

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD TUESDAY, MAY 28, 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: 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

1st Ward – Bob Butkowski; Service Director – Michael Farmer

ADDITIONS AND DELETIONS TO THE AGENDA

President Witherspoon advised they would like to add an Executive Session for the Purpose of Discussing the Purchase of Real Estate after Audience Comments as Item #18a. He stated Item #16 – Ordinance No. 49-19 – would be moved until after the meeting Reconvened from Executive Session as Item #18c.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to amend the agenda, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to accept the agenda as amended, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

PRESENTATION REGARDING ADOPTING THE SOLID WASTE PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT

Michael Greenberg of GT Environmental thanked Council for inviting him to represent the Solid Waste District and talk about the Lorain County Solid Waste Management Plan, which is before them for ratification. [THE PLAN](#) is approximately a 300 page document and part of that is due to the Ohio EPA’s change in formatting and requirements. They have done a thorough analysis of all the different projects and plans that the Solid Waste District offers. Mr. Greenberg explained that back in 1988 everything got started in solid waste planning if they remember the Garbage Barge that tried to dock in New York from the town of Iceland and the barge went to all the states along the east coast and Bermuda and the islands and overseas and no one would take this garbage and it became a problem. While that was going on they recognized in Ohio that 3 million tons of material come to Ohio from outside the State and it was filling up our landfills

and Ohio was in a crisis as far as landfill space at that time in certain regions of the State. In 1988 the General Assembly passed what was known then as House Bill 592, which was a comprehensive rewrite of solid waste laws and it required every county in the State to form a single county solid waste district or join together with other counties and form a joint solid waste district. There are 52 solid waste districts and 15 of them are joint solid waste districts. Lorain County is a single county solid waste district which means they do not have to do programs with other counties. The reason there are joint county districts is because the original law required that if you did not have 10 years of disposal capacity in a landfill in your district then you had to form with other counties to make sure you had enough capacity to handle all your waste. That was 30 years ago so things have changed quite a bit since then.

The Solid Waste Plan gets written every 3 to 5 years depending on how long the planning period is. Lorain County has done plans that gets rewritten every three years and they have also done them every five years, so it depends what the policy committee has decided to do. There are 7 members on the policy committee who oversee the development of the Solid Waste Management Plan: the President of the County Commissioners, the Health Commissioner from the largest health district, the Mayor from the largest city, a representative of the Townships, one industrial generator and two representatives of the public and they meet once a month to help prepare the Solid Waste Management Plan. The plan must achieve the State's goals. There are several recycling goals and one is a 25% residential/commercial goal and a 66% industrial goal. Ohio EPA is going to propose to eliminate the industrial goal. The plan must have 10 years of disposal capacity, which Lorain County has because of Republic Services facility in the southern part of the County.

Lorain County has about 311,000 population with 64,000 in the City of Lorain. He noted that number may be out of date because they write the plan using a 2016 reference year. Cities represent about 76% of the population and Townships represent 18%. In the future they were projecting that waste is going to go up because they believe population is going to be increasing in Lorain County. By 2025 halfway through the next planning period they will be at approximately 635,000 generated and we will be recycling more hopefully because of some of the programs that will be put in place. Composting has stayed very steady. Material that gets transferred to a transfer station is very low in Lorain County because of the landfill and all the transfer stations are outside the County. The landfill just expanded and there is between 15 and 18 years of disposal capacity remaining. Everything will be increasing as we go forward. We are hoping the more people recycle the more they reduce and the more changes, but they are projecting there is going to be more people so there will be more waste. The goal for the State is 25% residential/commercial recycling, but the policy committee has written in this plan that 25% is not an acceptable goal for Lorain County and they are pushing the goal to 35% and that is the target of the next plan. The industrial projection for recycling is approximately 60%, but as he mentioned earlier the Ohio EPA will be eliminating that industrial goal.

There are 10 basic allowable uses under law for expenditures for solid waste districts. The Collection Center on S. Abbe Road in Elyria is a great facility and is a leader in the State as far as accepting household hazardous waste, electronics and the like. Lorain County is blessed to have a facility like that as most solid waste districts do not have facilities that take those types of materials and offer that service to the residents. Education and awareness are funded through the Solid Waste District. Emergency Debris Management is available for funding through the Solid Waste District to help communities with this kind of emergency and they already have contracts with Republic Services to help manage in an emergency. There is funding for the Health

Departments, the Engineer and local Sheriff's Department who does enforcement along with the Health Department of the landfills and compost facilities in the district.

The Policy Committee went through a year and half process of developing this plan. The plan has been through a public comment period, a public hearing process and the Policy Committee then voted to adopt the plan. The Plan is now in the ratification phase, which is 90 days, and has been sent to all the municipalities, townships, villages and the County Commissioners for a vote. In order to consider a ratification complete, the Commissioners have to approve it. If the Commissioners voted no the process would end and they would have to find out what it would take to get their approval. If the City Council in Lorain votes no, the plan stops. Like the County Commissioners, the City of Lorain has veto under Ohio law and they would have to address whatever their issues were with the plan although they were not expecting that to happen. It then gets approved after a combination of municipalities, which must include the City of Lorain, villages and townships have approved it representing 60% of the population in Lorain County. Ratification is 90 days and they are almost through the first third and it must be completed by July 29th.

Mr. McBride asked why the City of Lorain has veto power and not the other communities.

Mr. Greenberg advised of the 52 solid waste districts, the largest city has a veto and that is by State Statute. It may have been used very few times over the thirty years and there was talk about trying to take it away, but it is still in the law.

Mr. Moore asked if the Policy Committee will wait another ten years and then take another snapshot.

Mr. Greenberg stated currently under law if it is a ten-year plan, it is rewritten after three years. He noted the EPA has drafted rules to change that requirement.

Mr. Moore clarified he was referring to the landfills. He asked if the landfill has that ten-year capacity when that was reviewed.

Mr. Greenberg said a landfill operator who wants to get a permit to expand would probably have to begin work on that three years prior to get approval from Ohio EPA, which is a very cumbersome process.

Mr. McBride asked if there was any waste from outside Lorain County that goes to the facility.

Mr. Greenberg advised yes, there is a significant amount of waste from Cuyahoga County that comes into the landfill owned by Republic in Lorain County.

Mr. McBride added to Lorain County's detriment.

Mr. Greenberg agreed it was filling up the landfill faster because that is coming in. He added that it is also providing dollars to the communities because those Cuyahoga communities pay an out of district fee that comes to the district. Mr. Greenberg stated right now the law requires that they can charge for in District, out of District or out of State. He noted that the in District and out of State have to be the same value. Lorain County has a 2-2-2 tiered disposal fee. When Avon's ton

of waste goes to the facility they are paying \$2/ton, but there is an extra \$.60 that is added on for anyone outside the District so it is \$2-\$2.60-\$2.

Mr. Moore said they were shown numbers where the recycling percentage was asked to be increased, but they have been hearing that no one wants to buy the material. He stated it seems as if they are recycling less and he asked how we are going to be able to increase the percentage recycled when they are being asked to put less into the recycle cart and being told more is going into the landfill.

Mr. Greenberg agreed that is an excellent point. He stated we are at the bottom of the market and we have the China issue where China is not accepting any waste from the United States that has more than a small fraction of contamination so there are other markets that are being looked at. Mr. Greenberg confirmed that there are certain things that are more difficult to recycle. He advised what must happen in the United States, and it would be nice if they could do it here in Lorain County, is that they have to get the manufacturers to start using more recycled materials or having a manufacturer that takes recycled materials and turns them into a raw material for another manufacturer. As an example, there is a huge paper plant going in Wapakoneta, Ohio and they will be turning the recycled materials into cardboard boxes probably for Amazon as they are the ones changing our whole waste stream as more and more online ordering is occurring. If they look at the waste stream now, as compared to 15-20 years ago, newspapers have dramatically fallen in the recycling waste stream. The recycle ton has changed completely. Mr. Greenberg agreed there are issues with recycling right now and there are landfills that are taking glass and using it in the road base instead of giving it back to glass recyclers because the glass recyclers do not want to take residential waste because it is contaminated. He said there is a big contamination problem with recycling. The Solid Waste District is starting to develop programs to educate residents on how to recycle correctly. They would see campaigns starting about recycling right because many of us recycle and think we are doing the right thing, but it is not. Mr. Greenberg stated it is important to make sure they are putting the right materials in the recycling carts. A community in central Ohio was upset because they could not recycle yogurt cups because the hauler did not want these cups and the community could not understand why these plastic yogurt cups could not be recycled. Mr. Greenberg explained it is because there is no market for them. He said the key is they have to establish markets, they have to reduce the contamination and the recycling numbers will go up. Mr. Greenberg advised they would see a project going on in the City of Lorain where they would be tagging the residential recycle carts telling them what should or should not be in those carts.

Mrs. Holtzmeier inquired what the annual budget is for the Solid Waste District and how does the District get its annual revenue funding.

Mr. Greenberg advised the District gets its funding from the disposal fee and the contract fee that is paid by Republic Services. He said it can range, but in 2018 it was almost \$400,000 less than the year before as it depends on how much waste is being generated, but the budget is around \$2.5 million annually.

Mrs. Holtzmeier said in past plans they have seen the amount of tonnage that communities recycle curbside and she asked where Avon fits into that compared to the other municipalities.

Mr. Greenberg said he did not have that information with him. He said he did not know the exact number, but Avon does a pretty good job of recycling as compared to other bigger cities in the County.

Mrs. Holtzmeier stated that then translates into recycling grant monies.

Mr. Greenberg confirmed that and said the more everyone recycles, the more grant dollars the community is entitled to compared to the other communities. He advised the grant dollars are set by the amount of money that comes in from Republic Services. This year the grants were set at \$370,000 and the policy committee requested another \$50,000 so there is \$420,000 that will be available to be split amongst the communities based on how much each community recycles, which is \$21/ton recycled.

Mr. McBride asked how many communities were sharing those recycling grant funds.

Mr. Greenberg estimated 32, but there were a lot of small ones because of the townships.

Mr. Gasior advised all of what Mr. Greenberg outlined for Council tonight is in The Plan. He said that is the whole idea of adopting this plan was that the seven member body that studies all these things, and creates those incentives, has that forward vision to try to make sure the County is doing the right thing and that the residents will have places to throw their garbage over the next ten years.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MAY 6, 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, May 6, 2019, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE FINANCE COMMITTEE MEETING OF COUNCIL HELD MONDAY, MAY 13, 2019

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Finance Committee Meeting of Council held Monday, May 13, 2019, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, MAY 13, 2019

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, May 13, 2019, and to approve said minutes as published, and the vote was: Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, MAY 20, 2019

A motion was made by Mr. McBride and seconded by Mr. Fischer to dispense with the reading of the minutes of the Special Meeting of Council held Monday, May 20, 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. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 34-19 – TO AMEND SECTIONS 1040.02 AND 1040.09 OF THE CODIFIED ORDINANCES TO CLARIFY RESPONSIBILITY FOR WATER, SANITARY SEWER, AND STORM WATER UTILITY ACCOUNTS

The Clerk read Ordinance No. 34-19 by title only, entitled:

AN ORDINANCE TO AMEND SECTIONS 1040.02 AND 1040.09 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO CLARIFY RESPONSIBILITY FOR WATER, SANITARY SEWER, AND STORM WATER UTILITY ACCOUNTS AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 34-19, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 34-19, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 40-19 – REZONING THE 6.18 ACRE REMAINDER OF THE 10.53 ACRE PARCEL OF LAND LOCATED AT 37520 COLORADO AVENUE FROM R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT/GENERAL BUSINESS DISTRICT OVERLAY

The Clerk read Ordinance No. 40-19 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 THE 6.18 ACRE REMAINDER OF THE 10.53 ACRE PARCEL OF LAND LOCATED AT 37520 COLORADO AVENUE, PERMANENT PARCEL NO. 10-04-00-010-111-096 FROM R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS /GENERAL BUSINESS DISTRICT OVERLAY

The Chairman declared this to be the second of three readings of Ordinance No. 40-19 and stated that a Public Hearing would be held at 7:20 p.m. on Monday, June 10, 2019.

ORDINANCE NO. 41-19 – TO AMEND SECTIONS 1270.03(b)(11) AND 1280.05(gg) OF THE CODIFIED ORDINANCES OF THE CITY TO INCLUDE VETERINARY OFFICES ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN C-2 CENTRAL BUSINESS/FRENCH CREEK DISTRICTS

The Clerk read Ordinance No. 41-19 by title only, entitled:

AN ORDINANCE TO AMEND SECTIONS 1270.03(b)(11) AND 1280.05(gg) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE VETERINARY OFFICES ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE C-2 CENTRAL BUSINESS/FRENCH CREEK DISTRICTS

The Chairman declared this to be the second of three readings of Ordinance No. 41-19 and stated that a Public Hearing would be held at 7:25 p.m. on Monday, June 10, 2019.

ORDINANCE NO. 45-19 – REAPPROPRIATIONS

The Clerk read Ordinance No. 45-19 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. McBride and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 45-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 45-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

Service Director, Michael Farmer arrived at 8:00 p.m.

ORDINANCE NO. 46-19 – TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER’S AGREEMENT FOR NORTON PLACE SUBDIVISION NO. 2

The Clerk read Ordinance No. 46-19 by title only, entitled:

**AN ORDINANCE TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER’S
AGREEMENT FOR NORTON PLACE SUBDIVISION NO. 2
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 46-19, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. Fischer and seconded by Mr. Moore to adopt Ordinance No. 46-19, and the discussion was:

Mr. McBride advised last week he asked a question about the size of the street sign names as they appear to be too small.

Mr. Farmer stated he had them measured, but he has not received the measurement yet. He said he would find out, but noted they were provided the requirements and specifications. Mr. Farmer advised they will ask them to be replaced if they are not correct.

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

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 48-19 – ADOPTING A REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY DATED MAY 10, 2005

The President of Council referred Ordinance No. 48-19 to the Planning Commission for Report and Recommendation.

Mr. McBride asked if it was necessary for that to be sent to Planning Commission and he questioned whether there was sufficient expertise on the Planning Commission to review these standards.

Mr. Gasior advised the Charter seems to want to give the Planning Commission an opportunity to review those construction standards. He said it is not that they have the expertise per se, but a lot of what the engineer discusses in Planning Commission Meetings impacts those construction standards. Mr. Gasior stated the construction standards are listed on those drawings that are seen at Planning Commission and when the City Engineer is referring to them they know that there is that basis in the Ordinances.

Mr. Witherspoon noted that the City Engineer is present at all of the Planning Commission Meetings, so he felt there is expert guidance if there are any questions.

Mr. McBride felt that requirement is an old standard from when the Planning Commission was the main body in the City going back years and years. He said it may be something they want to look at changing when there is another Charter Review.

Mr. Fischer inquired if this is something that normally would have just been removed during additions and deletions to the agenda at the beginning of the meeting.

Mr. Gasior advised not necessarily. He stated the Council President has the authority to make referrals to the Planning Commission and make referrals to Committees of Council. The Council President can direct where any piece of legislation goes or whether they are heard by this body and voted on. Mr. Gasior said it is an unusual situation because we probably should have started the process at Planning and it did not start there and when they looked back over the Charter and

the Ordinances it felt better to refer this back to Planning Commission. Mr. Gasior felt since it was already before Council at a Work Session, he believed this is the most appropriate way to do that. He stated they have done it in the past, but very rarely does it happen that way because usually the matters are immediately sent to Planning Commission before they have to be referred. Mr. Gasior noted the uniqueness of this is that they did not catch it right away and after it was on the Council agenda he and the Planning Coordinator discussed it and the better course of action was to start in Planning and bring it forward.

Mr. Fischer asked if all of Council should vote to refer it to Planning Commission to which Mr. Gasior answered no.

RESOLUTION NO. R-13-19 – TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT

The Clerk read Resolution No. R-13-19 by title only, entitled:

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Mrs. Holtzmeier to suspend the rules and act on Resolution No. R-13-19, and the vote was: Mr. McBride, “no”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

The vote was 5 for and 1 against and the Chairman declared the motion to suspend the rules and act failed.

The Chairman declared this to be the first of three readings of Resolution No. R-13-19.

REPORTS AND COMMENTS

Mayor Jensen advised because of the thunderstorm tonight he asked Mr. Farmer to drive around the City and provide Council with an update as to how areas fared during the storm.

Mr. Farmer advised he saw a lot of standing water in the right of way as there are a lot of areas that have a culvert pipe or a drain pipe in their front yard and it used to be an enclosed ditch. Most of the culverts were full and he did not see any issues on Mills Road. He did not see any issues as far as major waterways. French Creek was flowing and was not any higher than it normally had been. French Creek Road where the retention pond is located is a mess. Centennial Village has two houses where their back yards or side yards are under water. Mr. Farmer stated most of the issues we are having with standing water are because of the edge of the roadway seems to be a problem. He felt a lot of the problems are because the culverts are full.

Mayor Jensen asked on French Creek Road if it was because the retention basin overflowed from Centennial Village.

Mr. Farmer advised he was not sure if it was a drainage issue near the creek that may need to be addressed sooner than later. He said he took pictures and would send them to the Mayor’s office.

Steve Jacobs of 37625 French Creek Road advised he had pictures of a man sitting in a rubber raft in his front yard that was covered by water.

Mr. Farmer stated that the whole front yard of the neighbor to the south of Mr. Jacobs property was under water.

Mr. Jacobs believes it is because of the neighbor installing the culvert pipe. He said that is the only reason he could think of because that ditch used to be ten-foot wide and six-foot deep and now there is an 18" pipe so that water cannot go anywhere, and it backs up.

Mr. Farmer confirmed that pipe is full.

Mr. Jacobs stated it is beyond full, it is actually backed up into his yard.

Mayor Jensen asked Mr. Cummins to take a look at the archived maps to see exactly what it was before. He said they may have to look at opening up that ditch again. Mayor Jensen stated this is the first major rain they have had.

Mr. Jacobs interjected that it is worse now than when Mayor Jensen visited the site.

Mayor Jensen asked Mr. Jacobs if he had water in his basement.

Mr. Jacobs answered no, but his neighbor next door has water in his crawl space.

Mayor Jensen stated he was concerned because Mr. Jacobs has a basement.

Mr. Jacobs said the water is close to his basement; he had to use an extra sump pump to throw the water out the door. He said it came real close.

Mr. Farmer stated Mr. Jacobs has a stream that goes across his back yard to where the ditch used to be and a bunch of water is coming from Centennial Village plus around the property with the ditch and the water was all out of the banks and following.

Mayor Jensen said he wondered with the subdivision of Centennial Village plus everything that comes down Detroit Road through the back yards if it leads to that same area. He stated if Mr. Cummins can look at that they will see what the capacity used to be or try to get an idea. Mayor Jensen advised Mr. Gasior is working on the agreement with Avon Oaks and when that is complete they can possibly do the same thing in this area.

Mr. Jacobs stated that the retention basin right now was doing its job for the most part and it was not overflowing the banks of the retention basin. He said the issue is where the two ditches come together and then go in to that pipe that goes out to French Creek Road and back into French Creek. Mayor Jensen advised that pipe should have never been put in at 18". He stated he was checking to make sure everything was open and flowing and everything was open.

Mr. Farmer agreed it was flowing, but it was flowing out of the banks and there was no place for the water to go until you see the whirlpool where the pipe goes in.

Mayor Jensen advised he noticed there were some police patrolling that area and some other areas with high water.

Mr. Farmer advised there is a bunch of standing water along the edge of the roadways, but for the most part he felt once it calms down and the pipes are no longer full that the water will recede.

COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, was absent.

Mr. Fischer, At Large, had no comments.

Mrs. Holtzmeier, At Large, had no comments.

Mr. McBride, Ward 2, advised he dislikes the term high water. High water means the river or creek is out of its banks. He said ODOT on freeways where they have not done maintenance to a drain is infamous for using high water signs and that term sticks in his craw.

Mayor Jensen advised typically after they get the reports back they will go back and look at those areas to see if there was something that caused that to happen. He said near a property on Woodland Trail is another area which he believes is a capacity issue because it goes right to the creek.

Mr. Farmer advised there was no issue at that location today, but there were issues on Riegelsberger Road, Nagel Road, as well as between his house on Williams Court and his sister's house he has never seen water come up out of the pipe shooting up 2-3 feet high.

Mayor Jensen asked that those areas be written down, so they can be looked at later.

Mr. McBride felt a sign reading Standing Water was a better way to state the situation.

Mr. Moore, Ward 3, had no comments.

Mr. Radcliffe, Ward 4, advised the Memorial Day services yesterday at the Avon cemetery were very nice. He believes the hope is that next year the service could be held at the new Veterans Memorial that will be completed with the additional capacity near Every Child's Playground and Aquatic Facility. Mr. Radcliffe added it was great weather and a great turnout and he thanked everyone who had a part in that event.

Mr. Witherspoon, Council President, had no comments.

DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, had no comments.

Mr. Farmer, Service Director, had no further comments.

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

Mr. Gasior, Law Director, had no comments.

Mr. Logan, Finance Director, had no comments.

AUDIENCE:

No comments were made from the audience.

EXECUTIVE SESSION: 8:13 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Purchase of Real Estate, and the vote was: Mr. Radcliffe, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Witherspoon, "yes".

The vote was 6 for and 0 against and the Chairman declared the motion passed.

RECONVENE: 8:35 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Reconvene 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. Witherspoon, "yes".

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 49-19 – AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT 2940 STONEY RIDGE ROAD (THE CAHOON HOUSE) FROM JEAN A. FISCHER FAMILY REVOCABLE LIVING TRUST

The Clerk read Ordinance No. 49-19 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT 2940 STONEY RIDGE ROAD, PARCEL NOS. 04-00-011-102-048 AND 04-00-011-102-049 (THE CAHOON HOUSE) FROM JEAN A. FISCHER, TRUSTEE, OF THE JEAN A. FISCHER FAMILY REVOCABLE LIVING TRUST AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 49-19, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Fischer to adopt Ordinance No. 49-19, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ADJOURN: 8:37 p.m.

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

The vote was 6 for and 0 against and the Chairman declared the motion passed.