

**PUBLIC HEARING  
HELD MONDAY, SEPTEMBER 26, 2016  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
7:25 P.M.  
TO HEAR PUBLIC COMMENTS REGARDING**

**ORDINANCE NO. 89-16 – AN ORDINANCE APPROVING MODIFICATIONS TO THE  
SANITARY SEWER MASTER PLAN AND ADOPTING SAID MODIFICATIONS AS  
REVISIONS TO THE OFFICIAL SANITARY SEWER MASTER PLAN FOR THE  
CITY OF AVON**

Mr. Gasior commented that the applicant Frank Jaram of SiteTech has requested that the matter be tabled to a date certain, November 28, 2016. He advised there was not much else they could discuss right now and Council would consider item #7 on the agenda (Ordinance No. 89-16 – To Approve Modifications to the Sanitary Sewer Master Plan) for postponement until November 28<sup>th</sup>. Mr. Gasior said there would be another Public Hearing called for that date at which time the matter would be considered again. No further comments were made. The Public Hearing for Ordinance No. 89-16 was closed.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, SEPTEMBER 26, 2016  
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: 3<sup>rd</sup> Ward – Mary Berges; 1<sup>st</sup> Ward – Bob Butkowski; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2<sup>nd</sup> Ward – Dennis McBride;; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; Parks Director – Diane Corrao; City Engineer – Ryan Cummins; Service Director – Michael Farmer; Planning and Economic Development Coordinator - Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

**ABSENT**

Council Member: 4<sup>th</sup> Ward – Scott Radcliffe

**CORRESPONDENCE**

None

**ADDITIONS AND DELETIONS TO THE AGENDA**

None

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, SEPTEMBER 12, 2016

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, September 12, 2016, and to approve said minutes as published, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “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 SPECIAL MEETING OF COUNCIL HELD MONDAY, SEPTEMBER 19, 2016

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Special Meeting of Council held Monday, September 19, 2016, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 89-16 – TO APPROVE MODIFICATIONS TO THE SANITARY SEWER MASTER PLAN

A motion was made by Mr. McBride seconded by Ms. Berges to postpone reading Ordinance No. 89-16 to a date certain, that being November 28, 2016 at which time a Public Hearing will be held at 7:25 p.m. followed by third and final reading of Ordinance No. 89-16 at the request of the applicant, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 100-16 – TO AMEND SECTION 256.04 AND 256.98 OF THE CODIFIED ORDINANCES TO CREATE A FULL TIME UNCLASSIFIED POSITION OF PUBLIC INFORMATION OFFICER (POLICE)

The Clerk read Ordinance No. 100-16 by title only, entitled:

**AN ORDINANCE AMENDING § 256.04 AND §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO CREATE THE FULL-TIME, UNCLASSIFIED POSITION OF PUBLIC INFORMATION OFFICER (POLICE) AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 100-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “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. 100-16, and the discussion was:

Mr. Gasior stated the name of the position was changed from Records Coordinator to Public Information Officer and a few more duties were added and some of the other duties that were vague were clarified. Mr. Gasior felt it is better to identify the person as the Public Information Officer based on the way in which the Chief of Police plans to use the position. Mrs. Holtzmeier stated she did not have an issue with the title of the position, but cautioned that traditionally the term Public Information Officer implies a spokesperson or someone with a journalism background. Mrs. Holtzmeier felt there might be some confusion or it might attract a different candidate than what is expected and is something to consider when we advertise for this position to clearly define that these are not spokesperson duties.

The vote was: Mr. McBride, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “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. 101-16 – TO ESTABLISH COMPENSATION FOR THE FULL-TIME, UNCLASSIFIED PUBLIC INFORMATION OFFICER (POLICE)

The Clerk read Ordinance No. 101-16 by title only, entitled:

**AN ORDINANCE TO ESTABLISH COMPENSATION FOR THE FULL TIME,  
UNCLASSIFIED PUBLIC INFORMATION OFFICER (POLICE)  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to suspend the rules and act on Ordinance No. 101-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “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. Butkowski to adopt Ordinance No. 101-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

## REPORTS AND COMMENTS

Mayor Jensen said he had the opportunity to attend a Heroin Roundtable the other day and from all indications we have a big problem in the County and in the State. The State is rated number 2 in the country in terms of what is going on with heroin. He stated he would be asking Council to look at a few things to see how we can be more active in what is going on. Avon Lake has taken an active role and he felt it was Avon's turn to help be a part of finding a solution in any way we can. Our children are becoming involved in it whether they live in the City now or have in the past as more and more our police and fire are being called where heroin is an issue. It has happened quite a few times in the City of Avon. He has had a lot of people reach out to him, in his position, and ask for help and he would like Council to support it in any way that we can. He indicated it would come before Council some time before the end of the year.

### COUNCIL MEMBERS:

Ms. Berges, Ward 3 had no comments.

Mr. Butkowski, Ward 1 stated that since we know the sanitary sewer master plan modifications will now be on the agenda on November 28<sup>th</sup> he is asking for a Service Committee Meeting prior to that on either the 14<sup>th</sup> or 21<sup>st</sup> of November. He asked the clerk to check with Mr. Radcliffe, who was absent and also serves on the Service Committee, as to his availability for either of those dates and to schedule the meeting accordingly.

Mr. Fischer, At Large had no comments.

Mrs. Holtzmeier, At Large stated she wanted to explain the reason that the Arts and Beautification legislation was removed from the agenda for consideration. Ms. Holtzmeier said Mr. Logan found out some information about creating such a fund and she asked him to clarify the reason.

Mr. Logan advised any time a Special Revenue Fund is set up we have to get State Auditor approval and he wanted to be proactive and speak with the State Auditor prior to passing the proposed ordinance to see if we could divert some of those bed tax revenues into a separate Special Revenue Fund. He forwarded the State Auditor the City's original bed tax Ordinance from 1999 and the auditor felt it was not a good idea to transfer those funds as they are part of that Ordinance on a 3% General Fund Revenue. But, we can set up a department within the General Fund, like we have a Civil Service Department and a Public Records Department, where there are not really employees per se, but a category where we can track this type of an expense and that would be his suggestion. We can put budget lines in for next year for this particular purpose.

Mrs. Holtzmeier inquired of Mr. Gasior if he felt there needed to be an ordinance to officially designate a particular percentage in order to move forward. Mr. Gasior advised he did not believe there was anything we need to do as it is General Fund monies. Mr. Logan confirmed Mr. Gasior's comment and stated from a financial side of things he did not need an Ordinance; however, if Council wished to adopt a Resolution to acknowledge the setting aside of a percentage of funds for this purpose then that might be beneficial, but it is not required from a financial perspective.

Mr. Gasior inquired of Mr. Logan if it would be a separate line item on the budget. Mr. Logan said yes and that the budgeted revenues and whatever percent is determined for this fund would put in the budget. Mrs. Holtzmeier said moving forward for the 2017 and beyond budgets that made sense. She inquired if a reappropriation needed to occur for the 2016 budget. Mr. Logan said if we do anything this year then, yes he will have to add something to a reappropriation ordinance. Mrs. Holtzmeier recommended that happen if Council supports that use of funds to be able to designate funds at least this year and get it started. Mrs. Holtzmeier said they know moving forward that this is the first step and that there needs to be more formalization as to how the monies are spent, but you first start by funding.

Mr. Logan said that whatever would be appropriated this year, if we do not spend it all, then it is gone come January 1<sup>st</sup> of the following year, but then we appropriate all over again as part of the budget. We are not really tucking money away, but are appropriating for an expenditure, which may or may not happen. He stated he will take direction from Council and it is not a problem to set the department up.

Mrs. Holtzmeier felt that since this is something new it was important to formalize the way the funds are designated to be spent with percentages so that there is a buy-in from members of Council.

Mr. McBride said he would rather see something more formal since if it is not spent in 2016 you lose it and it rolls into 2017 and he felt that was the problem. Mr. McBride said he does not want to say it should become an Enterprise Fund. Mr. Logan clarified it cannot be an Enterprise Fund. Mr. McBride felt to be able to accrue dollars in that fund with some type of tie to, whether we take from the bed tax or not, although the auditor does not seem enamored with it even though we could legally do it. But, whatever the percentage is would be a sum equal to 3% like the percentage from the bed tax so the fund accumulates. Mr. McBride felt something more formal was needed so that future Councils could not decide something other than what was intended. Mr. McBride said we have enough needs in this town with infrastructure that there is no need to radically divert a lot of funds. It would be nice to have some type of revenue source that was much more measured, rather than just appropriating dollars out of the General Fund.

Mayor Jensen stated he would certainly like to see a Resolution in support of the program and then add the appropriate language for future Councils or Mayors so that there would be some guidelines. He felt there would be some points during the course of a year or years that Council may want to come back and appropriate a little more money for this project.

Mrs. Holtzmeier said the core principle is that there are monies coming in from the Bed Tax which go into the General Fund. She added the idea being those that spend the night in Avon are visitors that are helping to culturally beautify the City. Mr. Logan agreed that made sense. Mrs. Holtzmeier stated they were looking for a Resolution to designate some formalities to the program and provide for the funding to be appropriated and for those remaining funds each year to rollover.

Mr. McBride felt they should be clear that this is not spending money every single year as it may take two or three years to build those monies and then you do a project.

Mrs. Holtzmeier advised she attended a recent Planning Commission Meeting and it was discussed that the Sherwin Williams facility coming to Avon was not planning to have curbs. She inquired as to why that is as it sounds a little peculiar to have a retail development that does not have a curb. Ms. Fechter said she knows the current Sherwin Williams building has bumper guards in front of each parking spot in front of the building to stop traffic from protruding into the walkways or into the building. Ms. Fechter stated that our Code does not definitively state

what they are required to install or not install, but rather states the standards to follow for completion. Mr. Cummins said Sherwin Williams is part of a previously planned development area and Winking Lizard was completed right next to it and they share storm water management systems with one to the west and one to the northeast. Mr. Cummins stated the way the Winking Lizard was designed was that the water would sheet off of the parking lot into the storm water management area so there was no curb, but wheel stops along the western side of Winking Lizard. Mr. Cummins advised Sherwin Williams proposes to mimic the same along the edge of the parking lot, but they also propose to not have curbs along the drive aisle on the north side or around the building itself, but they do propose wheel stops. Mr. Cummins said his reading of the Ordinance is as long as they have either a wheel stop or curb or appropriate markings, so people know to stop, that is technically acceptable. Mr. Cummins stated it was not the norm that he has seen around town and the reason he brought it up during the Planning Commission Meeting, but Sherwin Williams, during that meeting, offered to add curbs along the drive aisle portion on the north side of the development. Mr. Cummins believed that while not standard, it is acceptable per the Code.

Mrs. Holtzmeier stated she brought up the topic because she wonders if it is something lacking in our code as far as uniformity of any retail or commercial development throughout the City and perhaps was something the Service Committee wants to approach to discuss, but we currently do not have any language in the Code that requires it. Mr. Cummins clarified it requires something as it says appropriate bump guards, curbs and markings shall be provided. Mr. Cummins said he would say it is not standard around town that you have all three so he reads it to mean that as long as you have one of those it is appropriate and would be acceptable. Mr. Cummins felt it could be better defined and suggested some different language be inserted to handle conditions around the building separate from conditions adjacent to storm water management areas etcetera. Mrs. Holtzmeier said when you think curbs, you think sidewalk or think at least a safety stop so a vehicle is deterred from crashing into a building. Mrs. Holtzmeier said you want something to be more of a buffer for safety. Mr. Cummins said he would be hesitant to accept just a marking, but a wheel stop or a curb act as one and the same. Mrs. Holtzmeier inquired if wheel stops are permanent. Mr. Cummins said no, they can be moved.

Mr. McBride said he would strongly discourage just wheel stops. He indicated from his experience wheel stops do not last and they end up being damaged by snowplows and vehicles hitting them repeatedly. Mr. McBride said they need to flow water into the detention basin where it causes the water to swale. Mr. Cummins said it could be set up so there are breaks in the curb line. Mr. McBride agreed and said that is exactly what he has seen. Mr. Cummins stated a little bit further would be to install a drainage system to convey the water so there are other methods.

Mrs. Holtzmeier inquired if there was any interest from other members of Council to look further at this issue of uniformity in the Code.

Mr. Butkowski stated they could discuss it at a Service Committee Meeting. He did not know if the November Meeting date was too far out. Mrs. Holtzmeier inquired if there was any merit to the timing of waiting until November. Mr. Cummins felt Sherwin Williams wants to proceed before November. Mr. Cummins stated Sherwin Williams agreed to do the curb along the north side where it is along the drive aisle. Mr. Cummins said we could certainly ask them to do it differently, but he does not know if we would have a mechanism to force them at this time as they were approved by Planning Commission, as they made some amount of consideration. Mrs. Holtzmeier agreed their considerations should be noted and that Sherwin Williams has been agreeable to many of the suggestions. Mr. Cummins felt the matter and the future consideration

of it would be applied to future projects and not necessarily the current project. Mrs. Holtzmeier felt it was fair to say this is a valid issue to bring up at future discussions.

Mr. Witherspoon inquired of Ms. Fechter if this issue should go back to the Planning Commission. Ms. Fechter said that was her one question when she and Mrs. Holtzmeier first began this conversation. Ms. Fechter asked Mr. Gasior what direction would be the best course of action. Mr. Gasior felt it should be referred to Planning because it is dealing with Section 1292 of the Code so any change in that Part 12 would have to go to Planning and be referred back to Council. Mr. Gasior said to save time you may just want to make a referral to the Planning Commission to review that chapter or that section to see if additional language is required or some clarification. Ms. Fechter inquired if after that, Planning would refer it to the Service Committee for review before coming to all of Council or would it go straight to Council. Mr. Gasior said Planning will make a recommendation to Council and possibly it could be to change the code and he would write an ordinance for Council to consider for three readings. Mr. Gasior added he did not see any need for the Service Committee to meet on this topic unless it is referred back from Planning to Council without a recommendation to change the code then Council might want to refer it to the Service Committee. Mr. McBride stated to him the Planning Commission is not the right place for what you want to do, but at this point he is fine with that decision. Mr. McBride felt it belongs in the engineering standards where it is clear. Mr. Gasior stated it is in the Code right now so even if you want to take it out of the Code it would be something that would affect that portion of the Code that requires Planning Commission action. Mr. McBride agreed it should be discussed at Planning and should be no different than the City Engineer going over the storm water calculations. Mr. McBride felt while we are on this topic there are multiple locations in this town where it is not set up right with retailers with lazy setups with parking and drive aisles and ingress and egress. Mr. McBride felt multiple things needed to be looked at with parking and drive aisles and such.

Mrs. Holtzmeier stated she was comfortable with the Planning Commission approaching this and seeing that referral come back in late November. Mr. Cummins advised while he felt it could be added to by the engineering standards to solidify it, it would be wise to keep it in the zoning code also because that is always the first stop that people make when they are starting their site design.

Mr. Witherspoon asked Ms. Fechter to arrange for the Planning Commission to review the current language in the Code regarding curbs. The Mayor inquired with this issue at hand if we can demand a concrete curb stop instead of a rubberized one or if there was any kind of standards for what the developers/property owners need to install. Mr. Cummins stated he believed there is a standard for concrete curb stops, but he would double check. Mayor Jensen felt that might help the situation as concrete seems to hold up although it could still be moved. Mr. Cummins said that while it is true that concrete curb stops are not as permanent as a curb, they are a lot easier to switch out if one becomes damaged and that goes back to property maintenance in some regard.

Mrs. Holtzmeier said that she was pleased to see that some of the sidewalks along Long and Stoney Ridge Roads have been installed. She inquired of Mr. Farmer if there would be a crosswalk connecting those two streets and Mr. Farmer responded it would take a couple weeks.

Mrs. Holtzmeier stated she agreed with the Mayor's comments regarding the heroin pandemic. She said if it has ever touched your life, it is definitely something that as public officials we need to look at how we can curb its growth. Mrs. Holtzmeier advised it is growing and it is here in our communities and it was only going to get worse unless we take some action.

Mr. McBride, Ward 2 added regarding curb stops that yes concrete lasts longer, but the problem is they get damaged and it is a property maintenance issue and multiple retailers do not replace them right away and he would recommend curbs. Mr. McBride said regarding the heroin and drug overdose problem and when our police and EMS were going to start carrying and using Narcan his attitude was, "Why is that our problem?". He said it is a problem and we need to support it, but if you overdose and are brought back with Narcan or other extraneous means, he felt it is like being an alcoholic and you need treatment. He felt people have to become responsible and take action and hopefully they will not have multiple relapses. He felt the policy should be that you get treatment or we will prosecute. We should not have to send a squad for a drug overdose for that person again when emergency crews should be out potentially saving someone who is having a heart attack. Mr. McBride said the City will start expending more and more resources to deal with the issue. He understood that sounds a little cold hearted, but we need to help people help themselves.

Mayor Jensen said the one thing he has learned through this process is that there has to be an agreement that this is a disease. He said by every indication in terms of definition it absolutely is a disease. He asked how many treatments are enough and he does not believe anyone knows and that is the frustration with a parent or anyone else. He heard the other day from one parent that their child has gone through 27 relapses. Mayor Jensen said that even though we are hearing more and more the frustration from the safety forces that we are using 2, 3, 4 or 7 Narcan injections, he felt we still have to go back and find an answer because he does not believe it is as simple as saying we are only going to treat you once and then we will prosecute you. He felt we have got to come up with a system that we can feel comfortable with. Many parents thought their child had their addiction licked and they tried it again and were gone. He said he is not sure it is as easy as saying these are the steps you have to take in order for us to continue to revive you as he felt we do it until we have answers. It really is an unbelievable disease and until we know more and put more money into it he was not sure the answers were there yet. Mayor Jensen said one of the reasons he took so long to get the City involved is because there were a lot of meetings and at some point you think you are going to find an answer and no one has a textbook answer and he felt it was time for the City to get onboard and find out how we can help. We have lost too many children and he knows the children personally that we have lost from Avon and there was no saving them and he could tell you personally that he would keep bringing them back as long as he possibly could and that is not always the option we have.

Mrs. Holtzmeier felt in hearing the comments tonight in this forum and in this community and all over that it is clear that there is education that needs to happen and an awareness and an understanding that to not take action only exacerbates the problem. She felt we have an obligation as humans to deal with it appropriately. She said it is very different than anything we may have seen before and it will take a different solution, multiple different solutions to bring an answer, but it starts with being more educated.

Mr. McBride clarified that yes, we need to keep reviving those people who overdose multiple times, but at some point it has to stop being a City problem and the parents or an adult need to take responsibility as someone has to pay for that Narcan and someone has to pay to run that squad as that is a cost to the City. Mr. McBride said we all know what it cost to replace an ambulance and it is expensive. He understood these people could be taxpayers and visitors spending money in our City, but at some point he felt all that detrimental, lethal, self-inflicting activity they need to be responsible for in terms of cost. He reiterated we always revive them and

save their life if we can, but the parents have to step up or the adult has to step up as someone has to incur that cost.

Mayor Jensen said Karen Kirsh is one of those people who work with them in the community and her son died from an overdose and the broken-heartedness of saying that a parent has to step up... He cannot explain to Mr. McBride exactly what it is if we look at this as a disease. He said it is not something a parent chooses and is not something that a child chooses. The Mayor advised we have to get a handle on it from everywhere and the government is trying to step up and most of the Narcan to the City is free through the organizations. The more you become educated he would guarantee that he would look at it completely different because it is something beyond what we can fathom. Mayor Jensen said if you really look at it as a disease it is something far beyond what we can comprehend right now. He said he shakes his head because he knows the pain these parents and families have gone through that he has talked to and a child they loved became something completely different and it has changed everything about them and he can only compare it to cancer because we all know people cancer has affected. When cancer first was discovered it was looked at as a negative and something that someone caused. He said even though we can trace cancer back to something, such as lung cancer, it is a disease and we still do not stop treating it. In regards to drug addiction, we have to start with education and we have to start with our children. He does not believe that we are to ever give up and we owe it as a community, whatever the cost is that we are paying now. In the State of Ohio we are number two in overdoses. The Mayor said there were 7 overdoses in Cuyahoga County this weekend and we lost all 7 of those people. He said it is something that is gaining and he welcomes more discussion and the more educated we are the better able we are to come up with a solution. He has been in those meetings and it is heartbreaking.

Mr. Radcliffe, Ward 4 was absent.

Mr. Witherspoon, Council President advised we can all tell from the conversation this evening that as a City, we need to do something. What that something is he has absolutely no idea, he said and he did not know if any of them had the exact direction we need to go, but we have to do something. Mr. Witherspoon stated he trusts the Mayor and he trusts Council will approach this as a situation where we get help from different organizations to guide us as to what the best solution would be as a City to address this particular problem. He said he knows the Mayor will take it and run with it and the Mayor could count on his support and hopefully Council's support in whatever he would decide to do. Mr. Witherspoon stated he looks at this as a group effort with Police, EMS, Council and everybody trying to help find a solution. That is his hope for possibly the end of this year or the beginning of next year.

#### ADMINISTRATION:

Ms. Corrao, Parks and Recreation Director had no comments.

Mr. Cummins, City Engineer had no comments.

Mr. Farmer, Service Director had no 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:

Mr. Dan Shimola of Jaycox Road stated he talked with Mayor Jensen prior to the Council Meeting, but he has a serious problem with the way the City is handling traffic in the City. He said he does not understand how our City got to where it is today. He said he is all for building up everything, but it is upsetting to him what is going on in our City. He questioned the need for so many traffic lights, such as the one between Walmart and Lowes, the one in front of Cabela's, and the one for Levins. He felt that the reason for these lights is because the merchants have traffic studies done that say all are going to need the lights and to him, the lights are only for advertising as the retailers want you to stop in front of their stores. The felt the City should be doing the traffic studies instead of the merchants and then it would be an unbiased study. You cannot drive anywhere without traffic light after traffic light and we do not need them. And why are they turned on at night and on Sundays? Mr. Shimola said the next problem is that we have lanes that are hashed off with yellow marks that they do not want us to use. He asked why we have a lane if it is not to be used until the future. We are paying for that and he asked why not use it now. He came in and asked if there is a turning lane from Middleton onto Jaycox Road and he was told no that it was reviewed and we are not going to install a turning lane at that location. Mr. Shimola thought it should be reviewed again because it was needed. He said then he was told they are going to put the pavement in, but it is not going to be marked off and used. He inquired as to the purpose of that. He stated that going northbound on Lear Road, to make a left hand turn onto Chester Road, half of it is marked off as aturning lane and half of it is not. He felt the problem is there is so much traffic that that they are blocking the straight lane because there are too many cars turning left. He asked why the streets were marked the way they are marked. He has lived here since 1987 and it has been fine until the last few years and he just does not understand it as all they want to do is put up traffic lights. He just does not understand why this is not all planned out ahead of time. He thanked Council for their time and said he spoke his peace.

Mr. Jim Kopp of Chester Road inquired if the survey was still ongoing with NOACA. Mr. Cummins stated that is correct that we are still in discussions with NOACA and it is still ongoing. Mr. Kopp inquired if it is going to benefit us at all and if it was going to benefit his property. Mr. Cummins said those are really two different things as we are looking at sanitary sewer districts and we are not looking at development of Mr. Kopp's property per se. Mr. Kopp said so in other words, the Master Plan does not mean anything. Mr. Cummins advised that the Master Plan is going to set the perimeters and we may modify what is there currently, but as far as planning out your particular development that will not be part of it. Mr. Kopp said it is not his development; they want to sell their property. Mr. Kopp stated we cannot get it divided by the developer to come in there because they have to install 2800' of sewer and he asked if that was fair to him and those on the east end. Mr. Kopp inquired if NOACA was elected to Avon government then stated he did not think so. Mr. Kopp said in other words, it is not fair to him and that did not mean anything at all to them. Mr. Kopp stated for 10.5 years his property has been for sale and every time he gets someone interested in his property they find out about the

sewer and leave. He asked how that was fair to him. He stated the east end of Chester Road goes to Avon Lake and everything west goes to North Ridgeville. Mr. Cummins said that is correct. Mr. Kopp said the sewer that stops at Timberlake is too shallow. Mr. Cummins said that is correct. Mr. Kopp said he has to install it in order to sell his property is basically what he is telling him. Mr. Cummins advised no, he is not saying that. Mr. Kopp inquired as to who was going to do it as no one else wants to. Mr. Kopp inquired if Mr. Cummins wanted to find him a developer and he would give them about 2800' of sewer so they can sell their property and retire. Mr. Kopp indicated any time a realtor has a lead on selling his property when they find out there is no sewer they are no longer interested in purchasing his property.

#### ADJOURN

A motion was made by Mrs. Holtzmeier and seconded by Mr. McBride to adjourn the Regular Meeting of Council, and the vote was: Mr. Fischer, "yes"; Mrs. Holtzmeier, 'yes'; Mr. McBride, "yes"; Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Witherspoon, "yes".

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