

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 27, 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: 1<sup>st</sup> Ward – Jennifer Demaline; 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; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

**ABSENT:**

Council-at-Large – Tammy Holtzmeier; City Engineer – Ryan Cummins

**MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, FEBRUARY 6, 2023**

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Work Session of Council held Monday, February 6, 2023, and to approve said minutes as published, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, FEBRUARY 13, 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, February 13, 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”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 11-23 – AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S)**

The Clerk read Ordinance No. 11-23 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY  
TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL  
(NOPEC) ENERGIZED COMMUNITY GRANT(S)  
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. 11-23, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 11-23, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 12-23 – TO ESTABLISH A RANGE OF COMPENSATION FOR THE UNCLASSIFIED FULL-TIME POSITION OF SECRETARY TO THE MAYOR

The Clerk read Ordinance No. 12-23 by title only, entitled:

**AN ORDINANCE TO ESTABLISH A RANGE OF COMPENSATION FOR THE UNCLASSIFIED, FULL-TIME POSITION OF SECRETARY TO THE MAYOR 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. 12-23, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 12-23, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 13-23 – TO AMEND THE COMPENSATION RANGE FOR THE UNCLASSIFIED, FULL-TIME POSITION OF CLERK OF CITY COUNCIL

The Clerk read Ordinance No. 13-23 by title only, entitled:

**AN ORDINANCE TO AMEND THE COMPENSATION RANGE FOR THE UNCLASSIFIED, FULL-TIME POSITION OF CLERK OF CITY COUNCIL 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. 13-23, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 13-23, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 14-23 – TO ESTABLISH A RANGE OF COMPENSATION FOR THE UNCLASSIFIED, FULL-TIME POSITION OF ADMINISTRATIVE ASSISTANT TO THE POLICE CHIEF

The Clerk read Ordinance No. 14-23 by title only, entitled:

**AN ORDINANCE TO ESTABLISH A RANGE OF COMPENSATION  
FOR THE UNCLASSIFIED, FULL-TIME POSITION OF  
ADMINISTRATIVE ASSISTANT TO THE POLICE CHIEF  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Radcliffe and seconded by Mr. McBride to suspend the rules and act on Ordinance No. 14-23, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 14-23, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 15-23 – TO ESTABLISH A RANGE OF COMPENSATION FOR THE  
UNCLASSIFIED, FULL-TIME POSITION OF ADMINISTRATIVE ASSISTANT/DISPATCHER  
FOR THE FIRE DEPARTMENT**

The Clerk read Ordinance No. 15-23 by title only, entitled:

**AN ORDINANCE TO ESTABLISH A RANGE OF COMPENSATION FOR THE  
UNCLASSIFIED, FULL-TIME POSITION OF ADMINISTRATIVE  
ASSISTANT/DISPATCHER FOR THE FIRE DEPARTMENT  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Radcliffe and seconded by Mr. Witherspoon to suspend the rules and act on Ordinance No. 15-23, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 15-23, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 16-23 – ESTABLISHING A RANGE OF COMPENSATION FOR THE PART-  
TIME UNCLASSIFIED, POSITION OF ASSISTANT CLERK OF CITY COUNCIL**

The Clerk read Ordinance No. 16-23 by title only, entitled:

**AN ORDINANCE ESTABLISHING A RANGE OF COMPENSATION FOR THE  
UNCLASSIFIED, PART-TIME, POSITION OF ASSISTANT CLERK OF CITY COUNCIL  
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. 16-23, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 16-23, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 17-23 – TO ESTABLISH A RANGE OF COMPENSATION FOR THE PART-TIME, UNCLASSIFIED, POSITION OF CITY TREASURER

The Clerk read Ordinance No. 17-23 by title only, entitled:

**AN ORDINANCE TO ESTABLISH A RANGE OF COMPENSATION FOR THE PART-TIME, UNCLASSIFIED POSITION OF CITY TREASURER AND DECLARING AN EMERGENCY**

A motion was made by Mr. Radcliffe and seconded by Mr. McBride to suspend the rules and act on Ordinance No. 17-23, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Witherspoon to adopt Ordinance No. 17-23, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 18-23 – ESTABLISHING A RANGE OF COMPENSATION FOR THE PERMANENT, PART-TIME POSITION OF CITY PROSECUTOR

The Clerk read Ordinance No. 18-23 by title only, entitled:

**AN ORDINANCE ESTABLISHING A RANGE OF COMPENSATION FOR THE PERMANENT, PART-TIME POSITION OF CITY PROSECUTOR 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. 18-23, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mrs. Demaline and seconded by Mr. Radcliffe to adopt Ordinance No. 18-23, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 19-23 – TO AMEND SECTION 3 OF ORDINANCE NO. 90-21 TO ESTABLISH A NEW DATE FOR ARBOR DAY

The Clerk read Ordinance No. 19-23 by title only, entitled:

**AN ORDINANCE TO AMEND SECTION 3 OF ORDINANCE NO. 90-21  
TO ESTABLISH A NEW DATE FOR ARBOR DAY  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Radcliffe and seconded by Mr. Witherspoon to suspend the rules and act on Ordinance No. 19-23, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 19-23, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 20-23 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF FIRE CHIEF

The Clerk read Ordinance No. 20-23 by title only, entitled:

**AN ORDINANCE AMENDING §256.98 OF THE CODIFIED ORDINANCES  
OF THE CITY OF AVON TO REVISE THE CLASSIFICATION  
SPECIFICATION FOR THE POSITION OF FIRE CHIEF  
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. 20-23, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 20-23, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 21-23 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF ASSISTANT FIRE CHIEF

The Clerk read Ordinance No. 21-23 by title only, entitled:

**AN ORDINANCE AMENDING §256.98 OF THE CODIFIED ORDINANCES  
OF THE CITY OF AVON TO REVISE THE CLASSIFICATION  
SPECIFICATION FOR THE POSITION OF ASSISTANT FIRE CHIEF  
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. 21-23, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 21-23, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 22-23 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY  
OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF  
ADMINISTRATIVE ASSISTANT/DISPATCHER FOR THE FIRE DEPARTMENT**

The Clerk read Ordinance No. 22-23 by title only, entitled:

**AN ORDINANCE AMENDING §256.98 OF THE CODIFIED ORDINANCES  
OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION  
FOR THE POSITION OF ADMINISTRATIVE ASSISTANT/DISPATCHER  
FOR THE FIRE DEPARTMENT  
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. 22-23, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 22-23, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 23-23 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY  
OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF FIRE  
CAPTAIN/PARAMEDIC**

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

**AN ORDINANCE AMENDING §256.98 OF THE CODIFIED ORDINANCES  
OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION  
FOR THE POSITION OF FIRE CAPTAIN/PARAMEDIC**

**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. 23-23, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 23-23, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 24-23 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF FIREFIGHTER/PARAMEDIC**

The Clerk read Ordinance No. 24-23 by title only, entitled:

**AN ORDINANCE AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF FIREFIGHTER/PARAMEDIC AND DECLARING AN EMERGENCY**

A motion was made by Mrs. Demaline and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 24-23, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mrs. Demaline and seconded by Mr. Moore to adopt Ordinance No. 24-23, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 25-23 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF FIRE LIEUTENANT/PARAMEDIC**

The Clerk read Ordinance No. 25-23 by title only, entitled:

**AN ORDINANCE AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF FIRE LIEUTENANT/PARAMEDIC AND DECLARING AN EMERGENCY**

A motion was made by Mr. Witherspoon and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 25-23, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. Witherspoon and seconded by Mr. Radcliffe to adopt Ordinance No. 25-23, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 26-23 – TO AWARD THE BID FOR THE 2023 AVON PARKS MOWING CONTRACT NO. 1 (THE BOARD OF EDUCATION SOCCER FIELD COMPLEX, AQUATIC FACILITY GROUNDS, FIRE STATION SITE, POLICE STATION SITE, AND THE AVON POST OFFICE SITE)

The Clerk read Ordinance No. 26-23 by title only, entitled:

**AN ORDINANCE TO AWARD THE BID FOR THE 2023 AVON PARKS MOWING CONTRACT NO. 1 (THE BOARD OF EDUCATION SOCCER FIELD COMPLEX, AQUATIC FACILITY GROUNDS, FIRE STATION SITE, POLICE STATION SITE, AND THE AVON POST OFFICE SITE) AND DECLARING AN EMERGENCY**

A motion was made by Mr. Witherspoon and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 26-23, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 26-23, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 27-23 – TO AWARD THE BID FOR THE 2023 AVON PARKS MOWING CONTRACT NO. 2 (THE AVON ISLE, THE COMMUNITY CENTER, AVON CEMETERY, STATE ROUTE (SR) 83 RIGHT-OF-WAY IN NORTHWEST QUADRANT OF THE SR 83 AND SR 254 INTERSECTION, STONEY RIDGE ROAD GAZEBO SITE, OLD VILLAGE HALL, AND THE SENIOR CENTER & LITTLE LEAGUE PARK COMPLEX)

The Clerk read Ordinance No. 27-23 by title only, entitled:

**AN ORDINANCE TO AWARD THE BID FOR THE 2023 AVON PARKS MOWING CONTRACT NO. 2 (THE AVON ISLE, THE COMMUNITY CENTER, AVON CEMETERY, STATE ROUTE (SR) 83 RIGHT-OF-WAY IN NORTHWEST QUADRANT OF THE SR 83 AND SR 254 INTERSECTION, STONEY RIDGE ROAD GAZEBO SITE, OLD VILLAGE HALL, AND THE SENIOR CENTER & LITTLE LEAGUE PARK COMPLEX) 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. 27-23, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 27-23, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 28-23 – TO AWARD THE BID FOR THE 2023 AVON PARKS MOWING CONTRACT NO. 3 (SCHWARTZ ROAD PARK)

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

**AN ORDINANCE TO AWARD THE BID FOR THE 2023 AVON PARKS MOWING CONTRACT NO. 3 (SCHWARTZ ROAD PARK) 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. 28-23, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 28-23, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 29-23 – TO AWARD THE BID FOR THE 2023 AVON PARKS MOWING CONTRACT NO. 4 (VETERAN’S MEMORIAL PARK ONLY AND ITS ENTRANCE WAY UP TO DETROIT ROAD)

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

**AN ORDINANCE TO AWARD THE BID FOR THE 2023 AVON PARKS MOWING CONTRACT NO. 4 (VETERAN’S MEMORIAL PARK ONLY AND ITS ENTRANCE WAY UP TO DETROIT ROAD) 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. 29-23, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 29-23, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 30-23 – TO AWARD THE PUBLIC BIDS FOR THE 2023 AVON PARKS MOWING CONTRACT NO. 5 (THE AVON CITY HALL COMPLEX INCLUDING THE AREA ADJACENT TO THE MIDDLE ROAD RIGHT-OF-WAY, THE NORTHGATE COMMUNITY CENTER SITE, NORTHGATE PARK, THE OLD COLORADO RIGHT-OF-WAY AT EATON DRIVE, AND THE CRUSHER STADIUM COMPLEX INCLUDING THE RECREATION LANE ENTRANCE UP TO STATE ROUTE 611 (COLORADO AVE.))

The Clerk read Ordinance No. 30-23 by title only, entitled:

**AN ORDINANCE TO AWARD THE PUBLIC BIDS FOR THE 2023 AVON PARKS MOWING CONTRACT NO. 5 (THE AVON CITY HALL COMPLEX INCLUDING THE AREA ADJACENT TO THE MIDDLE ROAD RIGHT-OF-WAY, THE NORTHGATE COMMUNITY CENTER SITE, NORTHGATE PARK, THE OLD COLORADO RIGHT-OF-WAY AT EATON DRIVE, AND THE CRUSHER STADIUM COMPLEX INCLUDING THE RECREATION LANE ENTRANCE UP TO STATE ROUTE 611 (COLORADO AVE.)) 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. 30-23, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 30-23, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 31-23 – TO AWARD A BID FOR THE JUST IMAGINE DRIVE PAVEMENT RESURFACING PROJECT

The Clerk read Ordinance No. 31-23 by title only, entitled:

**AN ORDINANCE TO AWARD A BID FOR THE JUST IMAGINE DRIVE PAVEMENT RESURFACING 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. 31-23, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 31-23, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 32-23 – TO AWARD A BID FOR THE MAIN STREET & MIDDLE ROAD PAVEMENT RESURFACING PROJECT

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

**AN ORDINANCE TO AWARD A BID FOR THE MAIN STREET & MIDDLE ROAD PAVEMENT RESURFACING 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. 32-23, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 32-23, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 33-23 – TO AWARD A BID FOR THE CHERRY STREET, PEAR STREET, WILLO ROAD & JENNIE STREET PAVEMENT RESURFACING PROJECT

The Clerk read Ordinance No. 33-23 by title only, entitled:

**AN ORDINANCE TO AWARD A BID FOR THE CHERRY STREET, PEAR STREET, WILLO ROAD & JENNIE STREET PAVEMENT RESURFACING PROJECT AND DECLARING AN EMERGENCY**

A motion was made by Mr. Witherspoon and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 33-23, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 32-23, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 34-23 – GRANTING THE CITY’S CONSENT AND AUTHORIZING THE MAYOR TO ENTER INTO A SIGN INSTALLATION AND MAINTENANCE AGREEMENT WITH

THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR SIGNAGE TO IDENTIFY THE US BICYCLE ROUTE SYSTEM

The Clerk read Ordinance No. 34-23 by title only, entitled:

**AN ORDINANCE GRANTING THE CITY'S CONSENT AND AUTHORIZING THE MAYOR TO ENTER INTO A SIGN INSTALLATION AND MAINTENANCE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR SIGNAGE TO IDENTIFY THE US BICYCLE ROUTE SYSTEM 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. 34-23, and the vote was: Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mrs. Demaline, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Fischer, "yes".

The vote was 6 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. 34-23, and the vote was: Mr. Witherspoon, "yes"; Mrs. Demaline, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Fischer, "yes".

The vote was 6 for and 0 against and the Chairman declared the motion passed.

REPORTS AND COMMENTS

MAYOR JENSEN congratulated the Tree Commission on receiving the Tree City USA designation. He also congratulated Alex Downing, a young lady at Avon High School, for winning the Girls Swimming State Championship. Mayor Jensen said these are two more positives for the City of Avon.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, had no comments.

MRS. HOLTZMEIER, AT LARGE, was absent.

MR. MCBRIDE, WARD 2, had no comments.

MR. MOORE, WARD 3, congratulated and thanked the Tree Commission, Mayor Jensen, City Council, City Administration and all the volunteers who helped with getting the City recognized as a Tree City USA. He advised it is wonderful for our City and he was really excited to see that come to fruition.

Mr. Moore advised he received an email from a resident asking about the train tracks that go through Avon and they had some concerns because of the recent train derailment/chemical spill in East Palestine, Ohio. He inquired if it is known if the trains are carrying any toxic chemicals as they travel through Avon or if any City officials have reached out to the railroad to find out.

Mr. Streater advised this is obviously a hot topic for many communities right now. He said the railroad is not required to notify the communities they pass through of what is on the trains. Mr. Streater stated he read an article that there were some concerns in Olmsted Falls because they traced the route of the train that derailed through their community. He advised Avon Safety Forces are prepared along with the railroad and the County Hazardous Material Team for any materials, whether by rail or on our

highways. Mr. Streator cited an incident where a tanker truck rolled over by the Crusher Stadium on I-90 that they were able to mitigate. He said the control of any hazardous materials are handled through Federal controls. Mr. Streator stated every community is wrestling with this issue right now based on that recent derailment. He advised the tracks that border Avon would be the ones on the west end of town and those tracks are not being used right now. Mr. Streator said to his knowledge, the major line going through our area is the line to Elyria that goes through North Ridgeville east to west. He stated the northern one that borders us with Avon Lake is not used as much by Norfolk and Southern. Mr. Streator advised the number of trains that go through Avon/Avon Lake have been reduced over the years. He said about fifteen years ago the train traffic was drastically reduced going from two tracks down to just one and a lot of it is for the steel mill or the Ford plant.

MR. RADCLIFFE, WARD 4, inquired if it would be prudent to have the Finance Committee meet to discuss the controls in place for fraud prevention since the auditors are requesting Council to fill out the Fraud Risk Assessment questionnaire. He felt now was a good time to review that and have the Finance Director go over some of the City's controls and policies that are in place. Mr. Radcliffe advised it has been a while since he has looked at some of those policies and while he is not on the Finance Committee, he felt it was a good topic to bring up and discuss. He suggested Mrs. Holtzmeier, who is the Chair of the Finance Committee, could discuss with the other members and the Administration whether they felt a Finance Committee meeting was warranted.

Mr. Presley advised certainly we can do that, but he clarified that based on the segregation of duties throughout the City, he did not feel there was any real concern in that area. He said he would certainly have no objection to going through the policies and reviewing in a Finance Committee meeting.

Mr. Radcliffe stated he too does not believe there is any cause for concern, but he felt a review would be helpful as it has been a little while since he has thought about some of those things and how those controls were set up and implemented.

Mr. Fischer advised he would speak with Mrs. Holtzmeier sometime this week but clarified that since he has been President of Council as well as when Mr. Witherspoon was President of Council, they have had to complete these fraud risk questionnaires posed by the Auditor, but this is the first time they have sent it out to all of Council to complete. He agreed it might be good to have the Committee discuss it for review.

Mr. Radcliffe advised it does not have to be super high level, but just a reminder of the controls that are in place.

MR. WITHERSPOON, AT LARGE, had no comments.

MR. FISCHER, AT LARGE, congratulated the Tree Commission on receiving the Tree City USA designation. He also congratulated the swimmer on the Avon High School Girls Swim Team who won the State Championship in the freestyle and breaststroke. Mr. Fischer congratulated Avon's newest Police Officer, Holly Alferio, and he wanted to pass along his "Stay Safe" wishes and he thanked her for her service.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, was absent.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, said Mrs. Brooks did a good job reading all the legislation on tonight's agenda.

MR. GASIOR, LAW DIRECTOR, asked Council if they receive the Ohio Municipal League Bulletins by email. He advised the Ohio Municipal League brings municipalities up to date on issues happening in Columbus. Mr. Gasior said this year is expected to be a very difficult year lobbying for the Local Government Fund. He advised back when Governor Kasich was in office, he slashed the Local Government Fund in half. Mr. Gasior said now that the State has a surplus, they were trying to get more money for the local governments to split amongst themselves including townships, villages and cities. He stated the Ohio Municipal League is the watchdog on all issues in Columbus that affect municipalities, local governments, so they are always on the lookout for issues that would encroach upon home rule and things of that nature. Mr. Gasior advised the OML sent out a flyer and they are asking local governments to contribute \$250 for a lobbying effort that the OML is going to undertake with a lobbying firm, the Montrose Group, to protect what they feel are important municipal pieces of legislation from possibly being overturned by the State House. He said if Council is so inclined, he could work with Mr. Presley to put some sort of legislation together to allow for that \$250 contribution to be made to the Ohio Municipal League for them to hire the Montrose Group.

Mr. Gasior advised Mrs. Brooks sent him an email that there is a movement among several municipalities to get the General Assembly to amend Ohio Revised Code Sections 710, 711 and 712 regarding the statute for Public Notices to be advertised in newspapers. He said it looks like there is going to be movement in this direction with all the electronic media available. Mr. Gasior stated he can prepare the boilerplate Resolution that several communities have already passed and place it on the next Work Session if Council is interested.

Mr. Gasior advised lastly, there is a Resolution that is being proposed by the Ohio Municipal League on the issue of the Local Government Fund, that if Council passes, would be sent down to our State Representative and our State Senator to let them know that this Council does not want to see any more reductions in the Local Government Fund. He said they are proposing an increase from roughly 1.5% to 1.6% and the Ohio Municipal League has been asking for 1.75% increase. Mr. Gasior stated he can prepare these pieces of legislation if that is Council's wish and if so, they could be considered for passage on March 13<sup>th</sup> at the Regular Meeting.

Ms. Fechter advised she would like to consult with the Montrose Group regarding the possible support of \$250 requested of the Ohio Municipal League. She said the City is currently under contract with the Montrose Group and she wanted to see if that puts the City in play or if this is something that would be done separately. Ms. Fechter stated she would find out and get back with Mr. Gasior on that issue.

Mr. Gasior advised he would try to get something sent out to Council before Friday so that they would have time to review it and decide if they want to add any of these items to their Work Session agenda. He said if there was not a lot of interest, they can just put it by the wayside and move on.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, advised to expound upon what Mr. Moore asked about the train issue. He said he knows this is a current hot topic amongst all the communities in this area as discussed. Mr. Streator stated he and the Fire Chief have been discussing this and have been in touch with the different groups to stay on top of this issue. He advised he would get any information out to Council that he can if anything should change regarding hazardous material transportation regulations that may be traveling through our community as well as the businesses that have hazardous materials within our community.

AUDIENCE:

There were no comments from the audience members.

ADJOURN: 8:06 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”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.