

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, SEPTEMBER 12, 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: 3rd Ward – Mary Berges; 1st Ward – Bob Butkowski; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2nd Ward – Dennis McBride; 4th Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; Parks Director – Diane Corrao; City Engineer – Ryan Cummins; Planning and Economic Development Coordinator - Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

ABSENT

Service Director – Michael Farmer

CORRESPONDENCE

1. The Clerk stated she received a notice from the Ohio Division of Liquor Control for a Transfer of Ownership (TRFO) from Pin High LLC to Avon Brewing Company LLC located at 37040 Detroit Road, Avon, OH.

Mr. Witherspoon inquired if there were any objections.

Mr. McBride advised he might object if they do not restripe the front. Mayor Jensen stated they have been told to comply, but he would look into it again.

No formal objection was asked to be filed.

ADDITIONS AND DELETIONS TO THE AGENDA

No additions or deletions were made to the agenda.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD TUESDAY, AUGUST 9, 2016

A motion was made by Mrs. Holtzmeier and seconded by Mr. Fischer to dispense with the reading of the minutes of the Regular Meeting of Council held Tuesday, August 9, 2016, and to approve said minutes as published, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “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 TUESDAY, SEPTEMBER 6, 2016

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Special Meeting of Council held Tuesday, September 6, 2016, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

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

The Clerk read Ordinance No. 89-16 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 second of three readings of Ordinance No. 89-16. A Public Hearing will be held on Monday, September 26, 2016 at 7:25 P.M.

ORDINANCE NO. 92-16 – TO APPROVE THE UPDATES TO THE CODIFIED ORDINANCES FROM AMERICAN LEGAL PUBLISHING

The Clerk read Ordinance No. 92-16 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; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 92-16, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “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 Mrs. Holtzmeier to adopt Ordinance No. 92-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “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. 95-16 – TO AMEND THE SPECIAL USE PERMIT FOR RED TAIL GOLF CLUB FOR THE CONSTRUCTION OF A COMFORT STATION

The Clerk read Ordinance No. 95-16 by title only, entitled:

AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED TO CARAVON GOLF COMPANY, LTD (RED TAIL GOLF CLUB) TO INCLUDE CONSTRUCTION OF A COMFORT STATION TO BE LOCATED BEHIND THE TEEING GROUNDS AT HOLE 4 ON THE PREMISES OF RED TAIL GOLF COURSE AT 4400 NAGLE ROAD AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 95-16, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “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 Mrs. Holtzmeier to adopt Ordinance No. 95-16, and the vote was: Mr. Radcliffe, “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. 96-16 – TO ACCEPT IMPROVEMENTS IN RED TAIL SUBDIVISION NO. 14

The Clerk read Ordinance No. 96-16 by title only, entitled:

AN ORDINANCE TO ACCEPT IMPROVEMENTS IN RED TAIL SUBDIVISION NO. 14* AND DECLARING AN EMERGENCY

*Formerly Red Tail No. 13 but re-designated Red Tail No. 14 by Ord. No. 137.14

A motion was made by Mr. Fischer and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 96-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “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. 96-16, and the discussion was: Mrs. Holtzmeier inquired if the \$536 miscellaneous utilities were

received. Mr. Logan confirmed they were paid last week. Mr. McBride inquired regarding some of the older Red Tail phases where there are no sidewalks across vacant lots if those have been installed. Mr. Logan stated he could check in the old deposits as there are still quite a few deposits on hand. Mr. Logan added a development such as this with so many phases has many deposits, although he did not believe there were any missing in the really old phases, but he would double check tomorrow. Mr. McBride stated they were not in compliance in some of the areas with regards to sidewalks. Mayor Jensen advised we still have the deposits on hand so he would have Mr. Farmer do a run through and report back next meeting, as to how many are available and if need be, we would get in touch with Red Tail officials.

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

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

ORDINANCE NO. 97-16 – REAPPROPRIATIONS

The Clerk read Ordinance No. 97-16 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 Mr. Radcliffe to suspend the rules and act on Ordinance No. 97-16, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “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. Butkowski and seconded by Ms. Berges to adopt Ordinance No. 97-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “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. 98-16 – TO AMEND THE SPECIAL USE PERMIT FOR AVON SENIOR LIVING LLC TO INCLUDE 76 VILLAS AT 32200 HEALTH CAMPUS BOULEVARD

The Clerk read Ordinance No. 98-16 by title only, entitled:

AN ORDINANCE AMENDING A SPECIAL USE PERMIT FOR AVON SENIOR LIVING, LLC (EDWARD ROSE) TO INCLUDE A 76 UNIT SENIOR LIVING VILLA DEVELOPMENT TO BE LOCATED AT 32200 HEALTH CAMPUS BOULEVARD AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 98-16, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “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. Radcliffe to adopt Ordinance No. 98-16, and the discussion was:

Ms. Fechter stated it was her understanding there were a couple questions raised at the last meeting in regards to the Special Use Permit and she wanted to let the Council know they are in compliance with their density. Edward Rose Senior Living falls under the old Congregate Care code and based upon their acreage, minus the wetland on site, they are allowed 103 units and they are only proposing 76 units. The density is a little greater in the new code and the one new requirement in the new code is that everything be under one roof. In this situation they are doing exactly as we asked them to do as there is one owner for Congregate Care Phase 1 and the assisted living as well as Phase 2 and they are under the same operator. Ms. Fechter indicated she discussed the size of the units and the code does not specify size in the Congregate Care arena, but she has been reassured that each unit has its own garage so they are working toward what the code is meant to be. She reiterated in this situation they fall under the old code and are allowed to be a free standing under the same ownership. Ms. Fechter said representatives from Edward Rose are present if Council would like to see the renderings.

Mr. Butkowski inquired with regards to ownership if these are considered rentals or individual owner/occupant. Ms. Fechter referred that question to Mr. Mott from Edward Rose, although she believes they are individually owned, but would like him to verify. Mr. Mott said yes, they are.

Mr. McBride felt we need to look at the code regarding these independent units to make sure we set minimums, the number of garage spaces and the like. He said we do not want them turning into the type of housing we do not want to see.

Ms. Fechter responded that this would be the only development of its kind. Everything else going forward would be housed in an institutional type facility under one roof. Ms. Fechter added we will definitely look at some of those changes to make certain.

The vote was: Mr. Radcliffe, “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-25-16 – TO APPROVE THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD FOR THE CHESTER ROAD IMPROVEMENT PROJECT

The Clerk read Resolution No. R-25-16 by title only, entitled;

**A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT
EQUALIZATION BOARD FOR THE CONSTRUCTION AND RECONSTRUCTION OF A
PORTION OF CHESTER ROAD, FROM A TWO (2) LANE TO A FIVE (5) LANE ROADWAY,
TOGETHER WITH ALL APPURTENANCES AND RELATED IMPROVEMENTS THERETO
AND DECLARING AN EMERGENCY**

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

Mr. McBride said having served on an equalization board in the past, he thanked the three volunteers who accepted the appointment and for a job well done.

The vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “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-26-16 – TO AUTHORIZE THE MAYOR TO SUBMIT A GRANT
APPLICATION TO OPWC FOR MILLS ROAD WATER TOWER AND TRANSMISSION
LINE**

The Clerk read Resolution No. R-26-16 by title only, entitled;

**A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A GRANT
APPLICATION TO AND EXECUTE NECESSARY CONTRACTS WITH THE OHIO
PUBLIC WORKS COMMISSION (OPWC) FOR AN ISSUE 1 INTEREST
REIMBURSEMENT REQUEST ASSOCIATED WITH THE MILLS ROAD STORAGE
TANK AND WATER TRANSMISSION LINE PROJECT
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Resolution No. R-26-16, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “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 Mrs. Holtzmeier to adopt Resolution No. R-26-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “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.

RESOLUTION NO. R-27-16 – TO SUPPORT SEEKING OPWC GRANT FUNDING VIA THE CITY OF NORTH RIDGEVILLE FOR THE CONSTRUCTION OF A TRAFFIC ROUNDABOUT AT SR 83 AND MILLS ROAD

The Clerk read Resolution No. R-27-16 by title only, entitled;

A RESOLUTION IN SUPPORT OF SEEKING OHIO PUBLIC WORKS COMMISSION (OPWC) GRANT FUNDING VIA THE CITY OF NORTH RIDGEVILLE FOR THE CONSTRUCTION OF A TRAFFIC ROUNDABOUT AT STATE ROUTE 83 AND MILLS ROAD 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-27-16, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “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. Butkowski to adopt Resolution No. R-27-16, and the vote was: Mr. Radcliffe, “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.

REPORTS AND COMMENTS

Mayor Jensen reported this past weekend we held the Memorial Service for 9/11 and he was pleasantly surprised to see a larger crowd than in past years. Even after 15 years, people still remember. Some told him they wished they would have known about it as they too, would have liked to have attended.

Mayor Jensen said a citizen in the audience requested a message board out front of City Hall and he thought possibly one at the Police Station as well so, they would be bringing that to Council in the near future. He felt it would help advertise to the passersby and a great idea.

Mayor Jensen said anyone who has visited the Prayers from Maria field has said what an amazing thing to see. To see the number of people stopping to see the sunflowers and realize that from the sadness it became this beautiful site. The police were saying that so many people were coming to see it that there were issues with crossing the road and blocking traffic and such. He took some pictures with his granddaughter there and to see firsthand how beautiful it is and what an amazing feat and we are so fortunate in the City of Avon to have something such as this and it is nice to see people have not forgotten these tragedies and are still out there walking through the sunflowers.

COUNCIL MEMBERS:

Ms. Berges, Ward 3 had no comments

Mr. Butkowski, Ward 1 welcomed Mr. Witherspoon back.

Mr. Fischer, At Large welcomed Mr. Witherspoon back. He thanked the Mayor for leading the ceremony for the 9/11 remembrance on Sunday morning. Mr. Fischer said Mayor Jensen gave a very good speech and he thanked the safety forces.

Mrs. Holtzmeier, At Large had no comments

Mr. McBride, Ward 2 welcomed Mr. Witherspoon back. He stated that Mayor Jensen made mention of the Prayers from Maria sunflower field changing locations and he inquired if that was still a possibility.

Mayor Jensen responded that is something he would want to bring before Council. He said there is a piece of City property right along I-90 near the Crusher's stadium where there is between 10-15 acres and has really good access and the same visual from the highway the sunflowers have at their current location and it would provide parking and a permanent location. Mayor Jensen said he wanted to get all the information together and then bring it before Council for their input. He knows that people want that property for sports fields for profit and he personally has a hard time putting City resources in for someone else to come in and run when we could do something that is such a worthy cause and could get people out of a dangerous area where the sunflowers are currently located. The police said there were concerns with people crossing the street at the current location and he felt the sunflowers would be a great addition to the proposed area.

Mr. McBride felt the Mayor "hit the nail on the head" by stating the sunflowers would have a permanent location, as that is something we do not want to lose.

Mr. Radcliffe, Ward 4 had no comments

Mr. Witherspoon, Council President had no comments

ADMINISTRATION:

Ms. Corrao, Parks and Recreation Director had no comments

Mr. Cummins, City Engineer had no comments

Mr. Farmer, Service Director was absent

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

Mr. Gasior, Law Director welcomed Mr. Witherspoon back.

Mr. Logan, Finance Director welcomed Mr. Witherspoon back.

AUDIENCE:

Mr. Jim Kopp of Chester Road stated he believed back in December there was supposed to be a review of the Master Plan and he inquired if it was done.

Mr. Cummins stated it is still ongoing. In August they had discussions with NOACA (Northeast Ohio Areawide Coordinating Agency) since NOACA was doing a similar thing, but on a regional basis. In particular, one of those is the line in the vicinity of Mr. Kopp's property. Mr. Cummins said they are continuing those discussions and have done the computer modeling and have advanced that particular area pretty far, but they are not ready to issue their final recommendation as of yet.

Mr. Kopp inquired if the Modification of the Sanitary Sewer Master Plan on the agenda tonight was part of that whole deal.

Mr. Cummins said what is on the agenda is a modification in the eastern part of the City near Nagle Road.

Mr. Kopp thanked him.

No further comments were made.

ADJOURN

A motion was made by Mr. McBride and seconded by Mr. Fischer to adjourn 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. Radcliffe, "yes"; Mr. Witherspoon, "yes".

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