

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, OCTOBER 23, 2023
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; 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 – Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT: Council-at-Large – Tammy Holtzmeier

Mrs. Holtzmeier arrived at 7:31 p.m.

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mr. McBride and seconded by Mr. Moore to add an Executive Session for the Purpose of Discussing the Purchase of Real Estate as item no. 11a. and item no. 11b. to Reconvene 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.

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 WORK SESSION OF COUNCIL HELD MONDAY, OCTOBER 2, 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, October 2, 2023, 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 TUESDAY, OCTOBER 10, 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 Tuesday, October 10, 2023, 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.

ORDINANCE NO. 108-23 – AMENDING THE CODIFIED ORDINANCES OF THE CITY OF AVON §210.01(g)(2)(A)(1)(a) AND ADDING §210.01(i) DEALING WITH BUILDING PERMITS AND FEES

The Clerk read Ordinance No. 108-23 by title only, entitled:

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF AVON §210.01(g)(2)(A)(1)(a) AND ADDING §210.01(i) DEALING WITH BUILDING PERMITS AND FEES 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. 108-23, 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. 108-23, and the discussion was:

Mr. Gasior advised after going over this section of the Code with the Chief Building Official, Council will notice that they added the items under the heading of floodplain permit fees and there were four items. He stated the asterisks refers to a brand-new section, which is Section 210.01(i) and Section 210.01(i) is basically a catchall section that used to be and may still be in Section 210.01(f). Mr. Gasior advised what subsection (i) says is, **“In the event the City is required, upon recommendation of Planning Commission, Planning Coordinator, the City Engineer, or Law Director to obtain the assistance of outside professional services, including but not limited to, architectural, engineering, planning, legal, and traffic, the applicant, developer or subdivider shall reimburse the City any cost above and beyond the initial fee collected at the time of submission. From the date of billing by the City, the obligee shall have thirty (30) days to pay said costs. The costs set forth herein shall be paid regardless of approval or disapproval.”** He said one of the problems that the Chief Building Official was encountering was that everywhere in Avon’s Code there is a callout for a fee or a deposit, which are relatively modest. But if the City has to go out and hire its own traffic engineer or someone to evaluate or do floodplain analysis, these are professionals that can cost a few more dollars than just that deposit. Mr. Gasior stated they wanted to make clear when the applicant came in that there could be costs over and above those rather modest deposits or fees.

Mr. Gasior advised regarding Ordinance No. 109-23; as it turns out had language in it something like what he just explained, and they did not need to amend that Code Section and so Ordinance No. 109-23 was removed from the agenda and will not be used.

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. 110-23 – TO APPROVE A CONSTRUCTION CONTRACT CHANGE ORDER FOR THE DETROIT ROAD SANITARY SEWER EXTENSION PROJECT

The Clerk read Ordinance No. 110-23 by title only, entitled:

AN ORDINANCE TO APPROVE A CONSTRUCTION CONTRACT CHANGE ORDER FOR THE DETROIT ROAD SANITARY SEWER EXTENSION PROJECT 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. 110-23, 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. Moore to adopt Ordinance No. 110-23, 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. 111-23 – REAPPROPRIATIONS

The Clerk read Ordinance No. 111-23 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. Radcliffe to suspend the rules and act on Ordinance No. 111-23, 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. 111-23, 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-32-23 – ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

The Clerk read Resolution No. R-32-23 by title only, entitled:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Resolution No. R-32-23, 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 Resolution No. R-32-23, 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.

REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, advised last Thursday evening she went online and scheduled a branch pickup and by 9:00 am the next day it was picked up. She said that is a great program with the ability to report it online and she thanked the Service Department for that.

Mrs. Demaline advised she also wanted to follow-up from last week when she mentioned setting a Service Committee Meeting to discuss the 2024 Sidewalk Program. She asked Mr. Cummins if the date of November 27th would allow him enough time to prepare if a Service Committee Meeting was set prior to the Regular Meeting of Council on that night.

Mr. Cummins indicated that date was acceptable to him.

The other Service Committee Members indicated they were agreeable to that date as well.

The Clerk indicated she would get the meeting notice out for Monday, November 27th at 6:30 p.m. as requested.

MRS. HOLTZMEIER, AT LARGE, had no comments.

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

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, advised some beautiful pieces of park furniture were donated and placed at Every Child's Playground. She said it was a partnership between Canvus and PPG. Ms. Fechter explained that Canvus is a company that uses old wind turbines and recycles them into park furniture. She stated about ten different pieces have been placed at Every Child's Playground such as park benches and chairs and she invited Council to visit the park and see these pieces up close. Ms. Fechter noted there is a QR code on each piece that can later be personalized with whatever information the City would like to promote. She advised as new pieces are added they are hoping to involve some of the High School students in painting some of the pieces and their story can be added by scanning the QR code. Ms. Fechter said it is a very generous donation.

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, advised as mentioned earlier the brush pickup program is going well; however, it will be suspended as early as next week because leaf collection season is upon us and one crew will begin collecting the leaf piles on the tree lawns next week and they would add two trucks shortly thereafter.

Mr. Streator advised this Saturday 10/28 at the Police Station is the fall Drug Take Back day from 10 am to 2 pm.

AUDIENCE

There were no comments made from the audience members.

EXECUTIVE SESSION: 7:43 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Purchase of Real Estate, and to Invite Mr. Streator and Mr. Presley, 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.

RECONVENE: 8:03 p.m.

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

ADJOURN: 8:04 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. 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.