

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 11, 2021  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:46 P.M.**

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

**PRESENT**

Council Members: 1<sup>st</sup> Ward – Bob Butkowski; Council-at-Large – Tammy Holtzmeier; 2<sup>nd</sup> Ward – Dennis McBride; 3<sup>rd</sup> Ward – Anthony Moore; 4<sup>th</sup> Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon; Council-at-Large and Council President – Brian Fischer; Mayor - Bryan Jensen; Service Director – Michael Farmer; Law Director – John Gasior; Finance Director - William Logan; Safety Director – Duane Streator; Clerk of Council – Barbara Brooks

**ABSENT**

City Engineer – Ryan Cummins; Planning and Economic Development Coordinator – Pam Fechter

**CORRESPONDENCE**

The Clerk reported that she received a notice from the Ohio Division of Liquor Control for a Transfer of Ownership from Bubba Q’s to Moosehead BBQ Grill located at 820 Center Rd.

There was no request for a hearing and no comments were made.

**ADDITIONS AND DELETIONS TO THE AGENDA**

A motion was made by Mr. McBride and seconded by Mr. Moore to delete item #11 – Ordinance No. 112-20 – “To Amend Sections 1222.02, 1278.03, 1280.05 and 1280.06 of the Codified Ordinances of the City of Avon to Include Storage Condominiums Under Mini Self Storage on the Schedule of Permitted and Special Uses in the M-1 General Industrial and M-2 Light Industrial Districts” from the agenda, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to accept the agenda as amended, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

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

**MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, DECEMBER 28, 2020**

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, December 28, 2020, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, DECEMBER 28, 2020

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 28, 2020, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

MAYORAL REAPPOINTMENT OF MARK LADEGAARD TO THE BOARD OF ZONING AND BUILDING APPEALS

Per Charter Article VII, Section 1(a), this five-year appointment requires the concurrence of two-thirds (5 of 7) of the membership of the legislative authority.

A motion was made by Mr. McBride and seconded by Mr. Moore to concur with the Mayor’s reappointment of Mark Ladegaard to the Board of Zoning and Building Appeals for a five-year term from January 1, 2021 to December 31, 2025, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

MAYORAL REAPPOINTMENT OF LOIS SHINKO TO THE LANDMARKS PRESERVATION COMMISSION

Per Charter Article XIV, Section 1(a), this four-year appointment requires the concurrence of a majority (4 of 7) of the membership of the legislative authority.

A motion was made by Mr. McBride and seconded by Mr. Moore to concur with the Mayor’s reappointment of Lois Shinko to the Landmarks Preservation Commission for a four-year term from January 1, 2021 to December 31, 2024, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 110-20 – TO AMEND AVON CODIFIED ORDINANCE SECTION 1246.05(a)(2)(A), SECTION 1248.04(f) AND THE CITY OF AVON STANDARD CONSTRUCTION DRAWINGS TO INCREASE THE WIDTH OF RESIDENTIAL SIDEWALKS FROM FOUR TO FIVE FEET IN R-1, SINGLE FAMILY AND R-2 TWO-FAMILY RESIDENTIAL DISTRICTS

The Clerk read Ordinance No. 110-20 by title only, entitled:

**AN ORDINANCE TO AMEND AVON CODIFIED ORDINANCE SECTION 1246.05(a)(2)(A), SECTION 1248.04(f) AND THE CITY OF AVON STANDARD CONSTRUCTION DRAWINGS TO INCREASE THE WIDTH OF RESIDENTIAL SIDEWALKS FROM FOUR TO FIVE FEET IN R-1, SINGLE-FAMILY AND R-2 TWO-FAMILY RESIDENTIAL DISTRICTS**

The Chairman declared this to be the third of three readings of Ordinance No. 110-20.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 110-20, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 111-20 – TO AMEND SECTION 1246.04(b) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON AS IT PERTAINS TO THE MAXIMUM LENGTH OF A TEMPORARY DEAD END STREET

The Clerk read Ordinance No. 111-20 by title only, entitled:

**AN ORDINANCE TO AMEND SECTION 1246.04(b) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON AS IT PERTAINS TO THE MAXIMUM LENGTH OF A TEMPORARY DEAD END STREET**

The Chairman declared this to be the third of three readings of Ordinance No. 111-20.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 111-20, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 1-21 – TO EXTEND PORTIONS OF SECTION III OF THE EMERGENCY PAID SICK LEAVE ACT, PART OF THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Clerk read Ordinance No. 1-21 by title only, entitled:

**AN ORDINANCE TO EXTEND PORTIONS OF SECTION III OF THE EMERGENCY PAID SICK LEAVE ACT, PART OF THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT 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. 1-21, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 1-21, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 2-21 – PLACING A MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS IN THE CITY OF AVON

The Clerk read Ordinance No. 2-21 by title only, entitled:

**AN ORDINANCE PLACING A MORATORIUM ON  
THE OPERATION OF ANY SHORT TERM RESIDENTIAL  
REAL ESTATE RENTALS IN 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. 2-21, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 2-21, and the discussion was: Mr. Gasior advised he wanted to make it clear for the record that at the end of the first sentence in Section One, the words “by a non-occupant owner” will be added.

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

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

**AUDIENCE:**

Mr. Brendon Goede of 39454 Miramar Drive advised he contacted a few people on Facebook about internet options available in Avon and he heard that someone spoke at an earlier meeting tonight. He said the rates for internet since he moved to Avon approximately six years ago have more than doubled with arguably less competition and the speeds have not been maintaining what the average is for our area or the region in general. Mr. Goede stated they do not have competition, they have Spectrum and that is it. He said they give them no data caps as well as the speeds they need especially for working from home policies. Mr. Goede advised he reached out a couple of times and within the last two years there has not been any progress from outside companies or internal efforts or for public infrastructure to build it. He said he is trying to figure out what opportunities they have to address that without having Starlink or something like that to come to Avon and give the residents better access to unlimited internet without data caps as well as speeds above 100 megabits per second (Mbps) that is equivalent to U.S. as well as worldwide standards. Mr. Goede clarified he reached out to a company about six months ago in answer to a question from Mayor Jensen.

Mayor Jensen advised the City is not impeding competition whatsoever, it is open to anyone who wants to come to Avon. He said the City has reached out to Wow! to see if they would be willing to come in and what they have said is at some point they may come in, but right now Wow! is focusing on Lorain, Sheffield Lake and North Ridgeville. Mayor Jensen stated there have been rumors out that the City has impeded that, but the City has no restrictions whatsoever. He said the biggest problem for these companies is the infrastructure that has to be installed. Mayor Jensen explained there are really only two providers that can give Avon residents service and that is CenturyLink and Spectrum. He knows there is a lot of frustration with a lot of people and a possible next step would be for the City to install their own infrastructure, which is cost prohibitive at this point unless the City could partner with someone. Mayor Jensen advised if anyone has a contact for the City to pursue, they are more than happy to look into that possibility.

Mr. Goede asked if the City was looking at potential opportunities to reduce the barriers for competition.

Mayor Jensen reiterated there are no barriers from the City. He said the barrier really is getting the infrastructure in place. Mayor Jensen explained other utilities like electric and gas use the same infrastructure to run their product and charge a fee to the different suppliers and there is nothing like that for cable.

Mr. Goede asked if the City has evaluated any opportunities for tax incentives similar to what was given the Bendix facility to attract more competition such as Wow! or AT&T fiber.

Mayor Jensen advised AT&T has some sort of an agreement as they are available in Westlake, but it does not come across the border here to Avon. He said at one point because Bendix was coming in and also the hospital has an agreement that the City looked at trying to bring in another carrier as we had been told there is a line that runs along the railroad tracks. Mayor Jensen stated Bendix has their own carrier with Everstream that was confirmed by Mr. Farmer. He added the hospital uses Spectrum. Mayor Jensen agreed it is a tough thing and said the City has talked about adding their own infrastructure and bringing in their own dark fiber, but it is really expensive as Mr. Logan can confirm. He said to install our own infrastructure is cost prohibitive right now.

Mr. Goede asked if there are any opportunities for a tax levy to help fund the installation of public infrastructure to help spread that competition.

Mayor Jensen advised there is always a way to look at that possibility and it could be something Council could discuss, but it is millions upon millions of dollars so he did not know how a levy of that size would be received by the voters. He indicated a lot of residents have gone to streaming their television versus traditional cable because they do not want to pay the high cost of cable tv. Mayor Jensen said he did not know if residents would be willing to pay a tax for something they may not use but he was willing to discuss the options if Council wanted to look into it further to see what that would cost.

Mr. Goede felt it would be worthwhile to consider. He said in his neighborhood when there were downed power lines Spectrum was of no help and with working from home and his kids at home that was very challenging. Mr. Goede advised when the infrastructure goes down and there are no options he is literally left in the dark.

Mr. McBride advised that the City has over the years reached out to multiple companies to try to get them to come to Avon and there is no real interest. He said the bottom line is the companies do not want to spend the money and until these companies think they can recoup their costs they were not going to come in. Mr. McBride stated his guess was that until 5G rolls out and they install those mini cell towers in the front lawns throughout the City that the service was not going to improve. He speculated that one of the reasons companies do not want to invest the money to install their infrastructure is because 5G is coming and will be so much different.

Mr. Goede advised one of the big challenges with 5G is that latency is usually five times higher than fiber. He said when talking about meeting scheduling that latency really affects businesses. Mr. Goede agreed that might be an opportunity, but streaming and other things are definitely going to be hurt because of the latency unlike a hard line.

Mr. McBride agreed but... He said the deal that the hospital has with Spectrum grants them unrestricted cable access because Spectrum ran a trunk line across the hospital property and there is an agreement with the hospital that they can use whatever they want. Mr. McBride advised the hospital has all the speed they want. He stated he suspects Bendix may have a similar deal with their carrier. Mr. McBride said it would be great if the City could have that for the residents and they all are living the pain right along with Mr. Goede. He advised he gets frustrated with it just like everyone else.

Mr. Butkowski clarified that the City was not limiting Mr. Goede's capability to get beyond 100Mbps because he has 200Mbps. He advised the City is not limiting the residents' ability to get wider broadband even with Spectrum or with CenturyLink as it is out there and available if he wants to pay for that upgraded service.

Mr. Goede advised six years ago when he moved in, he was paying \$19.99 for internet and since then when Spectrum merged with Time Warner Cable his bill went up 25% within the first six months of that merge and every year it goes up higher than the cost of living. He said now it is 2.6 times as high as when he moved in to his house six years ago and gasoline has not gone up that much or the cost of a vehicle or the cost of education has not gone up that much, but they are being price gouged by Spectrum. Mr. Goede stated he understood it was not the City as they were not controlling these companies, but he was asking Council and the City Administration that whatever they could do whether it was a tax levy or something to get more interest and lay that ground work is appreciated.

Mr. Butkowski advised that price concern is an FCC issue. He said they could say whatever they want here tonight, but Spectrum will say that is not their issue as that is an FCC issue.

Mr. Fischer stated he spoke with Wow! years ago before he was on City Council because he thought it would be a good cause to campaign. He said what he heard back from Wow! was that the cost of the infrastructure meant that they would need almost the entire City of Avon to choose Wow! and if that were to happen Spectrum would lower their prices and the percentage of residents that would choose Wow! over Spectrum would be cost prohibitive and Wow! would basically go bankrupt. Mr. Fischer advised this topic has been discussed for years.

Mr. Goede suggested a public forum be held to see if a levy was a viable option. He said even if the levy were to cost him \$50 per month to get a lower cost for internet, he would pay it and he was more than willing to support it. Mr. Goede has more than 50 individuals on a Facebook group he started two weeks ago that are of the same mindset.

Mr. Fischer advised City Council held a Legal Committee Meeting about this topic awhile back. He suggested the Clerk could email Mr. Goede the minutes from that meeting if he left his contact information with her. He stated the other consensus was that things might be going to wireless, and infrastructure may be getting cheaper over the next five to ten years.

ADJOURN: 8:07 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. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes".

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