNED RESEARCH OFFICE PARK TO O-2/C-4 PLANNED RESEARCH OFFICE PARK/ GENERAL BUSINESS DISTRICT OVERLAY

The Chairman declared this to be the second of three readings of Ordinance No. 24-19. A Public Hearing will be held on Monday, April 8, 2019 at 7:25 p.m.

ORDINANCE NO. 25-19 – GRANTING A SPECIAL USE PERMIT TO THE RUFF CARLTON, LLC TO AUTHORIZE THE USE OF ANIMAL BOARDING FOR THE PROPOSED LUXURY DOG HOTEL AND DAY CARE TO BE LOCATED AT 1290 CENTER ROAD

The Clerk read Ordinance No. 25-19 by title only, entitled:

AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT FOR PROPERTY OWNED BY EXCHANGERIGHT NET LEASED PORTFOLIO 9 DST, AND THEIR LESSEE, (THE RUFF CARLTON, LLC), LOCATED AT 1290 CENTER ROAD TO ALLOW CONSTRUCTION AND OPERATION OF A LUXURY DOG HOTEL AND DAY CARE AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 25-19.

Mr. Gasior advised he was still awaiting some information from the owner of the property.

ORDINANCE NO. 26-19 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON/AVON FIRE DEPARTMENT FOR CONSTRUCTION AND INSTALLATION OF A 1280 SQ. FT., THREE-STORY TRAINING FACILITY LOCATED AT 36185 DETROIT ROAD

The Clerk read Ordinance No. 26-19 by title only, entitled:

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON/AVON FIRE DEPARTMENT FOR CONSTRUCTION AND INSTALLATION OF A 1280 SQ. FT., THREE-STORY TRAINING FACILITY LOCATED AT 36185 DETROIT ROAD AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 26-19.

ORDINANCE NO. 30-19 – REAPPROPRIATIONS

The Clerk read Ordinance No. 30-19 by title only, entitled:

AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 93-18 AND DECLARING AN EMERGENCY

A motion was made by Mr. Fischer and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 30-19, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes” Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 30-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 31-19 – TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH SPEEDWAY, LLC, FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS

The Clerk read Ordinance No. 31-19 by title only, entitled:

AN ORDINANCE TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH SPEEDWAY, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 31-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 31-19, and the discussion was:

Mr. Radcliffe asked if everything was in order in terms of the agreement.

Mr. Gasior believed there is one deposit that still needs to be made. It is a cash bond deposit that the developer has stated he would bring in tomorrow to ensure that the temporary lighting and the road would be open by June 24th, but they are expected to open by May 10th. He advised Mr. Cummins, Ms. Fechter and he thought it would be a good idea to have this bond posted in case something out of the ordinary happened and the lights were not hung, and the road not opened by the 24th of June because the following week the big festivities are planned at the stadium. Mr. Gasior stated the developer was informed that if that intersection was not complete by the deadline that they would start incurring some serious overtime charges for police to direct traffic and they agreed to post said bond. He said he did not see a reason to hold up the vote, but he asked that the Mayor not sign the legislation until the deposit is received. He noted that requirement is stated in the last sentence of paragraph 14 of the Developer's Agreement.

And the vote was: Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes".

The vote was 7 for and 0 against and the Chairman declared the motion passed.

RESOLUTION NO. R-8-19 – DECLARING THE NECESSITY TO IMPROVE (I) FRENCH CREEK ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD, AND (II) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO;

The Clerk read Resolution No. R-8-19 by title only, entitled:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE (I) FRENCH CREEK ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD, AND (II) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO; AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Resolution No. R-8-19.

REPORTS AND COMMENTS

Mayor Jensen reported that he received a letter from the Ohio Department of Natural Resources informing him that the City has been awarded a grant for the expansion of Veterans Memorial Park. He reminded Council that the City applied for this grant for the old Kurtz Brothers property. Mayor Jensen read from the letter, "I am pleased to inform you that the above

referenced project has been conditionally awarded funding in the amount of \$316,000 through the Land and Water Conservation Fund. The program is a Federal grant program administered by ODNR on behalf of the National Park Service for the State of Ohio. Therefore, all Ohio LWCF are awarded conditionally pending final approval by the National Park Service.” He said this would be a huge addition to the City. Mayor Jensen advised once all paperwork is signed and authorized we would have something to show Council in an upcoming meeting exactly what that property looks like and the possibilities of what can be done with it. He said it is nice to see and Kurtz Brothers will be donating \$300,000 and the City will have to pay \$300,000 and this grant for just over \$300,000. It was noted the property is approximately 14 acres.

COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, had no comments.

Mr. Fischer, At Large, advised that was good news about the grant award.

Mrs. Holtzmeier, At Large, had no comments.

Mr. McBride, Ward 2, said it was great news about the grant award.

Mr. Moore, Ward 3, had no comments.

Mr. Radcliffe, Ward 4, asked if there is a timeline for the completion of the dirt removal at Schwartz Road.

Mayor Jensen advised the haulers took a week off, but they should be starting back up today. He said the work should continue through the first part of June.

Mr. Witherspoon, Council President, had no comments.

DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, had no comments.

Mr. Farmer, Service Director, was absent.

Ms. Fechter, Economic Development/Planning Coordinator, had no comments.

Mr. Gasior, Law Director, had no comments.

Mr. Logan, Finance Director, had no comments.

AUDIENCE:

Corey Barnes of Churchill Drive said his wife was at Veterans Memorial Park with their daughter recently and saw that the playground was closed for some work being done. He asked as to the estimated time for that work to be completed and for the playground to be available again.

Mayor Jensen advised the work should be getting started any day now as they are replacing some of the equipment in that park. He said they were told as soon as the weather

breaks that they could begin installing the new equipment and it should not take too long. Mayor Jensen said if Mr. Barnes leaves his email address with the Clerk he could email him the details of the project and when that playground should be open again.

Mr. Barnes said that the City of Sandusky made the news in February by declaring Election Day a City holiday. If you search the phrase "Election Day City Holiday" the first page results are littered with Washington Post, NPR, Fortune Magazine, New York Times and CNN articles all about this wonderful Ohio town that is taking the step to make Election Day a City holiday. He felt it would serve Avon well to follow in those footsteps by taking similar steps to provide the same option for our City workers to make Election Day a City holiday as well. Mr. Barnes noted that the way that Sandusky handled the change without adding an extra paid holiday was to relocate the Columbus Day observance to Election Day as one of the approved holidays and in that way the number of holidays does not change. He felt it would provide the City employees a better opportunity to participate in the democratic process of voting. Mr. Barnes added he felt it would be a tremendous step forward and send a strong message for the community and businesses that the City values the right to vote.

Paul Burik of Carleen Avenue advised he was present pertaining to Item #10, the fire tower. He said as a part of the Architectural Review Board for the French Creek District he wanted to go on record as saying he did not have the opportunity to review this item. Mr. Burik stated that because of that position should there be future reviews or challenges of the fire tower he wanted to state on the record that he is not recommending the fire tower. He said it does not meet the requirements of section 1278.09 of the Code. Mr. Burik advised there may be submittals in the future and he wanted to be able to say that he has been consistent and impartial.

Mr. Burik asked as a private citizen of Avon why they would want to put a fire tower, which tends to be noisy and dirty in the center of what is going to be the City Center. He said as they walk out of the pool area, the fire tower will be the first thing people will see. Mr. Burik stated this area is also for the future City Hall and fire towers look like burned out buildings. He understood they were useful for training firefighters, but they are smoky and dirty, and he is not sure that is really what this Council wants for what will be the center of town and he hoped they would give it a second thought.

Mr. Gasior advised that it was determined that the fire tower will be located in an R-1 District and therefore since it is not in a C-2 District, the matter did not need to be referred to the Architectural Review Board.

Mr. Burik responded that it is located on Detroit Road in the French Creek District.

Mr. Gasior said that is not the way the Code reads and it is a technicality, but the Fire Station and the Police Station are Special Uses in a Residential District. He added that Mr. Burik's comments are in the record and everyone was conscientious about what was going on and he was sure the panel would take his comments into consideration.

Nancy Jacobs of 37625 French Creek Road asked why they were going to be required to pay two tap-in fees for the proposed sanitary sewer project. She said if North Ridgeville owns the line, then that is who we should be paying, and we should not be paying Avon.

Mr. Logan answered that both cities have to maintain the sewer lines. He said that North Ridgeville has the sanitary sewer plant and the larger, trunk lines, are North Ridgeville's. Mr. Logan advised every home that has been built over the last 20-30 years has to pay a tap to both Avon and to North Ridgeville and those fees go to those respective cities.

Ms. Jacobs said she heard their sidewalks are going to be torn up during this project and that part of the cost the property owners are being assessed is to replace those sidewalks. She

stated they already paid for their sidewalks and she asked why they will have to pay for them again.

Mr. Cummins advised as a part of this project in certain locations, sidewalks are being disturbed and will be replaced. He said if the project moves forward the City is undertaking a substantial part of the overall cost and the City wants to see them replaced and in good shape as well.

Ms. Jacobs said that her husband attended the Planning Commission Meeting the other night and there is a plan for 40 new homes. She asked how these homes are going to be built when she thought there was a moratorium to not build in Avon right now because of the water problems.

Mayor Jensen advised there is no moratorium; Council has not passed a moratorium.

Ms. Fechter clarified that Ms. Jacobs might be referring to the moratorium the City passed right after the Creekside Development that flooded in that area a long time ago.

Mr. Butkowski stated Council put a moratorium on Red Tail Development and it was noted that was in the southeast quadrant. He said that moratorium has since expired.

Joe Misencik of 2209 Holly Lane said from the last meeting he took the opportunity to view the fire tower facility in Elyria Township. He showed a video from his phone of that fire tower facility. Mr. Misencik stated the structure itself is only a two-story structure and the one the Avon Fire Department is wanting to build is three stories. He said the real focus is not just the tower itself, but what is around it. Mr. Misencik mentioned that there was a nature preserve abutting the entire area of the fire tower in the video he showed, but no houses around. He commended the effort of trying to save the City money in overtime for training and he greatly appreciates that as a taxpayer, but he felt they should have thought about that when they doubled up all the concrete in front of the Fire Station after deciding to buy a pumper/ladder truck and had to replace that concrete due to weight limits. Mr. Misencik said he still opposes the idea of putting this three-story structure in his back yard. He felt there are other areas in the City where it could go and he suggested the 14 acres of the former Kurtz Brothers property.

Martha Childers of 37561 French Creek Road asked what is happening with the sewers beyond her house toward North Long Road on that pump line if that was going to end up gravity fed. She asked regarding Hayes Street, what kind of line were they going to be on if they are all on the same line.

Mr. Cummins advised the point she is speaking of, Hayes Street, goes by gravity east down French Creek Road. He said that is the current terminus of the force main and their gravity section will not change.

She asked if they will be going from a force main to a gravity fed line.

Mr. Cummins advised that is correct.

Ms. Childers asked if the line in front of her house that they have never been able to tie-into is taking care of Briar Lakes.

Mr. Cummins advised it is a force main you cannot tie into that with a normal house connection.

Ms. Childers said but Avon Oaks is on that line and that pump station has failed.

Mr. Cummins advised correct, that is the pump station they would like to remove.

Ms. Childers said according to the proposal that she took home today, the destruction of the pump station that her property never used is incorporated in the price of them tying in to sewers that are going to better Briar Lakes. She said she is not against tying in to sewers, she is against paying \$6400 and a \$5000 tap-in fee for a line and a pump station they have never used

or never had access to, yet they were being asked to pay to break that down, but Briar Lakes does not have to pay a dime of that.

Mr. Cummins advised he believed the City is accounting for those types of issues by paying a substantial part of the overall project cost.

Ms. Childers said that according to line 1 in that proposal, they are paying 27% of the cost of the project and they would still be paying for the rest something that they have never used. She said on top of that, they have already paid to put their sidewalks in and now the City is going to take them out and put them back in and technically that means they are paying for it three times even though it is only 27% of the project cost.

Mr. Cummins advised in his opinion the key thing to keep in mind is that the cost that would come to her as an assessment would be less than installing a sanitary sewer line down the street but paying 100% of that cost, even if there was no pump station and there was no sidewalk issue. He said she is getting a better deal at 27% than if she had to take on 100% of only the sanitary sewer cost.

Ms. Childers asked why she should pay to pull out a pump station she has never used.

Mr. Cummins stated he is saying, even if she disregards that.

Ms. Childers said she is not saying they should not do this, she is saying Briar Lakes should be assessed for this also as they are the ones costing money for the maintenance of the pump station. She said she does not mind paying, but to pay for a project where they did not cause the problem does not seem fair. Ms. Childers stated she feels this project should be done, but it should be done with Briar Lakes and everyone else that is on that line that will be upgraded and who will benefit from it.

Mr. Cummins advised even if we assessed everyone in Briar Lakes, that would not change her assessment. He explained that the entire cost was divided amongst everyone who had a connection and then the City is undertaking the cost of those with the connection, so that she has a fair cost for her situation.

Ms. Childers asked if that included taking down that pump station and Briar Lakes has been assessed for part of that.

Mr. Cummins indicated it includes the removal of the pump station and he said they have not assessed Briar Lakes because they paid for that as part of their development.

Ms. Childers argued that she is paying for them and she is paying for that pump station to come down.

Mr. Cummins said she could look at it either way, but if you look at the cost for a sanitary sewer down this portion of French Creek Road strictly on the backs of the residents along French Creek Road versus the cost of the sewer done in this manner with the City taking a substantial portion, she was getting a better deal.

Ms. Childers said she disagreed because her property was not causing the problem. The pump station is not broken because of them. They did not break the pump station. They are not tied into the pump station. They do not use the pump station. She appreciated them taking 73% off the cost, but said they are repairing something they have never touched. She felt it was on their backs to make this part of the City run better.

Mr. McBride advised she will be paying for the sewer to be run in front of her house and tap-in fees. He said that is what she will be paying for. The City is paying for the sidewalks.

Ms. Childers said the City is not paying for the sidewalks. They already paid to put their sidewalks in. We will be re-paying for the City to rip out our sidewalks because the City wants to update. She said she has five children and they have the smallest house on the block. Ms. Childers said she really wants sewers as that would allow her to put an addition on her house, but the way this is written she felt it is not correct.

Mr. McBride advised what she is being assessed is far less than what Kinzel Road was going to pay and although the City did not move forward with that yet, their day is coming, and it is going to be big dollars. He said there are all kinds of work that need to be done on Kinzel Road and it is a matter of time before the Ohio EPA mandates the City to tell the property owners on Kinzel Road that they must have sewers. Mr. McBride stated those property owners had a chance once to have sewers installed and they made a big objection about it and the City was not going to do that again.

Ms. Childers commented that she is not afraid of the EPA.

Mr. McBride said everyone's taxes would go way up if the City gets fined. He advised there is Elizabeth, Joseph and Puth and that area is costing those property owners a lot more than what the properties on French Creek are going to be assessed. Mr. McBride stated he is not saying this is fun and he is not saying this is fair, but that is the way it is.

Ms. Childers felt it is absolutely not fair.

Mr. McBride advised it is either pay some now or pay more later.

Ms. Childers said nowhere does it say that the EPA is mandating this unless they have issues with their septic tanks.

Mr. McBride said the EPA is not mandating this right now.

Ms. Childers said she felt like that is being held over their heads. She said they do not mind tying in, but not at the cost of destroying a pump station the City has never used. Ms. Childers asked why Avon Oaks does not have to pay for part of this and they are a for profit company.

Mr. McBride advised pump stations historically fail over time. He said that is a development cost that went on a long time ago. Personally, if he were on Council back then he would have voted to turn it down. As far as he is concerned, sewers flow via gravity and if they need a pump station or a force main then they should not develop, but that is not how things were done in the past.

Ms. Childers asked then why Briar Lakes did not have to pay for part of this cost.

Mr. McBride explained those property owners have already paid for their sewer.

Ms. Childers countered that those property owners' sewer is failing, and the French Creek property owners now having to put their line in is what is going to get it flowing properly.

Mr. McBride advised their sewer is not failing.

Ms. Childers corrected herself by saying their pump station is failing.

Mr. McBride said it is not the Briar Lakes properties pump station it is the City's pump station. The City accepted that infrastructure and therefore it is the City's responsibility.

Ms. Childers asked if the City feels it is good to charge 45 properties the cost of over 200 houses to flow properly.

Mr. McBride said she was not being charged for that, the City is paying for all of that.

Ms. Childers said she is the City, she pays her taxes. She said she paid to put the sidewalk in and she is paying for the City to rip them out.

Mr. McBride said if we do not take out that pump station and her property needed a sewer line, she would be assessed for the sewers and liable for the tap-in fees.

Ms. Childers asked why the properties on Century Lane have to pay that \$6400 if they already have paid their tie-in and their pipes are run.

Mr. Cummins clarified that Century Lane is not being assessed.

Ms. Childers said that next week Council would vote on the Resolution before they could speak and if they had anything to say it would be after the fact.

Mayor Jensen explained that next week was a Work Session and the week after that would be the vote.

William Fiorille of 38030 French Creek Road asked what it was going to take to get the contracted, hired engineer to look at the elevation maps that no one wants to admit. He said at the last meeting he was told that the elevation is wrong. Mr. Fiorille stated that the Ward map says the elevation is in favor of tying in to North Long Road with Briar Lakes; pump station problem solved. There are pump stations all over this State. He said he is not happy about this at all as he felt this was being shoved down their throats.

ADJOURN: 8:08 p.m.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to adjourn the Regular Meeting of Council, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.