

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JULY 10, 2023  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 8:03 P.M.**

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

**PRESENT:**

Council Members: 1<sup>st</sup> Ward – Jennifer Demaline; Council-at-Large – Tammy Holtzmeier; 2<sup>nd</sup> Ward – Dennis McBride; 3<sup>rd</sup> Ward – Anthony Moore; 4<sup>th</sup> Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon; Council-at-Large and Council President – Brian Fischer; Mayor - Bryan Jensen; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – Steve Presley; Clerk of Council – Barbara Brooks

**ABSENT:**

City Engineer – Ryan Cummins; Safety/Public Service Director – Duane Streator

**MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, JUNE 19, 2023**

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Work Session of Council held Monday, June 19, 2023, 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, JUNE 26, 2023**

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, June 26, 2023, 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.

**ORDINANCE NO. 84-23 – TO ACCEPT IMPROVEMENTS IN RED TAIL SUBDIVISION NO. 17**

The Clerk read Ordinance No. 84-23 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN RED TAIL SUBDIVISION NO. 17  
AND DECLARING AN EMERGENCY**

The Chairman declared this to be the second of three readings of Ordinance No. 84-23.

A motion was made by Mr. Witherspoon to vote on Ordinance No. 84-23 on emergency. There was no second and the Chairman declared the motion failed.

**ORDINANCE NO. 86-23 – DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO THE RECONSTRUCTION AND WIDENING OF PAVEMENT & ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF INTERSTATE ROUTE 90 (IR-90) BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT)**

The Clerk read Ordinance No. 86-23 by title only, entitled:

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO THE RECONSTRUCTION AND WIDENING OF PAVEMENT & ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF INTERSTATE ROUTE 90 (IR-90) BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) 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. 86-23, 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. Radcliffe to adopt Ordinance No. 86-23, 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. 87-23 – AUTHORIZING A SPECIAL USE PERMIT FOR PROPERTY OWNED BY ACE ACQUISITIONS, LLC TO ALLOW THEIR TENANT, INN THE DOG HOUSE, INC. (dba INN THE DOGHOUSE) TO CONSTRUCT AND OPERATE A DOG AND CAT DAY CARE, ANIMAL BOARDING AND GROOMING FACILITY LOCATED AT 37525 COLORADO AVENUE**

The Clerk read Ordinance No. 87-23 by title only, entitled:

**AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT FOR PROPERTY OWNED BY ACE ACQUISITIONS, LLC TO ALLOW THEIR TENANT, INN THE DOG HOUSE, INC. (dba INN THE DOGHOUSE) TO CONSTRUCT AND OPERATE A DOG AND CAT DAY CARE, ANIMAL BOARDING AND GROOMING FACILITY LOCATED AT 37525 COLORADO AVENUE 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. 87-23, 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. 87-23, 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. 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 first of three readings of Ordinance No. 88-23. A Public Hearing will be held for Ordinance No. 88-23 on Monday, September 11, 2023, at 7:25 p.m.

ORDINANCE NO. 89-23 – AUTHORIZING THE HIRING OF THE LAW FIRM OF DOOLEY, GEMBALA, McLAUGHLIN, AND PECORA AS SPECIAL COUNSEL TO THE CITY OF AVON FOR ALL MATTERS PERTINENT TO THE CASE OF STATE EX REL AVON, OHIO, PETER RESTIVO vs CITY OF AVON, et al

The Clerk read Ordinance No. 89-23 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE HIRING OF THE LAW FIRM  
OF DOOLEY, GEMBALA, McLAUGHLIN AND PECORA AS SPECIAL COUNSEL  
TO THE CITY OF AVON FOR ALL MATTERS PERTINENT TO THE CASE  
OF STATE EX REL AVON, OHIO, PETER RESTIVO vs. CITY OF AVON, et al  
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. 89-23, 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. 89-23, 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. 90-23 – REAPPROPRIATIONS

The Clerk read Ordinance No. 90-23 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT  
APPROPRIATIONS ORDINANCE NO. 132-22  
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. 90-23, 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. Radcliffe and seconded by Mr. Moore to adopt Ordinance No. 90-23, 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. 91-23 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED AT 2530 CHURCH STREET IN THE CITY OF AVON, PERMANENT PARCEL NO. 04-00-010-115-010 FROM MARK W. LADEGAARD

The Clerk read Ordinance No. 91-23 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED  
AT 2530 CHURCH STREET IN THE CITY OF AVON,  
PERMANENT PARCEL NO. 04-00-010-115-010  
FROM MARK W. LADEGAARD  
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. 91-23, 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. 91-23, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “abstain”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, said that she was very pleased with the reappropriation for funds for the AEDs and she asked Mayor Jensen if he had any more information on that project.

Mayor Jensen stated that since the funds have been approved we are moving forward and when Mr. Streater returns, it will be determined where we are going to put the AEDs. Also, we have talked to a company that supplies some of our other things and they will be in charge of checking those AEDs and making sure that they are always kept up to date and charged because that was our other concern within the parks of just making sure that they are maintained. So this company said that they have the ability to maintain them also.

Mrs. Demaline stated that Mr. Cummins had asked Council for input on the sidewalk plan for 2024 and he was going to prepare an updated map of the sidewalks that have been installed to date. She asked the Mayor if he knew when they would be receiving that map from Mr. Cummins. Mayor Jensen responded that he would have to check with Mr. Cummins as he thought the map had already been sent.

MRS. HOLTZMEIER, AT LARGE, had no comments.

MR. MCBRIDE, WARD 2, thanked Mrs. Holtzmeier for organizing the 4<sup>th</sup> of July Bike Parade.

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, had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, was absent.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, had no comments.

MR. GASIOR, LAW DIRECTOR, wished everyone a happy 5<sup>th</sup> Monday.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, was absent.

AUDIENCE:

There were no comments from the audience.

ADJOURN: 8:46 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: 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.