

**PUBLIC HEARING  
MONDAY, JULY 8, 2019**

**7:26 P.M.** – Council President Craig Witherspoon opened the Public Hearing for Ordinance No. 52-19.

**ORDINANCE NO. 52-19 – 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 A 0.8607 PORTION OF  
A 2.8048 ACRE PARCEL OF LAND OWNED BY SHIRE GLENN GREEN, LLC AND  
LOCATED ON THE NORTH SIDE OF AVON ROAD, PERMANENT PARCEL NO. 10-  
04-00-028-102-067 FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT  
TO O-1 PLANNED OFFICE DISTRICT**

There being no comments, the Public Hearing for Ordinance No. 52-19 was closed at 7:28 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JULY 8, 2019  
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 Boy Scout John Pendelton from Troop 333 led the Pledge of Allegiance.

PRESENT

Council Members: 1<sup>st</sup> Ward – Bob Butkowski; Council-at-Large – Brian Fischer; 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 President; Mayor - Bryan Jensen; 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

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, JUNE 17, 2019

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, June 17, 2019, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “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, JUNE 24, 2019

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, June 24, 2019, and to approve said minutes as published, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “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, JULY 1, 2019

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, July 1, 2019, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 48-19 – ADOPTING THE JUNE 10, 2019 REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY OF AVON

The Clerk read Ordinance No. 48-19 by title only, entitled:

**AN ORDINANCE ADOPTING THE JUNE 10, 2019 REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY OF AVON**

The Chairman declared this to be the second of three readings of Ordinance No. 48-19. A Public Hearing will be held at 7:25 p.m. on Monday, August 12, 2019.

ORDINANCE NO. 52-19 – REZONING A 0.8607 PORTION OF A 2.8048 ACRE PARCEL OF LAND OWNED BY SHIRE GLENN GREEN, LLC AND LOCATED ON THE NORTH SIDE OF AVON ROAD, FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO O-1 PLANNED OFFICE DISTRICT

The Clerk read Ordinance No. 52-19 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 A 0.8607 PORTION OF A 2.8048 ACRE PARCEL OF LAND OWNED BY SHIRE GLENN GREEN, LLC AND LOCATED ON THE NORTH SIDE OF AVON ROAD, PERMANENT PARCEL NO. 10-04-00-028-102-067 FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO O-1 PLANNED OFFICE DISTRICT**

The Chairman declared this to be the third of three readings of Ordinance No. 52-19.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to adopt Ordinance No. 52-19, and the discussion was:

Mr. Gasior reminded Council that in 2017 a portion of this land consisting of 1.8 acres was also passed by Council for rezoning. He believes the applicant wants to rezone the land for an office complex and he needed an additional .8 acres. Mr. Gasior said this is the .8 of additional land that needs to be added to the rezoning request. He felt to be consistent with what took place in 2017 Council should probably pass this legislation tonight as well. Mr. Gasior advised subsequently they have an Ordinance to place the rezoning request on the ballot.

Mr. McBride advised that effectively the .8 acres requested to be rezoned is going to be a parking lot and a buffer. He said it does project east across from a single-family parcel. Mr.

McBride stated that if Council passes this legislation tonight, yes it can be office, but effectively if the voters do not approve the rezoning it might as well remain as single-family.

Mr. Gasior explained that if Council passes Ordinance No. 52-19, the total acreage of what was passed by Council in 2017 and what would be passed by Council tonight is what will be on the ballot. He said if the ballot measure fails then both pieces fail. Mr. Gasior stated there is just that little delay in putting the 2017 Ordinance on the ballot and he believes part of that delay was precipitated by the applicant because he was tinkering with the plans and perhaps was not quite sure what to go to the ballot with. He said now that everything is pretty much finalized the applicant knows he needs this additional .8 of an acre. Mr. Gasior said if Council passes Ordinance No. 52-19 tonight, then the entire acreage of 2.7113 will go on the ballot as one piece. He stated the property would not be voted on separately but combined. He advised under the language of the Charter, Council's passage of legislation is another step in the process to get on the ballot. Mr. Gasior said if Council were to vote it down, it would not even go to the ballot and it would be the end of the line.

Mr. McBride said as of right now, it is a non-productive property and is not doing much for the City to which Mr. Gasior agreed. Mr. McBride felt it would really be up to the applicant to push this ballot issue and sell it to the voters of the City.

Mr. Gasior added that he would hope the applicant would try to do something to encourage voters to support it because that is ultimately the applicant's desire to have the property rezoned to Office District. He said if there is no great opposition to the ballot issue then chances are it could pass. The map showing where the parcel is located will be attached to the Ordinance No. 66-19. When the voters go to the polls if they wish to see exactly where the property is located a poll worker will be able to show them the Ordinance and the attached map and the voter can make their decision.

And the vote was: Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "no"; Mrs. Holtzmeier, "yes"; Mr. Witherspoon, "yes".

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

ORDINANCE NO. 60-19 – AMENDING SECTION 256.04 AND SECTION 256.98 OF THE CODIFIED ORDINANCES OF AVON TO CREATE THE PART-TIME AND UNCLASSIFIED POSITION OF SOCIAL WORKER (NON-CLINICAL) AND TO ADOPT THE CLASSIFICATION SPECIFICATION FOR SAME

The Clerk read Ordinance No. 60-19 by title only, entitled:

**AN ORDINANCE AMENDING SECTION 256.04 AND SECTION 256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO CREATE THE PART-TIME AND UNCLASSIFIED POSITION OF SENIOR CENTER SOCIAL WORKER (NON-CLINICAL) AND TO ADOPT THE CLASSIFICATION SPECIFICATION FOR SAME AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 60-19, and the vote was: Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr.

Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “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 Ordinance No. 60-19, and the discussion was:

Carmelina Barbera, Senior Center Coordinator, advised some time ago she had a conversation with Mayor Jensen about hiring a Social Worker to fill a need that they felt the Senior Center had for some time. She said that job description was part-time social worker, non-clinical, that would have some office hours and basically do the following:

- Advocacy
- Treatment Plans
- Assessment
- Monitoring
- Referrals

Ms. Barbera stated she is looking for someone who is either new to the field and likes to learn or someone who is more seasoned in their career and wanting to slow down a bit. She said that is the basic vision they had when she and Mayor Jensen met to discuss this issue. Ms. Barbera said it would be part-time about 10 hours a week and would provide advocacy and referrals and link people with services and do home visits. She stated that a lot of the drivers for the Senior Center will come to her letting her know of issues they notice about clients. It could be anything from neglect, malnourishment, abuse, significant decline, to mobility issues. By having the ability to link them with services or mobility equipment it can drastically change their situation for the better. Ms. Barbera indicated most of the time she was the one doing that work and after 14 years, it needs to be a dedicated employee who specializes in helping find the needed resources so that person does not fall through the cracks and risk something happening. She felt that is where the residents could really benefit from having that part-time social worker employed with the City.

Mr. Witherspoon asked if she checked with surrounding Senior Centers to see if they have similar positions employed at their facility.

Ms. Barbera answered yes, the surrounding cities either have a social worker and/or an outreach worker that benefits the clients in their community. She was not sure if these other cities hire for full-time or part-time social workers, but said that Westlake, Rocky River, Bay Village, North Ridgeville all have a social worker employed by the City.

Mayor Jensen advised they have been looking into this possibility for over a year and a half. He said Mrs. Holtzmeier asked whether this position could be contracted out and one of the reasons they made the position part-time was because if it does not work out the way they intend that they could look into other options. Mayor Jensen stated that they decided to try it this way because that is what other area communities are doing and we are not trying to reinvent something. He said in talking with other Senior Center Coordinators, this accounts for fifty percent of what they do in their Senior Centers. Mayor Jensen felt if the City can add this piece

to help seniors stay in their homes longer then this is the next step toward that goal and this is a service that seniors want and need.

Mrs. Holtzmeier asked how many days a week this person would be available at the Center.

Ms. Barbera stated she does not believe it has been set as to a specific number of days a week that they would work but it would be around 10-12 hours a week. She said they would create the days as they go along and as needed.

Mrs. Holtzmeier inquired on the Exhibit A of the Classification Specification if they wanted to keep the department and immediate supervisor and employment status blank or should it be filled in.

Mr. Gasior addressed Mr. Logan saying Sandy Conley of Clemens, Nelson & Associates, Inc. prepared the Class Spec where the Supervisor position was left blank. He said he does not know if that was intended to be left blank.

Mr. Logan said he believed with the position being non-clinical that the Supervisor would be the Senior Center Coordinator. He felt if the position were clinical that the Supervisor would be a different situation to look at. Mr. Logan stated he was not sure why the Class Spec was left blank in that area.

Mr. Gasior advised given that answer, he would recommend for the record and on the document itself that it be indicated that the Senior Coordinator be the person identified as the Supervisor.

Mrs. Holtzmeier agreed that some clarity would be helpful. She asked if they could confirm that the part-time status meant that the Supervisor does not have to have an advanced degree.

Ms. Barbera advised it is not the part-time status, but rather the non-clinical designation that does not require an advanced degree. She stated as non-clinical that employee will not be providing social psychotherapy or diagnosing, even though that person is licensed, but rather they would be providing resources, outreach, advocacy and monitoring. Ms. Barbera said she herself did this kind of non-clinical social work for many years and it fills a lot of needs that we have at the Senior Center.

Mrs. Holtzmeier agreed it would be good to be able to provide the appropriate referrals.

Mr. Gasior added that he would provide a completed Classification Specification to the Clerk for the permanent record that will have the required spaces filled in such as the Supervisor being the Senior Center Coordinator.

And the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 61-19 – TO ESTABLISH COMPENSATION FOR THE PART-TIME, UNCLASSIFIED POSITION OF SENIOR CENTER SOCIAL WORKER (NON-CLINICAL) FOR THE CITY

The Clerk read Ordinance No. 61-19 by title only, entitled:

**AN ORDINANCE TO ESTABLISH COMPENSATION FOR THE PERMANENT PART-TIME, UNCLASSIFIED POSITION OF SENIOR CENTER SOCIAL WORKER (NON-CLINICAL) IN 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. 61-19, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “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. 61-19, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 62-19 – TO ESTABLISH A NEW RANGE OF COMPENSATION FOR THE PART-TIME, UNCLASSIFIED POSITION OF CLERK OF MAYOR’S COURT FOR THE CITY**

The Clerk read Ordinance No. 62-19 by title only, entitled:

**AN ORDINANCE TO ESTABLISH A NEW RANGE OF COMPENSATION FOR THE PART-TIME, UNCLASSIFIED POSITION OF CLERK OF MAYOR’S COURT 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. 62-19, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “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 Mrs. Holtzmeier to adopt Ordinance No. 62-19, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 63-19 – GRANTING A SPECIAL USE PERMIT TO AVON BREWING COMPANY, LLC TO ALLOW FOR THE CONSTRUCTION/INSTALLATION OF A 324 SQ. FT. OUTDOOR STORAGE FACILITY AT 37063 COLORADO AVENUE**

The Clerk read Ordinance No. 63-19 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AVON BREWING COMPANY, LLC TO ALLOW FOR THE CONSTRUCTION/INSTALLATION OF A 324 SQ. FT. OUTDOOR STORAGE FACILITY AT 37063 COLORADO AVENUE AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 63-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “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 Mrs. Holtzmeier to adopt Ordinance No. 63-19, and the discussion was:

Ms. Fechter confirmed the cooler would be enclosed and there would be a roof and walls and a door. She said the cooler will slide into the enclosure and the silver walls of the cooler would be visible and shortly after that, the applicant would be adding siding.

And the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 65-19 – TO PROVIDE FOR THE ISSUANCE AND SALE OF MUNICIPAL RECREATION FACILITY NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF AVON, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$7,500,000 FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING, RENOVATING, FURNISHING AND EQUIPPING MUNICIPAL RECREATION FACILITIES**

The Clerk read Ordinance No. 65-19 by title only, entitled:

**AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF MUNICIPAL RECREATION FACILITY NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF AVON, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$7,500,000 FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING, RENOVATING, FURNISHING AND EQUIPPING MUNICIPAL RECREATION FACILITIES AND DECLARING AN EMERGENCY**

The Chairman declared this to be the second of three readings of Ordinance No. 65-19.

**ORDINANCE NO. 66-19 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF REZONING A PORTION OF A PARCEL OF LAND CURRENTLY OWNED BY SHIRE GLENN GREEN, LLC AND CONSISTING OF APPROXIMATELY 2.7113 ACRES LOCATED SOUTH OF I-90 AND NORTH OF DETROIT ROAD ALONG THE NORTH SIDE OF AVON ROAD, PPN 04-00-028-102-067 FROM R-1 SINGLE**

FAMILY RESIDENTIAL DISTRICT TO O-1 PLANNED OFFICE DISTRICT PURSUANT TO ARTICLE VII, SECTION 2 SUBSECTION (e) OF THE CHARTER OF THE CITY OF AVON

The Clerk read Ordinance No. 66-19 by title only, entitled:

**AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF REZONING A PORTION OF A PARCEL OF LAND CURRENTLY OWNED BY SHIRE GLENN GREEN, LLC AND CONSISTING OF APPROXIMATELY 2.7113 ACRES LOCATED SOUTH OF I-90 AND NORTH OF DETROIT ROAD ALONG THE NORTH SIDE OF AVON ROAD, PERMANENT PARCEL NO. 04-00-028-102-067 FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO O-1 PLANNED OFFICE DISTRICT PURSUANT TO ARTICLE VII, SECTION 2, SUBSECTION (e) OF THE CHARTER OF 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. 66-19, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

The discussion was: Mr. Radcliffe asked if there was enough time to get this legislation to the Board of Elections.

Mr. Gasior advised yes, the deadline is in early August and he already ran the ballot language by an official at the Lorain County Board of Elections and everything looks good and it just needed to be sent to them once this passes.

Mr. Fischer stated that he was glad to see this go to the electors. He said he voted no in 2017 and again tonight with Ordinance No. 52-19 on the additional land. Mr. Fischer advised mostly he voted no because of his fear of the water issue and his fear of the business district coming too far down Avon Road. He said he does not believe that land is ready for commercial development and this developer has not shown how he is going to improve the water flow situation and that is why he was against it from the beginning. Mr. Fischer advised there is also fear that the four houses on Avon Road will be affected and that those homeowners would eventually come to the City wanting the City to buy their properties because they were under water. He stated that the last he heard the developer wanted it to be a package deal. He added that he is more than happy to let it go to the electors and let the residents decide on their own.

Mr. McBride advised he is hoping that the developers were going to have something better than what they have given the City to sell it at the ballot because he felt if not, that he would end up campaigning against the zoning change. He does not feel it is suitable for residential development, but low impact office with some parking provided and if it is properly buffered and looks nice with some amenities for the residents in the area it could be a great thing. Mr. McBride felt the developers need to demonstrate how they are going to get rid of the water. He said some of the water is going to flow west and under I-90 and supposedly there is plenty of capacity. The residential on the other side, on the other hand, is the one that may be a real problem, but this developer has their work cut out for them. Mr. McBride stated that regarding

the creek that crosses I-90, where the residential will go at some point, he does not know how much more capacity there is in that and he does not know how they are going to do it.

Mayor Jensen clarified this development still has to go back before Planning Commission and get approval. He said whether the residents pass this ballot issue or not, does not diminish the City's resolve to protect those homeowners in that area and get something more out of what this development is going to do. Mayor Jensen stated if the residents decide to pass this rezoning request, he does not believe that changes the direction the City Engineer or City Council have if it comes back before them for a decision. He advised some of the proposed drawings are not going to pass through Planning. Mayor Jensen stated that even though he is thankful this issue is going before the vote of the people and they can decide if they want it, that does not change the City's resolve to make sure that there is a benefit to everyone along that area. He said it has been made known to the developer that the City has certain expectations that need to be met and there are things that will not work such as the open ditches. He said the people can vote to allow it, but if it is not going to correct some of the problems then it is not going to pass through Planning.

Mr. Cummins advised the issue of the water flow was brought up and he certainly shares in the concerns regarding the water flow along the south side of Avon Road headed to the east. He pointed out that the rezoning area, the proposed office area, has an independent outflow point that goes under I-90. Mr. Cummins stated that while they do not have final engineering calculations yet, they depict their stormwater management basins on the north side of Avon Road that even if the outlet going under I-90 is undersized, it can potentially be offset by making those basins larger accordingly. He said there is significant drainage issues in that area, particularly on the south side heading east. The office area is somewhat of a stand-alone area and not necessarily tied to those southern side issues.

Mr. Gasior advised page 5 of the exhibit was added late on Friday and he recommends that before Council acts on this Ordinance that one of them make a motion to strike page 5 of the exhibit from this Ordinance. He said there are 4 pages of the exhibit that identify the parcel that include the legal description and that is all that is needed. Mr. Gasior felt that page 5 of the exhibit may mislead people into thinking that is what is going to go there. He said all we really want to do here is decide the issue of whether that land should be zoned Office for whatever can be put in that location. Mr. Gasior stated he is reluctant to have the voters look at a plan and think that is what they voted for because what they are voting for in reality is to rezone the property and it will ultimately be up to Planning Commission and the City Engineer and other officials to decide what goes in that zoned area based on water flow and other conditions. He said that rather than give people the impression that there is going to be this development with a building and parking lot and the area next to the parking lot as depicted in page 5, and he felt it was better to strike page 5 of Exhibit A and go with a 4-page exhibit.

Mrs. Holtzmeier felt that is a reasonable distinction because the final engineering is not in so the final project may look different. She said when we go back to the actual language that would be on the ballot, it specifically talks about the parcel to which Mr. Gasior agreed. Mrs. Holtzmeier stated she would support that page being stricken.

A motion was made by Mrs. Holtzmeier and seconded by Mr. McBride to strike page 5 of Exhibit A from Ordinance No. 66-19, and the vote was: Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Butkowski, "yes"; Mr. Witherspoon, "yes".

The vote was 7 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mrs. Holtzmeier and seconded by Mr. McBride to adopt Ordinance No. 66-19 as amended, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 67-19 – TO AMEND SECTION 1040.01(a) OF THE CODIFIED ORDINANCES TO INCREASE THE RATES CHARGED FOR WATER SERVICE FOR THE CITY

The Clerk read Ordinance No. 67-19 by title only, entitled:

**AN ORDINANCE TO AMEND SECTION 1040.01(a) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE THE RATES CHARGED FOR WATER SERVICE FOR THE CITY OF AVON AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 67-19, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “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. Fischer to adopt Ordinance No. 67-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 68-19 – TO AMEND SECTION 1042.02(i) OF THE CODIFIED ORDINANCES TO INCREASE SANITARY SEWER RATES

The Clerk read Ordinance No. 68-19 by title only, entitled:

**AN ORDINANCE TO AMEND SECTION 1042.02(i) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE SANITARY SEWER RATES AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 68-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “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. Fischer to adopt Ordinance No. 67-19, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

## REPORTS AND COMMENTS

Mayor Jensen advised the Annual Great Bike Parade was a great success.

Mayor Jensen stated Council passed awhile back how to use some grant money for the Veterans Memorial and the finishing touches were being made. He said it is a huge tribute to the veterans who have fought and gave their lives. Mayor Jensen felt it is also a great place in years to come for the City’s Memorial Day parade to be held that will keep our residents safe and still be a way to honor our fallen on Memorial Day. He said many of our veterans and family members of the fallen have visited and Council should be very proud that they were a part of putting this all together and allowing it to go in at that location.

## COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, advised he would like the Finance Committee to consider meeting on August 5<sup>th</sup> at 6:30pm to discuss looking at the impact fees for infrastructure.

Mr. Fischer, At Large, advised he drove by the newly installed Veterans Memorial the other day and it looks pretty cool and he felt it is going to very nice for the community. He wished everyone a nice July.

Mrs. Holtzmeier, At Large, advised it was a hot summer day for the bike parade on July 4<sup>th</sup>, but a good turnout of approximately 375 kids and their parents attended. She stated in conjunction with what is happening in Avon with the installation of the new Veterans Memorial that the parade committee thought that since the City is going to a lot of effort to honor the heroes who are no longer with us, that we would use the 4th of July ceremony to honor those heroes that are still with us. Mrs. Holtzmeier said there were veterans from the VFW that came out and all generations were represented from millennials to the greatest generation. To the delight of everyone there, Avon resident, Wally Pence, who will be 99 years old next month and is a WWII veteran was present. She said Mr. Pence’s family is from Avon and his granddaughter teaches kindergarten in the Avon Local Schools. Mrs. Holtzmeier advised Mr. Pence’s family wanted her to share that he was thrilled to be a part of that ceremony and that it was the memory of a lifetime to have a City respect his service. She stated that Mr. Pence enlisted in the Navy on D-Day and fought for our Country. Mrs. Holtzmeier said it was a good opportunity to remember those particular heroes and a lot of kids and families had fun. She added that Mayor Jensen and Mr. Witherspoon have attended the bike parade every year and Ms. Jankowski was on the inaugural steering committee. Mrs. Holtzmeier advised when the bike parade was first created, they had no idea if anyone was going to show up or live to see another year and it has turned into a nice signature event for the City. She thanked the City and all the Departments and the volunteers and all of the companies that were so generous to make it a good event.

Mr. McBride, Ward 2, advised he was glad to see that the Veterans Memorial is moving along. He said he caught a glimpse of the property behind the Police and Fire Stations where

they were clearing trees and grading the property. Mr. McBride stated that whole area was starting to look very good and he felt it is going to be a wonderful City asset as it continues to develop and eventually there would be other municipal services at that location, and it was going to round out the whole property. He was hopeful the lazy river would go in at the pool complex at some point, which would be a nice addition.

Mr. McBride advised the bike parade is a wonderful thing, but his son made the executive decision that it was too hot to ride in it this year.

Mr. Moore, Ward 3, had no comments.

Mr. Radcliffe, Ward 4, advised he heard wonderful accounts about the bike parade and that was great. He said he also visited the new Veterans Memorial and he was looking forward to seeing it fully opened for people to visit and reflect as it is very nicely done.

Mr. Witherspoon, Council President, thanked Mrs. Holtzmeier for all her efforts with the bike parade. He said something like that does not happen overnight and he was sure it was a long road for her. Mr. Witherspoon advised an event such as that puts the City in a fantastic light.

Mr. Witherspoon advised regarding the new Veterans Memorial that if they have not seen it yet, it is breathtaking. He said the artwork in the granite is just gorgeous and he invited people to visit the Memorial and he felt everyone in the City would be proud of it.

Mr. Witherspoon added the next meeting of Council would be a Work Session held on Monday, August 5<sup>th</sup>.

#### DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, advised Council passed legislation recently for some construction projects coming up in the City. He said there will be improvements on Chester Road between SR83 and American Way as well as Nagel Road. Mr. Cummins stated those projects are set to begin later this month and more information would be coming out to area residents as well as being posted on the City website and social media channels. He said if anyone has any questions about these projects, they should feel free to contact him. Mr. Cummins advised on the Elizabeth, Joseph and Puth Sanitary Sewer Improvement Project they are looking to hold a public meeting at the end of July and it would be the kickoff of moving that project forward. He said the plans are ready to go and this will be the first conversation with the public about the project.

Mr. Fischer asked if it was known when the Nagel Road construction would begin.

Mr. Cummins advised the construction contract was awarded last Monday by City Council for the Nagel Road project. He said that project will be starting in July as well.

Mr. Fischer asked as to the duration of the project as the sign posted indicated the northbound lane would be closed.

Mr. Cummins advised the completion date is December 1<sup>st</sup> for the Nagel Road project. He confirmed that the northbound lane would be closed for the duration of the project as they are widening the roadway.

Mr. Farmer, Service Director, updated Council that ODOT would be putting the signals into operation tomorrow at the SR83 interchange area. He said it has been a long time coming and they are not completely finished with the striping and the sidewalks still needed to be replaced and crosswalks, but they were getting closer to being done.

Ms. Fechter, Economic Development/Planning Coordinator, had no comments.

Mr. Gasior, Law Director, wished everyone a happy summer break and a happy 5<sup>th</sup> Monday and all of that happens in July and it was a great thing.

Mr. Logan, Finance Director, had no comments.

#### AUDIENCE:

Frank Caruso of 1914 Pembroke Lane advised concerning the Nagel Road project that those who live in the area have a concern about how Jaycox Road will be affected traffic-wise. He asked if there are any plans to have any traffic control on Jaycox Road northbound.

Mr. Cummins advised Jaycox Road is a part of the posted detour route, but there would be the appropriate signage and direction for the traveling public to make that occur.

Mr. Caruso said in his community of Avenbury Lakes they have been pushing for some kind of traffic control at Jaycox Road and Middleton Road for a few years. He asked if there were any plans for a four-way stop at that intersection during construction season so the traffic out of Avon Commons can get out as morning rush would probably be the biggest impact.

Mr. Cummins stated the plans currently do not call for any type of four-way stopping established at that point.

Mr. Caruso asked if there would be any police presence for traffic control.

Mr. Cummins advised certainly if a situation develops that needs to be addressed, he was sure the City would take appropriate action to address it. He said there will from time to time be police presence in the construction zone depending on what activities the contractor is doing.

Mr. Caruso mentioned the construction would be ongoing during large shopping days such as Black Friday on Thanksgiving weekend. He felt Avon Commons is jammed enough as it is right now.

Mr. Cummins advised the project is a widening project. He said Nagel Road at the Detroit Road intersection is currently two-lanes and they were going to three-lanes. He rhetorically asked if they will be open to more than two-lanes prior to December 1<sup>st</sup>, probably. Mr. Cummins said December 1<sup>st</sup> is the actual completion date of the newly widened road, and that includes the resurfacing and the like. He advised they absolutely will be conscientious of schedule and try their best to be clear of things particularly for the shopping day, the day after Thanksgiving.

Mr. Caruso asked if Council could at least monitor the traffic flow as the project continues so that if other measures need to be taken that they be prepared to look into it.

Mr. Cummins advised he would say they do that with every project. If something develops that was unforeseen or is of a bigger magnitude than initially thought, they would absolutely want to address it as quickly as possible.

Mr. McBride advised he knows they have done traffic studies at Middleton Road and Jaycox Road on occasion. He said they may want to look at one strategically later this year to where it may push the numbers over the limit. Mr. McBride felt there would be enough traffic on Jaycox Road and on Middleton Road that may finally warrant a traffic control device at that intersection. He said it would be a wonderful thing and he felt it is long overdue. Mr. McBride felt they also have the same issue on Nagel Road, north of Chester Road. He asked Mayor Jensen if the Administration could look at that situation.

Mayor Jensen advised he does not know if an Ordinance would be required, but if so, he would like to put one on the agenda the first week in August. He stated during the construction season with the rerouting, it may give us the numbers we need to have Council approve a traffic light at that location. Mayor Jensen said when they have their pre-construction meeting for the Nagel Road project they will ask KMU if there are ways that they can push the project along because they cannot lay blacktop in December so he felt it has to be done before to get those lanes in. He advised they have also talked about night paving and those kinds of things to push the project along. Mayor Jensen noted they may have to come back to Council and ask for a little bit more money to try to make it happen sooner.

ADJOURN: 8:31 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. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.