

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD TUESDAY, MAY 26, 2020
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:00 P.M.**

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

ABSENT: 2nd Ward - Dennis McBride; Safety Director - Duane Streator

1. [ORDINANCE NO. 48-20](#) – TO REJECT THE BID FOR THE FRENCH CREEK ROAD PAVEMENT RESURFACING PROJECT Mr. Cummins

Mr. Cummins advised the City received bids earlier this spring to resurface all of French Creek Road from Detroit Road to Sheffield and it was not awarded. He said due to the COVID pandemic there was some thought about trying to pull back a little bit on capital projects and therefore they recommend Council reject the bid of the full project. Mr. Cummins stated they will then be before Council asking for their authorization to authorize advertising for bids for a project on French Creek Road from Detroit Road to Kenwyn Boulevard, which would be half of the original project and then the second phase, which is the remainder, would occur in a subsequent year.

Mayor Jensen advised in speaking with Mr. Loeser, Superintendent of Streets, he feels some surface repairs may need to be done on the second phase, but that it could wait another year before the full depth repairs due to the conditions the City is under in order to save that money.

Mr. Radcliffe inquired since the bids received for the whole project were positive if they feel they would still receive positive bids by splitting the project into phases and completing them in separate years.

Mayor Jensen advised the ability to save approximately \$400,000 to \$500,000 and to be in a better position to know where the City stood financially outweighs the uncertainty of whether the bids will still come in favorably even if the bids come in \$50,000 to \$100,000 higher. He said one of the biggest questions received from the employees when they were presented with the possibility of a reduced work week was where else the City was trying to save money. Mayor Jensen felt this was the biggest bang for the dollar.

Mr. Logan advised if that portion of the road does not have to be done this year, that saves roughly \$1.2 million. He said he emailed all the figures out to Council earlier which indicate the reduction the City is experiencing in revenues and he feels they are on track with what they predicted at this point.

Mr. Radcliffe asked if the project would be half this year and the other half next year.

Mayor Jensen advised that is our plan. He said in speaking with Mr. Loeser, if the climate is still the same then they have would have to look at another cost savings with this road project if they had to extend it another year. Mayor Jensen agreed they all know the roads are not going to get any better, but this was one way they felt they could save money immediately. He stated next year they should be able to seek bids early and hopefully get a good price versus other projects where they were bid in the middle of the season.

Mr. Radcliffe asked if there was any ability to discuss with the apparent low bidder the possibility of holding that price as bid but stretching it out over the two seasons.

Mr. Cummins advised they had discussions with the apparent low bidder, and they were not willing to substantially cut the quantities within the bid project and were not going to extend it either due to the uncertainty if the economy will come roaring back and then prices spike.

2. [ORDINANCE NO. 49-20 – AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL \(NOPEC\) ENERGIZED COMMUNITY GRANT\(S\)](#) Mr. Logan

Mr. Logan advised this is the third year NOPEC has done these grants. He said the City just needs to accept the grant and that is what this Ordinance is asking Council to do. Mr. Logan stated by the end of June he would need to go online through NOPEC's portal and indicate it has been accepted and provide a certified copy of the Ordinance. He indicated they have until October to submit for the grant reimbursement. Mr. Logan advised he will be discussing with Mayor Jensen, Mr. Farmer and Mr. Cummins what projects they would like to apply for with the grant funds of \$82,648.00. He added last year, the City received approximately \$86,000 and they submitted the cost of purchasing the flashing speed limit signs seen throughout the City. Mr. Logan stated it could consist of four or five different projects and be put altogether for reimbursement.

3. [ORDINANCE NO. 50-20 – TO AWARD THE BID FOR THE ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE AND DETROIT ROAD SANITARY SEWER IMPROVEMENT PROJECT, PHASE 2](#) Mr. Cummins

Mr. Cummins advised this is the large sanitary sewer project they have been working on for quite a while. He said on April 23, 2020, they accepted public bids and received bids from six bidders and the low bidder was from Underground Utilities Incorporated at 14% below the engineer's estimate. Mr. Cummins stated he has reviewed the bid and believe them to be the lowest and best bidder on the project and would recommend moving forward with them.

Mr. Fischer asked where Underground Utilities Incorporated is located.

Mr. Cummins advised they are from Monroeville which is on the west side of Norwalk.

Mr. Fischer asked if they have worked for the City in the past.

Mr. Cummins advised yes, in his tenure with the City they have done two projects; the water main along Mills Road that feeds the water tower and they also did a storm sewer project along Jaycox Road. He said they are a very capable contractor and did a nice job on both of those projects.

4. [ORDINANCE NO. 51-20 – TO ESTABLISH TEMPORARY OUTDOOR SEATING AREAS](#) Ms. Fechter

Ms. Fechter advised restaurants and bars are a vibrancy of our City and the City wanted to be proactive in seeing what they could do to help them after with these establishments have lost business over the past couple months due to closures as a result of the pandemic. Ms. Fechter stated with them now starting to reopen practicing all of the guidelines provided by the State for social distancing, they are asking Council to allow establishments to expand their outdoor patio seating areas on a temporary basis expiring October 31, 2020. She said the process is set up that she and the Zoning Enforcement Officer would review the site plans. Ms. Fechter advised she has also had some conversations with Police Chief Bosley as well as Safety Director Streater. She explained that when a request is received, she and the Zoning Enforcement Officer would also be reviewing it with Safety Services to discuss concerns they may have that she and the Zoning Enforcement Officer might not be aware of, so everyone was on the same page. Ms. Fechter advised they have not had any establishments reach out to the City yet, but the Administration looked at some legislation passed by North Ridgeville, Lorain, Lakewood and Cincinnati and other communities and they pulled from each of those cities their temporary regulations for inclusion in our Ordinance to give our businesses the opportunity to be able to add additional temporary seating and for the public to feel safe patronizing those establishments and help the businesses get back on track.

Mrs. Holtzmeier asked if these applicants will still need to obtain a permit and pay the permit fee.

Ms. Fechter advised there will not be a fee as this is just temporary and it will be the responsibility of the business to contact the Ohio Division of Liquor Control to let them know of their plans to expand. She said they have also received some questions regarding enforcement and the City will have the ability to enforce compliance if necessary and it is a second-degree misdemeanor.

Mr. Gasior advised section 3701.99 (c) of the Ohio Revised Code makes a violation of the Director of Health Order a second-degree misdemeanor.

Mrs. Holtzmeier asked while this will be a temporary patio if the City would require any modifications to the applicants' insurance policy to reflect this additional seating.

Ms. Fechter stated they do not have anything in the Ordinance currently, but they could add that language. She felt it might be a requirement of the State, but she would double check that information and make sure they get the insurance coverage they need for the additional. She believes in Cincinnati, the City required businesses to pick up some general liability insurance to cover them since it was on a temporary basis.

Mrs. Holtzmeier agreed that usually that umbrella coverage does it, she was just wondering if it would be included in the Ordinance.

Ms. Fechter advised they could include it.

Mr. Fischer advised to be clear, passing this ordinance was not an open door for the business to just go ahead, but the business still needs to go through the City for approval.

Ms. Fechter advised there is still an application process and the applicant will have to supply a drawing and with it being valid only through the end of October, if the business decides they like the expanded seating area they would need to come to the City requesting a Special Use Permit or an amendment to their Special Use Permit and go through the proper channels. She said this temporary situation is a way for the City to help the businesses boost their income during the summer months.

Mr. Gasior suggested in Section 1 of the Ordinance, they could add the Safety Director to the list of officials who review and approve the applications acting by a majority of them to which Ms. Fechter agreed that was a great idea. No opposition from Council was voiced to the proposed amendment. He said they would note that amendment when it is voted on at the Regular Meeting.

5. [ORDINANCE NO. 52-20 – AUTHORIZING THE MAYOR TO EXTEND THE CONCESSIONS AGREEMENT BETWEEN THE BIG SHOW LTD AND THE CITY OF AVON ENTERED INTO ON MAY 8, 2017 PURSUANT TO ORDINANCE NO. 36-17](#) Mayor Jensen

Mayor Jensen advised this is to ask for an extension of the current concession agreement. He said that everything going on due to the pandemic limits any kind of concessions this year.

Mr. McBride arrived at 7:12 p.m.

Mr. Butkowski advised they have had this conversation many times before about sending this kind of service out for bids. He said he is cautious about extending the agreement for another year without going through that bid process. Mr. Butkowski felt the Big Show Ltd has done a great job for the City but said he does not know whether the City is receiving the true value out of those services without going through the bidding process. He stated if he was the Big Show Ltd, he would be more than happy to welcome that bid process to be able to demonstrate to the City that they are providing a good value for the residents.

Mayor Jensen advised he does not have an issue with that except that the City was not able to fulfill its original contract of two years due to the pandemic closing everything down. He said this year is the second year of the contract and the City was looking at going out for bids next year, but he felt it was unfair to go out for bids this year before they have completed their second year of the agreement.

Mr. Gasior advised this would have been the year for the City to seek bids. He said he spoke with Ms. Harasimchuk, the Recreation Coordinator in January and said that they would need to be prepared for seeking bids at the end of the contract and then COVID-19 struck. Mr. Gasior stated when they would have gone out for bids for this service it would have probably been in the September, October, November time frame. He said they would want to compile a list of all the vendors from the County and get a bid request out. Mr. Gasior felt they could still work to prepare what that bid would look like, but to go out and bid it in the fall they could be limiting themselves as far as what the market will have out there. He said it is not clear how many of these vendors are going to survive this summer because of the virus hurting business. Mr. Gasior advised these are going to be some really difficult times in that food industry right now. He felt it is good to have the ability to extend the agreement and said it was something they are going to continue to look at and draft that bid package so that they are ready to go later. Mr. Gasior stated they are looking to cover the City should things go south any more so than they already have.

Melissa Nelson, owner/operator of the Big Show, Ltd of 36224 S. Park Drive, Avon advised her company has been doing all the concessions in Avon such as Little League Park, Veterans Memorial Park, Schwartz Road Park and the Avon Aquatic Facility for numerous years and they are taking a hit financially this year with a force majeure due to the pandemic and they appreciate the consideration for extending the agreement another year. She said they are Avon residents and they are taking a hit just like the restaurants and other businesses. Ms. Nelson advised they provide concessions for the City of Westlake's pool as well and they have a five-year agreement with Westlake and they are going to open their pool, but it is going to be limited. She said her company was contacted by the City of Rocky River about providing concessions for their pool and hockey rink. Ms. Nelson stated it is what they do and to her knowledge the public is very happy with their services and they are very dedicated to what they do.

Mr. Butkowski asked if she were opposed to it being bid out.

Ms. Nelson answered she did not know what the need would be, but they were welcome to do what they feel they need to do.

Mr. Fischer asked what Ms. Nelson's summer is looking like for her business.

Ms. Nelson advised their summer is down approximately 80% less business with the food truck, catering wedding receptions is down as every bride has canceled all the way through October. She said she knows of party centers that are closing their doors permanently. Ms. Nelson said it will be interesting to see what is available to cater and have a party next year as it will more than likely be in residential backyards. She stated her business has been working with Meals on Wheels as an added revenue resource. Ms. Nelson advised regarding the food truck, it is allowed in the parks as a lot of residents feel safer eating outside and they are looking into the possibility of allowing the residents to eat in the pavilions as there are numerous people asking. She stated they could arrange to serve senior citizens at specific times and those who are health compromised. Ms. Nelson said it has not been determined about Little League yet.

Mr. Gasior advised Little League is another issue because the City may not go out for bid in the traditional sense where they may add to the bid some of these other specialty type operations that are unique to the COVID-19 virus. He said they are certainly going to learn a lot from Ms. Nelson's perspective regarding operations this summer and it is very likely the City may have to proceed that way next year and the year after that as it was unknown when this would subside. He felt it is good to ride this out, which is part of the contract, but also work with Ms. Nelson over the fall to try to figure out where they want to go with a bid and having that extra year is going to be very important at this time under these circumstances.

Mr. Butkowski felt the fall was too early to rebid and said it should be in the early spring to rebid. He said they have no idea what is going to happen between now and December.

Ms. Nelson advised there is a lot that goes into getting ready for the pool such as staffing, menu and equipment. She said this is not enough time to properly prepare.

Mr. Butkowski asked how much time she would need.

Ms. Nelson stated ideally, she would estimate about 5 months to really ask for figures and the like. She said she does not know what the policy in Avon is if they go for the lowest bidder.

Mr. Butkowski felt they could have the bid out in January or February.

Mr. Gasior stated the reason the Administration is asking now was because they do not want to be waiting until the last minute to come back before Council when they are under time constraints for 2021. He said they are getting this upfront and out in the open and let Council know what the plan looks like it is going to be and ask for cooperation for that plan and work with Ms. Nelson and go forward.

Mr. Butkowski advised the pool has been open for five years, four years operationally, and yet they do not know? He said unless anyone in this room could tell them whether they are getting the best value and it was no disrespect to Ms. Nelson's business, but they have no idea unless it is bid to see.

Ms. Nelson stated what is hard is that a lot of pools are doing their own concessions, but they are starting to reach out as she has had four other cities reach out to her such as Brecksville and another in Cleveland. She said people are reaching out because the cities have enough to do. Ms. Nelson advised even before COVID-19 other cities were realizing the value of having someone provide this service and their reputation has grown. She said she does not know of a lot of businesses in the area that provide this kind of service and she felt it would be hard to do a comparison of the value.

Mr. Butkowski said they do not know unless they look and that is why he is suggesting they look.

Ms. Nelson advised over the years her business has done things for the Cleveland Metroparks and in other places and cities and sometimes when you accept the lowest bid, you get what you pay for. She indicated she knew of a company that went bankrupt and lost their liquor license. Ms. Nelson said she did not know and could not say what the best option is.

Mr. Butkowski stated just like she does not know, Avon Council does not know either and that is why he is suggesting they go out for bid.

Ms. Nelson added her opinion is that she is the best for the value.

Mr. Butkowski said she should feel that way, but Council has to look at it from the perspective of we do not know unless we try and that is all he is asking for. He advised it has been five years and they have no idea if they are getting a good value and that should be done across the board with many other City services as well.

Mr. Radcliffe said normally they go out for bid at the end of the season around October or November. He asked if that was what was done in the past.

Mr. Butkowski answered the City has never gone out for bid for this service.

Mr. Gasior advised they tried to go out for bid before the pool opened and it had a very poor turnout. He said no one really bid; a couple of people looked at the bid package and talked to the City but did not submit a bid. Mr.

Gasior stated the City was thankful that Ms. Nelson came forward and they were able to work with something out, which he believes has been a good deal for the City over the last four or five years. He said to Mr. Butkowski's point, they do want to bid it out and there are a lot of food truck operators and more vendors of this nature now and maybe they can get this bid out there and then everyone should feel comfortable that it was sent out for bids. Mr. Gasior stated that Ms. Nelson may be the only one that ends up responding to the bid, but he agreed it needs to be bid. He said the Administration was dead set on bidding it this year and the only purpose of this legislation is to recognize the obvious, the Coronavirus, as it would do no good to go out to bid this year because they are not sure what they would get back. Mr. Gasior suggested Council extend the contract through 2021 and then work immediately in 2021 to try to get the bid specifications together and get the bid out so that when the 2022 season starts they know exactly who has the contract and it could be a 3-year or 5-year or whatever Council wants to do. He said the Administration would have never asked for this extension but for COVID-19.

Mr. McBride apologized for his late arrival. He advised Mr. Butkowski is right and they do need to go out to bid and to tie into what Ms. Nelson said, he does not want to go out for bid and automatically accept the lowest bid. He said it is commonly stated lowest and best and he asked what does best bid mean. Mr. McBride wondered if it should be sought as more of a professional services contract similar to what is done for insurance. He said when there are a limited number of bids received or the choices are narrow and they need to look at who they really want to work with, because the City will end up working with whoever the vendor is. Mr. McBride agreed they should abide for this year and extend the current contract and yes, they should be bidding it but the circumstances are what they are.

Mrs. Holtzmeier advised Ms. Nelson stated it generally takes 5-6 months in advance of the season and she asked if that was only for a new client or for Avon as well.

Ms. Nelson advised for new clients to allow time to reasonably look at the figures and price out the services.

Mrs. Holtzmeier said that COVID struck in February and the Big Show already had plans for this year in Avon because they are under contract. She said at that time they anticipated opening the pool and a full Little League season for all the leagues and all of the months and all of the parks and then things changed. Mrs. Holtzmeier said Ms. Nelson is still here and plans on fulfilling her contract for 2020.

Ms. Nelson said yes, if she can. She said Westlake pool is opening and her business would be working there and if Little League opens in Avon then they will be at Veterans Memorial Park.

Mrs. Holtzmeier advised of course force majeure and unforeseen circumstances when Ms. Nelson anticipated a specific arrangement, contract and revenue like all businesses and that is changing. She asked Ms. Nelson if extending that contract for another year helps to balance that equilibrium.

Ms. Nelson answered, "definitely".

Mrs. Holtzmeier advised she did not have a problem with extending that contract and she understands the circumstances and the City is having to pivot in different ways. She said Ms. Nelson has historically been a reliable vendor and she likes that Ms. Nelson is from Avon and however they can help our own is always a good thing. Mrs. Holtzmeier agrees this is a repetitive topic in these chambers and said she would expect that after the 2021 season that they will be looking at those numbers and that would be a fair timing to do that at that point.

Ms. Nelson advised she is not opposed to it going out for bid although she does not think there is a lot of competition out there. She said as far as an extension based on what has happened for this year, she appreciates their consideration.

5a. ORDINANCE NO. 53-20 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING COMPANY TO PERFORM PROFESSIONAL CONSTRUCTION OBSERVATION, CONSTRUCTION STAKING AND CERTAIN

CONSTRUCTION ADMINISTRATIVE SERVICES FOR THE CITY OF AVON ON THE ELIZABETH AVENUE, PUTH DRIVE, JOSEPH STREET, AND DETROIT ROAD SANITARY SEWER IMPROVEMENT PROJECT, PHASE 2

Mr. Cummins

Mr. Cummins advised this Ordinance is for services related to the construction of the Elizabeth, Puth, Joseph and Detroit Road Project. He said Bramhall is the entity that has been involved with this project from the beginning and they were hired in 2018 to revise the plans to the current construction set of plans that was just bid on and are intimately familiar with the project. Mr. Cummins stated in talking with the Avon Service Department and Avon Utilities Department they are very comfortable with the level of construction observers that will be assigned to this project and the Administration feels this would be the most efficient manner to complete the project. He said if questions come up during construction Bramhall would be poised to answer those questions quickly and keep the contractor moving along. Mr. Cummins advised all of Bramhall's services would be done under his direction as City Engineer, and the City is asking that they be hired for those specific services.

Mayor Jensen advised he did not need to remind anyone what an important project this is, and in the past, it has not always gone as smooth as they had hoped, and it is important that it go as smoothly as it can. He said in talking with Mr. Loeser, Superintendent of Streets, he is comfortable with Underground Utilities doing the work and there are going to be some subcontractors working on this project and moving forward they want to make sure everything runs smoothly and having Bramhall Engineering as a part of that process will give the City even more reassurance.

Mr. Farmer added it is a benefit to have Bramhall Engineering on the job site because they have direct contact with Mr. Loeser, Mr. McCallie, Mr. Bruce and himself of the Avon Service and Utilities Departments and will be there observe and document, which is important. He said they will also have good documentation of drawings and documents for City files for future reference. Mr. Farmer advised the City works with Bramhall on a lot of developments in our City and they do a good job and are reasonable and they contact us with any issues that may come about. He said Bramhall will not be there to make decisions but are there to observe what is going on and if they see something questionable, they will contact City officials as they always have in the past.

Mr. Fischer asked if they are being hired for observation services why this was not put out for bid.

Mr. Cummins advised it is a professional services agreement related to a public infrastructure project and given that Bramhall Engineering has a history with the project and is being handled the same way it was handled in 2018 when Council passed an Ordinance to hire them to revise the plan, which was also a professional service. He clarified the agreement was not just for observation, but also professional surveying services and the limited amount of contract administration, all of which are professional services.

Mr. Fischer asked why it would not go out for bids. He asked what the City would have to lose by not seeking bids for this type of service at this price point.

Mr. Cummins advised Bramhall is using the same hourly rates that they proposed back in 2018. He said the construction staking that Bramhall proposed was under the estimate that he himself prepared last September. Mr. Cummins stated the construction observation is hourly based on the schedule of the contractor. He advised the hourly rates for inspection from Bramhall are in line and have not changed in two years and he sees it as providing good consistency to a very important project.

Mr. Butkowski asked a question regarding Section 2 of the Ordinance where it states, "The Finance Director is further authorized to increase this appropriation by a reasonable amount for additional engineering and/or legal services associated with this project". He inquired as to why they would not go through the typical appropriation process like is done with other projects.

Mr. Gasior advised that is standard language used.

Mr. Logan advised he does not anticipate increasing that contract unless there should be a change order down the line.

Mr. Gasior added if Council wants to take out that sentence they could, but that is standard language in the bid contracts that the City uses. He pointed out that sentence was also in Ord. No. 50-20.

Mr. Logan stated it is part of the original budget for this year, the permanent appropriations, close to \$4 million. He said they have appropriated this project and all these costs. Mr. Logan advised they do not have the funding for it yet as those are the notes they will be selling tomorrow.

Mr. Butkowski felt especially in this sensitive environment that it might be a better policy in the short term that all the expenses come before Council so that they have a better understanding if there are some cost overruns in some of the projects. He advised that helps them with awareness of where things stand, and he would be in favor of striking or modifying that sentence, so Council is much more aware.

Mr. Logan confirmed that sentence did not need to be in the legislation.

6. RESOLUTION NO. R-15-20 – TO ADVERTISE FOR BIDS FOR THE FRENCH CREEK ROAD PAVEMENT RESURFACING PROJECT, PHASE I Mr. Cummins

Mr. Cummins advised as discussed earlier in the meeting, this is to bid a project that represents the resurfacing work needed between Detroit Road to the western extension of Kenwyn Boulevard intersection. He said provided an acceptable bid is received, this work would occur in late summer or early fall upon the completion of the currently ongoing Briar Lakes Sanitary Sewer Improvement Project on French Creek Road.

7. REPORTS AND COMMENTS

MAYOR JENSEN advised as the weather starts to get warmer Council might receive questions from residents about opening the pool. He stated in looking over the restrictions given by the Governor regarding pools being allowed to open, while safety is certainly the main issue that they continue to talk about, there would also be additional costs involved in trying to meet those guidelines. Mayor Jensen asked Mr. Logan to outline what those costs would look like.

Mr. Logan advised if they open the pool July 1st, his best guess for revenues rather than being the originally budgeted \$380,000 would be about \$165,000 for the two months of being open this summer. He said expenses would probably be around \$350,000 so that is a loss of about \$185,000 and that is before any additional General Fund transfers. Mr. Logan stated there is some sponsorship money due, but they generally pay later in the year and that revenue will probably come after the pool season. He said if the pool were to open for a couple of months, the City would probably lose just under \$200,000.

Mayor Jensen advised some of the guidelines are cleaning/disinfecting the bathrooms twice a day and they would need to hire people specifically for disinfecting the pool furniture. He said instead of 1600 people on a typical hot summer day, they would maybe be able to have 400 people in two different shifts due to the social distancing rules and they would most likely have to issue day passes for 2-3 hours at a time. Mayor Jensen stated even with the rounded estimate of a loss of \$200,000 that is \$200,000 that would come out of the General Fund. He asked Council to keep that in mind when residents are asking for the pool to be opened. Mayor Jensen said some residents are already complaining that their tax dollars are paying for the pool and he explained that it is anyone who works in the City who is helping to pay the debt service on the pool, but this would be an additional \$200,000 coming out of the General Fund that every person who lives in the City of Avon would have to pay for. He stated the decision to keep the pool closed this year was not an easy one and was made on a number of determining factors that were predicated mostly on safety but also to realize that the restrictions severely limit the number of residents who could use the pool on any given day causing a host of other issues. Mayor Jensen questioned how they could decide what 400 people could use the pool on any given day when the attendance could be as high as 1600 on a regular summer day and those not using the pool would be helping to pay the cost for a very limited number of people to use the pool.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no further comments.

MRS. HOLTZMEIER, AT LARGE had no further comments.

MR. MCBRIDE, WARD 2 had no further comments.

MR. MOORE, WARD 3 asked if committee meetings would be resuming soon.

Mr. Fischer responded he would be happy to have the committee meetings resume if they were ready to set something up.

Mr. Moore advised he would like to try to dust off some talk about legislation for tree maintenance and preservation that was previously canceled. He stated he would just like to get that discussion started again and it may take more than one meeting.

Mr. Fischer advised that was to be discussed in a Legal Committee meeting of which Mr. McBride is the Chairman and we could meet in the Council Chambers to meet the social distancing requirement.

Mr. McBride advised he would also like to discuss onstreet parking at that Legal Committee meeting.

Discussion continued as to when would be a suitable date and time to allow proper discussion for these topics. It was decided the Legal Committee meeting could be set for 6:00 p.m. on Monday, June 8, 2020 in Council Chambers.

Mr. Moore thanked the French Creek Foundation for planting the flowers in the planters along Detroit Road.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE advised he would like to call a Parks and Recreation Committee soon to discuss the walking and bike trail. He would let Council know a date and time once the details were worked out.

Mr. Witherspoon advised regarding the pool that he fully supports Mayor Jensen’s decision to keep the pool closed this year. He said money is one thing, but the health, safety and welfare of the children who would be going swimming at the pool is another thing. Mr. Witherspoon stated although it was a tough decision to close the pool, he felt it was the right one to make. He added it also protects the senior population should they be exposed as that could be a devastating thing to happen just because the City decided to open the pool this year and he would not be able to sleep well with that kind of responsibility hanging over them.

MR. FISCHER, AT LARGE reminded Council the next meeting would be Monday, June 8, 2020 with the same format of a double meeting night of both Work Session and Regular Meeting held on the same night. He also reminded Council that June is a five Monday month and there would be no meeting on that fifth Monday. Mr. Fischer advised he would decide later for the remaining meeting dates in June as to how they want to proceed.

Mr. Fischer advised with Memorial Day yesterday, he missed that there was no parade and the ceremony that was canceled due to the pandemic. He thanked our Service men and women who paid the ultimate sacrifice for our Country. He said while it was sad not having the ceremony and parade, he was hopeful that things would return to normal next year.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no further comments.

MR. FARMER, SERVICE DIRECTOR updated Council that the road buckled at Reserve Way at St. Andrews and is temporarily closed. He said crews would be working on jackhammering the road tomorrow and hopefully get the concrete replaced and open the road in the next couple of days. Mr. Farmer advised the

road buckling was a result of cool temperatures, water and then hot temperatures and the concrete expanded between 18" to 2'.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR had no further comments.

MR. GASIOR, LAW DIRECTOR had no further comments.

MR. LOGAN, FINANCE DIRECTOR advised they will be selling the notes tomorrow that Council approved to finance the Elizabeth, Puth, Joseph project. He said \$3.6 million is the note amount and they expect a yield or net interest cost to be around .60% or a little lower than that amount. Mr. Logan stated these are one-year notes and they would reevaluate in a year as to what they wanted to do.

Mr. Logan advised regarding Senate Bill 310 in the Ohio Legislature, he might ask for Council's support of it at the June 8th meeting if it has not passed through the Ohio House by that time. He said it is a relief fund for COVID-19 where the Federal Government would provide money to the State Governments and they are hoping it will trickle down to the Local Governments.

Mr. Logan advised he will have on the Work Session and first reading on the Regular Meeting for June 8th the 2021 Tax Budget, which is the preliminary budget. He said it does need to be passed and at the County Budget Commission office by mid-July.

Mr. STREATOR, SAFETY DIRECTOR was absent.

AUDIENCE:

Mark Pesta of 1532 Peach Drive in the Willow Creek Subdivision advised he serves on the board of the Homeowner's Association and it has been brought to his attention that there is a massive amount of flood water on properties in his development and he believes that Mr. Cummins and Mr. Farmer are aware of the situation. He said this weekend he walked Porter Creek from his backyard to another ditch. Mr. Pesta stated he walked that ditch all the way to Detroit Road and believes he found the source of where a lot of this water is coming from. He advised the water is coming from south of Detroit Road at North Star Lane. Mr. Pesta displayed a photo of the culvert and said he is not an engineer, but by the looks of it, it takes on a large amount of water and is about 8 to 9 feet high and all that water goes to a ditch, but if you walk that ditch it goes to open land. He said the problem is not only for the HOA where the water runs into their retention pond, but there are numerous photos of homeowners with flooded backyards all the way to their houses. Mr. Pesta stated he wanted to make everyone in the City government aware of the situation because it is an issue and it is only getting worse. He said one of the homeowners in his subdivision was told that culvert can take 70-100 acres of water runoff.

Mr. Farmer advised on North Star Lane there is a private pond and he and Mr. Cummins have talked about it and they are trying to come up with a solution on how to approach it.

Mr. Pesta advised the landscaper for the development sent him pictures as well and it looks like a waterfall pouring into the retention pond and there is water throughout all the backyards. He said what appears like it is supposed to empty into Porter Creek does not, but if it did Porter Creek would not be able to hold all that water. Mr. Pesta stated based on a Council Meeting last June with the developers they are having issues with the drainage as well because the retention pond is not big enough. He said there is a problem in Willow Creek with the drainage of the retention pond and the water coming from the area he pointed out in the pictures.

Mr. Cummins advised everything that Mr. Pesta said is pretty much correct. He said there is a large drainage area south of Detroit Road of approximately 50 plus acres that drains northward and goes under an existing culvert system under Detroit Road. Mr. Cummins stated North Star Lane extended that culvert when they developed, and they did not enlarge it so there has been that culvert under Detroit Road in some manner for many decades. He advised the water flows north and the ditch runs along the west side of the access drive into the Avon Oaks Country Club and it becomes very small and that causes the water then to flood out into the adjacent wooded area always heading to the north with drainage. Mr. Cummins stated it is his understanding that at some point the Country Club attempted to enlarge that ditch and the Army Corps called upon them and they were told to stop. He said what Mr. Pesta described was an accurate description of what is happening and has been happening for a very long time.

Mr. McBride advised North Star Lane has been in place as long as he has been on Council. He asked what has changed now that there is so much water coming from that North Star Lane area that it is really flooding by the golf course. Mr. McBride stated something has changed and maybe it was because Willow Creek was not developed and no one cared that it flooded prior to it being developed. He said he does not remember issues like that where that water is coming down like that.

Mayor Jensen advised there was always water that traveled there, and Mr. Loeser has even looked at ways to help. He said they were hoping when they developed by the nursing home that issue would be taken care of, but it is all wetlands now and the City does not even know if it can be developed because of all that time the water has continued to come down and sit along that area. Mayor Jensen added even along Peach Drive there has been water there as long as he can remember. He said they were hoping the golf course was going to help with that situation and they started to, but when there was a dispute over the tennis dome, the Army Corps was called in and they came and removed the equipment. Mayor Jensen advised the City was hoping the work could have at least continued farther south, but the Country Club said they could not go any further. He said he does not know what that is going to look like and it is on private property, but maybe the City could help facilitate the golf course helping out, but he does not know since there are wetlands and what can even be allowed to be touched.

Mr. Fischer advised he could see Mr. Pesta's point because when he served on Willow Creek's HOA and he spoke with Mr. Farmer about where all of that water is going into the retention pond at Willow Creek whereas the rip rap had to be replaced several times and there is no way that much water should be coming into that retention pond, it was not meant to hold that much water. He said water will find wherever it wants to go, but it is finding its way into our retention pond or the residents' backyards and it would be nice to find a solution to this problem.

Mr. Cummins advised there are catch basins that come out of the Willow Creek Subdivision to the south to collect some amount of this water. He said it is obvious that it was always planned for some amount of drainage to come off those woods and into the Willow Creek system and be managed. He added that obviously what is coming is more than what it can physically handle, but there was always some amount of drainage being provided to pick up drainage out of those woods.

Mr. Pesta advised the runoff of water that is collecting in the backyards of these residents does not even get to those catch basins. He said it is all down Elm and those backyards as well. Mr. Pesta stated even if the ditch was cleaned out, Porter Creek cannot handle all of that water; Porter Creek is already up to its peak after a good rain. He said they do not get much runoff on Peach Drive because Porter Creek is big enough right now.

Mr. Cummins advised there might be some combination of things in searching for a solution. He said it might be a combination of ditch enhancements, stream enhancements and regional detention basins. It could be a multitude of things needed to correct the situation.

Mr. Pesta agreed and added it was an issue brought to his attention and some residents have already brought it to the City's attention. He said they are doing some studies and they would go from there, but he wanted to bring it up before Council and it was getting worse as the years go by.

8. ADJOURN: 8:00 p.m.

There being no further business the Work Session of Council was adjourned.

PASSED: _____

SIGNED BY: _____
Brian Fischer, Council President

ATTEST: _____
Barbara Brooks, Clerk of Council