

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JUNE 27, 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; City Engineer – Ryan Cummins; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director and Acting Mayor- William Logan; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

ABSENT: Mayor - Bryan Jensen

CORRESPONDENCE

The Clerk reported that she received a request from the Ohio Division of Liquor Control for a New C2 license for Meijer Stores Limited Partnership DBA Meijers Express 308 located at 1820 Nagel Road, Avon.

There were no comments or questions or requests for a hearing.

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mr. McBride and seconded by Mr. Moore to remove from the agenda item #10 – Ordinance No. 72-22 – Authorizing a Final Plant and Subdivider’s Agreement for Red Tail Subdivision No. 17, for further review, 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 accept the agenda as amended, 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.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, JUNE 6, 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, June 6, 2022, and to approve said minutes as published, 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.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JUNE 13, 2022

A motion was made by Mr. Mc Bride and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, June 13, 2022, and to approve said minutes as published, 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.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, JUNE 20, 2022

A motion was made by Mr. Mc Bride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Special Meeting of Council held Monday, June 20, 2022, and to approve said minutes as published, 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.

ORDINANCE NO. 70-22 – ESTABLISHING A TAX BUDGET FOR THE CURRENT EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

The Clerk read Ordinance No. 70-22 by title only, entitled:

AN ORDINANCE ESTABLISHING A TAX BUDGET FOR THE CURRENT EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 70-22.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 70-22, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 70-22, 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.

ORDINANCE NO. 71-22 – 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 THE 12.71 ACRE PARCEL OF LAND LOCATED AT 2295 NAGEL ROAD (EASTSIDE OF NAGEL ROAD, SOUTH OF MIDDLETON ROAD AND NORTH OF DETROIT ROAD), PERMANENT PARCEL NO. 10-04-00-027-101-196 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT

The Clerk read Ordinance No. 71-22 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 THE 12.71 ACRE PARCEL OF
LAND LOCATED AT 2295 NAGEL ROAD (EASTSIDE OF NAGEL ROAD,
SOUTH OF MIDDLETON ROAD AND NORTH OF DETROIT ROAD),
PERMANENT PARCEL NO. 10-04-00-027-101-196 FROM R-1 SINGLE-FAMILY
RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT**

The Chairman declared this to be the second of three readings of Ordinance No. 71-22.
A Public Hearing will be held at 7:25 p.m. on Monday, July 11, 2022.

ORDINANCE NO. 79-22 – REAPPROPRIATIONS

The Clerk read Ordinance No. 79-22 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. Mc Bride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 79-22, 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.

A motion was made by Mr. Mc Bride and seconded by Mr. Moore to adopt Ordinance No. 79-22, and the discussion was:

Mr. Logan advised the Exhibit was revised from last week with the addition of one item. He said under the General Fund they would also like to appropriate and transfer \$13,165.00 to the Cemetery Fund No. 281 for the restoration and repair of some of the memorials. Mr. Logan advised that brings the total of the General Fund Reappropriations up to \$79,684.00. He stated then under Special Revenue Funds, Cemetery Fund No. 281, appropriate \$13,165.00 for the restoration and repair of some of the memorials. Mr. Logan said that brings the total Special Revenue Fund Reappropriations to \$41,165.00 and the total Reappropriations all Funds to \$120,849.00.

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.

ORDINANCE NO. 81-22 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON
THE QUESTION OF AMENDING ARTICLE IV, SECTION 12 OF THE AVON CITY
CHARTER ENTITLED FORM OF LEGISLATIVE ACTION

The Clerk read Ordinance No. 81-22 by title only, entitled:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF AMENDING ARTICLE IV, SECTION 12 OF THE AVON CITY CHARTER ENTITLED FORM OF LEGISLATIVE ACTION AND DECLARING AN EMERGENCY

A motion was made by Mr. Mc Bride and seconded by Mrs. Demaline to suspend the rules and act on Ordinance No. 81-22, 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.

A motion was made by Mr. Mc Bride and seconded by Mrs. Demaline to adopt Ordinance No. 81-22, 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.

ORDINANCE NO. 82-22 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF AMENDING ARTICLE IV, SECTION 1 OF THE AVON CITY CHARTER CONCERNING “THE COUNCIL”

The Clerk read Ordinance No. 82-22 by title only, entitled:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF AMENDING ARTICLE IV, SECTION 1 OF THE AVON CITY CHARTER CONCERNING “THE COUNCIL” AND DECLARING AN EMERGENCY

A motion was made by Mr. Mc Bride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 82-22, 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.

A motion was made by Mr. Mc Bride and seconded by Mr. Radcliffe to adopt Ordinance No. 82-22, 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.

ORDINANCE NO. 83-22 – AMENDING SECTION 1244.12(d)(5)(A), (D)(3) and (D)(4) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING FINAL PLAT SUBMISSION REQUIREMENTS FOR ADDRESS MAPS

The Clerk read Ordinance No. 83-22 by title only, entitled:

AN ORDINANCE AMENDING SECTION 1244.12(d)(5)(A), (D)(3) and (D)(4) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING FINAL PLAT SUBMISSION REQUIREMENTS FOR ADDRESS MAPS

The Chairman declared this to be the first of three readings of Ordinance No. 83-22. A Public Hearing will be held on Monday, August 8, 2022 at 7:25 p.m.

ORDINANCE NO. 84-22 – GRANTING A SPECIAL USE PERMIT TO ATILA NAGY TO ALLOW FOR A LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE EAST SIDE OF 4625 CENTER ROAD, PERMANENT PARCEL NO. 04-00-013-000-563

The Clerk read Ordinance No. 84-22 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ATILA NAGY TO ALLOW FOR A LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE EAST SIDE OF 4625 CENTER ROAD, PERMANENT PARCEL NO. 04-00-013-000-563 AND DECLARING AN EMERGENCY

A motion was made by Mr. Mc Bride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 84-22, 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.

A motion was made by Mr. Mc Bride and seconded by Mr. Moore to adopt Ordinance No. 84-22, 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.

ORDINANCE NO. 85-22 – TO ACCEPT DEDICATION OF PUBLIC RIGHT OF WAY AND PERMANENT UTILITY EASEMENTS ALONG DETROIT ROAD AND STATE ROUTE 83 FOR UPCOMING STATE ROUTE 254 AND STATE ROUTE 83 INTERSECTION IMPROVEMENT PROJECT

The Clerk read Ordinance No. 85-22 by title only, entitled:

AN ORDINANCE TO ACCEPT DEDICATION OF PUBLIC RIGHT OF WAY AND PERMANENT UTILITY EASEMENTS ALONG DETROIT ROAD AND STATE ROUTE 83 FOR UPCOMING STATE ROUTE 254 AND STATE ROUTE 83 INTERSECTION IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY

A motion was made by Mr. Mc Bride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 85-22, 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.

A motion was made by Mr. Mc Bride and seconded by Mr. Moore to adopt Ordinance No. 85-22, 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.

ORDINANCE NO. 88-22 – TO REJECT THE BIDS FOR THE MAIN STREET & MIDDLE ROAD PAVEMENT RESURFACING PROJECT

The Clerk read Ordinance No. 88-22 by title only, entitled:

AN ORDINANCE TO REJECT THE BIDS FOR THE MAIN STREET & MIDDLE ROAD PAVEMENT RESURFACING PROJECT AND DECLARING AN EMERGENCY

A motion was made by Mr. Mc Bride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 88-22, 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.

A motion was made by Mr. Mc Bride and seconded by Mr. Moore to adopt Ordinance No. 88-22, 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.

ORDINANCE NO. 89-22 – AMENDING CHAPTER 1064 TO ADD SECTION 1064.012 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE RULES FOR THE DOG PARK AT VETERANS MEMORIAL PARK

The Clerk read Ordinance No. 89-22 by title only, entitled:

AN ORDINANCE AMENDING CHAPTER 1064 TO ADD SECTION 1064.012 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE RULES FOR THE DOG PARK AT VETERANS MEMORIAL PARK AND DECLARING AN EMERGENCY

A motion was made by Mr. Mc Bride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 89-22, 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.

A motion was made by Mr. Mc Bride and seconded by Mr. Moore to adopt Ordinance No. 89-22, 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.

ORDINANCE NO. 90-22 – DESIGNATING PARK LANDS LOCATED ON THE FORMER KURTZ BROTHERS NURSERY AS EAGLE POINT PARK

The Clerk read Ordinance No. 90-22 by title only, entitled:

**AN ORDINANCE DESIGNATING PARK LANDS LOCATED ON THE FORMER
KURTZ BROTHERS NURSERY AS EAGLE POINT PARK
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Mc Bride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 90-22, 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.

A motion was made by Mr. Mc Bride and seconded by Mr. Moore to adopt Ordinance No. 90-22, 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.

REPORTS AND COMMENTS

MAYOR JENSEN was absent

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, had no comments.

MRS. HOLTZMEIER, AT LARGE, advised she was communicating with the Mayor today and he relayed the news that one of our own, Bruce Klingshirn, passed away. She said she knows that others on the dais tonight were going to speak about it and she does not want to take away from what they might have to say about his service to the City on the Charter Review Commission or the Building and Zoning Board of Appeals. Mrs. Holtzmeier stated she does want to say that those who knew Bruce knew that he was blessed with a mind for numbers and a heart for Avon and it is very clear that this community was the benefactor of both. She advised Mr. Klingshirn will be greatly missed and his service is so noted.

MR. McBRIDE, WARD 2, had no comments.

Mr. MOORE, WARD 3, reported that he would be absent for the meeting on July 11, 2022.

MR. RADCLIFFE, WARD 4, had no comments.

MR. WITHERSPOON, AT LARGE, had no comments.

MR. FISCHER, AT LARGE, gave his condolences to the Klingshirn family. He advised he remembers before he was elected to City Council sitting with Bruce in the back and that he was a familiar face in City Hall and around Avon. Mr. Fischer said Mr. Klingshirn was a very nice guy and he could not say it any better than Mrs. Holtzmeier did as he did a lot for the City of Avon.

Mr. Fischer reminded everyone that the next meeting of Council will be on Tuesday, July 5, 2022, and he hoped everyone enjoyed their Fourth of July.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, advised this past weekend during the Aunt Teak and Uncle Junque Citywide Garage Sale Events, the Cahoon House was open for the first time to the public. She said on Saturday twenty-nine tours were given and on Sunday they gave thirty-one tours. Ms. Fechter stated she is so excited for Sheri Seroka and the team that has worked so hard on that house. She advised the Avon Historical Society has been involved since day one and they were present during the tours, and it is exciting to see people from the community enjoying it.

Ms. Fechter wished everyone a Happy Fourth of July.

MR. GASIOR, LAW DIRECTOR, advised he worked with Bruce Klingshirn a lot on the Building and Zoning Board of Appeals and other areas within the City. He said Mr. Klingshirn had great knowledge of the City and he was 69 years old and had been in Avon his entire life. Mr. Gasior stated Mr. Klingshirn worked for Ernst & Young, which is a very good accounting firm and why he had a knack for the numbers. He advised Mr. Klingshirn was a very intelligent man and very analytical and he loved to talk to him. Mr. Gasior said Bruce gave him a lot of insight into this great City of Avon and he is going to miss him terribly. He gave his condolences to the Klingshirn family and said that whatever Bruce was suffering from he does not have to worry about anymore. Mr. Gasior said Bruce was a great guy.

MR. LOGAN, FINANCE DIRECTOR and ACTING MAYOR, advised he will miss Bruce. Rest in peace.

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

AUDIENCE:

There were no comments from the audience members.

ADJOURN: 7:50 p.m.

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