

**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, SEPTEMBER 18, 2023
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
IMMEDIATELY FOLLOWING THE WORK SESSION
7:58 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/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – Steve Presley; Safety/Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ORDINANCE NO. 98-23 – GRANTING A SPECIAL USE PERMIT TO LIG LAND, LLC TO ALLOW THEIR TENANT, SHEETZ, INC., TO CONSTRUCT A 6,139 SQ.FT. GAS STATION AND CONVENIENT STORE WITH AN OUTDOOR PATIO TO BE LOCATED AT THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS

The Clerk read Ordinance No. 98-23 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO LIG LAND, LLC TO ALLOW THEIR TENANT, SHEETZ, INC., TO CONSTRUCT A 6,139 SQ. FT. GAS STATION AND CONVENIENT STORE WITH AN OUTDOOR PATIO TO BE LOCATED AT THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 98-23.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 98-23, 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. 98-23, 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. 99-23 – AMENDING SECTION 672.10 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON ENTITLED “FIREWORKS” TO REVISE REGULATIONS REGARDING THE SALE AND POSSESSION OF FIREWORKS

The Clerk read Ordinance No. 99-23 by title only, entitled:

AN ORDINANCE AMENDING SECTION 672.10 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON ENTITLED “FIREWORKS” TO REVISE REGULATIONS REGARDING THE SALE AND POSSESSION OF FIREWORKS AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 99-23.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 99-23, 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. Moore to adopt Ordinance No. 99-23, 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. 101-23 – TO AUTHORIZE A DEVELOPER’S AGREEMENT AND PERFORMANCE BOND WITH LIG LAND, LLC, FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE MIDDLETON CROSSING SITE LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS

The Clerk read Ordinance No. 101-23 by title only, entitled:

AN ORDINANCE TO AUTHORIZE A DEVELOPER’S AGREEMENT AND PERFORMANCE BOND WITH LIG LAND, LLC, FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE MIDDLETON CROSSING SITE LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 101-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 101-23, 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. 101-23, 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. 102-23 – REAPPROPRIATIONS

The Clerk read Ordinance No. 102-23 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT
APPROPRIATIONS ORDINANCE NO. 132-22
AND DECLARING AN EMERGENCY**

The Chairman declared this to be the second of three readings of Ordinance No. 102-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 102-23, 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. 102-23, 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.

RESOLUTION NO. R-28-23 – SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION (OPWC) STATE ISSUE ONE FUNDING APPLICATION FOR THE LONG ROAD RESURFACING PROJECT

The Clerk read Resolution No. R-28-23 by title only, entitled:

A RESOLUTION SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION (OPWC) STATE ISSUE ONE FUNDING APPLICATION FOR THE LONG ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Resolution No. R-28-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-28-23, 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 Resolution No. R-28-23, 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.

RESOLUTION NO. R-29-23 – SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION (OPWC) STATE ISSUE ONE FUNDING APPLICATION FOR THE CHESTER ROAD HEIDER DITCH CULVERT REPLACEMENT PROJECT

The Clerk read Resolution No. R-29-23 by title only, entitled:

A RESOLUTION SUPPORTING THE SUBMISSION OF AN OHIO

**PUBLIC WORKS COMMISSION (OPWC) STATE ISSUE ONE
FUNDING APPLICATION FOR THE CHESTER ROAD HEIDER
DITCH CULVERT REPLACEMENT PROJECT
AND DECLARING AN EMERGENCY**

The Chairman declared this to be the second of three readings of Resolution No. R-29-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-29-23, 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 Resolution No. R-29-23, 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.

ADJOURN: 8:04 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adjourn the Special 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.