

**PUBLIC HEARING
MONDAY, SEPTEMBER 11, 2023**

7:25 P.M. – Council President Brian Fischer opened the Public Hearing for Ordinance No. 88-23

ORDINANCE NO. 88-23 – 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

There being no comments, the Public Hearing for Ordinance No. 88-23 was closed at 7:27 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, SEPTEMBER 11, 2023
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

The Chairman, Council President Brian Fischer, called the meeting to order and led in the Pledge of Allegiance.

PRESENT:

Council Members: 1st Ward – Jennifer Demaline; Council-at-Large – Tammy Holtzmeier; 3rd Ward – Anthony Moore; Council-at-Large – Craig Witherspoon; Council-at-Large and Council President – Brian Fischer; Mayor - Bryan Jensen; City Engineer – Ryan Cummins; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT:

2nd Ward – Dennis McBride; 4th Ward – Scott Radcliffe

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, AUGUST 7, 2023

A motion was made by Mrs. Holtzmeier and seconded by Mr. Moore to dispense with the reading of the minutes of the Work Session of Council held Monday, August 7, 2023, and to approve said minutes as published, and the vote was: Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE MEETING OF THE SERVICE COMMITTEE OF COUNCIL HELD MONDAY, AUGUST 14, 2023

A motion was made by Mrs. Holtzmeier and seconded by Mr. Moore to dispense with the reading of the minutes of the Service Committee of Council held Monday, August 14, 2023, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes” Mr. Fischer, “yes”.

The vote was 5 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, AUGUST 14, 2023

A motion was made by Mrs. Holtzmeier and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, August 14, 2023, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD TUESDAY, SEPTEMBER 5, 2023

A motion was made by Mr. Witherspoon and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Special Meeting of Council held Tuesday, September 5, 2023, and to approve said minutes as published, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 88-23 – 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

The Clerk read Ordinance No. 88-23 by title only, entitled:

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

The Chairman declared this to be the third of three readings of Ordinance No. 88-23.

A motion was made by Mrs. Demaline and seconded by Mr. Moore to adopt Ordinance No. 88-23, and the vote was: Mrs. Demaline, “yes” Mrs. Holtzmeier, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 98-23 – GRANTING A SPECIAL USE PERMIT TO LIG LAND, LLC TO ALLOW THEIR TENANT, SHEETZ, INC., TO CONSTRUCT A 6,139 SQ. FT. GAS STATION AND CONVENIENT STORE WITH AN OUTDOOR PATIO TO BE LOCATED AT THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS

The Clerk read Ordinance No. 98-23 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO LIG LAND, LLC TO ALLOW THEIR TENANT, SHEETZ, INC., TO CONSTRUCT A 6,139 SQ. FT. GAS STATION AND CONVENIENT STORE WITH AN OUTDOOR PATIO TO BE LOCATED AT THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS AND DECLARING AN EMERGENCY

The Chairman declared this to be the first of three readings of Ordinance No. 98-23.

ORDINANCE NO. 99-23 – AMENDING SECTION 672.10 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON ENTITLED “FIREWORKS” TO REVISE REGULATIONS REGARDING THE SALE AND POSSESSION OF FIREWORKS

The Clerk read Ordinance No. 99-23 by title only, entitled:

AN ORDINANCE AMENDING SECTION 672.10 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON ENTITLED “FIREWORKS” TO REVISE REGULATIONS REGARDING THE SALE AND POSSESSION OF FIREWORKS AND DECLARING AN EMERGENCY

The Chairman declared this to be the first of three readings of Ordinance No. 99-23.

ORDINANCE NO. 101-23 – TO AUTHORIZE A DEVELOPER’S AGREEMENT AND PERFORMANCE BOND WITH LIG LAND, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE MIDDLETON CROSSING SITE LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS

The Clerk read Ordinance No. 101-23 by title only, entitled:

AN ORDINANCE TO AUTHORIZE A DEVELOPER’S AGREEMENT AND PERFORMANCE BOND WITH LIG LAND, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE MIDDLETON CROSSING SITE LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS AND DECLARING AN EMERGENCY

The Chairman declared this to be the first of three readings of Ordinance No. 101-23.

ORDINANCE NO. 102-23 – REAPPROPRIATIONS

The Clerk read Ordinance No. 102-23 by title only, entitled:

AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 132-22 AND DECLARING AN EMERGENCY

The Chairman declared this to be the first of three readings of Ordinance No. 102-23.

RESOLUTION NO. R-28-23 – SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION (OPWC) STATE ISSUE ONE FUNDING APPLICATION FOR THE LONG ROAD RESURFACING PROJECT

The Clerk read Resolution No. R-28-23 by title only, entitled:

A RESOLUTION SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION (OPWC) STATE ISSUE ONE FUNDING APPLICATION FOR THE LONG ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY

The Chairman declared this to be the first of three readings of Resolution No. R-28-23.

RESOLUTION NO. R-29-23 – SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION (OPWC) STATE ISSUE ONE FUNDING APPLICATION FOR THE CHESTER ROAD HEIDER DITCH CULVERT REPLACEMENT PROJECT

The Clerk read Resolution No. R-29-23 by title only, entitled:

A RESOLUTION SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION (OPWC) STATE ISSUE ONE FUNDING APPLICATION FOR THE CHESTER ROAD HEIDER DITCH CULVERT REPLACEMENT PROJECT AND DECLARING AN EMERGENCY

The Chairman declared this to be the first of three readings of Resolution No. R-29-23.

REPORTS AND COMMENTS

MAYOR JENSEN - Stated that he had the opportunity this morning at the 9/11 Ceremony to stop and remember the sacrifices that our safety services made on 9/11 and to also remember those that were lost in the twin towers, and in the air crash. The Mayor said that he hoped that everybody will take a moment today and just remember that after those sacrifices, we came together as a nation and he hoped that we will continue to remember that we need to be together as a nation. He said that he was grateful to be able to be there for that Ceremony.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, said that she attended the Avon Health and Safety Fair this weekend and the team did a great job and she asked Mayor Jensen to please thank everybody involved in that. She stated that she knew that Recreation Coordinator Clare Harasimchuk did a lot with the organization of that and it was well attended and very well done. She said, so thank you for putting that on.

MRS. HOLTZMEIER, AT LARGE, welcomed all the new visitors tonight and said for those that have not been to a Council meeting before, there will be an opportunity for audience comments after the Council comments.

MR. MCBRIDE, WARD 2, was absent.

MR. MOORE, WARD 3, also wanted to welcome the visitors, and he stated that the 2nd Annual Arbor Day was on October 7th, 11:30 a.m. – 2:00 p.m. He invited everyone to attend.

MR. RADCLIFFE, WARD 4, was absent.

MR. WITHERSPOON, AT LARGE, had no comments.

MR. FISCHER, AT LARGE, said that he would like to echo the Mayor's comments. He was at the 9/11 Ceremony this morning and had the opportunity to talk with a couple leaders from other cities who did not have ceremonies today. So he appreciates the Administration and Council supporting and keeping our 9/11 Ceremony every year.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, stated that she just wanted to remind everybody that Saturday, September 16th, from 12:30 – 3:00 P.M., the public is welcome to join us at the Avon Aquatic Center for Super Heroes Day. We have some special little folks coming out a little bit earlier to be honored for the adversities they are facing in their lives. Then we open it to the public at 12:30 so they can come and enjoy the same things those guys do. She hoped that everyone could make it.

MR. GASIOR, LAW DIRECTOR, said that he also attended the 9/11 Ceremony this morning and thought that our Fire Department did a fantastic job once again. He is really happy that the Mayor and Fire Department put that program on every year to remember the 9/11 events.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, had no comments.

AUDIENCE

Marianne Ehman, 34478 Heatherwood Avenue, stated that her complaint is the flooding that they are continuing to have on their street. She has called and asked to talk to the Mayor who was too busy so she asked for the Engineer. Mayor Jensen said that is not true; he has never not answered a phone call. Ms. Ehman said that she left a message for the Engineer to call her because of the August flooding in her backyard and she has not heard from him yet. Mr. Cummins said that if he missed that message, he apologized. He said that he was happy to get Ms. Ehman's number and call her tomorrow. Ms. Ehman said that she wanted him to see the flooding she has in her backyard. She said that they built their house 30 years ago and were supposed to be sloped down into the slab. She and her neighbor are the deepest and then everybody was supposed to be gradual all the way back to the end of the street. Well, neighbors at the end decided they wanted to go straight; they did not want any sloping and then the next neighbor, and then the next neighbor. We went to a couple of the neighbors and asked them how they got approved to do that and they said they called City Council and they said to do what they wanted. Her next neighbor did the same thing. He had a friend come over and put in another sewer and put it right into our yard which she has pictures of and we are getting all the water. Half her yard is flooded. She has had to cut down trees because they are sloping towards their house because of the moisture. In 2020 when we had a flooding she came to City Hall and someone came out and talked to her. She does not remember the name but he told her do what her neighbors were doing. Now while my neighbors are going level in their yards, do you ever come and wonder why they want to be level and what happens to the neighbor next to them?

Mr. Cummins said that he did not know the specifics of Ms. Ehman's particular piece of property. He would have to research that and come out and....Ms. Ehman said well, he ok'd them; did he ever come out to look at their properties and wonder why they went to leveling. Mr. Cummins said that those types of things do not make it to him. They go through the Building Department but when your home was built, the fact of the matter is that the area is in a flood plain. Ms. Ehman said that they were told that they were out of the flood plain. Mr. Cummins said that her home may be out of the flood plain but a lot of the area outside of her home is in the flood plain. Mr. Cummins said he was happy to take a look and see if the neighbors are doing anything that is detrimental to her and when that occurred and what it may

be, but he does not know that off the top of his head when they did this. He noted that Ms. Ehman said that her home was built 30 years ago; he would be happy to check into it. Ms. Ehman stated it was within the last five years that they started going all the way up to her property where they are leveling out. She has pictures and she is getting sick and tired of this. There is nothing being done. Whenever we get a hard rain, we get flooded. Half her yard is flooded. Not her neighbors. She is getting all their water into her yard and the creek is not doing anything. They tore down all the trees that were in the creek because they thought that was the problem. Her yard was actually an island at one time and their street was closed off.

Mr. Cummins stated that the flood characteristics around Heatherwood are directly tied to French Creek and the level within French Creek. He thought that Ms. Ehman was impacted in this last rain like she was talking about as French Creek was out of its banks in that particular area. In that area, over 7,500 acres of land flow into French Creek so there is a good amount of water at that location. During the event that we had, the Weather Service had us at over 6 inches of rain. That is beyond a 100-year storm. That is just something that would be even more extensive than the flood plain that is delineated....Ms. Ehman said that it is like every three years we are getting flooded and it started when Summerhill started to be developed. They cut all the trees down and then our flooding started after that. And then Red Tail went in and then they complained because it was N. Ridgeville's sewers bringing all the water down to us and she believed that N. Ridgeville wanted us to pay for the correction.

Mr. Cummins said that he did not know what Ms. Ehman was speaking of. Red Tail was developed in the late 1990's as per the extensive stormwater management system within it. Mills Creek does flow into French Creek but he does not know the specifics; that has to be a couple decades ago that the specifics of that were discussed. Ms. Ehman said, but to have this continue is awful; it is not being taken care of. Off from Riegelsberger where a developer wanted to build homes, the City said no because of the flooding but just 100 yards down on Riegelsberger, a contractor wanted to build 28 homes and changed it to 20 and now that is not a problem? Just 100 ft. down the road? She does not understandMr. Cummins said that property is near the intersection of Kensington and Riegelsberger and was originally proposed to have 28 homes. That project went several years through Planning Commission and City Council going back and forth wanting to get more and more improvements. In the end, it includes installing a new storm sewer down Riegelsberger and that is in the midst of being constructed. Ms. Ehman asked, and where is that going to flow into? Mr. Cummins responded that goes into French Creek. Ms. Ehman said, oh, French Creek...what is going on?

Mr. Fischer asked Ms. Ehman to please call Mr. Cummins and he will handle her issue personally and we will move on with the meeting.

Dennis Massingill, 31954 Mills Road, said years ago when he bought his property, the water came down a creek two doors down from him. It came across from Center Ridge Road and it would flood that whole area right there and then it would come down and flood his front yard and the water would actually be coming out of the storm sewer. So where does all this water flow? Does it all go to French Creek? Is that our storm water handling ability – French Creek? Mr. Cummins said that in the southeast quadrant of the City that is correct. Mr. Massingill asked why aren't we doing something about that? Mr. Cummins said that is the natural conduit to take....Mr. Massingill said, no, do not tell him the natural. Why aren't we doing something about that to help these people? Forget the natural because the natural is not cutting it. He said that he called Mr. Cummins earlier this year and asked him to come out and two weeks after he called, his neighbor came in with four truckloads of gravel and filled his yard up so Mr. Massingill gets even more water. Every time he calls the City to come out and look at his property for a problem, they do not come. Every time the City decides that they are going to dump this water on

a certain area, that is not cutting it for all these people. You have to treat that or take care of it somehow; you cannot just dump it somewhere and it is going to go into all these people's basements. You can see that they are all angry about it right now, so it is time we do something because it is not getting any drier in this area and this is a big City. The City is growing and if you want to take care of it and you want to put more houses in, you are going to have to treat the water/stormwater.

Mr. Cummins stated that every development that is proposed does have a stormwater management system that collects the water and it sees that it...Mr. Massingill interjected, well, it is not working; ask these people if that is working for them. You are blowing this off on other people and you are giving us the same excuse that we have this massive storm that we only get once in every 100 years. He said he has heard that excuse four or five times from Mr. Cummins. It is time to do the right thing and take care of this stormwater problem.

Nancy Haas, 4272 Reserve Way, said that her comment is more for the people that she feels bad for. She is not affected but she drives by Riegelsberger a lot and it looks like a new lake. She realizes that they are still laying the sewers but in the meantime....She also drove Jaycox Road and during these big storms the water is already at the creek level and running along the road cresting. She just wonders even when they put in these new lines, that water is still dumping into that area that is already about ready to crest over the road and so she does not see how this is going to get better with just the current plan. Also, she looked online and she thinks this is a State Ordinance, but you cannot regrade your land or your property to adversely affect another property for flooding.

Mr. Cummins said that is true; you cannot do something to adversely impact your neighbor but that is, in reality, a civil dispute between two adjacent property owners. That is not necessarily something that the City comes in and polices. Mr. Haas said they do not have to police it. Can they complain to someone to enforce an Ordinance?

Ronald Slusarski, 4327 S. Fall Lake Drive, said he has had a different experience than these people. He has been concerned about their stormwater retention pond. He called the City's stormwater specialist and Mike Farmer replied twice within hours and came out and answered a lot of questions he had so he deserves recognition because he is very responsive. Mr. Slusarski said that he may add a piece of the puzzle to this. Apparently when the City has these developments go in, you require approvals from the developers for the stormwater retention pond. Mr. Cummins said that was correct. Mr. Slusarski then said so then the stormwater retention ponds like his in Summerhill was turned over to an HOA. The HOA then becomes responsible for it according to the covenants and restrictions. Unfortunately, he belongs to an HOA that is very unresponsive to this issue. When the City came out with an Ordinance to have annual inspections in 2012, there were two or three attorneys on his HOA that said, no, we are not going to do it. We are going to wait and see what the City does. And they were not going to have the inspection done after the City mandated with an Ordinance that we have it done.

Mr. Slusarski said he got in touch with Building Inspector Tracy Workley and she very professionally sent a letter to the HOA which essentially said, do it or else. If you do not do it the City will do it and take care of this. So what he needs to know now because he feels part of the problem that all of these people are having, is he thinks some of these stormwater retention ponds, like his, is 26 years old and has never been dredged. Very minimal maintenance has been done to it. It is not maintained properly and if it is not maintained properly, the capacity goes down. What happens to that water? That is where it goes into their basements because it has come almost into his house in his yard from the retention pond during a storm event. And he does not think that has to do with planning, he thinks it has to do with the capacity of the pond which has not been maintained. He has a copy of the Ordinance that says the City has minimal

requirements for these HOAs to maintain these ponds. So where does a homeowner go with the City if the HOA is unresponsive? How do we get this corrected, because according to the Ordinance, if the HOA does not do it, the City has the authority to come in and do it and charge the HOA. Problem solved, in his view. So who does he see in the City if he does not get a response from his HOA?

Mr. Cummins said that Mr. Slusarski had mentioned Mike Farmer and he is generally the one that goes out and verifies those inspections and keeps track of who has submitted reports and who has not and very professionally works with HOAs to try to navigate the situation. As you noted, the City is mostly concerned with the engineering properties of the basin such as how much water it is holding, is it acting per plan, etc. There are other things that may be of concern to the neighbors that really may not impact the overall operation. So to answer Mr. Slusarski's question, he would start with Mr. Farmer, make sure that the HOA has done a report and that he has looked at that report and checked into it and then what things are outstanding and then he can report back to the Building Officer and himself and we can bring in the Law Director if needed. If it is something that is really impacting the operation of the basin, that is for sure something we would want to get involved in.

Mr. Slusarski said they were concerned about it and he became a trustee on the Board to try and get something done and when they were unresponsive, he contacted the City and Mr. Farmer came out and that really upset them. So what happens when we get the report and the assessment says that the spillway needs to be cleaned, the outlet needs to be cleaned, and a sediment survey needs to be done. So what happens if none of this can get done?

Mr. Cummins said, we would want to look at the details. You mentioned the word "spillway" and that is something we want to make sure is operating properly. He said that was happy to work with Mr. Farmer and look back at the two reports that Mr. Slusarski has and see if there is anything specific that we need to push on to make sure that the HOA addresses properly.

Debra Stark, 37460 N. Doovys Street, stated that two years ago, August 25, 2021, they had 7 inches of dirty, filthy sewer water and lost a lot on that one. This one on August 24, 2023, they had a foot of dirty sewer water again and lost a tremendous amount. Each of these floods have cost her a tremendous amount of money. She does not know if her insurance company is going to drop her this time after two floods in two years. They have already increased her rates a tremendous amount for house and car. So in that Northgate area, she does not know for sure but it seems like the 26 houses on the side of the ditch – when she goes down the street she sees a lot of debris from the flood on that side of the street. She is not saying that the other side does not flood but there is that big drainage ditch behind the houses. She sees that some of the sewers have been gutted, or fixed. She is not exactly sure what they did in the last month. Diagonal to her neighbor and herself like across the street between their houses and in front of the house next door, it seems like something should be done to the sewers there. Utilities Supt. Brian Bruce has been extremely compassionate and understanding of all the things that have been going on and Mayor Jensen did reach out and call her about all the things that have happened. She does not know what is going to happen but she knows that something needs to be done.

Richard Hronek, 2977 Mapleview Lane, said that he was speaking on behalf of several of the neighbors. In this flood of August 24-25, we had over eight houses that ended up with water in their basements. Most of them were on the east side of the Creekview area. 33 years ago, they had a problem with the flooding over there because when the Creekview development was put in somebody did not put in the proper drainage to begin with. On the east side, all they had was that black corrugated field tile instead of the proper tile that should go in and there were several spots in there that had sandstone shelves and as a result, the tile was put in and when it got to the sandstone shelf, it went up and over. Needless to say,

anything from that kind of an “L” is going to back up. So we had the whole neighborhood flooded back 33 years ago. We had to take it to task with the City and we worked out a compromise in which they had to come back in and redo the entire sewer system from 6 inch all the way down to 10 inch to drain into the French Creek. We have not had any problem since. Recently with this storm, he thought that part of the problem we had, was that once they put the new drainage system in there with the swales, it feeds into the French Creek. But his question is, who is responsible for the maintenance of that cistern system that goes across the back? The tiles to drain into the French Creek? There are a number of those cisterns through the tile that are filled with sediment and therefore they are plugged up and when they plug up closer to the French Creek, it backs up all the way through the rest of the development, almost to Kinzel Road. So whose responsibility is it for the maintenance of that swale and those cisterns and catch basins? That is issue number one. Issue number two is, when that happened, he called City Hall and was transferred to a Mr. Streater’s office. To this day, he has had no response. He left a message with the Engineer, with Mr. Streater, and we have not had anybody come out to take a look at the situation. We also have a situation where somebody gave permission to put a fence across the swale and the swales, by Ordinance, are supposed to be free of any obstructions. So we have that issue to deal with in our neighborhood as well. And that is contributing because when the stuff flows down the swale, it blocks up against the fence and as a result, nothing can go across the surface and if the sediment is inside those cisterns, nothing is flowing through the sewer system either, so as a result we have half of our backyards that are filled with water. So he needs somebody to try to give him some answers so we know where we are going to go with this. Do we need to have that drainage system cleaned out and if so, how do we go about doing that? Is it a City responsibility? Is it the homeowners? He does not know but he knows that they had to have a lawsuit in order to get the drainage system repaired 33 years ago.

Michael Timmons, 3348 Stoney Ridge Road, said that he was tired of hearing every year that there is another 100-year storm like we have had four years in a row; it just seems to be recurring. He said that he had 16 inches of water in his basement. He had to pay thousands of dollars to get appliances replaced and it has just been a real burden on his family and when he goes out and looks at the storm drain, it is overfilled, and there is nowhere for the water to drain out. He does not know if it is plugged up before it is going in to the creek but it just feels like the infrastructure needs to be improved. If it is overfilled, he does not know where it is supposed to go but he really hopes the City looks into some of these concerns and specifically like with Stoney Ridge. Where is that storm drain supposed to go into?

Mr. Cummins stated that no one dislikes the terminology “100-year storm” more than he does. But with that being said, Stoney Ridge is an older street where a lot of it has older infrastructure. As a result of this storm the City has started the process of at least analyzing what is out there and seeing what it would take to upgrade the drainage system along Stoney Ridge Road so that will get underway. Part of that funding is what was on City Council’s agenda earlier so those things are in process. People do not want to hear or may not agree but whatever, he thinks it is right to acknowledge that these storms are happening more often than they were in the past and the infrastructure does not change as quickly as that and so sometimes it takes some time to identify what the problem is and identify what the best solution is, try to get funding for it, get the plans ready and take it to construction. That could be a very long process and he understands that. So that particular area is an area that is in process as with the Northgate area. When the storm happened a couple years ago, we started those same types of processes and have done some testing, and have done a project to fix some of the sanitary lines in that area. There is more to do. There are more steps to identify and more steps to do and we have never stopped doing those over the past years and will continue to do those. We hear you and we will try to do what we can to improve things.

Anne Teubl, 34835 Timberview Drive, stated that she was there with her husband and next door neighbor, representing the people of Timberview. She and her husband moved to Timberview in 1989; a month

after they moved in, she looked out the window one morning and saw that their whole yard was a lake and their storage barn had 4 ft. of water in it which has happened numerous times since then. After that first flood in 1989, the City came in and put in a swale so now when we have these floods, we have had 6 ft. of water in the swale. Also, Timberview dips down in the street and so we have had several times where our street was impassable. People could not leave to go to work and there was a storm when her husband came home from work and the police would not let him come to their house; they would not let him down the street because the flood was so severe. Some people have asked the City to come out and see their flooding, but when it is real bad, you cannot get down their street to see it. One of their neighbors said they were told by someone from City Hall that Timberview did not have a flooding problem but she assures Council that they do. Primarily it is the people on the side of the street that backs up to Schwartz Road Park. We just need something to help us because we do not have retention basins for Timberview. Their concern is, as these other developments are built up and made higher, does that increase how much water then that is coming into their street?

Mr. Cummins said that the answer to that is, no. As he said earlier, all of the new development has very strict standards that they have to adhere to and they have to collect their water and release it at rates that are much slower than what was happening even before there was any development. They are not releasing water faster in any way. So that happens with every new development.

Ms. Teubl said she does not think that helps them right now. For instance, with that swale in the back, they had a huge wooden picnic table that floated into their yard, so they have had lots of problems with the flooding. Mr. Cummins said that he understands that and Timberview is another street that was constructed many years ago and it is fully in a flood plain. He does not know who told them that there is no flooding there. The whole street and every lot on the street is within a flood plain. Ms. Teubl said, yes, and they have mandated federal flood insurance that they have to pay that they did not know when they bought the house. It was after the flood in 1989 that they were told that they had to start buying flood insurance. Mr. Cummins stated that a lot of those regulations became more extensive into the 1990's and beyond. Could Timberview be constructed today in the same manner that it is and the short answer is no, it could not. Ms. Teubl said, so there is nothing right now that you can do to help us?

Mr. Cummins said we are trying to do certain things but can we make all the water go away? That he does not believe that we can do but we have done things in Schwartz Road Park and on the property that is Metro Parks property along Jaycox, we have tried to create more temporary storage area of water to help somewhat but again, there are thousands of acres of drainage coming to where Schwartz Creek and French Creek come together. Doing something over 10 or 20 acres adjacent to that can help but it is not going to take the flood risk away. We will continue to look for areas where we can put those kinds of improvements in place and the Administration and Council are very proactive about trying to do that. One of the homes near Ms. Teubl had been flooded repeatedly and we were able to get a grant from FEMA to purchase the house and take it down and take that risk away and we will continue to do things like that. Ms. Teubl said, but there are other houses that have been flooded repeatedly that are still there. Mr. Cummins responded, and as that money becomes available, we may well look for other potential properties that might be willing to do that. Ms. Teubl said that any help that the City can give them, they appreciate.

Mayor Jensen said if they are looking for the City to possibly take their property over, go ahead and contact us. There have been two property owners who have approached us to say that they cannot stay in the house any longer as it floods too often. Ms. Teubl said that their builder built their house up high enough so that their yard slopes so it is really the back end of it that floods but two houses down it was a

different builder and it was built lower and they have had their whole family room full of water. The Mayor said that if Ms. Teubl knows of someone who has those issues, please have them contact the City.

Lynn Leon, 3400 Barrington Drive, said that she just wanted to come here representing Kensington Park Estates. They have been told that there may be some development going behind them as well. She lives on Barrington Drive along the woods. When they moved here in 1995, they had woods behind their property and within a few years, they now have what is called a “vernal pool”. It is like a temporary pond in your back yard that lasts for several months. She hoped that what we are all learning tonight is that we need to first take care of our taxpayers and take care of the people that are already here that have made this a great City before we start delving into some of the developments and projects. She hopes that the City can all come together and really take this seriously and do some research on how we can solve the problems that we have going on here now before we start anything else.

Christopher Masline, 35396 Mills Road, said that he has spoken to the Engineer and he thanked Mr. Cummins for calling him back. Mr. Cummins did forward his email to the City but he has never heard back from anybody else. In 2018 or thereabouts the City started charging us on our water bills for stormwater. The first paragraph in that letter states that stormwater will run off rooftops, parking lots, driveways, etc. at a much faster rate and fill up streams and ditches a lot faster than a wooded lot and grassy areas. So how can you sit here and tell us that new houses and new developments will not cause the flooding that we are having?

Mr. Cummins stated that there was development before the modern requirements for stormwater management were part of it so there is a good number of residential, commercial, and industrial properties in Avon that have been here for many years, many decades, and may not have the stormwater management that other new developments might have so that is a true statement that without stormwater management there is absolutely a faster rate of runoff.

Mr. Masline said at the back of his property is a storm drain that goes into French Creek and lets out very low so when there is no rain the past few weeks, you can see the output. If we get a one-half inch, maybe an inch of rain, he cannot flush the toilets in his house, his septic tank backs up, his house smells like sewer. He has young kids, his wife is recovering from cancer. He cannot have this. He wants something done. It is ridiculous. When his yard floods, he has sewer backup in his house. Mayor Jensen asked if his house was on a septic system and Mr. Masline answered, yes, it is. He is on the dead end road on Mills. There is a dead end road that goes into the detention pond back there. They came and cleaned it out earlier this spring which he appreciates. He still thinks there is blockage because we get a small amount of rain and we still have problems.

Mayor Jensen said that we have been working on that one. That is a difficult one because it is not on anybody’s property; usually a septic system is kept on its own....Mr. Masline said that it was on his property but the stormwater backs up into his yard. His septic tank floods so his whole yard is filled with septic water and also his basement. It backs up into the shower in the basement, he cannot flush toilets, they have to go elsewhere to shower and use the bathroom. Mayor Jensen stated that we have to look at how that was ever put in in the first place because again it does not lend itself to....Mr. Masline asked so what can he do to make it better so we do not have to deal with this? Mayor Jensen said that Mr. Masline is going to have to put in a new, elevated septic system, and we can look at those things. We can get the Health Dept. involved. Mr. Masline said that he has already called them and they have come out. He had his system scoped from his house all the way back to the drain tile back there. Nothing is wrong with his end. Mayor Jensen asked him what the Health Dept. said and Mr. Masline answered that they said nothing; they said to talk to the City. He does not know what else to do but he really needs help.

Kevin Malinowski, 36403 Wendell Street in Highland Park, stated that he was in a new development that has wonderful stormwater retention. His issue is that he is on the south end of Highland Park, next to Willoway and there had been woods between him and Willoway. Now there are houses and a direct conduit from Willoway to his house, so it is flooded now for the third time and this time including his basement. He was told that Willoway is one of those that you just mentioned earlier – industrial properties and so forth that have been there before. But the problem is if you cannot change Willoway, why would you have approved a development to expand in a space which used to be part of the water management system for Willoway? He stated that it is pretty simple. Willoway is a very flat surface of paved gravel; it is all water runoff. When the plan was approved for Highland Park it was done well from the standpoint of looking at what the houses were doing so that they could drain into the Highland Park water management system but you did not take into account that Willoway would be contributing to that as well and so as much as you approved a plan it never took into account the neighbor. So he was there to suggest to City Council that if you have developments coming in, who do you have a stick with? It is the new developer. So that would have been simply solved by asking the developer of Highland Park to put in a swale and water retention system to divert Willoway. Instead it is a straight conduit to the lowest house and he happen to be that house.

Mr. Cummins said that, actually, the swale in question is on Willoway's property; it is not on the developer's property. Willoway did make changes to it to change the situation. Now they did come back and he believed they tried to improve by putting a larger pipe in. Obviously that did not take care of all of it but it is not as severe. Even if we had a stick over the developer at the time that they were building, it is not necessarily something that we could force them to improve. It is not on their property. It goes out of its banks and when it goes out of its banks, it finds another way to run and that is part of the issue. He would be glad to talk further about it and look at the conditions. Mr. Malinowski noted that a lot of the people are talking tonight about problems going back to the 80's and 90's. He is a 2006 resident of Avon and he said that a master plan has to become a master plan. The City is doing a patchwork with development and you need to start creating a master stormwater management system that can be worked cohesively across all of Avon. What you are doing is approving pieces and parts and it may look good as stand-alones but as soon as you combine it with the rest, obviously you have a lot of people who will get impacted.

Mr. Cummins said, yes, but you also have to look at the fact that people have private property rights to develop their property. We cannot just say come back in a couple years when maybe another detention basin is built or something like that. We are forced to deal with development as it comes, apply the Ordinances that we have on the books that he believes are very stringent and have been shown to work very well. Does that mean that there are areas of town where more could be done? Absolutely, there is always more that can be done and we have talked a little bit about that earlier with starting the process in many different areas around town to identify that. He said he has been to Mr. Malinowski's house and has talked to Willoway many times before and we have gotten Willoway to do a certain amount of improvements. Maybe we need to have more discussions with them and he was happy to start that process.

Mr. Malinowski stated that as Mr. Cummins had said, this all takes time and the next rain is going to come faster than you can move. So what do we do in the meantime? Mr. Cummins said that we have talked to many people since the August storm. Every situation is a little bit different but there are generally some things that can be done, whether it be a check valve being installed, having a backup sump pump, making sure that your drainage is away from your house, etc.; it varies from site to site. You are never going to get full protection even if you are in a new subdivision. Things can happen. But there

are generally some things that you can do to improve your chances and we try to encourage doing those things while the other process can catch hold and move to fruition.

Mike Hennel, 34815 Timberview Drive, stated that we mentioned the term “100-year storm” and then we got 6-1/2 inches of rain or more. He has been in Avon for seven years and three or four times he has had water – a lake - come 15 ft. from his house. Can we change what is considered a freak storm and start preparing for getting 7 or 8 inches of rain at least once or twice a year? What are our actual items and who is responsible? If it is him, does he need to take notes and come back with some citizen initiatives?

Mayor Jensen noted that he thought what Mr. Hennel was asking was, can this body regulate more than we are and that is the difficult part. The question is how do you regulate enough and legally because as we talked about, people have property rights in terms of developing their property. So what regulations can we put on somebody more than we have in the past? Eventually what will happen is that we will be in court and the judge will make the decision whether a development goes in if we cannot ask them to do more. For the development on Riegelsberger, we made them do more than they even really had to do and so we have tried to always continue to look at how we increase regulations but to the point where we are not in court arguing the value of someone’s property.

Mayor Jensen said, so what do we regulate to allow someone to develop; what do we have the ability to stop? Everybody realizes that Avon is in the middle. We have N. Ridgeville that dumps all their water on us and then we take it and dump it on Sheffield and Avon Lake. We have had discussions with Avon Lake that they were going to file a lawsuit against us because we were dumping too much water onto their property over across the tracks and so there is that issue of how we get more water out of Avon faster or to the Sheffield or Avon Lake gates. Awhile ago, we also almost had a lawsuit with N. Ridgeville because when they changed out the bridge, they wanted to widen it and raise it so they could get more water out and get it into Avon. So that is the juggling act that we try to do and say, what are we legally allowed to regulate? The Mayor said, and he has to realize it is taxpayers’ dollars that will fight a lawsuit that we could possibly lose. Over at Riegelsberger, where the park is now, the City spent a considerable amount of money to stop the development there.

Mr. Hennel said he appreciates that because that was much needed, but there are still a lot of other developments on Riegelsberger that people mentioned. There is the new one which is just currently a lake and has been for three weeks now. Mayor Jensen stated, and that has more retention than what typically would be in a normal development. If you watch that water that flows on there, it has to come up from the creek and come around to dump in there. Everything has to expand over its banks to get up to there, so releasing it slower can help some but it is not going to be the fix for over 7,500 acres.

Mr. Hennel said, and the question too, is where it was mentioned that developed land absorbs far less water than farm fields, which are excellent for water retention. The water just soaks into the dirt and sits there for the next three weeks as it slowly makes it way into the water systems. Mr. Cummins said that is not the case, actually. Crop lands can shed a lot of water. Mr. Hennel said, maybe not crop lands but undeveloped lands because of the tall grass, ditches, etc. Does undeveloped land handle water better than storm systems? Mr. Cummins responded that you have to understand that there were infrastructure decisions over the past 100 years that impact how we live in Avon and in every community today, where roads were built and the size of culverts, the size of storm drainage, where creeks or ditches got rerouted, all of those things. Those things are in place so actually, new development in an area where there is already a challenge, can be extremely beneficial to resolving that challenge. So it is not always a negative thing to have development. Sometimes it is an opportunity to use development to improve or solve

infrastructure issues that may have been around for decades before. So it is difficult to paint everything with one broad brush of saying we should not have anymore development. Number one, you have the property rights issue you have to deal with, and number two, sometimes development can be very beneficial.

Mr. Hennel stated that it was mentioned that there were plans to build 28 houses on Riegelsberger and now they are down to 20. Where does all the water end up? That is his biggest concern. His basement has not flooded; he has the pump and everything is working great but it is very concerning when this huge pond appears in his yard. And it is not just like a pond, it is a large body of water where French Creek meets Schwartz Road ditch. 99% of the year there are just inches of water in there and it is hardly even moving. Red Tail and the new Napa development have retention ponds bordering either side of French Creek ditch and once they hit capacity that entire network overflows. He said he guessed our actual item is working with Avon Lake and N. Ridgeville to somehow alleviate all of it. Everything is getting funneled into French Creek and it is getting unmanageable. What is our actual item to alleviate that stress on Avon Lake, Avon and N. Ridgeville? He said that the Mayor mentioned a lawsuit. Is this something that we can follow up after here?

Mayor Jensen said that we stopped the dumping of more water from happening with N. Ridgeville. They are allowed to put as much water as that space will allow; that is why we have tried along the French Creek to widen it in places. When we get in there this fall, after the leaves have fallen, we are looking to see if there are other areas that we can open up. Mr. Hennel said that it all has to get to Lake Erie eventually. Why can't we all work together to solve this problem so all three of these cities can continue to grow without worry? Mayor Jensen stated that we are working with Avon Lake right now. They are working on a project that is right here from the tracks that will help alleviate a lot more water to get to the one area but again, it is like anything else, it has to be shown to work and be proven before anybody is going to allow that to happen and usually it takes a 100 or 500 year rain to see if we have corrected anything that we have done, and you do not want to see those rains. Mr. Hennel asked who he can stay in contact with about this? Mayor Jensen answered that he can contact his office or the office of Mr. Cummins and they will see that everything is funneled to the proper people.

Marge Flannery, 3816 Jaycox Road, said that she knows that Avon Lake has put in enormous pipes to take their water out. Is there any way that we can tie into that? Mayor Jensen responded that we are working with them on the one over here. They really only have the one that is the huge pipe that Ms. Flannery is talking about. Ms. Flannery said that her yard was a lake. If she did not have the berm, it would have been in the house. Her neighbor across the street had water pouring in her basement; she is not on the creek and she has a drain in her yard that is full. Whose responsibility is that? Ms. Flannery thought it should be the City's; her neighbor did not put it in there. Mayor Jensen said that if she would call, we will look at it to see if there is something that is plugged. Ms. Flannery said, and the other thing is the drain is in the street but once the creek is full, that is our sewer, unfortunately, so everything goes in there. And the mess on Riegelsberger looks ridiculous. She does not know how big that retention pond is going to be. She was looking at the FEMA map and the only one she could find was from 2008 and that is on the FEMA website; is that the last, legitimate map? Mr. Cummins said, yes, that is the most recent. Ms. Flannery said, 2008? They need to get out here and they need to redo those maps because had those maps been done properly, she did not think they would have been allowed to build there.

Mayor Jensen stated that we tried to send videos, pictures, everything, and that is the challenge that we are up against. Not saying anything against our engineer, but if engineering proves something, it is hard to argue that, and that is even with pictures because we had pictures to show. Ms. Flannery said that you

have a lot of voices; you have all of us if you want to get FEMA out here. There are a lot of people who are just scared; she lives at the mercy of a sump pump. She is up all night, and this is going to happen again and again because we have just messed with the planning and we are messing with the environment here. She loves Avon and all the things that are happening but the housing needs to just calm for a minute because she is afraid the developer on Riegelsberger is going to want to get that property right across the street from there. If they develop that, where is that water going to go? Do you know how many houses they would put on there? At some point, somebody has to vote no, to say sue me, take me to court. Just get an environmental lawyer and get him in here.

Mayor Jensen stated that we have been before judges....Ms. Flannery said that she understand that judges are as jaded as they come anymore and so are the juries; so is everybody. But the problem is that you just have to keep fighting. You cannot just say, well, we tried and it did not work. We have to keep doing it, not just for her sake because she is going to move, but how is she going to sell her house? Who is going to buy it? If she did not have that berm, she would be flooded and that is a great idea but it does not change the land any. She knows that the people around her just keep bringing in dirt and filling things up, but we are stuck; everyone is just scared. There are a lot of people who are scared and she just thinks it is time to stop it. It has gotten out of hand. These rain events are coming one after the other and that is what is going to happen with global warming. They tried to warn us and no one was listening.

Ms. Flannery said that she just thought that maybe we could tie in to some kind of big pipes that go right to Lake Erie because she thought that they go to the Black River, is that correct? Mayor Jensen said part of it does and then this section over here goes to Avon Lake. Ms. Flannery asked about her section and Mayor Jensen said that she is going to French Creek and French Creek goes to the Black River. Ms. Flannery said, so when the Black River floods, which it is doing all the time, we are pushing into this so we are hitting a wall. So we need to divert it, make that creek bigger; the City can take 20 ft. off from her property, she does not care. She just wants the City to be aware that at some point, they are going to have to stop because they are going to have a lot of angry people.

James Ehman, 34478 Heatherwood Avenue, asked what figure is used to determine how big a retention pond will be? Mr. Cummins answered that it is determined by the extent of the development, the characteristics of the soils, the slope of the land, etc.; there are many different aspects to it. Mr. Ehman then asked what kind of rainfall is used to determine how much it should hold? Mr. Cummins said the ponds are required to manage up to the 100 year rain event as defined by the National Oceanic Administration. Mr. Ehman said, so Mr. Cummins was telling him that we had these 100-year floods like six times around here and the retention ponds could not handle it? Mr. Cummins said that the storm that just occurred, by all reports, was in excess of those requirements. Mr. Ehman asked, so when you say 100-year, what is the figure? Mr. Cummins said that the 100-year is really talking about statistics – a .01% chance per year of a rain event occurring. Mr. Ehman said what he wanted to know is, if you have a rain event and it is going to be 8 inches in an hour, can you determine if a retention pond can handle it? Mr. Cummins answered, yes. Mr. Ehman said, so if you can determine that, that must be part of the figures you are using to determine how big a retention pond is needed.

Mr. Cummins said, by City Code and by industry standards, it is only up to certain levels of precipitation over a 24 hour period. Now you can look at that 24-hour period or all the down to a 1-hour period. Mr. Ehman asked, what is the certain level for a 24-hour period? Mr. Cummins said that it is around 5 inches in 24 hours and we had over 6 inches in less than 12 hours. Mr. Ehman said maybe those figures need to be adjusted. Mr. Cummins stated that, as we have heard several times tonight, climate change is certainly something that should be discussed and the implications of that are wide-ranging and not just stormwater management, but building codes and... Mr. Ehman said we are having common problems with flooding

so perhaps those figures need to be changed to allow the retention ponds to hold more. Mr. Cummins said that we actually stiffened the requirements in 2016; there is the ability to stiffen them more but, as the Mayor was talking about, at some point you get to the question of whether a court would deem it to be excessive. He thinks that our Ordinances are in line with most of the communities around us in Northeast Ohio. We have extra protections that deal with flood plains and for stream corridors, etc. that not all communities have and we have tried to implement some of those, to be proactive with some of those and we are seeing those having positive impacts on the amount of development. You cannot always stop the development but we have had positive impacts on maybe the number of homes or how close they are to the streams, etc. Mr. Ehman said that he has been here since 1991 and when they first got here, they had some horrendous flooding and then it got better. Apparently the retention ponds were holding. But now it is starting to get worse again because we are getting more rain.

Mayor Jensen noted that Mr. Ehman was talking about the older developments. The newer developments are not having the issues. It is the older ones that are and that is what we are trying to do as the City is try to find out ways where we can alleviate the issues where Mr. Ehman lives. But again, that is a flood plain.

Mayor Jensen said that he does not disagree with what everybody is seeing on Riegelsberger. We all can see that they did it backwards over there. When it is done, you will see the area they have to have for retention; you will see that it is completely different than what you are seeing right now. They have not even started to dig retention which we all think should have been dug first. If you look at our newer developments, they were holding water in this last rain. Even some of our older developments were holding the water. Mr. Ehman said that all he wanted to say was that he thinks the City needs to adjust their figures for how big those retention ponds need to be because we are getting more rain than we used to. So his concern is that the builder is gong to build the smallest retention pond as he can and base it on the small figures. Mayor Jensen said that we will continue to work on those things.

Marianne Ehman, 34478 Heatherwood Avenue, stated that with all the water that we are getting we are getting a ton of mosquitoes. It is all day; you cannot go in your backyard even when the sun is out because they are all over. She has not seen a truck come down to spray at all. Mayor Jensen said that we have reached out to the Health Dept. earlier this week and even the end of last week because we noticed that mosquitoes are everywhere you go. We have not seen it this bad ever.

Ms. Ehman said the other question she had was regarding French Creek; everything is flowing into French Creek. Do we need to widen it? Mayor Jensen said that we look at areas where we can widen; the problem still is that everything that we do has an effect downstream and so even like with Sheffield in this last storm, the gas station at the far end over by the stadium, was all under water. So everywhere was inundated. So we are trying to look anywhere we can to widen where it is feasible to do that; we do also have the bridge at Rt. 83 so that is kind of another pinch point there that we are looking at to see if we can widen that more at some point. We are open to anything and everything in terms of helping this out. Ms. Ehman said that she thought that Avon needs to stop building houses until this is done that we do not have any problems. She thinks that we need to stop with the houses especially up by them because they have a real problem.

Dennis Massingill, 31954 Mills Road, said that he was just wondering if we had any idea if a deeper holding cistern. He knows that in the City of Cleveland, they are digging these big tunnels to retain water. Has something like that ever been considered? Mayor Jensen said that most of that is for sanitary for Cleveland . Mr. Massingill said that Cleveland has a combined system where their sanitary and their storms are together, whereas for ours we have everything going into a creek which is being overflowed

and the people in these developments are being overflowed too. But he was just wondering if there was any possibility of considering something like that; has there been any consideration of digging some type of very deep holding tank? Mayor Jensen said that he did not think we have looked at it yet but we will always look at something like that. He said that he thought after tonight, we will discuss that tomorrow morning. Mr. Massingill stated that the other thing is, all of us have been paying stormwater fees for awhile but most of the stormwater is coming into their houses. He asked when are we going to start getting some of that money back? Mayor Jensen said that some of that money goes for the cleaning and widening of ditches, etc. It all gets used.

Mr. Fischer thanked everybody for coming. He said that he was encouraged by the turnout tonight and he wanted to remind them that everybody on Council is available. Their email addresses and phone numbers are on the City website, and he knows that the Administration is always available. We are all residents and part of your community. He knows that Mr. Cummins has heard from all of us constantly about flooding and he has always been on top of his game in responding and trying to improve the water retention in the City, so Mr. Fischer would not blame him and would not blame the Administration. He said that he finds it hard to believe that somebody said that the Mayor never got back to them. That would surprise him. He said to please call any of them anytime with any concerns. He was glad they were all here and said again to please reach out to them and we can try to handle concerns one on one or put you in the front of the line. We are part of your community and we are here to help and we are all sharing the same concerns.

ADJOURN: 9:00 p.m.

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

The vote was 5 for and 0 against and the Chairman declared the motion passed.