

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, MARCH 14, 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; 4<sup>th</sup> Ward – Daniel Urban; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; Parks Director – Diane Corrao; Service Director – Michael Farmer; Planning and Economic Development Coordinator - Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Ellen Young

ABSENT

City Engineer – Ryan Cummins

ADDITION TO THE AGENDA

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to add item No. 14(a) to the agenda, being Resolution No. R-4-16, to declare the necessity to improve Avon with the widening of Chester Road from two to five lanes, with all necessary appurtenances thereto, 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 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 22, 2016

A motion was made by Mr. McBride and seconded by Mr. Urban to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, February 22, 2016, and to approve said minutes as published, 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.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, MARCH 7, 2016

A motion was made by Mr. McBride and seconded by Mr. Fischer to dispense with the reading of the minutes of the Special Meeting of Council held Monday, March 7, 2016, and to approve said minutes as published, 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. 28-16 – TO GRANT A SPECIAL USE PERMIT TO THE MARKETPLACE AT AVON, BUILDING NO. 2, FOR AN OUTDOOR PATIO TO BE LOCATED AT 35568 DETROIT ROAD

The Clerk read Ordinance No. 28-16 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AVON 83, LLC TO CONSTRUCT A 1,505 SQUARE FOOT OUTDOOR PATIO SEATING AREA FOR PROPERTY LOCATED AT 35568 DETROIT ROAD 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. 28-16, 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. Urban to adopt Ordinance No. 28-16, 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. 29-16 – TO GRANT A SPECIAL USE PERMIT TO PANDA RESTAURANT GROUP FOR AN OUTDOOR PATIO TO BE LOCATED AT 1401 CENTER ROAD

The Clerk read Ordinance No. 29-16 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO  
PANDA EXPRESS RESTAURANT TO CONSTRUCT A  
350 SQUARE FOOT OUTDOOR PATIO SEATING AREA  
FOR PROPERTY LOCATED AT 1401 CENTER ROAD  
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. 29-16, 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 Ms. Berges to adopt Ordinance No. 29-16, 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. 30-16 – TO ACCEPT THE IMPROVEMENTS IN FAIRFIELD ESTATES  
SUBDIVISION NO. 3**

The Clerk read Ordinance No. 30-16 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN  
FAIRFIELD ESTATES SUBDIVISION NO. 3  
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. 30-16, 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 Mrs. Holtzmeier and seconded by Ms. Berges to adopt Ordinance No. 30-16, 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. 31-16 – TO ACCEPT MIDDLETON ROAD EAST IMPROVEMENTS**

The Clerk read Ordinance No. 31-16 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS CONSTRUCTED BY  
DISCOUNT DRUG MART CORPORATION FOR THE  
CONSTRUCTION/INSTALLATION OF AN EXTENSION TO MIDDLETON  
ROAD EAST OF NAGEL ROAD ON A .7585 ACRE PARCEL OF LAND  
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. 31-16, 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. Urban and seconded by Mr. Fischer to adopt Ordinance No. 31-16, 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. 32-16 – TO ESTABLISH THE DAILY RATES FOR THE MUNICIPAL  
AQUATIC FACILITY**

The Clerk read Ordinance No. 32-16 by title only, entitled:

**AN ORDINANCE TO AMEND CHAPTER §210.01 (e)(6A) OF THE CODIFIED  
ORDINANCES OF THE CITY OF AVON TO ESTABLISH  
FEES FOR THE USE OF THE CITY’S AQUATIC CENTER  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Butkowski and seconded by Mrs. Holtzmeier to suspend the rules and act on Ordinance No. 32-16, 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 Mrs. McBride and seconded by Mr. Butkowski to adopt Ordinance No. 32-16, 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. 33-16 – TO CREATE A PERMANENT PART-TIME POSITION OF  
SENIOR CENTER ACTIVITIES PLANNER**

The Clerk read Ordinance No. 33-16 by title only, entitled:

**AN ORDINANCE AMENDING §256.04 AND §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO CREATE THE PERMANENT PART-TIME, UNCLASSIFIED POSITION OF SENIOR CENTER ACTIVITY PLANNER AND TO ADOPT THE CLASSIFICATION SPECIFICATION FOR SAME 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. 33-16, 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 Mr. Urban to adopt Ordinance No. 33-16, 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. 34-16 – TO ESTABLISH COMPENSATION FOR THE PERMANENT PART-TIME POSITION OF SENIOR CENTER ACTIVITIES PLANNER**

The Clerk read Ordinance No. 34-16 by title only, entitled:

**AN ORDINANCE TO ESTABLISH COMPENSATION FOR THE PERMANENT PART-TIME, UNCLASSIFIED POSITION OF SENIOR CENTER ACTIVITY PLANNER FOR THE CITY OF AVON 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. 34-16, 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. 34-16, 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.

**RESOLUTION NO. R-3-16 – TO ADVERTISE FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS TO CHESTER ROAD (PROJECT K)**

The Clerk read Resolution No. R-3-16 by title only, entitled:

**A RESOLUTION TO ADVERTISE FOR BIDS FOR CONTRUCTION OF  
IMPROVEMENTS TO CHESTER ROAD – (PROJECT K)  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to suspend the rules and act on Resolution No. R-3-16, 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 adopt Resolution No. R-3-16, 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.

**RESOLUTION NO. R-4-16 – TO DECLARE THE NECESSITY FOR IMPROVEMENTS TO  
CHESTER ROAD RE: PETITION FOR VOLUNTARY ASSESSMENT (PROJECT K)**

The Clerk read Resolution No. R-4-16 by title only, entitled:

**A RESOLUTION DECLARING IT NECESSARY TO IMPROVE THE  
CITY BY THE CONSTRUCTION AND RECONSTRUCTION OF A  
PORTION OF CHESTER ROAD FROM A TWO LANE TO A FIVE LANE  
ROADWAY, TOGETHER WITH ALL APPURTENANCES AND  
RELATED IMPROVEMENTS THERETO  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Resolution No. R-4-16, 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 Resolution No. R-4-16, 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.

## REPORTS AND COMMENTS

Mayor Jensen reported that the French Creek Development Association had the Easter Egg Hunt over the weekend at Avon Isle Park and it was very well attended. He thanked Ms. Berges for her efforts regarding that event.

Ms. Berges thanked Mayor Jensen for attending the Easter Egg Hunt.

Mr. Butkowski called a Service Committee Meeting for Monday, March 21, 2016 at 7:00 P.M. to discuss the annual Sidewalk Program and the possibility of regulating garbage can placement.

Mrs. Holtzmeier asked Mr. Butkowski to address the placement of both residential and commercial garbage cans.

Mr. McBride said there are some property maintenance issues that need to be addressed and there are some extensive road repairs that are going to have to be made in the near future.

Mr. Witherspoon stated that Ms. Young recommended some amendments to the Rules of Council and stated that Council members would be receiving that document in the near future.

Mr. Logan reminded Council to submit their Financial Disclosure statements to the Ethics Commission and Mr. Urban added that the deadline is Monday, May 16, 2016.

## ADJOURN

A motion was made by Mr. McBride and seconded by Ms. Berges to adjourn the Regular Meeting of Council, 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.