

**PUBLIC HEARING  
7:25 P.M.**

**The Public Hearing scheduled at 7:25 p.m. on Monday, January 14, 2019  
for Ordinance No. 98-18 has been cancelled.**

**ORDINANCE NO. 98-18 – 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 CERTAIN PARCEL  
OF LAND CONSISTING OF APPROXIMATELY 17.9 ACRES LOCATED AT 36850  
CHESTER ROAD, FURTHER IDENTIFIED AS PERMANENT PARCEL NO.  
10-04-00-009-000-150, FROM M-1 GENERAL INDUSTRIAL DISTRICT TO R-3  
MULTI-FAMILY RESIDENTIAL DISTRICT**

**Chairman Witherspoon announced that City Council at its Regular Meeting held on  
Wednesday, December 26, 2018 voted to postpone indefinitely Ordinance No. 98-18 at the  
request of the applicant. That motion carried and Ordinance No. 98-18 was declared lost;  
therefore there is no public hearing on this matter.**

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 14, 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 led the Pledge of Allegiance.

**PRESENT**

Council Members: 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

**ABSENT**

1<sup>st</sup> Ward – Bob Butkowski

**MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, DECEMBER 17, 2018**

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 17, 2018, 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. Witherspoon, “yes”.

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

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD WEDNESDAY, DECEMBER 26, 2018

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Regular Meeting of Council held Wednesday, December 26, 2018, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 103-18 – TO ACCEPT IMPROVEMENTS IN WEST WICKHAM SUBDIVISION

The Clerk read Ordinance No. 103-18 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN WEST WICKHAM SUBDIVISION AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Ordinance No. 103-18.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 103-18, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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. 1-19 – GRANTING A SPECIAL USE PERMIT TO GANZHORN REAL ESTATE OF AVON, LLC TO DEVELOP A 51,130 SQ. FT. SINGLE-STORY, MEMORY CARE COMMUNITY TO BE LOCATED OFF HEALTH CAMPUS BOULEVARD

The Clerk read Ordinance No. 1-19 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO GANZHORN REAL ESTATE OF AVON, LLC TO DEVELOP A 51,130 SQ. FT. SINGLE-STORY, MEMORY CARE COMMUNITY TO BE LOCATED OFF HEALTH CAMPUS BOULEVARD 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. 1-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “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. Radcliffe to adopt Ordinance No. 1-19, and the discussion was:

Mr. McBride asked for confirmation that a traffic study would be done and a traffic signal installed.

Ms. Fechter advised that Ganzhorn Real Estate would be doing a traffic study with their final development plan.

Mr. McBride asked as to who would bear the cost for that traffic study.

Ms. Fechter advised that Ganzhorn Real Estate would be bearing the cost of the traffic study and once those results are back there will be conversations with them as well as the Jacobs Group.

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

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

ORDINANCE NO. 2-19 – GRANTING A SPECIAL USE PERMIT TO FRENCH CREEK SQUARE, II, LLC TO AUTHORIZE THEIR TENANT, JP MORGAN CHASE BANK, TO CONSTRUCT A 3,470 SQ. FT. BANK WITH A FREESTANDING ATM TO BE LOCATED AT 36200 DETROIT ROAD

The Clerk read Ordinance No. 2-19 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO FRENCH CREEK SQUARE, II, LLC TO AUTHORIZE THEIR TENANT, JP MORGAN CHASE BANK, TO CONSTRUCT A 3,470 SQ. FT. BANK WITH A FREESTANDING ATM TO BE LOCATED AT 36200 DETROIT ROAD AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 2-19, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “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. Fischer to adopt Ordinance No. 2-19, and the discussion was:

Mr. Witherspoon stated it was his understanding this is going back to Planning Commission.

Ms. Fechter confirmed that to be true. She stated they had their first presentation and there are still some outstanding storm water calculations to provide to the engineer and a little clean up still to do and they will be in front of Planning Commission again on Wednesday of this week.

Mr. Witherspoon asked if a problem would be created should Council approve this Special Use Permit.

Mr. Gasior advised if they do not make it through the Planning Commission process this Ordinance would become a moot issue.

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

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

ORDINANCE NO. 3-19 – ADOPTING A NEW CREDIT CARD POLICY FOR THE CITY OF AVON

The Clerk read Ordinance No. 3-19 by title only, entitled:

**AN ORDINANCE ADOPTING A NEW CREDIT CARD POLICY 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. 3-19, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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 Mr. Radcliffe to adopt Ordinance No. 3-19, and the discussion was:

Mr. Logan commented that there is still some question out there whether a Charter City must adopt this policy to comply with House Bill 312. He said the Finance Director in the City of Westlake has reached out to the other Finance Directors in the GFOA (Government Finance Officers Association) in Ohio to see what they are doing regarding this issue. Mr. Logan recommended Avon Council adopt this policy and they will follow and adhere to it, but it may not be a requirement for the State Auditor’s Office.

And the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “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. 4-19 – AMENDING §256.04 AND §256.98 OF THE CODIFIED ORDINANCES OF THE CITY TO CREATE THE FULL-TIME AND UNCLASSIFIED POSITION OF GROUNDS MANAGER AND TO ADOPT THE CLASSIFICATION SPECIFICATION FOR SAME

The Clerk read Ordinance No. 4-19 by title only, entitled:

**AN ORDINANCE AMENDING §256.04 AND §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO CREATE THE FULL-TIME AND UNCLASSIFIED POSITION OF GROUNDS MANAGER AND TO ADOPT THE CLASSIFICATION SPECIFICATION FOR SAME 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. 4-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “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. 4-19, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 5-19 – TO ESTABLISH COMPENSATION FOR THE FULL-TIME, UNCLASSIFIED POSITION OF GROUNDS MANAGER FOR THE CITY

The Clerk read Ordinance No. 5-19 by title only, entitled:

**AN ORDINANCE TO ESTABLISH COMPENSATION FOR THE FULL-TIME, UNCLASSIFIED POSITION OF GROUNDS MANAGER 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. 5-19, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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 Mr. Moore to adopt Ordinance No. 5-19, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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. 6-19 – AUTHORIZING THE MAYOR TO ENTER INTO A LEASE WITH MARY ANN BROWN FOR APPROXIMATELY 1.5716 ACRES OF CITY PROPERTY LOCATED AT 36675 DETROIT ROAD (a.k.a. THE JAMESON HOUSE)

The Clerk read Ordinance No. 6-19 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE WITH MARY ANN BROWN FOR APPROXIMATELY 1.5716 ACRES OF CITY PROPERTY LOCATED AT 36675 DETROIT ROAD (a.k.a. THE JAMESON HOUSE) 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. 6-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “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. Moore to adopt Ordinance No. 6-19, and the discussion was:

Mr. Gasior advised changes to the lease were made as discussed last week. He stated the lessee has insurance on the items inside the house which is a \$300,000 - \$600,000 policy and he felt that was adequate for the contents. Mr. Gasior mentioned the City has insurance on the building itself.

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

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

#### REAPPOINTMENT OF KURT SCHATSCHNEIDER TO THE BOARD OF ZONING APPEALS FOR ANOTHER 5 YEAR TERM COMMENCING JANUARY 1, 2019

Mayor Jensen has announced the reappointment of Kurt Schatschneider to serve an additional 5 year term commencing January 1, 2019.

A motion was made by Mr. McBride and seconded by Mr. Fischer to concur with the Mayoral reappointment of Kurt Schatschneider to the Board of Zoning Appeals for the term beginning January 1, 2019 to December 31, 2023 pursuant to Article VII, Section 1(a) of the Charter, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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 after this recent snowstorm he was pleased to see Avon’s roads were clear when he went out and that was not the case everywhere else. He said it was nice to see that our crews had been out and cleared the roads relatively quickly after the storm. Mayor Jensen stated they did a great job and we have plenty of salt now and hopefully we will not be running into any issues with supply this season.

#### COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, was absent

Mr. Fischer, At Large, had no comments.

Mrs. Holtzmeier, At Large, advised she noticed that the Avon Local School System is having a Vape Prevention Program. She said the school system is recognizing that vaping or the use of e-cigarettes, especially among middle and high schoolers is a problem and is becoming a community health issue. Mrs. Holtzmeier felt it is an opportune time to recognize this and to have a seminar to help parents understand it and address it and become aware of the health effects that it can have. Also, for them, as City leaders, it is an opportune time to look at it from a community perspective as to what the use of e-cigarettes and vaping has to do with our young people and our community as a whole. She said in researching our Ordinances and how other municipalities are addressing this issue and the State as well, it seems that we may be right for a conversation. Mrs. Holtzmeier stated she would like to look to the other two members of the Safety Committee, Mr. Radcliffe and Mr. Moore and if they agree have a committee meeting sometime in the upcoming weeks to address this topic. She felt at the very least they could update and make more current some of the language in our Ordinances to specifically address the use of e-cigarettes and vaping versus just using the term smoking. Mrs. Holtzmeier advised there

seems to be some legal gaps with that terminology. She said the rest of Council should know that other things they may consider talking about are that some neighboring cities, such as Avon Lake, have considered a smoking ban as well as the use of vaping or e-cigarettes on their city properties including parks. She advised other cities, like North Olmsted, have recently gone further and enacted legislation to ban vaping for all minors and have looked to help their school system to say that if minors are caught with that paraphernalia on their person that they may be fined or be required to attend education programs. Mrs. Holtzmeier felt the topic at least merits a conversation to see how they should address this issue or how do they piggyback with what the school system is doing to educate the middle and high school population.

Mr. Witherspoon asked if she would like to include the Legal Committee as part of that discussion and have a joint committee meeting.

Mrs. Holtzmeier felt that was fair. She noted the schools were holding their prevention program on January 31<sup>st</sup>.

Mr. Witherspoon felt that would be appropriate since they might be considering changing some language in our Code.

After a brief discussion, it was determined that the joint Safety/Legal Committee meeting would be held on Monday, January 28, 2019 at 6:30 p.m. in the Caucus Room. The Clerk advised she would send out the meeting notices.

Mr. McBride, Ward 2, stated he noted the signs are springing up in the public right of way again. He said it would be nice to have the City collect those signs and he felt it would be appropriate for a couple weekends a month to have a couple employees go out and collect the signs. Mr. McBride advised he could care less about home builders in other cities and putting signs in our public right of way is their cheap way of advertising and he felt that is not right to do.

Mr. Moore, Ward 3, advised with regards to Mrs. Holtzmeier's comments he liked the idea of banning that kind of activity in our parks. He said in taking his son to the skate park he saw lots of kids doing that and he got questions from his ten-year old and he would fully support banning that use in our parks.

Mr. Radcliffe, Ward 4, had no comments.

Mr. Witherspoon, Council President, reported that next week the Work Session of Council will be held on Tuesday, January 22<sup>nd</sup>. There is no meeting on Monday due to Martin Luther King, Jr. Day.

#### DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, reported that earlier this month Chagrin Valley Engineering opened a satellite office here in the City of Avon on Detroit Road. He extended an invitation to City Council to stop by at any time. Mr. Cummins advised the office is located at 36839 Detroit Road and is part of the First Federal of Lakewood building.

Mr. Farmer, Service Director, had no comments.

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

Mr. Gasior, Law Director, advised regarding the lease for the Jameson House which he passed out to Council, he noticed it does not have that overhead map of the property, but the Clerk of Council's original has that map included, which is Exhibit A to the Lease.

Mr. Logan, Finance Director, advised we sold our first series of notes last Wednesday, the General Obligation Notes. He said we rolled the notes over at a net interest cost of approximately 2.1%, with the one-year Treasury's at approximately 2.5%, which is a nice deal. Mr. Logan explained that a year ago when we did these notes they were at 1.70% and that should give you an indication of where rates are headed. He stated \$3.9 million is what they sold and Fidelity, the large investment firm was awarded \$2.5 million of the notes and the Bank of Montreal and an investment firm called Cavanaugh Hill each took \$700,000 of the notes. Mr. Logan advised they will sell the Water Notes this coming Wednesday and he would update Council at the next meeting.

**AUDIENCE:**

There were no comments from the audience.

**ADJOURN:** 7:53 p.m.

A motion was made by Mr. McBride and seconded by Mr. Fischer to adjourn the Regular Meeting of Council, and the vote was: Mrs. Holtzmeier, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. McBride, "yes"; Mr. Fischer, "yes"; Mr. Witherspoon, "yes".

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