MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, APRIL 24, 2017
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.

The Chairman, Council President Craig Witherspoon, called the meeting to order and led the Pledge of Allegiance.

PRESENT
Council Members: 3rd Ward – Mary Berges; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2nd Ward – Dennis McBride; 4th Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon, Council President; Mayor – Bryan Jensen; Parks Director – Diane Corrao; City Engineer – Ryan Cummins; Service Director – Michael Farmer; Planning and Economic Development Coordinator - Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

ABSENT
1st Ward – Bob Butkowski

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, APRIL 10, 2017
A motion was made by Mr. Fischer and seconded by Ms. Berges to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, April 10, 2017, and to approve said minutes as published, and the vote was: Ms. Berges, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 30-17 –TO AUTHORIZE AN AMENDMENT TO THE FINAL PLAT FOR AVONDALE SUBDIVISION NO. 1 AND TO ACCEPT THE FINAL PLAT FOR AVONDALE SUBDIVISION NO. 2

The Clerk read Ordinance No. 30-17 by title only, entitled:

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE FINAL PLAT FOR AVONDALE SUBDIVISION NO. 1 AND TO ACCEPT THE FINAL PLAT FOR AVONDALE SUBDIVISION NO. 2 AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 30-17, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “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. Fischer to adopt Ordinance No. 30-17, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 31-17 – TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER’S AGREEMENT FOR AVONDALE SUBDIVISION NO. 3

The Clerk read Ordinance No. 31-17 by title only, entitled:

AN ORDINANCE TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER’S AGREEMENT FOR AVONDALE SUBDIVISION NO. 3 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. 31-17, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “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 Ms. Berges to adopt Ordinance No. 31-17, and the discussion was:

Mr. Witherspoon inquired if the City Administration was comfortable with these Avondale Subdivisions.

Mr. Logan stated all the financial requirements have been met.

Mr. Cummins advised Ordinance No. 30-17 is a housekeeping issue with the plat because there was an incorrect picture when the lot was sold. He stated Ordinance Nos. 31-17 and 32-17 are upcoming phases that are ready to go under construction. Mr. Cummins said the plans have been reviewed by the City and have been found acceptable. He added the Finance Department has received all of the deposits and the Administration is comfortable with those phases as well.

The vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 32-17 – TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER’S AGREEMENT FOR AVONDALE SUBDIVISION NO. 4

The Clerk read Ordinance No. 32-17 by title only, entitled:

AN ORDINANCE TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER’S AGREEMENT FOR AVONDALE SUBDIVISION NO. 4 AND DECLARING AN EMERGENCY
A motion was made by Mr. Fischer and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 32-17, and the vote was: Ms. Berges, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “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. 32-17 and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 33-17 – RE APPROPRIATIONS

The Clerk read Ordinance No. 33-17 by title only, entitled:

AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS
ORDINANCE NO. 126-16 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. 33-17, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “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 Ms. Berges to adopt Ordinance No. 33-17 and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 34-17 – TO ACQUIRE PERMANENT AND TEMPORARY EASEMENTS ACROSS PERMANENT PARCEL NO. 04-00-001-102-007 IN ASSOCIATION WITH THE VETERANS PARK DRIVEWAY AND PARKING IMPROVEMENT PROJECT – PHASE 1

The Clerk read Ordinance No. 34-17 by title only, entitled:

AN ORDINANCE TO ACQUIRE PERMANENT AND TEMPORARY EASEMENTS ACROSS PERMANENT PARCEL NO. 04-00-001-102-007 IN ASSOCIATION WITH THE VETERANS PARK DRIVEWAY AND PARKING IMPROVEMENT PROJECT – PHASE I 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. 34-17, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “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. Fischer to adopt Ordinance No. 34-17 and the vote was: Ms. Berges, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

RESOLUTION NO. R-15-17 – TO ADVERTISE FOR BIDS FOR THE 2017 PAVEMENT MARKING PROGRAM

The Clerk read Resolution No. R-15-17 by title only, entitled:

A RESOLUTION TO ADVERTISE FOR BIDS FOR THE 2017 PAVEMENT MARKING PROGRAM 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-15-17, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “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. Fischer to adopt Resolution No. R-15-17 and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

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

REPORTS AND COMMENTS

Mayor Jensen reported that with the help of the French Creek Foundation and some of the Administration, the City applied for a grant from the Lorain County Health Department and the City will be awarded $42,500 to use toward the new play area.

Mayor Jensen stated the K-9 dog Lennox will be recognized for his years of service at the start of the next Work Session and we will retire him with a ceremony. He said Lennox is of the age where he is no longer viable for a working K-9 dog and he is retiring. Mayor Jensen advised there is another K-9 dog that is in training now and the Police Department has received donations through several organizations for the new K-9 unit and an update would be provided to Council next week as well. He said Lennox has been so good in the community and through all the different events; the dog has been a part of Avon.

COUNCIL MEMBERS:

Ms. Berges, Ward 3, stated that, in regards to the Aquatic Facility and the upcoming play area, a lot of residents over the last three years have asked about the sidewalks leading to the pool area on SR83. She said she knew there have been some drainage issues, but she wondered if there is a timetable for when that sidewalk might be installed.
Mayor Jensen advised they have been waiting to get that bridge installed across that area and once the bridge is completed then everything else will fall into place, but they are waiting for the property owner to sign an easement. He believed that would be signed in the very near future.

Mr. Gasior advised everything is signed. He said they made some changes and the City accepted the changes and sent the document back and are just waiting for the okay to proceed.

Mayor Jensen stated the City has tried to do everything they could not to go the direction of eminent domain and the property owner has been good about letting the City have access with notice, but it has been a process.

Ms. Berges inquired in light of that information if there was still a chance that the sidewalk is going to be installed this year.

Mayor Jensen replied no, but said that hopefully the bridge work would be started and at the beginning of next year everything should be in place to go forward.

Mr. Butkowski, Ward 1, was absent.

Mr. Fischer, At Large, had no comments.

Mrs. Holtzmeier, At Large, had no comments.

Mr. McBride, Ward 2, said it seems like only a short time ago that Lennox was installed on the Police force and it was hard for him to believe the dog is retiring and that time has gone by that quickly.

Mr. McBride advised he noticed that Karvo Paving started doing their striping on last years’ paving project.

Mr. Cummins believed Karvo started doing some of the layout for the permanent marking and while he did not believe they have actually started the striping he felt they were heading in that direction on SR83.

Mr. McBride said even though Karvo is not required to stripe that project until later in the year, true to their verbal promise he was happy to see they are getting on it as soon as possible and he felt that is a positive.

Mr. Cummins agreed and said he has spoken with them about it and everyone is hopeful the temperature thresholds will be met soon and he is told that Avon will be one of the first to have their permanent markings completed this season.

Mayor Jensen advised that Street Superintendent Tim Loeser gave him an update this morning on Karvo Paving with regards to the Case Road and Nagel Road resurfacing projects. He said that Karvo has started to apply the intermediate product on Case Road. He stated they are hopeful that Karvo will begin paving next week and it will be completed on both of those streets soon if everything goes well.

Mr. Cummins confirmed the intermediate product was completed on Case Road today.

Mr. McBride felt Karvo deserved kudos for that work.

Mr. Radcliffe, Ward 4, advised he just wanted to echo Ms. Berges’ comments about the sidewalks and said if there is anything that can be done to reevaluate or add to the current list of sidewalks slated to be installed. He said he knows that area on SR83 has been one that has been wanted by the residents for a long time and he wondered if we can install the sidewalk now and not wait for the bridge to be installed first. Mr. Radcliffe felt the sooner we can get sidewalks installed as well as the bridge, it would be better for the residents.
Mr. Witherspoon, Council President, had no comments.

DIRECTORS/ADMINISTRATION:

Ms. Corrao, Parks and Recreation Director, had no comments.

Mr. Cummins, City Engineer, had no further comments.

Mr. Farmer, Service Director, advised the Street Department will be starting to crack seal the streets and they would see them working in various areas of the City.

Ms. Fechter, Economic Development/Planning Coordinator, advised there was a small ribbon cutting ceremony on Saturday for Café Piccolo. She said the sampling of appetizers was very good and the staff was very friendly and open and she felt it is going to be a great restaurant addition to the City.

Mr. Gasior, Law Director, reported that the City’s appeal on the Bed Tax case was denied by the Ohio State Supreme Court last week. He advised we are at the end of the line on that issue and while that is bad news it was not unexpected. Mr. Gasior said we received two votes out of seven to hear the case, but that was not enough. He stated they checked with the legislature and it is promising news that House Bill 49 is going to be a budget bill for the biennium and they have inserted language in that bill and it appears they are going to carve out an exception and be able to take advantage of and get that 3% into law. Mr. Gasior advised he would be keeping a close eye on that issue and he suggested each Council Member send a quick note to State Representative Dick Stein and State Senator Gayle Manning. He stated he would try to put something together so they reference HB49 in their correspondence and thank them for their help in this matter and that we are looking forward to success in its passage. Mr. Gasior felt it was good news because we have not gotten this far on any of the other legislation that was attempted. He indicated he would send copies to Council of what was being proposed and said we are hoping for the best.

Mr. Logan, Finance Director, had no comments.

AUDIENCE: No comments were made from the audience.

ADJOURN: 7:46 p.m.
A motion was made by Mr. McBride and seconded by Ms. Berges to adjourn the Regular Meeting of Council, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

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