

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MARCH 28, 2022
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; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; 4th Ward – Scott Radcliffe; 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 - William Logan; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

CORRESPONDENCE

The Clerk reported that she received a request from the Ohio Division of Liquor Control for a NEW D5 Liquor License for Final Fore, LLC located at 35948 Detroit Road, Avon, OH 44011.

There were no questions asked or a request for a hearing made.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MARCH 7, 2022

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Work Session of Council held Monday, March 7, 2022, and to approve said minutes as published, and the vote was: Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “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, MARCH 14, 2022

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, March 14, 2022, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

MAYOR JENSEN ANNOUNCES THE APPOINTMENT OF ALEX BOCCABELLA TO THE AVON TREE COMMISSION FOR THE UNEXPIRED TERM ENDING DECEMBER 31, 2024

Greg Mateyka tendered his resignation on March 7, 2022 and Alex Boccabella has agreed to serve the unexpired term on the Avon Tree Commission.

Mayor Jensen advised Mr. Boccabella is the owner of Taylor Rental on French Creek Road and he is also an Avon resident and is active in the community. He said Mr. Boccabella agreed to fill the unexpired term.

Mr. Fischer pointed out that this appointment does not require a vote from City Council.

ORDINANCE NO. 29-22 – TO AMEND ORDINANCE NO. 38-10 TO EXTEND THE EXEMPTION FROM TAXATION OF IMPROVEMENTS PROVIDED FOR BY OHIO REVISED CODE SECTION 5709.40 FOR CERTAIN PARCELS COMPRISING THE CITY’S TAX INCREMENT FINANCING AGREEMENT NO. 6/7, PURSUANT TO OHIO REVISED CODE SECTION 5709.51

The Clerk read Ordinance No. 29-22 by title only, entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 38-10 TO EXTEND THE EXEMPTION FROM TAXATION OF IMPROVEMENTS PROVIDED FOR BY OHIO REVISED CODE SECTION 5709.40 FOR CERTAIN PARCELS COMPRISING THE CITY’S TAX INCREMENT FINANCING AGREEMENT NO. 6/7, PURSUANT TO OHIO REVISED CODE SECTION 5709.51 AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 29-22, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “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. Moore to adopt Ordinance No. 29-22, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 36-22 – GRANTING A SPECIAL USE PERMIT TO AVON PLAZA, LLC TO ALLOW THEIR TENANT, DJ STEAKBURGERS, LLC (dba FREDDY’S FROZEN CUSTARD & STEAKBURGERS), TO CONSTRUCT A 386 SQ. FT. CONCRETE PATIO/OUTDOOR SEATING AREA ON PROPERTY LOCATED AT 35815 CHESTER ROAD

The Clerk read Ordinance No. 36-22 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AVON PLAZA, LLC TO ALLOW THEIR TENANT, DJ STEAKBURGERS, LLC (dba FREDDY’S FROZEN CUSTARD & STEAKBURGERS), TO CONSTRUCT A 386 SQ. FT. CONCRETE PATIO/OUTDOOR SEATING AREA ON PROPERTY LOCATED AT 35815 CHESTER ROAD AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 36-22, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “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. Moore to adopt Ordinance No. 36-22, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 37-22 – GRANTING A SPECIAL USE PERMIT TO BENCHMARK AVON, LLC TO ALLOW THEIR TENANT, CITY BARBEQUE, LLC TO CONSTRUCT A 598 SQ. FT. CONCRETE PATIO/OUTDOOR SEATING AREA ON PROPERTY LOCATED AT 35495 CHESTER ROAD

The Clerk read Ordinance No. 37-22 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO BENCHMARK AVON, LLC TO ALLOW THEIR TENANT, CITY BARBEQUE, LLC TO CONSTRUCT A 598 SQ. FT. CONCRETE PATIO/OUTDOOR SEATING AREA ON PROPERTY LOCATED AT 35495 CHESER 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. 37-22, and the vote was: Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “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. Moore to adopt Ordinance No. 37-22, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 38-22 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE AVON LOCAL SCHOOL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF THREE (3) ADDITIONAL TENNIS COURTS, THREE (3) NEW PICKLE BALL COURTS AND LIGHTING LOCATED ON THE AVON HIGH SCHOOL CAMPUS AT 37545 DETROIT ROAD

The Clerk read Ordinance No. 38-22 by title only, entitled:

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE AVON LOCAL SCHOOL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF THREE (3) ADDITIONAL TENNIS COURTS, THREE (3) NEW PICKLE BALL COURTS AND LIGHTING LOCATED ON THE AVON HIGH SCHOOL CAMPUS AT 37545 DETROIT ROAD AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 38-22, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “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. Moore to adopt Ordinance No. 38-22, and the discussion was:

Mayor Jensen advised he is requesting that the amount the City would spend be increased by \$75,000 to add two more pickle ball courts. He said Mr. Fishleigh and he spoke to see if the contractor could add

two more pickle ball courts for a total of five dedicated pickle ball courts. Mayor Jensen stated that the Schools have agreed to have two of the tennis courts be dual purpose for both tennis and pickle ball. He advised this will allow for pickle ball tournaments if needed and pickle ball is becoming a desired sport of choice for the senior citizen population. Mayor Jensen said the City of Westlake added some pickle ball courts and because of the popularity of pickle ball, they do not have enough courts to accommodate all the people wanting to use them, and he felt adding these additional courts would put Avon ahead of the demand. Mayor Jensen reminded Council that the Schools have agreed to take care of all the maintenance and the lighting. He advised Mr. Fishleigh was also present tonight if Council had any additional questions. Mayor Jensen asked if Council was willing to amend the Ordinance to increase the “not to exceed” amount to \$325,000.

Mr. Logan confirmed that if an additional \$75,000 was added to the project cost that would make the “not to exceed” amount \$325,000.

Mayor Jensen advised they would still be using the same funding source and that would not be an issue.

Mr. Logan agreed and said it will come out of the Park Operating Fund.

Mr. Fischer asked Mr. Fishleigh if he had new site plans for Council.

Mr. Fishleigh of the Avon Local School District advised Mr. McBride asked at a previous meeting the distance from the courts to the residential properties regarding the lighting. He provided aerial plans that were displayed for City Council to see the distances from each light pole to the surrounding residential properties. Mr. Fishleigh clarified the shorter distances were to the neighboring residential property lines and the second distance is to the actual residential structure. He stated the lighting would be narrow beam LEDs and he does not believe they would have much impact on the neighborhood. Mr. Fishleigh said the addition of two more pickle ball courts would be north of the proposed three pickle ball courts. He advised there is a sidewalk on the eastern portion and that sidewalk will be extended all the way up and the pickle ball court area that they are proposing with five pickle ball courts will be separated by a small four-foot privacy fence. Mr. Fishleigh stated Ms. Harasimchuk, the Avon Recreation Coordinator, thought it would be a good idea to keep it all in one area and more accessible for residents.

Mr. McBride thanked Mr. Fishleigh for providing that aerial of the lighting distances to the neighboring residential properties. He advised that was probably more detailed than he needed to see, but he did not know what was in that back corner.

Mrs. Demaline said she mentioned it at the last meeting, but for the City to invest what was \$250,000 and is now being proposed as \$325,000; she inquired if they are intending to have a user agreement between the Schools and the City.

Mr. Fishleigh advised he could only speak for the Schools, but they have other informal agreements between the City and the Schools. He said the School offers up the gym space and they work very well with Ms. Harasimchuk. Mr. Fishleigh stated they might want to consider something more permanent should he or Ms. Harasimchuk leave their respective positions. He advised as a School District they would be open to having a more formal agreement in place, but they do have other interactions between the City Parks Department and the Schools as the City Parks Department maintains the Early Learning Center softball field and the School offers gym space in return.

Mrs. Demaline asked Mayor Jensen if the City intends to put together an agreement with the Schools.

Mayor Jensen advised the only thing he was going to ask the School District was to confirm the courts are public courts to which Mr. Fishleigh confirmed that to be true. He asked if there was any limitation on the tennis courts at this point or if there ever has been. Mayor Jensen said he knows that for the indoor recreational areas, the school can lock the buildings.

Mr. Gasior advised the City does not have any written agreement for any of the ballfields or tennis courts or anything like that with the Schools. He said maybe it was something they should consider looking into down the road. Mr. Gasior stated for purposes of this Ordinance he suggests they add an item No. 1 under Section 2 that would state that the School agrees to maintain the courts, the lighting and the parking areas and item No. 2 that the Schools will not prohibit access to the courts or the to the parking areas for City sponsored activities at the courts. Mr. Gasior stated those two items would be added to Section 2 and then an amendment would be made in Section 3 to increase the contribution amount not to exceed \$325,000. He advised for purposes of trying to get this finalized tonight they could look down the road at a formal agreement if it becomes necessary. Mr. Gasior suggested they add those two items to the Ordinance so the City will definitely have access to the courts.

Mrs. Demaline advised she is certainly in favor of partnerships between the City and the Schools, but she thinks it is important to memorialize agreements because if Mr. Fishleigh were to leave or the position of Mayor were to change hands the City has a lot invested in this property that they do not own. She said she felt it is important that it be documented and have shared service agreements. Mrs. Demaline stated she hopes the Administration takes that into account.

Romolo Debottis of 37600 Detroit Road advised his property shares a pond with the School for stormwater drainage and as always it is a concern. He said he knows the Schools added an 85,000 square foot building, the Performing Arts Center, that was mostly on green space previously. Mr. Debottis stated and now they would be taking away green space to add a structure that needs drainage. He said again the concern is that there is an outdated pond on his property that had a study done on it a couple of years ago and the study said that the pond could not take on any more water and now they have added structures and pickle ball courts. Mr. Debottis advised he wanted to put on record that he has a concern for stormwater draining onto his property with an outdated pond.

Mayor Jensen advised Mr. Fishleigh has agreed to let the City Engineer look at what the Schools Engineer has determined regarding the additions and make suggestions for adjustments if any.

Mr. Cummins advised with the previous building improvements on the site, they did enlargements to the existing pond that is directly adjacent to the tennis/pickle ball area. He said as Mayor Jensen noted, the School stated they would be supplying revised calculations showing the revisions to the tennis/pickle ball area as far as stormwater management is concerned. Mr. Cummins advised they will look at those revisions and make sure that they meet City Code.

Mrs. Demaline inquired if the City is going to spend \$325,000 and do an initiative with recreation if this was something that typically would go to Committee before it comes to Council.

Mayor Jensen advised it does not necessarily have to as long as Council as a whole agrees to it. He said it could always be referred back to Committee if there are questions or objections.

Mrs. Demaline advised she was surprised this did not go to the Recreation Committee of Council or a Finance Committee of Council sooner. She said it seems like a great plan, but she does not know that it has been fully vetted and financially in the best interest.

The Clerk inquired if a motion to amend the Ordinance was necessary before adopting.

Mr. Gasior advised since it has not technically been read before tonight, the legislation can be revised. He said if this was the second reading or third reading then he would plan on the amendment. Mr. Gasior stated for the record, they were adding those 2 items mentioned as he read them, and they were also adding a revision to section three as Mr. Logan pointed out. He advised when Council votes, they were voting on it with those additions as discussed.

And the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “no”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 39-22 – GRANTING A SPECIAL USE PERMIT TO FIRST INTERSTATE PROPERTIES, LTD TO ALLOW THEIR TENANT, HAVONP, LLC (dba MEZQUITE) TO CONSTRUCT A 764 SQ. FT. CONCRETE PATIO/OUTDOOR SEATING AREA ON PROPERTY LOCATED AT 35846 DETROIT ROAD

The Clerk read Ordinance No. 39-22 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO FIRST INTERSTATE PROPERTIES, LTD TO ALLOW THEIR TENANT, HAVONP, LLC (dba MEZQUITE) TO CONSTRUCT A 764 SQ. FT. CONCRETE PATIO/OUTDOOR SEATING AREA ON PROPERTY LOCATED AT 35846 DETROIT ROAD AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 39-22, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “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. Moore to adopt Ordinance No. 39-22, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 40-22 – AUTHORIZING THE CREATION OF THE ONEOHIO OPIOID SETTLEMENT FUND NO. 288

The Clerk read Ordinance No. 40-22 by title only, entitled:

AN ORDINANCE AUTHORIZING THE CREATION OF THE ONEOHIO OPIOID SETTLEMENT FUND NO. 288 AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 40-22, and the vote was: Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “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. 40-22, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 41-22 – REAPPROPRIATIONS

The Clerk read Ordinance No. 41-22 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT
APPROPRIATIONS ORDINANCE NO. 97-21
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 41-22, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “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. Moore to adopt Ordinance No. 41-22, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 42-22 – TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969
COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS
AMENDED, REZONING A PORTION OF LAND (7.89 ACRE PARCEL) LOCATED ON THE
NORTH SIDE OF CHESTER ROAD, PERMANENT PARCEL NO. 10-04-00-009-000-181 FROM M-
1 GENERAL INDUSTRIAL DISTRICT TO R-3 MULTI-FAMILY RESIDENTIAL DISTRICT AND
SUBJECT TO THE TERMS OF THE PARTIES DEVELOPMENT AGREEMENT

The Clerk read Ordinance No. 42-22 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY
15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE
CITY OF AVON, OHIO, AS AMENDED, REZONING A PORTION OF LAND
(7.89 ACRE PARCEL) LOCATED ON THE NORTH SIDE OF CHESTER ROAD,
PERMANENT PARCEL NO. 10-04-00-009-000-181 FROM M-1 GENERAL
INDUSTRIAL DISTRICT TO R-3 MULTI-FAMILY RESIDENTIAL DISTRICT
AND SUBJECT TO THE TERMS OF THE PARTIES DEVELOPMENT AGREEMENT**

The Chairman declared this to be the first of three readings of Ordinance No. 42-22.

A Public Hearing will be held on Monday, April 25, 2022 at 7:25 p.m.

Mr. McBride advised he wanted to go on record that the developer needs to make some improvements to the private streets in that development and get them up to grade so that stormwater is draining properly. He said he still thinks there is not enough off-site parking given the square footage of a number of those

units if someone has a party. Mr. McBride felt there should at least be parking for 30-40 vehicles. He stated imagine having 20-30 cars along the street in a confined area of townhomes; it would be a nightmare. Mr. McBride advised that developer has not properly planned to accommodate parking.

ORDINANCE NO. 43-22 – TO AMEND ORDINANCE NO. 76-18 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED PAYROLL/HUMAN RESOURCES CLERK FOR THE CITY OF AVON

The Clerk read Ordinance No. 43-22 by title only, entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 76-18 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED PAYROLL/HUMAN RESOURCES CLERK FOR THE CITY OF AVON AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 43-22, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “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. 43-22, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-14-22 – TO AUTHORIZE THE MAYOR TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT OF TRANSPORTATION, WINTER CONTRACT FOR ROAD SALT

The Clerk read Resolution No. R-14-22 by title only, entitled:

A RESOLUTION TO AUTHORIZE THE MAYOR TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT OF TRANSPORTATION, WINTER CONTRACT FOR ROAD SALT AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-14-22, and the vote was: Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “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. Moore to adopt Resolution No. R-14-22, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-16-22 – IN SUPPORT OF UKRAINE, THE BRAVE UKRAINIAN PEOPLE FIGHTING FOR THEIR FREEDOM AND ALL EFFORTS OF THE UNITED STATES GOVERNMENT TO OFFER AID AND ASSISTANCE TO THEM TO RESIST THE INVADING RUSSIAN MILITARY FORCES

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

A RESOLUTION IN SUPPORT OF UKRAINE, THE BRAVE UKRAINIAN PEOPLE FIGHTING FOR THEIR FREEDOM AND ALL EFFORTS OF THE UNITED STATES GOVERNMENT TO OFFER AID AND ASSISTANCE TO THEM TO RESIST THE INVADING RUSSIAN MILITARY FORCES AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-16-22, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “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. Moore to adopt Resolution No. R-16-22, and the discussion was:

Natasha Daina of 2432 Deerfield Drive, Avon, advised on behalf of the Ukrainian citizens of Avon in Lorain County, Ohio, she thanked Council for passing a Resolution. She said that Avon has something in common with Ukraine as they share the same flower; the sunflower is the flower of the City of Avon and it is also the national flower of Ukraine. Ms. Daina introduced her Aunt Joan Reidy, who is the owner of Avon Oaks Nursing Home here in Avon and she would like to offer City Council and the City Administration a sunflower with a packet of sunflower seeds. She said the sunflowers and seed packet gifts were prepared by Mary Zelek from Zelek Flower Shop in Lorain.

and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

REPORTS AND COMMENTS

MAYOR JENSEN advised Attorney Coyne will be at the Work Session of Council on April 18, 2022 to go over the development of the rezoning request, Ordinance No. 42-22. He said he would see if the developer was available to attend a meeting to address the concerns from the residents regarding the driveway aprons and the street grade in Phase 2 before this next phase goes through.

Mayor Jensen advised there would be something in a future Council packet for the Accounts Payable Clerk position. He said the Administration is looking at changing that position back to a full-time position. Mayor Jensen stated the role of that position has been expanded so they would have that in front of Council for approval before moving forward. He reiterated they have added some duties to that position and would like Council to look at that and consider making it a full-time position.

Mayor Jensen advised what is taking place in Ukraine with the Russian invasion is a reminder of how much each of us take for granted every day. He said he saw on the news the Ukrainian people leaving

their homes and everything they worked their whole lives for behind and it is a sad state that our own country has not given more support. Mayor Jensen stated he is proud of the support that Avon Council has shown tonight in support for Ukraine. He advised it seems surreal to him that he could be in his home one day and the next have to take only what he could carry with him. Mayor Jensen said he is grateful for what we have here in America and the support that Council has given to the Ukrainian people tonight.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, had no further comments.

MRS. HOLTZMEIER, AT LARGE, advised she wanted to mark an important passing in the City. She said as time marches on and life moves on, Avon has lost another one of its heroes. Mrs. Holtzmeier stated Al Grossman passed away recently and he was a 100-year-old World War II Veteran who lived here in Avon at St. Mary's of the Woods. She advised Mr. Grossman was a B-17 fighter pilot and he commanded a group that when you look at his discharge papers and it lists the number of hours that he flew, it was eleven days in combat missions cumulative over the course of his service. Mrs. Holtzmeier said he was a good guy; an interesting guy and Mr. Radcliffe got the chance to know him as well and Mayor Jensen and a few others in this room. She stated Mr. Grossman was recently the Grand Marshal at the Avon Fourth of July Bike Parade and he had a lot of fun doing that and so did his friends. Mrs. Holtzmeier advised Mr. Grossman was very proud of our Country and she surmises that he would be very proud to see Ms. Daina and her family here and to learn what Avon Council did tonight in support of Ukraine and what Ms. Daina and her family represent. She said that Mr. Grossman was a real Patriot and she wanted to mark his passing as a part of the permanent record.

MR. MCBRIDE, WARD 2, had no further comments.

MR. MOORE, WARD 3, had no comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. WITHERSPOON, AT LARGE, had no comments.

MR. FISCHER, AT LARGE, thanked Ms. Daina for bringing this issue to the forefront of Avon City Council by asking that they pass a Resolution in support of Ukraine. He advised he spoke with the Clerk previously about bringing the topic up but wondered if Avon was too small of a community for this kind of world event, but when a lot of small groups come together it can become a big thing. Mr. Fischer thanked Ms. Daina again and said that she was very brave to bring it to Council.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no further comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, reminded Council that they were invited to tour the Cahoon House on Stoney Ridge Road next Monday night, April 4, 2022 at 6:00 p.m. and she hoped to see them there. She advised there would also be a community ribbon cutting ceremony on Saturday, April 9, 2022 at 11:30 am., and added that the Cahoon House would be open on Saturday from 11:00 am to 3:00 p.m.

MR. GASIOR, LAW DIRECTOR, advised he wanted to follow-up on Mayor Jensen's comment that Attorney Coyne will be here on April 18th at the Work Session of Council. He said at next week's Work Session on April 4th the developer would be here to address any of Council's concerns and that will allow time to adjust the Development Agreement and get it ready for Council at the third reading on the 25th of April.

MR. LOGAN, FINANCE DIRECTOR, had no further comments.

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

AUDIENCE:

Debra Kraft of 1481 Caymus Court, Avon, advised she lives in Concord Village, and she referred to it as that messy complex. She said she is one of only 83 homeowners in that development and most of them are afraid to come to a meeting, but she is encouraging them to come here by the 25th of April if not before. Ms. Kraft stated they all bought into a complex that was beautiful the day they moved in and now that they are all settled with the exception of maybe six units, they expected by this point that the streets would be different, and the paving might be changed to concrete; that their sidewalks might be repaired; the flooding might go away; and the entrance to the complex might look better. She advised now that they know that someone could potentially bring in more construction for the next year and a half, they are all wondering why they bought into this community. Why are they allowing someone to come in and trash their homes for another year and a half? Ms. Kraft said those who live there do not feel like the developers care enough about what they sold to them. She stated the sales office did a fabulous job and she feels a little naïve personally when she realizes she is living in that every day. Ms. Kraft advised every day that it rains, she has a flood. She had a new white car when she moved in last June 2021 and she now has a black car and is at the carwash four days a week and that is just the surface of what they are dealing with. Ms. Kraft said she knows this developer does good work in some communities, but she feels like they are trying to cram them all into a place, make it a negative west side of the City and she just thought they should know that they really like their homes. She stated she should not get two nails in her tires twice a month and she is disappointed she bought in that complex. Ms. Kraft advised she loves this community, and she loves everything about it except for the development she lives in.

Mayor Jensen asked Mr. Cummins if there was a way that the City could make sure they finish Phase 2 before they move onto Phase 3 although he was aware there could still be issues with the pavement. He said he does not want to have the issues they had at Rose Senior Living where they did not finish the initial phase before they began work on the second phase.

Mr. Cummins advised he believes there was at least the idea floated of having an alternate construction entrance for the Phase 3 work that would come off Middle Road and that would certainly help. He said otherwise as far as the ponding of water and the like, once they have sufficient grass coverage in Phase 2 around the units that are already constructed, then the sediment control material can be taken out as that is what is causing the ponding seen in the pictures. Mr. Cummins stated that is a matter of the developers getting to the next step and completing it and the like. He advised there are ways that the developers could work around that, but that is something that would have to be brought to the developer's attention and made part of the overall discussion.

Mayor Jensen advised he would appreciate the Administration talking that over this week and when the developers come in, the City would be ready to have that conversation with them.

Mr. McBride advised the developers have alternatives, they are the developer, and they chose to develop it this way and he felt it was basically too bad for the developer. He said he knows that they do not want to put the top layer of asphalt down yet, the same as the developer over at Rose Senior Living because they did not want to come back and strip it off and repave it again as that costs additional money. Mr. McBride stated the developers could have put in an alternative construction entrance and there is a way that they could have remediated that and had grass growing or they could have put sod down. He advised the developer's had all kinds of options and they are choosing not to spend the money. Mr. McBride stated he is not going to vote to rezone that property until the developers make some commitments and they are written in the developer's agreement and some of those pictures of the flooding is ridiculous. He said if that was in a regular subdivision, they would have already done something.

ADJOURN: 8:11 p.m.

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

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