

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF
AVON, OHIO, HELD MONDAY, SEPTEMBER 12, 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 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

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mrs. Holtzmeier and seconded by Mr. Radcliffe to amend the agenda to add Item 8a – Mayoral Announcement of an Appointment to the Avon Tree Commission for the unexpired term ending December 31, 2026, and to remove Item No. 9 – Ordinance No. 95-22 – Rezoning Request. 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 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 MEETING OF THE SERVICE COMMITTEE OF COUNCIL HELD MONDAY, AUGUST 1, 2022

A motion was made by Mr. Moore and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Meeting of the Service Committee of Council held Monday, August 1, 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 WORK SESSION OF COUNCIL HELD MONDAY, AUGUST 1, 2022

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to dispense with the reading of the minutes of the Work Session of Council held Monday, August 1, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, AUGUST 8, 2022

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, August 8, 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.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD TUESDAY, SEPTEMBER 6, 2022

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to dispense with the reading of the minutes of the Special Meeting of Council held Tuesday, September 6, 2022, and to approve said minutes as published, 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.

MAYOR JENSEN ANNOUNCES THE APPOINTMENT OF LIESA WETZIG TO THE AVON TREE COMMISSION FOR THE UNEXPIRED TERM ENDING DECEMBER 31, 2026

The Chairman stated that John Schwartz tendered his resignation as a member of the Avon Tree Commission on August 25, 2022, and Liesa Wetzig has agreed to serve his unexpired term.

Mayor Jensen explained that Mr. Schwartz had a conflict of interest in terms of his position on the Tree Commission and resigned so we are very fortunate that Ms. Wetzig has agreed to serve out his term. We are pleased that she was willing to step forward and help out the Commission. There are a lot of exciting things going on so we wanted to get her on the Commission as soon as possible because their meeting is on Wednesday and so we are also appreciative of Council being able and willing to put this on the agenda for tonight.

ORDINANCE NO. 102-22 – APPROVING THE UPDATE TO THE PERSONNEL POLICY MANUAL FOR THE CITY OF AVON

The Clerk read Ordinance No. 102-22 by title only, entitled:

AN ORDINANCE APPROVING THE UPDATE TO THE

**PERSONNEL POLICY MANUAL FOR THE CITY OF AVON
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Moore and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 102-22, 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. Radcliffe and seconded by Mr. Witherspoon to adopt Ordinance No. 102-22, 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. 103-22 – AMENDING SECTION 256.98 OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION
SPECIFICATION FOR THE POSITION OF POLICE LIEUTENANT

The Clerk read Ordinance No. 103-22 by title only, entitled:

**AN ORDINANCE AMENDING SECTION 256.98 OF THE CODIFIED ORDINANCES
OF THE CITY OF AVON TO REVISE THE CLASSIFICATION
SPECIFICATION FOR THE POSITION OF POLICE LIEUTENANT
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 103-22, 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. Radcliffe and seconded by Mr. Moore to adopt Ordinance No. 103-22, 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. 104-22 – AMENDING SECTION 256.98 OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION
SPECIFICATION FOR THE POSITION OF POLICE SERGEANT

The Clerk read Ordinance No. 104-22 by title only, entitled:

**AN ORDINANCE AMENDING SECTION 256.98 OF THE CODIFIED ORDINANCES
OF THE CITY OF AVON TO REVISE THE CLASSIFICATION
SPECIFICATION FOR THE POSITION OF POLICE SERGEANT
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. 104-22, 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. 104-22, 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. 105-22 – AMENDING SECTION 256.98 OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION
SPECIFICATION FOR THE POSITION OF POLICE DISPATCHER**

The Clerk read Ordinance No. 105-22 by title only, entitled:

**AN ORDINANCE AMENDING SECTION 256.98 OF THE CODIFIED ORDINANCES
OF THE CITY OF AVON TO REVISE THE CLASSIFICATION
SPECIFICATION FOR THE POSITION OF POLICE DISPATCHER
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. 105-22, 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. 105-22, 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. 106-22 – AMENDING SECTION 256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF POLICE OFFICER

The Clerk read Ordinance No. 106-22 by title only, entitled:

AN ORDINANCE AMENDING SECTION 256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF POLICE OFFICER 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. 106-22, 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. Radcliffe to adopt Ordinance No. 106-22, 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. 107-22 – AMENDING COMPENSATION FOR THE POSITION OF FULL-TIME, CLASSIFIED FINANCE SPECIALIST FOR THE CITY OF AVON

The Clerk read Ordinance No. 107-22 by title only, entitled:

AN ORDINANCE AMENDING COMPENSATION FOR THE POSITION OF FULL-TIME, CLASSIFIED FINANCE SPECIALIST FOR THE CITY OF AVON 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. 107-22, 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. Radcliffe and seconded by Mr. Moore to adopt Ordinance No. 107-22, 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. 108-22 – AMENDING COMPENSATION FOR THE POSITION OF PART-TIME, UNCLASSIFIED ACCOUNTS PAYABLE CLERK OF THE CITY OF AVON

The Clerk read Ordinance No. 108-22 by title only, entitled:

**AN ORDINANCE AMENDING COMPENSATION FOR THE POSITION
OF PART-TIME, UNCLASSIFIED ACCOUNTS PAYABLE CLERK
FOR THE CITY OF AVON
AND DELARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 108-22, 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. 108-22, 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. 109-22 – REAPPROPRIATIONS

The Clerk read Ordinance No. 109-22 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. Radcliffe to suspend the rules and act on Ordinance No. 109-22, 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. Radcliffe to adopt Ordinance No. 109-22, and the discussion was:

Mrs. Demaline said that she had some questions on the legal reappropriations. Does the \$24,291 reappropriation for Clemans, Nelson include our contract negotiations and Mr. Logan said, yes.

Mrs. Demaline then asked about the \$151,000 for Stringer, Stringer, and Gasior. What do we normally budget for that? Is that typical of what we spend in a year? What is the legal budget for the year? Mr. Logan responded that roughly \$250,000 is what we have been budgeting in recent years but that is more than Stringer, Stringer, and Gasior, though; that is also for outside counsel. This year there were some unusual circumstances going on and we are above that. Mrs. Demaline said that she saw that but she just wanted to see what we typically are paying to Stringer, Stringer, and Gasior each year. Mr. Logan said, \$180,000 to \$190,000 – in that range. Mrs. Demaline noted that on the fuel, we are adding \$44,000 for the remainder of the year just for the Police Department. She said she understood that gas has been expensive this year, so do we normally budget for fuel for the Police? What do we normally budget for the fuel for the Police? She said if she was factoring that out correctly, that averages about \$176,000 for the year. Is that a typical amount of fuel consumption?

Mr. Logan stated that this year in the original budget, we budgeted \$115,000 for the Police, based on what we did a year ago. But secondly we knew we were putting in the fuel tanks that we talked about last week so that is going to result in a little bit of a savings. If we have our own tanks for a full year vs the Police or anybody buying gas from a third party gas station, annualized we will save \$25,000 - \$30,000 by having our own tanks. And they are not really our tanks; they actually belong to the vendor but we pay for the gas which basically is paying for that use of the fuel tank. But this year we budgeted \$115,000 for Police, Mrs. Demaline asked, and we need another \$44,000? Mr. Logan said, yes. Mrs. Demaline said, so we will spend about \$159,000 and Mr. Logan said, yes.

Mayor Jensen said, and just so Council knows, too, even though we have reappropriated that amount, it does not mean we get to spend it all. They can only spend it if they need it so if there is anything left over, we will put it back in the General Fund at the end of the year.

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. 110-22 – TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH CONCORD VILLAGE PHASE THREE, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE CONCORD VILLAGE NO. 3 SITE LOCATED ON CHESTER ROAD

The Clerk read Ordinance No. 110-22 by title only, entitled:

AN ORDINANCE TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH CONCORD VILLAGE PHASE THREE, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE CONCORD VILLAGE NO. 3 SITE LOCATED ON CHESTER ROAD AND DECLARING AN EMEERGENCY

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 110-22, 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. Radcliffe and seconded by Mr. Moore to adopt Ordinance No. 110-22, and the discussion was:

Mr. Cummins stated that he just wanted to clarify that there was one outstanding issue on this subdivision that did get resolved this afternoon. It was a discussion about the size of a certain piping to be installed. The developer agreed to do that work as requested so those plans will be revised to show that work accordingly and will be submitted for signature on final approval.

Mr. Gasior said that the amount of money that we are involving here is that great. It is in the area of \$5,000 to \$6,000 but technically we will have to adjust the figures in the Developer’s Agreement by that amount and ask the developer to deposit the balance of the funds. It is not going to be much but just to make sure that everything coincides with the actual numbers. He asked Mr. Logan if he had received a check and when Mr. Logan said, no, Jordan Berns of Concord Village, came forward and gave him the check. Mr. Gasior apologized to Mr. Logan and Council as all this happened late Friday and he should have indicated that the deposits were going to be made today. He has the breakdown in an email that I sent to Mr. Berns but he failed to copy Mr. Logan or Mrs. Brooks but those are the deposits based on the calculation we typically do, so everything is in good shape to go forward. Mr. Gasior added that we did cover the issue of the loop and he thought that we have a sufficient amount of money budgeted for that as well so now we just hope we can get the property rights and go at it.

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.

REPORTS AND COMMENTS

MAYOR JENSEN stated that the Safety Fair was held this weekend and with all the events that have been happening over the summer, he cannot express how proud he is of our staff in terms of putting things together. He does not think that people realize how much work goes into organizing all of these things. It was so great to have all the different Departments come together for the Safety Fair and have no one complain about being there on Saturday, have no one complain about bringing the equipment, and everyone being willing to come out and help on a weekend. There was the 9-11 Ceremony this morning, a Shredding Event is coming up this weekend, then we have the Super Heroes event on September 24th, the Not So Spooky Halloween, and the Christmas Tree

Lighting. For all these events, all the Departments work together and that makes it easy for him and also having Mr. Streator be part of organizing everything to make sure it all happens. He thinks the public sees all of the cooperation but he just thinks they do not realize all the time and effort that goes into these events.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, said that she has seen some progress in the sidewalk installation down Colorado Avenue and Moon Road. There are a very few sections left to connect the whole path. She asked Mr. Cummins if he knew where we stand on Colorado getting from Stonebridge up towards Detroit Road and Mr. Cummins said that he did not know off the top of his head. He will have to check with the Service Department and with Ms. Clements to get an update and he will be happy to do that and report back.

Mayor Jensen said that the same crew is working on Jaycox Road right now; it is the only crew that we could get to do sidewalks so they should be moving over to the other area soon. It is all laid out on the east side of Moon Road, so that should finish up within the next couple weeks. So it is scheduled in terms of as soon as they can get to it but it is the same crew that just finished Jaycox.

Mrs. Demaline said that she knows we are looking at the 2023 Sidewalk Program and we talked in a Finance Committee meeting about a 727 or a 729 and how that method is going to look and in a Service Committee meeting we talked about what areas we are going to cover. She understands that it is budgeting time very shortly and asked if we were interested in having another Finance or Service Committee meeting before the budget meeting to discuss the 2023 plan.

Mayor Jensen said that we are going to have to have another Finance Committee meeting and even within that, we may have to have a Service Committee meeting to decide which way we are going and Mr. Cummins will get that together for Mr. Logan to have that budgeted, but that will be in the budget for next year. Mrs. Demaline said that she understands that there is a large Finance Committee meeting that we have about the budget. Prior to that are we going to have a Finance Committee meeting to talk only about the Sidewalk Program? Mayor said, yes, we will not be able to put it into the budget until Finance approves what they would like to see.

MRS. HOLTZMEIER, AT LARGE, said to Mr. Logan that they have gotten notification about some large TIF payments that came in that were not able to be put on our most recent budget but they will be noted for the next. She said that Mr. Logan sent them an email about that before they went on break. Mr. Logan stated that they were delinquent at the time at the County Treasurer's Office. They should have been paid to the County a year ago but we will get that distribution in March of next year. So that is factored into the Revenue Budget for next year.

Mrs. Holtzmeier asked how delinquent they were and Mr. Logan said, not very. In fact, if there was a way that the County could almost wait two or three weeks before they make the distribution to us we probably would have collected all of that. Mrs. Holtzmeier said, so when the County is collecting those funds but it is within that window, they are funds that are collected but they are not distributed for at least six months after. Mr. Logan said you have to realize the County is distributing property tax, special assessment money, and TIF money to 60 political subdivisions throughout the County so they have to get those distributions out, particularly to the schools, by those dates so they choose that cut-off date and if a large taxpayer pays their taxes that very next day, well, the County got the money but they will not be able to do the distribution until we get our next distribution. We get two distributions per year so the first half usually comes in March and the second half in mid to late August.

Mrs. Holtzmeier said that she heard what Mr. Logan was saying about the timing of it; it just bothers her a bit that they are able to get the small amount of reserve and that comes from holding onto that money vs the City. Mayor Jensen said to Mr. Logan, but we are still above what we had budgeted, though, correct? Mr. Logan said we are very close; if you add in the \$400,000 that came late, we would have definitely been over the budget. Mayor Jensen said, and with that, it will help next year. Mr. Logan noted that this will come with the first half distribution next year.

Mayor Jensen said to Mrs. Holtzmeier that he and Mr. Logan are frustrated sometimes because it is within just a couple weeks and it is almost like they hit the mark and they do not distribute it immediately but they still claim they did not get it within the window so you wonder, how hard would it be to just send another check out. Mrs. Holtzmeier stated that while they are being acknowledged as being received, are they also being posted promptly? Mayor Jensen said also they send us a check instead of doing a direct deposit. Mr. Logan added that they will not do ACH's, they will not accept credit card payments. He has a lot to say about how they process payments. Mrs. Holtzmeier said, yes, in 2022, there are a lot more expedited ways to do that. We may touch back on that later. She just wanted to acknowledge that email and find how delinquent the payments were and a matter of a few days bothers her but that is good information to have.

MR. McBRIDE, WARD 2, asked if this was because of their rules and Mr. Logan stated that you would think in this day and age, electronic payments would be an option but they are not. You get a check with sides that you have to peel off and unfold the check. We are the only County in the State that does not accept credit card payments.

Mr. McBride said that the Safety Fair was very nice, thank you. He then confirmed that he did have Covid so that is why he was not present last week.

MR. MOORE, WARD 3, stated that November 5th is the Arbor Day and asked everyone to save the date. There are a couple of Tree Commission meetings before Arbor Day and all are welcome to come and join them.

Mr. Moore noted that he is going to be out of town the last Saturday in October and he asked scheduling the Finance Committee budget meeting. There was discussion about setting a

date that would be good for everyone and Mrs. Holtzmeier wanted to make sure that Mr. Logan would have the time with the transition of new Finance Director. Mrs. Holtzmeier said that they can decide on this by email. She will send an email out by tonight and asked if everybody could respond so they can get it settled. She will put out a couple of options and get a consensus.

There was discussion about the timing of voting on the budget and making sure that it is passed by the last meeting in December. Mr. Logan felt that even if there was a Finance Committee meeting as late as November 19, we are probably good depending what comes out of that Committee meeting if there are a lot of things that we have to rework. Mr. Gasior said that the reason we always wanted a cushion in December was because of vacations as we would pass this by emergency. It is just that you have to make sure you have six members of Council present so you can suspend the rules and he thought that was the reason you would put it on early just in case.

MR. RADCLIFFE, WARD 4 – had no comments.

MR. WITHERSPOON, AT LARGE – had no comments

MR. FISCHER, AT LARGE, said that he has spoken with Mr. Cummins and Mr. Gasior about what is causing delays on the sidewalks on Avon Road. He asked if one of them could explain why, even though Council approves everything and we are ready to go, there are things that may be in our way.

Mr. Cummins said that once we got through the design and permitting process for this project, we did have to secure an Army Corps permit for the project and we also had to coordinate with utility companies that moved some utility facilities around such as guide wires, etc. to get that done. We got to the end and were ready to go to an assessment and the one property has a value in County records that is only about one-third of what it needs to be in order to assess their frontage. In general numbers, the value of the property is around \$67,000 and just the concrete work to install that sidewalk would be \$45,000. State law requires that you cannot assess more and 33% of the value of the property. So we have had some emails and correspondence with that property owner and Mr. Cummins said he was actually on the phone with him today letting him know our stance on moving forward with the project and with the value the County has for his land, what we could expect for an assessment. Mr. Cummins said, so he thought the next step is to pass a Resolution of Necessity and actually assess that property. The property owner stated on the phone that he would oppose that assessment so we will have to sort through that. Mr. Gasior can add additional details but it is issues like this that may come up as we go along. So there are issues regulatory-wise, utility-wise, maybe moving other infrastructure such as storm sewers and culverts, etc. to physically put a sidewalk in place but also you run into legal issues such as the acquisition of easements or assessment of property.

Mr. Gasior stated that there is also the issue of how much benefit is achieved by the property itself and that is another limitation on the amount of the assessment so we are faced with that problem because obviously the owner will claim that a sidewalk does not really benefit him

at this point as there is nothing on the property. This is a vacant lot and Mr. Gasior can appreciate the fact that the owner will make the argument that a sidewalk is not benefiting his lot in any way, shape, or form. The obvious, cheapest way for the City to get a sidewalk down there is to wait for him to develop it and then they will bring the sidewalk along with all the other utilities that they need to bring and it probably will not cost us anything. But if there is an urgency and a desire to get this sidewalk in, the City better be prepared to absorb a great deal of the cost that Mr. Cummins just identified but that is up to Council to decide what they want to do.

Mr. Moore said that in his opinion, there is an urgency. In the five years that he has been on Council and before then, there have been numerous requests for sidewalks. Anyone over in that area is landlocked and cannot get places without taking obnoxious patterns. It needs to be done and if we have to spend a little extra money, that is money well spent. There was a survey and connectivity was a top concern so if we cannot get it done over there then we need to do a study and see if we cannot get it done on the other side.

Mr. Fischer said that, on a happy note, not only did we defeat our rivals, our neighbors up north, but the City of Avon also brought home the Super Bowl trophy which benefited CRS. There was a huge amount of food and money that was donated by both communities so the people that really matter will benefit from that but the trophy is staying in Avon so thank you to all our residents for donating to the Super Bowl.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, stated that last week as part of the Red Tail Subdivision consideration, he informed City Council that there was an item associated with Red Tail in the addition of a culvert connection into Williams Court. At issue were the calculations associated with the sizing of that culvert. He just wanted to brief Council that the design engineer made them aware of that and they did go back and look into that issue and provided revised calculations and so that issue has now been addressed and there is no need to revise any of the plans, and the like. The calculations did change but did not have a bearing on the actual subdivision plans in any way. Also, the next day after the Council meeting, we put a hold on the pre-construction meeting so that that issue would get resolved and it did and now that that has been completed, the pre-construction meeting will move forward.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, said that she just wanted to say that this morning's event for 9-11 was very nice and she was glad to see that we as a City, still continue to remember it and know how important it is for many families all around the country.

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. LOGAN, FINANCE DIRECTOR, said that he just wanted to mention that the State Auditor's Office gave the City of Avon an award of distinction. We have not received it for a few

years so we did get it for our 2021 audit. He said that he wanted to thank the Finance Department, the Department Heads, and City Council.

MR. STREATOR, SERVICE/SAFETY DIRECTOR, stated that he had a couple things just to keep Council updated. The work on Rt. 83 should start tomorrow night and will be happening at night. Hopefully by mid-October, the project should be completed. Also, as the Mayor said, the Safety Fair was a huge success over the weekend. All the Departments did come together and we look forward to the next couple of events – the Halloween event and this year’s Christmas tree lighting ceremony. We are working with the French Creek Foundation and we will be moving the ceremony to the Aquatic Center area this year which will provide a safer environment for us and a larger venue.

ADJOURN: 8:16 p.m.

A motion was made by Mr. Radcliffe and seconded by Mrs. Demaline 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.