

**PUBLIC HEARINGS  
MONDAY, FEBRUARY 14, 2022**

**7:15 P.M.** – Council President Fischer opened the Public Hearing for Resolution No. R-3-22.

**RESOLUTION NO. R-3-22 – A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY MARK W. LADEGAARD AND AMY LADEGAARD TO HAVE CERTAIN LAND OWNED BY THEM ON KINZEL ROAD, PERMANENT PARCEL NOS. 10-04-00-014-105-068 AND 10-04-00-014-105-051, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 15.21 ACRES AND DECLARING AN EMERGENCY**

There being no comments, the Public Hearing for Resolution No. R-3-22 was closed at 7:16 p.m.

**7:20 P.M.** – Council President Fischer opened the Public Hearing for Resolution No. R-2-22.

**RESOLUTION NO. R-2-22 – A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY JAMES A. CONANT JR. AND KAREN A. CONANT TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 34390 DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-073, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 37.44 ACRES AND DECLARING AN EMERGENCY**

There being no comments, the Public Hearing for Resolution No. R-2-22 was closed at 7:21 p.m.

**7:25 P.M.** – Council President Fischer opened the Public Hearing for Ordinance No. 3-22.

**ORDINANCE NO. 3-22 – 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 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGLE ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY**

Mary Berges of 35985 Ithaca Drive advised she asked the Clerk to put the map of the area in question on the large overhead screen so that she could explain why she has some issues with the rezoning request. She said in the past there have been other property owners along Nagel Road that have asked to have their properties rezoned to a Commercial District from R-1 Single-Family Residential District and so far they have not been successful in doing that. Ms. Berges stated in looking at the map of the whole area, other than those in yellow, everything else is zoned Residential. She advised her concern is that with the rezoning of this particular property that the remaining properties in green along Nagel Road that those property owners will probably have a valid case for coming to Planning Commission and then to City Council to ask for those parcels of land to be rezoned to commercial. Ms. Berges said the City still has a lot of Commercial property available in Avon so she is not sure why they would go ahead and rezone this property. She stated this property has been advertised as Commercial for several months and while she has not seen any advertisements for residential, there is a big sign that says that it is currently available for commercial today, which it is not. Ms. Berges advised it has been asked why someone would want to build a residential property in that location right next to a Commercially zoned parcel. She said but people

will live next to stores and shopping centers without issue so she does not think that should be a reason to rezone the property. Ms. Berges stated the other concern is the traffic. With residential they can pretty much control the traffic at certain hours of the day, but if there are commercial businesses, they could count on having heavier traffic seven days a week from morning until night depending on what the business is. She thanked Council for their time in allowing her to share her comments.

There being no other comments, the Public Hearing for Ordinance No. 3-22 was closed at 7:28 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 14, 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: 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; 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/DELETIONS TO THE AGENDA

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to remove item #10 – Ordinance No. 13-22 – Granting a Special Use Permit to Avon Realty Holding, LLC to Develop 5.55 Acres of Land into an 82 Bed Skilled Nursing Facility to be Located on the East Side of Nagel Road, North of Primrose School – at the applicant’s request, 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 TUESDAY, JANUARY 18, 2022

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 Tuesday, January 18, 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, JANUARY 24, 2022

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, January 24, 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, FEBRUARY 7, 2022

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Special Meeting of Council held Monday, February 7, 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. 3-22 – 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 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGLE ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY

The Clerk read Ordinance No. 3-22 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 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGLE ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY**

The Chairman declared this to be the third of three readings of Ordinance No. 3-22.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 3-22, 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. 12-22 – GRANTING A SPECIAL USE PERMIT TO RAISING CANE’S RESTAURANTS, LLC TO CONSTRUCT A 3,331 SQ. FT. RESTAURANT WITH AN OUTDOOR PATIO SEATING AREA FOR PROPERTY LOCATED AT 35545 CHESTER ROAD

The Clerk read Ordinance No. 12-22 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO RAISING CANE’S RESTAURANTS, LLC TO CONSTRUCT A 3,331 SQ. FT. RESTAURANT WITH AN OUTDOOR PATIO SEATING AREA FOR PROPERTY LOCATED AT 35545 CHESTER ROAD 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. 12-22, 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. Moore to adopt Ordinance No. 12-22, 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. 14-22 – TO ADD SECTION 1222.02(b)(44a) AND TO AMEND SECTION 1270.03(b)(3) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON, TO PERMIT DRIVE-THRU BANKING IN THE C-4 GENERAL BUSINESS DISTRICT WHEN NOT ASSOCIATED WITH A PRINCIPAL USE ON THE PROPERTY

The Clerk read Ordinance No. 14-22 by title only, entitled:

**AN ORDINANCE TO ADD SECTION 1222.02(b)(44a) AND TO AMEND SECTION 1270.03(b)(3) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON, TO PERMIT DRIVE-THRU BANKING IN THE C-4 GENERAL BUSINESS DISTRICT WHEN NOT ASSOCIATED WITH A PRINCIPAL USE ON THE PROPERTY**

The Chairman declared this to be the first of three readings of Ordinance No. 14-22.

A Public Hearing will be held on Monday, March 14, 2022, at 7:25 p.m.

ORDINANCE NO. 16-22 – TO AMEND ORDINANCE NO. 122-19 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED SEASONAL LIFEGUARD POSITION FOR THE CITY

The Clerk read Ordinance No. 16-22 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 122-19 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED SEASONAL LIFEGUARD POSITION 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. 16-22, 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. Moore to adopt Ordinance No. 16-22, 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. 17-22 – TO AMEND ORDINANCE NO. 121-19 ESTABLISHING COMPENSATION FOR THE POSITION OF PART-TIME, UNCLASSIFIED SEASONAL POOL TECHNICIAN FOR THE CITY

The Clerk read Ordinance No. 17-22 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 121-19 ESTABLISHING COMPENSATION FOR THE POSITION OF PART-TIME, UNCLASSIFIED SEASONAL POOL TECHNICIAN FOR THE CITY OF AVON 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. 17-22, 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. 17-22, 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. 18-22 – TO AMEND ORDINANCE NO. 29-21 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED SEASONAL CASHIER FOR THE CITY

The Clerk read Ordinance No. 18-22 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 29-21 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED SEASONAL CASHIER FOR THE CITY OF AVON 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. 18-22, 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. Moore to adopt Ordinance No. 18-22, 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. 19-22 – TO AMEND ORDINANCE NO. 30-21 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED SEASONAL RECREATION SPECIALIST FOR THE CITY

The Clerk read Ordinance No. 19-22 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 30-21 ESTABLISHING  
COMPENSATION FOR THE PART-TIME, UNCLASSIFIED  
SEASONAL RECREATION SPECIALIST FOR THE CITY OF AVON  
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. 19-22, 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. 19-22, 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. 20-22 – AUTHORIZING AN AGREEMENT WITH THE OHIO DEPARTMENT  
OF TRANSPORTATION (ODOT) FOR THE PAVEMENT RESURFACING AND ASSOCIATED  
IMPROVEMENTS ALONG CERTAIN SECTIONS OF MOORE ROAD (COUNTY ROAD 78)**

The Clerk read Ordinance No. 20-22 by title only, entitled:

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE OHIO DEPARTMENT OF  
TRANSPORTATION (ODOT) FOR THE PAVEMENT RESURFACING AND ASSOCIATED  
IMPROVEMENTS ALONG CERTAIN SECTIONS OF MOORE ROAD (COUNTY ROAD 78)  
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. 20-22, 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. Radcliffe to adopt Ordinance No. 20-22, 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

**RESOLUTION NO. R-2-22 – TO APPROVE WITH MODIFICATION THE RENEWAL  
APPLICATION MADE BY JAMES A. CONANT JR. AND KAREN A. CONANT TO HAVE  
CERTAIN LAND OWNED BY THEM LOCATED AT 34390 DETROIT ROAD, PERMANENT  
PARCEL NO. 10-04-00-022-102-073, DESIGNATED AS BEING LOCATED WITHIN AN  
AGRICULTURAL DISTRICT, CONSISTING OF 37.44 ACRES**

The Clerk read Resolution No. R-2-22 by title only, entitled:

**A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION  
MADE BY JAMES A. CONANT JR. AND KAREN A. CONANT TO HAVE CERTAIN LAND  
OWNED BY THEM LOCATED AT 34390 DETROIT ROAD, PERMANENT PARCEL**

**NO. 10-04-00-022-102-073, DESIGNATED AS BEING LOCATED WITHIN AN  
AGRICULTURAL DISTRICT, CONSISTING OF 37.44 ACRES  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-2-22, 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 Resolution No. R-2-22, 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

**RESOLUTION NO. R-3-22 – TO APPROVE WITH MODIFICATION THE RENEWAL  
APPLICATION MADE BY MARK W. LADEGAARD AND AMY LADEGAARD TO HAVE  
CERTAIN LAND OWNED BY THEM ON KINZEL ROAD, PERMANENT PARCEL NOS. 10-04-  
00-014-105-068 AND 10-04-00-014-105-051, DESIGNATED AS BEING LOCATED WITHIN AN  
AGRICULTURAL DISTRICT, CONSISTING OF 15.21 ACRES**

The Clerk read Resolution No. R-3-22 by title only, entitled:

**A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION  
MADE BY MARK W. LADEGAARD AND AMY LADEGAARD TO HAVE CERTAIN LAND  
OWNED BY THEM ON KINZEL ROAD, PERMANENT PARCEL NOS. 10-04-00-014-105-068  
AND 10-04-00-014-105-051, DESIGNATED AS BEING LOCATED WITHIN AN  
AGRICULTURAL DISTRICT, CONSISTING OF 15.21 ACRES  
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-3-22, 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 Resolution No. R-3-22, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “abstain”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

**RESOLUTION NO. R-4-22 – IN SUPPORT OF SUBMISSION OF A SAFE ROUTES TO SCHOOL  
IMPLEMENTATION GRANT APPLICATION FOR THE NAGEL ROAD PEDESTRIAN  
IMPROVEMENT PROJECT**

The Clerk read Resolution No. R-4-22 by title only, entitled:

**A RESOLUTION IN SUPPORT OF SUBMISSION OF A SAFE ROUTES TO  
SCHOOL IMPLEMENTATION GRANT APPLICATION FOR THE NAGEL**

## **ROAD PEDESTRIAN IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-4-22, 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. Radcliffe to adopt Resolution No. R-4-22, 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

### REPORTS AND COMMENTS

MAYOR JENSEN advised in talking to Mr. Jenkins, the City IT Technician Communications Coordinator, last week after the meeting Council had with Lit Communities that a lot of questions came up. He said the first step, from what Mr. Jenkins was telling him, is that a study would need to be conducted if Council wanted to move forward. Mayor Jensen stated they will most likely have committee meetings at some point, but first he felt they need to have the study to determine what all would be entailed for this proposed project. He advised Mr. Jenkins mentioned the study would cost somewhere around \$50,000 and he asked Mr. Jenkins to put something together to discuss with Council to see if they want to move forward and have this study conducted and appropriate those funds. Mayor Jensen said the information from the study would be brought to Council for discussion to decide if it should move forward from that point or if some committees need to be formed. He stated Mr. Jenkins will show exactly what the cost will include and what information will come out of the study. Mayor Jensen advised without first having the study, they could not move forward, and it is up to Council what direction they want to go.

### COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, thanked Mr. Logan for a successful bond sale. She said that was a job well done.

Mrs. Demaline asked if they could talk about the 2022 sidewalk program and get that on an upcoming agenda because it is going to be Spring before they know it.

Mayor Jensen advised, as he mentioned before, Jill Clements has been appointed to the Zoning Enforcement Officer position and she is getting all that information together. He believed that Ms. Clements was reviewing the former Zoning Enforcement Officer’s sidewalk lists and she has been meeting with Mr. Cummins and he felt that within the next two weeks they should be able to show Council the whole sidewalk program of areas that still need to be improved with sidewalks. Mayor Jensen stated the following month after that, they would put together something in terms of how they are going to move forward. He advised he has also brought up the idea of supplementing the cost of some of those sidewalk areas to get more installed at one time and Mr. Gasior would need to bring forth legislation of how that is all going to look. Mayor Jensen reiterated that they would have a list for Council in two weeks and then they would move forward with a sidewalk program to determine how they would get all these things done.



MRS. HOLTZMEIER, AT LARGE, agreed with Mayor Jensen that last week's discussion on adding fiber networks to the community is a positive one, but they did not have enough time to get through all the discussion that was needed. She said she is pleased to hear that there will be an agenda item next week to talk about conducting that community assessment. Mrs. Holtzmeier requested that while they look at the contents and what they might expect to learn from that assessment and talking with the residents and the cost, that there be a representative available from Medina County Fiber Network or Lit Communities to answer questions should Council have further outstanding questions about that aspect of moving forward.

Mayor Jensen asked Mr. Logan if someone could be made available to answer questions as to what that study would look like and the information everyone will need in front of them.

Mr. Logan advised it is Lit Communities that would do the assessment.

Mr. Streater advised he would have to talk with them because the representative from Lit Communities flew in from out of state, but he would work on that to get a representative available. He suggested Mr. Corrado from Medina County Fiber Network could answer some of those questions, but they were separate entities.

Mrs. Holtzmeier stated there should be something to help Council continue any outstanding discussion as they get into that phase of the assessment.

MR. MCBRIDE, WARD 2, concurred it was an excellent discussion last week regarding the fiber. He reemphasized that it was a Ward 2 resident that brought it to City Council. Mr. McBride asked rhetorically if he wants to spend \$50,000 for an assessment, absolutely not, but it is part of their due diligence and it will be money well spent. He advised it would be nice to have better internet in the City and get it done quickly although he was unsure how long it would take to wire the whole City, but hopefully that will be what they will find out as a part of the assessment.

Mr. McBride advised the other thing he wanted to follow up on was where they stand with dredging the swamp at UH.

Mr. Cummins advised he does have some information from UH on that and to his knowledge they have signed a contract with a contractor and are set to have a pre-construction meeting with them tomorrow afternoon and that they would supply some specific information after that meeting.

Mr. McBride said that was excellent news and a long-time coming part of that was the City's fault years ago and it was years in the making of that filling in and being that bad. He said he does not want to just splash mud on UH as it was EMH before that and the City did not help the situation back then.

Mr. McBride advised at Norton Place off Jaycox Road at Middleton Road there are signs as you enter the subdivision with the speed limit and no parking. He asked if someone was able to go over there and do an assessment of that street. Mr. McBride said he is getting requests for additional speed limit signs, and they would like an electronic flashing sign and enforcement of some of the no parking regulations, although he does not know if a flashing sign is warranted on that street.

Mr. Streater advised he did not get over there yet, but he would do that this week. He believes they put a couple of no parking signs when it was brought up before and the City took down the builder's no parking signs.

Mr. McBride thanked Mr. Streater.

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, advised he spoke with Mr. Streator earlier and he asked that he give Council an update on an incident at the Police Station with the roof leaking again.

Mr. Streator advised they did experience a roof leak at the Police Station caused by the ice and snow that is in the valley of the roof on the Detroit Road side of the Police Station. He said they are working with the architect that did the most recent work that enclosed some of the area as there is an area of the roof that is somewhat in question. Mr. Streator stated they are working with a roofing contractor to get the leak remedied as soon as possible. Once there is no snow on the roof, they should be able to get up there and investigate the situation and hopefully remedy that issue. He said as far as a long-term fix, they have been working with the architect and the contractor who did the other work to see if there is a possibility of going back so that it is a long term fix. Mr. Streator advised they have been in discussions with Mr. Cummins and Mr. Gasior on that issue.

Mayor Jensen advised Council may remember back when the architect and the engineer for the roof presented their solution to Council. He said they may be coming back to Council once they have all the information because the roof situation is not correlating with what his understanding was of what the fix would be. Mayor Jensen stated he felt what happened this last week should never have happened. He advised the amount of money that was spent and the promises that were made that he recalls in those meetings is not what they received. He advised the Administration will be meeting to go over everything and meet with the company that the City contracted with to do the repairs. Mayor Jensen said most of them were on Council the last time this issue was discussed in public and the City was told this was going to be a fix for the Police Station and they may recall it was said that the City would be spending close to \$300,000 for what he feels is a non-fix. He stated no one on his staff believes this should have ever happened. Mayor Jensen advised they are tearing up some of the roof shingles to fix that leak, but he feels the problem is greater than that and he has discussed it with Mr. Gasior. He said after the meeting he will come back to Council to provide an update and the next step.

Mr. McBride said unfortunately the original designer and original contractor did not do the City any favors and his gut tells him that there were a lot of corners cut. He advised the City spent a lot of money with a different designer, different engineer, and different contractor to fix the problem. Mr. McBride stated he is hoping that heat is not leaking up through the walls. He advised it would not surprise him if they have some uninsulated walls and the heat is getting up and out causing the roof issues. He advised he hopes they do not have to tear into that building that much more in order to get it taken care of as it has been an issue since that building was built.

Mr. Fischer thanked them for the update, and he wished everyone a Happy Valentine's Day.

#### DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no further comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, advised she has been working with Sheri Seroka, a City Consultant, on scheduling the official ribbon cutting ceremony and tour of the Cahoon House. She asked if 6 p.m. on April 4, 2022 would give Council enough time to tour the house and be back for the Council Meeting at 7:30 p.m.

Council was in agreement to meet at the Cahoon House at 6:00 p.m. on April 4, 2022.

Ms. Fechter addressed Mrs. Demaline regarding the sidewalk program saying that last year, Council asked the residents to email the Clerk any sidewalk areas they would like to see improved. She said she has all those emails in a file and she would provide that file to the Zoning Enforcement Officer to incorporate them into the master list and they would have that for all of Council soon.

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. LOGAN, FINANCE DIRECTOR, had no further comments.

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

**AUDIENCE:**

Kevin Bittle of 2502 Berkshire Avenue advised he has been a resident of Avon for approximately 8 years and he an Assistant Cross-Country Coach at the Avon Middle School. He believes there is an ongoing problem for the past couple of years regarding the snow removal on the sidewalks. Mr. Bittle felt it is something that needs to be enforced by the City. He said the City of Avon Code specifies that sidewalks should be cleared within 12 hours after a snowfall. He understands that no one wants to be the snow removal police, but there are a number of students and athletes that use the sidewalks for running and walking to and from school and jobs. He said he might not have come before Council except that he was yelled at by a driver of a vehicle for running in the street and he felt that if the Code is not going to be enforced then what is the point of saying that snow needs to be cleared from sidewalks within 12 - hours after a snowfall. Mr. Bittle advised along SR 611 there is the Traxler parcel across from the Early Learning Center and he did not know if that is a City owned property, but the sidewalks in front of that property have not been cleared. He said also in front of the Police Station was not cleared until about a week after the snowfall. Mr. Bittle stated if those properties are not going to be cleared, what is the incentive for homeowners to clear their properties if the City is not going to do their part. He said he is afraid that it is going to take an incident where something bad happens before a change takes place and this rule is enforced. Mr. Bittle reiterated that he understands that no one wants to be the snow removal police issuing fines, but they want Avon to be a safe place for everyone. He advised he does not like running in the street anymore than motorists like him being in the street, but he felt the snow removal on sidewalks issue needs to be addressed.

Mayor Jensen advised for a point of reference, the City does not own the Traxler property, but there is a contract to purchase it, but currently Mr. Traxler still owns that property, but the City would get ahold of him and talk to him about clearing his sidewalk. He said he is not trying to make excuses for people, but part of the problem was that it was a heavy snow, and it froze again, and it was not as easy to shovel off the sidewalk. Mayor Jensen stated the City got some grief for putting out the first notice on social media reminding people to shovel their sidewalks. He said they have talked with the Service Department as to some of the things the City could help with clearing sidewalks especially through the downtown area such as the City performing the work and charging the property owner. Mayor Jensen stated every area seems to have a section of sidewalk that does not get cleared. He advised the area by the Police Station should have been cleared and he would check into that situation. Mayor Jensen said there is a new piece of equipment that is coming to help with that issue.

Mr. Streator advised the sidewalk in front of the Police Station was cleared although not within the twelve-hour requirement.

Mr. Bittle said he is not looking for people to be ticketed, but hopefully something could be done to improve the situation. He thanked Council for their time.

**EXECUTIVE SESSION:** 8:02 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 Threat of Imminent Litigation and invite Attorney Anthony Coyne, 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:** 9:15 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: 9:16 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: 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.