

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 22, 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: 1<sup>st</sup> Ward – Bob Butkowski; 2<sup>nd</sup> Ward – Dennis McBride; 3<sup>rd</sup> Ward – Mary Berges; 4<sup>th</sup> Ward – Daniel Urban; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; Law Director – John Gasior; Finance Director – William Logan; Service Director – Michael Farmer; Parks Director – Diane Corrao; Planning and Economic Development Coordinator - Pam Fechter; City Engineer – Ryan Cummins; Clerk of Council – Ellen Young

ADDITION TO THE AGENDA

A motion was made by Mrs. Holtzmeier and seconded by Mr. Urban to add to the agenda Ordinance No. 26-16, to give consent to ODOT to perform maintenance on I-90 within Avon City limits, as item No. 14(a), and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Mr. Witherspoon, “yes”.

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

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

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

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, FEBRUARY 8, 2016

A motion was made by Mr. Fischer and seconded by Ms. Berges to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, February 8, 2016, and to approve said minutes as published, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “abstain”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 1 abstention and the Chairman declared the motion passed.

ORDINANCE NO. 16-16 – REAPPROPRIATIONS

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

**AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS  
ORDINANCE NO. 150-15 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. 16-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

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

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

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

ORDINANCE NO. 17-16 – TO ADOPT CERTAIN AMENDMENTS TO THE CODIFIED  
ORDINANCES ON THE INTERNET

The Clerk read Ordinance No. 17-16 by title only, entitled:

**AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF  
CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT  
CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE  
ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED  
AND REVISED CODIFIED ORDINANCES ON THE INTERNET;  
REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT  
THEREWITH; AND DECLARING AN EMERGENCY**

A motion was made by Mr. Butkowski and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 17-16, and the vote was: Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mrs. Holtzmeier and seconded by Ms. Berges to adopt Ordinance No. 17-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 18-16 – TO INCREASE RATES FOR EMS SERVICES

The Clerk read Ordinance No. 18-16 by title only, entitled:

**AN ORDINANCE TO AMEND §210(e)(7) AND §1066.02 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE CERTAIN FEES TO BE CHARGED FOR EMERGENCY MEDICAL SERVICES ON AN ANNUAL BASIS AND DECLARING AN EMERGENCY**

A motion was made by Ms. Berges and seconded by Mr. Urban to suspend the rules and act on Ordinance No. 18-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. Butkowski and seconded by Mr. Urban to adopt Ordinance No. 18-16, and the discussion was:

Mayor Jensen requested that Fire Chief Root attend the meeting to assure Council that this increase will not affect any resident in the way the City bills for emergency services or transport.

Chief Root stated that no City of Avon resident will be billed for any charge that their insurance does not cover. The rates that Avon charges are mid-range in comparison with other fire departments; they charge a fair price for what they believe to be superior service. Mayor Jensen added that Avon does a three-tier billing. Chief Root said the department cannot itemize bills, but they have it broken down into Basic Life Support (BLS), Advanced Life Support (ALS) and Advance Life Support II; ALS is basically starting an IV and ALS II involves medications, etc. He said that 90% of the supplies used are replaced by the hospital once the patient arrives there. Some of the specialized equipment is purchased by the Fire Department, but the basics are exchanged at the hospital.

Mrs. Holtzmeier asked how they determine which hospital an emergency patient is taken to. Chief Root said protocol gives them a little leeway to take the patient to the most appropriate, closest medical facility. In the event a situation is not immediately critical, the patient may be taken to the facility of their choice. In a true, life-threatening emergency, the patient is taken to the closest medical facility; that is state law. The facilities Avon residents are taken to are EMH in Avon, Cleveland Clinic in Avon, St. John’s Westshore, Fairview Hospital, Mercy Hospital, EMH in Elyria and special circumstances have resulted in the patient being transported to the Cleveland Clinic main campus.

Mr. Fischer stated that he talked to Great Lakes Billing, the company that does all of the billing for Avon EMS runs and she confirmed what Chief Root stated. She also said the City is utilizing the Ohio Attorney General Local Government Debt Collection Program. Mr. Logan said that Council passed an ordinance a few years ago to submit delinquent claims directly to the Ohio Attorney General’s office through Great Lakes Billing. They have approximately \$180,000 in

old claims in their process right now. He said that Cindy at the Fire Department, Chief Root and he can also answer any questions Mr. Fischer has. The Attorney General's office will take any debt owed to the City; not just for EMS.

Mayor Jensen stressed that those debts are for charges outside the City. Mr. Logan said some of the charges are from as far back as 2009 – 2010 and the previous Mayor, Jim Smith, believed some will never be paid.

The vote was: Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Urban, "yes"; Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Witherspoon, "yes".

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

ORDINANCE NO. 19-16 – TO AMEND CHAPTER 210 OF THE CODIFIED ORDINANCES  
RE: PLANNING COMMISSION FEES

The Clerk read Ordinance No. 19-16 by title only, entitled:

**AN ORDINANCE AMENDING SECTION 210.01(f) OF THE  
CODIFIED ORDINANCES OF THE CITY OF AVON  
REGARDING PLANNING AND ZONING CODE FEES  
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. 19-16, and the vote was: Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Urban, "yes"; Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mr. Witherspoon, "yes".

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

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 19-16, and the vote was: Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Urban, "yes"; Mr. Witherspoon, "yes".

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

ORDINANCE NO. 20-16 – TO AUTHORIZE THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH ODOT FOR PARTIAL FUNDING OF CHESTER ROAD WIDENING

The Clerk read Ordinance No. 20-16 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO OBTAIN PARTIAL FUNDING FROM THE JOBS AND COMMERCE ECONOMIC DEVELOPMENT PROGRAM FOR THE RE-CONSTRUCTION AND WIDENING OF APPROXIMATELY 4,300 FEET OF CHESTER ROAD BETWEEN THE EASTERN PROPERTY LINES OF MENARD AND CABELA'S THROUGH TO JAYCOX ROAD, IN ORDER TO SUPPORT THE DEVELOPMENT OF A NEW BENDIX CORPORATION CORPORATE CAMPUS 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. 20-16, and the vote was: Mr. McBride, "yes"; Mr. Urban, "yes"; Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. Witherspoon, "yes".

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

A motion was made by Mrs. Holtzmeier and seconded by Mr. Butkowski to adopt Ordinance No. 20-16, and the discussion was:

Mr. Butkowski recognized Ms. Fechter's efforts in enabling the City to obtain this grant.

The vote was: Mr. Urban, "yes"; Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Witherspoon, "yes".

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

**ORDINANCE NO. 21-16 – TO ESTABLISH 2016 COMPENSATION FOR NON-BARGAINING UNIT ADMINISTRATIVE POSITIONS**

The Clerk read Ordinance No. 21-16 by title only, entitled:

**AN ORDINANCE ESTABLISHING COMPENSATION FOR FULL AND PART-TIME CITY ADMINISTRATIVE POSITIONS NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT FOR THE YEAR 2016 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. 21-16, and the vote was: Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Urban, "yes"; Mr. Witherspoon, "yes".

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

A motion was made by Ms. Berges and seconded by Mr. McBride to adopt Ordinance No. 21-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 22-16 – TO ESTABLISH 2016 COMPENSATION FOR NON-BARGAINING UNIT LEGISLATIVE POSITIONS

The Clerk read Ordinance No. 22-16 by title only, entitled:

**AN ORDINANCE ESTABLISHING COMPENSATION FOR FULL AND PART-TIME CITY LEGISLATIVE POSITIONS NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT FOR THE YEAR 2016 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. 22-16, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Ms. Berges to adopt Ordinance No. 22-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 23-16 – TO ESTABLISH 2016 COMPENSATION FOR THE LAW DIRECTOR

The Clerk read Ordinance No. 23-16 by title only, entitled:

**AN ORDINANCE ESTABLISHING COMPENSATION FOR THE DIRECTOR OF LAW OF THE CITY OF AVON AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Urban to suspend the rules and act on Ordinance No. 23-16, and the vote was: Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Urban to adopt Ordinance No. 23-16, and the vote was: Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 24-16 – TO AWARD THE BID FOR CHESTER ROAD IMPROVEMENTS FROM STATE ROUTE 83 TO CABELA’S

The Clerk read Ordinance No. 24-16 by title only, entitled:

**AN ORDINANCE TO AWARD THE BID FOR THE CONSTRUCTION OF THE CHESTER ROAD WIDENING AT S.R. 83 PROJECT AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Urban to suspend the rules and act on Ordinance No. 24-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to amend Ordinance No. 24-16 to delete the language in Section 2, “from funds transferred from the Chester Road Widening – Project K Fund No. 426,” and replace it with, “from Bond Anticipatory Note proceeds and deposited directly into the Chester Road Widening – Walmart Fund No. 480” and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Ms. Berges to adopt Ordinance No. 24-16 as amended, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 26-16 – TO GIVE ODOT CONSENT TO PERFORM MAINTENANCE ON I-90 WITHIN THE CITY OF AVON LIMITS

The Clerk read Ordinance No. 26-16 by title only, entitled:

**AN ORDINANCE CONSENTING TO THE DIRECTOR OF TRANSPORTATION COMPLETING REACTIVE PAVEMENT MAINTENANCE ON I-90 AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 26-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Ms. Berges to adopt Ordinance No. 26-16, and the discussion was:

Mrs. Holtzmeier asked Mr. Gasior to explain Section 2 of the Ordinance. Mr. Gasior said this is standard language in this type of legislation and it means that the City cannot ask ODOT to do more than what they plan for this project. Mr. Cummins added that this is a project that was developed and will be implemented by the Ohio Department of Transportation; it is maintenance work on a federal highway system and that statement is meant to ensure that if the City were to ask for additional work to be done, the City would be responsible for that work. Mrs. Holtzmeier asked when this work would begin and Mr. Cummins speculated that it would start the beginning of summer.

The vote was: Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

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

## REPORTS AND COMMENTS

Mrs. Holtzmeier congratulated the Parks Director on a successful basketball program again this year. Ms. Corrao said it was third through eighth grades; there were 231 players making twenty-seven teams, utilizing twenty-three volunteer coaches and eight girls varsity basketball players, which were paid positions and included refereeing and score keeping. It really immersed them into the community.

Thanked Mr. Logan for the updated debt service cash flow information.

Mr. Urban said, as many of you know, he and his wife, Christina, are expecting their third child this May. Over the last several months, he has given thought to managing all of his responsibilities as Ward 4 Council Representative, his family and as Executive Vice President, COO of his law firm. His decision is to devote more time to his family and to help raising his children. He spoke to Mr. Witherspoon and the Mayor about his desire to spend more time with his family and they were both understanding and supportive.

Mr. Urban continued, stating that the City is in great hands with this Mayor, these directors and this Council. He has served ten years on this body as Ward 4 Council Representative and he is greatly appreciative of the opportunity to serve such an amazing community and being able to work with the people he mentioned. It is time for him to step aside to better manage his other responsibilities. This position requires full attention, if you are doing it right. This community

deserves nothing less. Come May, he does not feel he will be able to fulfill the expectations he has of himself in this position, or that the residents of Ward 4 and Avon as a whole deserve from their elected officials. He submitted his resignation and his last official day will be March 28, 2016. He apologized for not having delivered this information individually, but felt that it would be better done all at once, so everyone receives the same message.

Mr. Urban concluded, stating the City is in great hands, with great days ahead of it and he looks forward to celebrating those achievements and great days as a proud resident of Avon.

Mr. Gasior extended his appreciation and said he was sorry to see Mr. Urban go, but completely understood his reasons.

Mr. Logan congratulated Mr. Urban.

Mr. Farmer wished Mr. Urban the best of luck.

Ms. Fechter congratulated Mr. Urban and said she enjoyed the time she has worked with him.

#### EXECUTIVE SESSION

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to enter into Executive Session to discuss pending litigation, and the vote was: Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

#### RECONVENE

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

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

#### ORDINANCE NO. 25-16 – TO AUTHORIZE THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT

The Clerk read Ordinance No. 25-16 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
SETTLEMENT AGREEMENT WITH GARLAND GRIFFIN HOMES, INC. AND  
AUGUST PROPERTIES, LLC, AUTHORIZING THE PURCHASE OF CERTAIN  
PROPERTY OWNED BY GARLAND GRIFFIN HOMES, INC.  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 25-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 25-16, and the discussion was:

Mayor Jensen thanked the residents for their patience, acknowledging that this process started a long time ago. The perception may have been that the City was going to allow the development to be built. After the rain event, the City realized a mistake had been made and something needed to be done. There had still been some doubt about moving forward with this, but the deciding factor for him and Council was seeing the anguish one of the residents went through with cancer treatments and having to deal with a flooded home and damage on top of that. He said there are a lot of things he and Council would like to help residents with and gave the example of the people whose homes flooded with water coming over Mills Road from North Ridgeville. In this instance, they were able to do something. They were able to protect residents who live in the neighborhoods now. In the future, when he is asked what he is most proud of having done while serving as Mayor, what this land will become five years from now will be the project that will come to mind. They did the right thing in not allowing a developer to build in an area that would have been the wrong place to build. He concluded, saying that as he asked Council to pass this settlement agreement, he also thanked them for their support and their understanding.

The vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

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

#### AUDIENCE:

Pat Collins, a Kensington Drive resident, thanked the Mayor, Council and all of the people who worked on this issue.

Maureen Traine, a Kensington Drive resident, thanked Mayor Jensen for being there from the first day, with a phone call. The decision of what is best for the community is why she is here and has stayed here.

A Jaycox Road resident asked if there would be plans shown to let residents know what will be on that site. Mayor Jensen said yes. She asked if it was affiliated with the Lorain County MetroParks. Mayor Jensen said information would be forthcoming. The resident said she heard they will be cleaning the Black River in Lorain and Mayor Jensen responded, stating that had been a rumor for a long time, but it does need to happen. The resident said there are garbage cans and other trash in French Creek near her and Mayor Jensen said to contact his office and

they will have that taken care of. The resident asked if there would be testing to see what is in the water, which is very polluted and she can tell from inside her home. Mayor Jensen said he will check into that.

#### ADJOURN

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

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