

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, DECEMBER 18, 2023
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 9:05 P.M.**

The Chair, Council President Brian Fischer, called the meeting to order and led in the Pledge of Allegiance.

PRESENT:

Council Members: 1st Ward – Jennifer Demaline; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; 4th Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon; Council-at-Large and Council President – Brian Fischer; Mayor - Bryan Jensen; City Engineer – Ryan Cummins; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – Steve Presley; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

ABSENT: Council-at-Large – Tammy Holtzmeier

ADDITIONS AND DELETIONS TO THE AGENDA

Mr. Gasior advised he knows Council was to consider adding item #22a which is the “Demand for Certificate in Lieu of Endorsement” and he would recommend that Council not add that item tonight and act on it. He said he needs additional time to fully vet the letter that was submitted and check it against documents that are in the records. Mr. Gasior stated his recommendation would be to not add that item at this point.

No additional comments were made.

**MINUTES OF THE MEETING OF THE SERVICE COMMITTEE OF COUNCIL HELD
MONDAY, NOVEMBER 27, 2023**

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Meeting of the Finance Committee of Council held Monday, November 27, 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 Chair declared the motion passed.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, DECEMBER 4, 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, December 4, 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 Chair declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, DECEMBER 11, 2023

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, December 11, 2023, and to approve said minutes as published, 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 Chair declared the motion passed.

ORDINANCE NO. 127-23 – ESTABLISHING COMPENSATION FOR FULL AND PART-TIME CITY ADMINISTRATIVE POSITIONS NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT FOR THE YEAR 2024

The Clerk read Ordinance No. 127-23 by title only, entitled:

AN ORDINANCE ESTABLISHING COMPENSATION FOR FULL AND PART-TIME CITY ADMINISTRATIVE POSITIONS NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT FOR THE YEAR 2024 AND DECLARING AN EMERGENCY

The Chair declared this to be the third of three readings of Ordinance No. 127-23.

Mr. Gasior explained that it would be required of Council to amend this Ordinance to add the Victim Advocate salary to Exhibit A and he asked Council to consider that motion favorably.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to amend Ordinance No. 127-23 for the Exhibit A to include the salary of the Victim Advocate position, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 127-23 as amended, 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 Chair declared the motion passed.

ORDINANCE NO. 128-23 – ESTABLISHING COMPENSATION FOR FULL AND PART-TIME CITY LEGISLATIVE POSITIONS NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT FOR THE YEAR 2024

The Clerk read Ordinance No. 128-23 by title only, entitled:

AN ORDINANCE ESTABLISHING COMPENSATION FOR FULL AND PART-TIME CITY LEGISLATIVE POSITIONS NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT FOR THE YEAR 2024 AND DECLARING AN EMERGENCY

The Chair declared this to be the third of three readings of Ordinance No. 128-23.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 128-23, 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 Chair declared the motion passed.

ORDINANCE NO. 129-23 – AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE LETTER AGREEMENT DATED JUNE 27, 1990, WITH THE CITY OF NORTH RIDGEVILLE REGARDING THE SANITARY SEWER USAGE FEES FROM COUNTRYSIDE ESTATES #1

The Clerk read Ordinance No. 129-23 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE LETTER AGREEMENT DATED JUNE 27, 1990, WITH THE CITY OF NORTH RIDGEVILLE REGARDING THE SANITARY SEWER USAGE FEES FROM COUNTRYSIDE ESTATES #1

The Chair declared this to be the third of three readings of Ordinance No. 129-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 129-23, 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 Chair declared the motion passed.

ORDINANCE NO. 130-23 – AUTHORIZING THE MAYOR TO EXECUTE A GRANT AWARD AGREEMENT TO PARTICIPATE IN THE STATE CAPITAL BUDGET GRANT PROGRAM TO ASSIST WITH THE ACQUISITION OF LAND FOR PUBLIC USE

The Clerk read Ordinance No. 130-23 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A GRANT AWARD AGREEMENT TO PARTICIPATE IN THE STATE CAPITAL BUDGET GRANT PROGRAM TO ASSIST WITH THE ACQUISITION OF LAND FOR PUBLIC USE AND DECLARING AN EMERGENCY

The Chair declared this to be the third of three readings of Ordinance No. 130-23.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 130-23, 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 Chair declared the motion passed.

ORDINANCE NO. 131-23 – RATIFYING THE MAYOR’S EXECUTION OF AN AGREEMENT WITH LORAIN COUNTY PUBLIC HEALTH TO PROVIDE CERTAIN PHASE II STORMWATER SERVICES IN THE CITY OF AVON

The Clerk read Ordinance No. 131-23 by title only, entitled:

**AN ORDINANCE RATIFYING THE MAYOR'S EXECUTION OF AN AGREEMENT
WITH LORAIN COUNTY PUBLIC HEALTH TO PROVIDE CERTAIN PHASE II
STORMWATER SERVICES IN THE CITY OF AVON
AND DECLARING AN EMERGENCY**

The Chair declared this to be the third of three readings of Ordinance No. 131-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 131-23, 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 Chair declared the motion passed.

ORDINANCE NO. 132-23 – REAPPROPRIATIONS

The Clerk read Ordinance No. 132-23 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT
APPROPRIATIONS ORDINANCE NO. 132-22
AND DECLARING AN EMERGENCY**

The Chair declared this to be the third of three readings of Ordinance No. 132-23.

Mr. Presley advised this will wrap up all of the appropriations for the year in those accounts that needed additional funds just to get through relative to the proposed or the forecasted expenses with the last payroll. He said this was in addition to some transfers to other funds to increase their fund balance by year end.

Mr. Fischer asked if this Ordinance should be amended.

Mr. Presley advised it should be, yes.

Mr. Fischer asked what the changes were that were made.

Mr. Presley answered those transfers from General Fund to the other funds that totaled to the \$200,000 and then there were some reductions in the actual appropriations for salary, wages and benefits for the Police Fund and the Fire Fund.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to amend Ordinance No. 132-23 to include the final revisions made since the first reading, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 132-23 as amended, 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 Chair declared the motion passed.

ORDINANCE NO. 133-23 – AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CHAGRIN VALLEY ENGINEERING, LTD AND ESTABLISH THE COMPENSATION FOR THE CITY ENGINEER IN 2024

The Clerk read Ordinance No. 133-23 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CHAGRIN VALLEY ENGINEERING, LTD. AND ESTABLISH THE COMPENSATION FOR THE CITY ENGINEER IN 2024 AND DECLARING AN EMERGENCY

The Chair declared this to be the third of three readings of Ordinance No. 133-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 133-23, 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 Chair declared the motion passed.

ORDINANCE NO. 134-23 – ESTABLISHING 2024 COMPENSATION FOR THE DIRECTOR OF LAW OF THE CITY OF AVON

The Clerk read Ordinance No. 134-23 by title only, entitled:

AN ORDINANCE ESTABLISHING 2024 COMPENSATION FOR THE DIRECTOR OF LAW OF THE CITY OF AVON AND DECLARING AN EMERGENCY

The Chair declared this to be the third of three readings of Ordinance No. 134-23.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 134-23, 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 Chair declared the motion passed.

ORDINANCE NO. 135-23 – TO ACCEPT ALEX W. BOCCABELLA’S WAIVER OF COMPENSATION DURING HIS TENURE ON THE AVON TREE COMMISSION

The Clerk read Ordinance No. 135-23 by title only, entitled:

AN ORDINANCE TO ACCEPT ALEX W. BOCCABELLA’S WAIVER OF COMPENSATION DURING HIS TENURE ON THE AVON TREE COMMISSION AND DECLARING AN EMERGENCY

The Chair declared this to be the third of three readings of Ordinance No. 135-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 135-23, 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 Chair declared the motion passed.

ORDINANCE NO. 136-23 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LJB ENGINEERING TO PERFORM BRIDGE ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF TWO NEW PEDESTRIAN BRIDGES OVER FRENCH CREEK ALONG STATE ROUTE 83 AS PART OF THE LOR-83-(AVON) SIDEWALK PROJECT

The Clerk read Ordinance No. 136-23 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LJB ENGINEERING TO PERFORM BRIDGE ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF TWO NEW PEDESTRIAN BRIDGES OVER FRENCH CREEK ALONG STATE ROUTE 83 AS PART OF THE LOR-83-(AVON) SIDEWALK PROJECT AND DECLARING AN EMERGENCY

The Chair declared this to be the third of three readings of Ordinance No. 136-23.

Mr. Gasior advised the Exhibit A to the agreement was changed since Council first saw it on December 4, 2023, indicating that since it has been read two times it should be amended. He said they eliminated the indemnification clauses and some other things.

A motion was made by Mr. McBride and seconded by Mr. Moore to amend Ordinance No. 136-23 to include the revisions made to the Exhibit A, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 136-23 as amended, 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 Chair declared the motion passed.

ORDINANCE NO. 137-23 – AMENDING §256.04 AND §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO CREATE THE PERMANENT PART-TIME, UNCLASSIFIED POSITION OF VICTIM ADVOCATE AND TO ADOPT THE NEW CLASSIFICATION SPECIFICATION FOR SAME

The Clerk read Ordinance No. 137-23 by title only, entitled:

AN ORDINANCE AMENDING §256.04 AND §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO CREATE THE PERMANENT PART-TIME, UNCLASSIFIED POSITION OF VICTIM ADVOCATE AND TO ADOPT THE NEW CLASSIFICATION SPECIFICATION FOR SAME AND DECLARING AN EMERGENCY

The Chair declared this to be the first of three readings of Ordinance No. 137-23.

Mr. Gasior advised as he commented on this legislation at the Work Session, he believes that Council would like to amend the Classification Specification, which is the Exhibit A, by changing the non-exempt to exempt.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to amend Ordinance No. 137-23 to change the Classification Specification to Exempt from Non-Exempt in the Exhibit A, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 137-23 as amended, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 137-23 as amended, 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 Chair declared the motion passed.

ORDINANCE NO. 138-23 – TO ESTABLISH A RANGE OF COMPENSATION FOR THE UNCLASSIFIED, PART-TIME POSITION OF VICTIM ADVOCATE FOR THE CITY OF AVON

The Clerk read Ordinance No. 138-23 by title only, entitled:

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

The Chair declared this to be the first of three readings of Ordinance No. 138-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 138-23, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 138-23, 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 Chair declared the motion passed.

ORDINANCE NO. 139-23 – AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE(S) TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO AMEND THE JANUARY 1,

2022 THROUGH DECEMBER 31, 2024 COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE CITY OF AVON AND THE AMERICAN FEDERATION OF STATE,
COUNTY & MUNICIPAL EMPLOYEES (“AFSCME” or “UNION”)

The Clerk read Ordinance No. 139-23 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE(S)
TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO AMEND
THE JANUARY 1, 2022 THROUGH DECEMBER 31, 2024 COLLECTIVE
BARGAINING AGREEMENT BETWEEN THE CITY OF AVON AND
THE AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL
EMPLOYEES (“AFSCME” or “UNION”)
AND DECLARING AN EMERGENCY**

The Chair declared this to be the first of three readings of Ordinance No. 139-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 139-23, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 139-23, 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 Chair declared the motion passed.

RESOLUTION NO. R-34-23 – ACCEPTING THE REVISED AMOUNTS AND RATES AS
DETERMINED BY THE BUDGET COMMISSION AFTER THE NOVEMBER 7, 2023
GENERAL ELECTION AND AUTHORIZING THE NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY AUDITOR

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

**A RESOLUTION ACCEPTING THE REVISED AMOUNTS AND RATES AS
DETERMINED BY THE BUDGET COMMISSION AFTER THE NOVEMBER 7, 2023
GENERAL ELECTION AND AUTHORIZING THE NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY AUDITOR
AND DECLARING AN EMERGENCY**

The Chair declared this to be the second of three readings of Resolution No. R-34-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-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 Chair declared the motion passed.

RESOLUTION NO. R-35-23 – IN SUPPORT OF AN APPLICATION SEEKING GRANT FUNDING FROM THE OHIO URBAN FORESTRY GRANT PROGRAM (OHIO DEPARTMENT OF NATURAL RESOURCES) TO PROVIDE MONETARY SUPPORT FOR ACTIVITIES SPONSORED BY THE AVON TREE COMMISSION

The Clerk read Resolution No. R-35-23 by title only, entitled:

A RESOLUTION IN SUPPORT OF AN APPLICATION SEEKING GRANT FUNDING FROM THE OHIO URBAN FORESTRY GRANT PROGRAM (OHIO DEPARTMENT OF NATURAL RESOURCES) TO PROVIDE MONETARY SUPPORT FOR ACTIVITIES SPONSORED BY THE AVON TREE COMMISSION AND DECLARING AN EMERGENCY

The Chair declared this to be the first of three readings of Resolution No. R-35-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-35-23, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-35-23, 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 Chair declared the motion passed.

REPORTS AND COMMENTS

MAYOR JENSEN advised it is hard to believe it has been eighteen years, Craig. He said he and Mr. Witherspoon started out together on City Council and he would like to present him with a proclamation that states, in part, the following: “Craig’s involvement in the City went far beyond his duties as a Councilman. Craig could always be found welcoming new businesses at ribbon cuttings, helping at events that donated school supplies for children, volunteering at our Super Hero events and last, but certainly not least is the joy he brought to so many children while being ‘wink and a nod’ at our Tree Lighting Ceremonies. Craig is also a valued member of our local Lions Club, which holds many community events that he was involved in, including the ever-popular annual Fishing Derby, packing food boxes at the holiday time for those in need and raising funds for this worthwhile organization. Craig’s dedication, knowledge, easy-going manner and most importantly, his integrity are his trademarks and will be remembered by all staff at the City of Avon and especially the residents that he served so selflessly. Craig’s genuine concern and care for the City of Avon and its’ residents will be a benchmark from which all Council members will be compared. This proclamation is just a small example of some of the remarkable things Craig

Witherspoon has done and been involved with. More important than all those things is the simple truth that in every way you can measure - **Craig Witherspoon is a good person.**

NOW, THEREFORE, I, Bryan K. Jensen, as Mayor of the City of Avon, do hereby encourage every official, employee and citizen of the City of Avon to join me in expressing our profound and sincere appreciation to **CRAIG WITHERSPOON**, for his devoted service to the City of Avon.”

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, thanked Mr. Witherspoon for his time serving on City Council and said she was glad she got to work with him these last two years since she was elected to City Council. She stated she agrees with Mayor Jensen that Mr. Witherspoon is at every community event as she has seen him there and is involved and engaged and it has been a real pleasure. Mrs. Demaline advised she hoped to still see him at community events, and she encouraged him to keep up the good work with the Lions Club and everything else he does. Thank you.

MRS. HOLTZMEIER, AT LARGE, was absent.

MR. MCBRIDE, WARD 2, said he hoped this is not goodbye for Mr. Witherspoon as he would like to see him appointed to a Board or Committee soon. Mr. McBride recalled when he finished his first term on City Council and did not want to seek re-election and things improved remarkably on Council when Mr. Witherspoon and Mayor Jensen were elected to City Council. He said it was great to have Mr. Witherspoon serving on Council all of these years and he was going to miss him and was sorry to see him go. Mr. McBride stated he was sure he would see Mr. Witherspoon around town here and there and he hopes he will be involved in other ways in the City in addition to “helping” Santa.

MR. MOORE, WARD 3, said he remembers about six years ago when he first was elected to City Council that Mr. Witherspoon took him around and they toured all the City buildings and met the Police and Fire Chiefs and other Department Heads. He stated it has been an amazing six years working with Mr. Witherspoon and it is true that he seemed to be at every event. Mr. Moore advised he appreciates all that Mr. Witherspoon has done in service to the City and he learned a lot from working with him and he hopes that he will stay active in the City, and he hinted that the Tree Commission was looking for a member as there is a vacancy. He thanked Mr. Witherspoon for his work and hours of devotion to the City as he appreciates it.

MR. RADCLIFFE, WARD 4, said it has been great having Mr. Witherspoon as a friend and mentor to him for the last six plus years. He stated Mr. Witherspoon’s ability to talk and work with people is well known and it is great to see. Mr. Radcliffe advised he hopes he will keep in contact and come back around, and he looks forward to keeping up with him.

MR. WITHERSPOON, AT LARGE, said it has been a pleasure working with all of them. Speaking about the Clerk of Council he said he remembers when they hired her, and said he is going to miss her. Mr. Witherspoon stated that she is the nuts and bolts of what Council does here and he thanked her for all she does. He thanked all of Council and the Mayor and he said he will miss being at the meetings. Mr. Witherspoon stated eighteen years is a good chunk of time to give to the City and he leaves knowing that Council has done some good things for the City. He advised they built a fantastic City in the eighteen years that he has been involved. Mr. Witherspoon thanked

those in the audience who had to sit through this long night of meetings. He wished the Council Elect all the best of luck in their new roles and he wished the existing Council the best of luck as well. Thank you everyone.

MR. FISCHER, AT LARGE, said everything he had written down to say about Craig is what the Mayor said in his proclamation. He advised it is more than what Mr. Witherspoon has done on Council, but it is what he does for the City. Mr. Fischer stated as has been mentioned, Mr. Witherspoon is at every event and the City is so lucky to have him and they have been blessed to have him on Council and the City is more than blessed to have him as a resident, as the President of the Lions Club, attending every event that anyone could think of he was always there and they are definitely going to miss him and his leadership. Mr. Fischer thanked Mr. Witherspoon for everything he has done for the City of Avon.

Mr. Fischer wished everyone a Merry Christmas.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, wished Mr. Witherspoon the very best going forward. He said it has been a pleasure working with him all these years as he has been delightful. Mr. Cummins stated they got through the Elizabeth, Puth and Joseph project and that was something to remember. God bless and he wished him the best.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, said she has been with the City for almost ten years and Craig has left a mark in everything he has done. She advised he is at every event, and she was unbelievably impressed when he dressed as Mr. Incredible for Super Hero day, but that was trumped by the jolly man with the wink. Ms. Fechter stated Mr. Witherspoon has done great things for Avon and to see him at every event was commendable and she hopes to see still him at events. She said thanks to Carolyn Witherspoon who is still serving on the Planning Commission, she will still get to see him at least one Wednesday a month.

Ms. Fechter wished everyone a Merry Christmas.

MR. GASIOR, LAW DIRECTOR, apologized that he made Mr. Witherspoon's last meeting a long one and they have been through some long meetings over the years together. He advised Mr. Witherspoon is a good person and he enjoyed working with him on Council. Mr. Gasior invited Mr. Witherspoon to stop by his office any time as he would love to talk to him, and he said he is going to miss him. He recalled that Mr. Witherspoon went through a health scare right in the middle of serving and he cannot remember Mr. Witherspoon losing a day by missing a meeting in spite of his health issues and he is glad that worked out favorably for Mr. Witherspoon. Mr. Gasior wished Mr. Witherspoon many years in retirement to enjoy himself and his wife and family.

Mr. Gasior wished everyone a Merry Christmas and a Happy New Year, and he would see everyone again when they meet in 2024.

MR. PRESLEY, FINANCE DIRECTOR, advised while it has only been a year, he enjoyed working with Mr. Witherspoon and he wished him all the best.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, advised it has been a pleasure working with Mr. Witherspoon. He said he is always right there when they are out in the community and Avon is a better place because of his service. Thank you.

AUDIENCE

Gerald W. Phillips of 461 Windward Way, Avon Lake said he would like to make a public records request for a copy of the Tucker Ellis letter and if Mr. Gasior has it in front of him tonight, he can make a copy and hand it to him before he leaves. He said if not, then Mr. Gasior can email it to him. Mr. Phillips requested the Clerk provide him a copy of the audio of tonight's meetings. Mr. Phillips stated the fact that Tucker Ellis on behalf of Carnegie and the Khouris wrote the letter when it has nothing to do with their land. He continued by saying the fact that they came here tonight and spoke against it, is just another example of their tortious interference with his client's development contractually in business relationship in connection with tortious interference with the right to petition their government. Mr. Phillips advised he and his client intend to vigorously pursue that and anybody who has associated with it through the City Engineer and the Law Director. Have a good Christmas.

ADJOURN: 9:36 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. 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 Chair declared the motion passed.