

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 24, 2022  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

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

PRESENT:

Council Members: 1<sup>st</sup> Ward – Jennifer Demaline; 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; City Engineer – Ryan Cummins; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director - William Logan; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

ADDITIONS & DELETIONS

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to amend the agenda to add item#16a for an Executive Session for the Purpose of Discussing the Purchase of Real Estate and the Threat of Imminent Litigation and to add item #16b to Reconvene the Regular Meeting of Council, and the vote was: Mrs. Demaline, “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”; Mrs. Demaline, “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, JANUARY 3, 2022

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, January 3, 2022, 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”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

MINUTES OF THE MEETING OF THE FINANCE COMMITTEE OF COUNCIL HELD MONDAY, JANUARY 10, 2022

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, January 10, 2022, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JANUARY 10, 2022

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 Monday, January 10, 2022, and to approve said minutes as published, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD TUESDAY, JANUARY 18, 2022

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Special Meeting of Council held Tuesday, January 18, 2022, and to approve said minutes as published, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “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. 3-22 – 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 THE 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGLE ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY

The Clerk read Ordinance No. 3-22 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 THE 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGLE ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY**

The Chairman declared this to be the second of three readings of Ordinance No. 3-22.

A Public Hearing will be held on Monday, February 14, 2022, at 7:25 p.m.

ORDINANCE NO. 7-22 – TO ACTIVATE THE ORION CELLULAR ENDPOINT TECHNOLOGY ASSURANCE PLAN AND AMEND THE BADGER METER BEACON AMA MASTER AGREEMENT FOR THE PROVISION OF CELLULAR BASED AUTOMATED WATER METER READING SYSTEM

The Clerk read Ordinance No. 7-22 by title only, entitled:

**AN ORDINANCE TO ACTIVATE THE ORION CELLULAR ENDPOINT TECHNOLOGY ASSURANCE PLAN AND AMEND THE BADGER METER BEACON AMA MASTER AGREEMENT FOR THE PROVISION OF A CELLULAR BASED AUTOMATED WATER METER READING SYSTEM 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. 7-22, and the vote was: Mrs. Demaline, “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 adopt Ordinance No. 7-22, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 8-22 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF UTILITIES BILLING CLERK 1

The Clerk read Ordinance No. 8-22 by title only, entitled:

**AN ORDINANCE AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF UTILITIES BILLING CLERK 1 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. 8-22, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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. Moore to adopt Ordinance No. 8-22, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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. 9-22 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF WATER/SEWER LINE MAINTENANCE WORKER

The Clerk read Ordinance No. 9-22 by title only, entitled:

**AN ORDINANCE AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF WATER/SEWER LINE MAINTENANCE WORKER 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. 9-22, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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. Radcliffe to adopt Ordinance No. 9-22, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “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. 10-22 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF UTILITIES CREW LEADER

The Clerk read Ordinance No. 10-22 by title only, entitled:

**AN ORDINANCE AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF UTILITIES CREW LEADER 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. 10-22, and the vote was: Mrs. Demaline, “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 adopt Ordinance No. 10-22, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 11-22 – DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO LIGHTING LUMINAIRE REPLACEMENTS AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF INTERSTATE 90 BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT)

The Clerk read Ordinance No. 11-22 by title only, entitled:

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO LIGHTING LUMINAIRE REPLACEMENTS AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF INTERSTATE 90 BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) 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. 11-22, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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. 11-22, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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.

RESOLUTION NO. R-1-22 – SUBMITTING TO THE ELECTORS OF THE CITY, PURSUANT TO ARTICLE IV, SECTION 17 OF THE AVON CITY CHARTER AND CHAPTER 718 OF THE OHIO REVISED CODE, THE QUESTION OF AMENDING SECTIONS 881.01, 881.03, AND 881.04 OF THE CODIFIED ORDINANCES OF THE CITY TO INCREASE THE CITY’S MUNICIPAL INCOME TAX RATE FROM 1.75% TO 1.90% FOR A PERIOD OF TEN (10) YEARS FOR THE PURPOSES OF PROVIDING FUNDS FOR THE ACQUISITION OF PARKLAND IN THE CITY AND RELATED ACQUISITION COSTS, AND TO AMEND SECTION 881.06 OF THE CODIFIED ORDINANCES OF THE CITY TO INCREASE THE CREDIT FOR MUNICIPAL INCOME TAXES PAID BY RESIDENTS OF THE CITY TO ANOTHER MUNICIPALITY FROM 1.50% TO 1.60% FOR A PERIOD OF TEN (10) YEARS

The Clerk read Resolution No. R-1-22 by title only, entitled:

**A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY, PURSUANT TO ARTICLE IV, SECTION 17 OF THE AVON CITY CHARTER AND CHAPTER 718 OF THE OHIO REVISED CODE, THE QUESTION OF AMENDING SECTIONS 881.01, 881.03, AND 881.04 OF THE CODIFIED ORDINANCES OF THE CITY TO INCREASE THE CITY’S MUNICIPAL INCOME TAX RATE FROM 1.75% TO 1.90% FOR A PERIOD OF TEN (10) YEARS FOR THE PURPOSES OF PROVIDING FUNDS FOR THE ACQUISITION OF PARKLAND IN THE CITY AND RELATED ACQUISITION COSTS, AND TO AMEND SECTION 881.06 OF THE CODIFIED ORDINANCES OF THE CITY TO INCREASE THE CREDIT FOR MUNICIPAL INCOME TAXES PAID BY RESIDENTS OF THE CITY TO ANOTHER MUNICIPALITY FROM 1.50% TO 1.60% FOR A PERIOD OF TEN (10) YEARS AND DECLARING AN EMERGENCY**

The Chairman declared this to be the second of three readings of Resolution No. R-1-22.

Mr. Gasior advised he wanted to let Council know that Mr. Logan, Mr. Beachler and he looked at the legislation again and he wanted to make a couple of clarifications before they vote tonight. He said in Section 1, subsection (a) on page 2; it used to read, “to provide for an increase...acting alone or in cooperation...to acquire *parkland* within the City...”. Mr. Gasior stated they should have changed that to “*residentially zoned land* within the City”. He advised in this day and age he did not want to have someone literally say that the City could only buy parkland as the purpose is for the City to buy land to be developed into parkland, so he wanted to clear that up in the language. Mr. Gasior said the legislation now says, “residentially zoned land within the City,...undeveloped, partially developed, or fully developed...within the City for the purpose of developing public parks,...” which is slightly different from the way it was worded previously. He stated the intent is for the City to use this money to buy land to develop as parkland or some other public park. Mr. Gasior noted that change was made in 3 places; in Section 1, Section 3 and in Section 4 where there is the sample ballot language. He advised for instance in Section 4 where it says, “...acting alone or in cooperation with others, residentially zoned land and other property rights related to such land for the purpose of developing public parks, together with any financing and acquisition costs,...”. Mr. Gasior felt that the new language is much clearer and that is the amendment he would ask Council to make.

Mr. Fischer asked Mr. Gasior to expand on the ballot language and that the Ohio Secretary of State may change it.

Mr. Gasior advised that in Subsection (a) in Section 1, which he just went over with Council, they shortened the ballot language which appears in Section 4. He said the ballot language gets the essence of it because it says that “the Ordinance will provide an increase in the tax rate...for the purpose of providing funds to pay the cost of acquiring by the City...residentially zoned land...for the purpose of developing public parks...should it be passed”. Mr. Gasior stated the Board of Elections, who acts as the agent of the Secretary of State takes a look at ballot language and they have the right to shrink it down and reword things as long as they do not change the essence of the language itself. He advised the next paragraph in Section 4 after the ballot language says, “The Mayor and the Director of Law, with the advice of the City’s outside legal counsel, are each authorized to...summarize the language” to basically satisfy “the Lorain County Board of Elections, the Ohio Secretary of State or others”. Mr. Gasior stated it happens from time to time, but they do a very good job if the City insists that they must have certain language in there to make it absolutely clear what they are trying to do. He said the other thing Council needs to understand is that a full copy of this legislation will be at the precincts where Avon electors will vote in case someone would like to read it. Mr. Gasior advised a voter could approach a poll worker and ask to see the legislation and it might even be posted on a bulletin board. He stated the main thing he was concerned about was that the language was clear that the City intends to buy land for park use.

Mr. Fischer advised the old language was still in the title.

Mr. Gasior advised if they want it changed in the title, he could change it in the title. He explained the titles are never the legislation itself, but simply a title. Mr. Gasior said the legislation itself begins with the “Now, Therefore, Be It Resolved...” and then “Section 1” and so forth. He stated someone could not look at a title and argue the law by what language is in the title. Mr. Gasior advised the law is what follows the “Now, Therefore, Be It Resolved...”, but since the legislation is being amended, they can change the language in the title to match what is in the body of the legislation. He said the title can read, “...for a period of ten years for the purposes of providing funds for the acquisition of residentially zoned land in the City and related acquisition costs...”.

Mr. Fischer advised he would be more comfortable with that because they discussed the wording and not wanting to confuse the voters.

Mr. Gasior advised if they are going to change the title for the Resolution then they should probably do the same for the sample Ordinance that is Exhibit A. He said he would provide the corrected copies to the Clerk tomorrow morning.

Mrs. Demaline asked if they should also add the language, “for the purpose of developing public parks”.

Mr. Gasior advised he can change the title to be in conformity with what was done Section 1, Section 3 and Section 4. He said the body of the Resolution fills out the rest to further explain the intent.

Mr. Logan advised to be clear, the Ordinance that is the Exhibit A, will follow after the election should the voters approve the ballot issue. He indicated the Ordinance is a moot point if the voters do not approve the ballot issue.

Mr. Gasior confirmed that to be true. He said the Ordinance is there to amend the Code if the ballot issue is approved that gives the City the authority to pass the Ordinances to change the income tax.

A motion was made by Mr. McBride and seconded by Mr. Moore to amend Resolution No. R-1-22 per the described changes mentioned above, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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 suspend the rules and act on Resolution No. R-1-22 as amended, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-1-22 as amended, and the vote was: Mrs. Demaline, “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.

## REPORTS AND COMMENTS

MAYOR JENSEN advised the discussion on Resolution No. R-1-22 has made it abundantly clear that they need to get the message out and properly conveyed so people understand what it is all about. He said that will be a challenge, but he believes this is what the residents want, and they will find out for sure if that is how they vote come May.

Mayor Jensen conveyed his appreciation for the snowplow drivers who have been out there working since Sunday evening and some even working on Saturday afternoon. He said the Police and Fire are often shown appreciation for all the time they give up when everyone else is home with their families and he wanted to show the same for our plow truck drivers.

Mayor Jensen advised Council may have received an email from some people trying to purchase homes in Mass Estates. He said he wanted to let Council know that the City has done all that they are supposed to do and it is at the County right now and being worked on, but the City has not held anything up to cause any delays. Mayor Jensen stated if there is an issue it is with the developer and the County.

Mayor Jensen advised Mr. Logan and himself have been talking about American Rescue Plan Act (ARPA) funds that the City will be receiving. He said they received some clarity from the Federal Government regarding how those funds can be used. Mayor Jensen stated over the next couple of weeks they would be bringing to Council some of the ideas the Administration has for those funds and Council can provide their input. He advised those funds are being held in a special fund account and another payment will be received from the Federal Government around May or June.

Mayor Jensen reported that the City’s credit rating went up to AA1 and a lot of the credit for that goes to Mr. Logan and his staff in the Finance Department, but also some credit belongs to City Council and the other employees within the City who have worked so hard during Covid and some other challenging things that took place. He advised the City is better than we were before, and the City is in a better position financially than we were before. Mayor Jensen said sometimes it may look easy from an outside

standpoint for the City to get to this point, but it was not as a lot of work went into it and Council deserves some of the credit for that because we have all worked really hard to bring that rating back up to AA1 and it was good to see.

#### COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, congratulated Mr. Logan and the Finance Team and the Administration on the credit rating as that is very good.

MRS. HOLTZMEIER, AT LARGE, advised speaking of the ARPA funds she asked if the Administration would be ready to make that presentation in a Finance Committee meeting.

Mayor Jensen agreed it would probably be best discussed in a Finance Committee meeting first. He advised there is an upcoming Finance/Legal Committee meeting that is important to talk about fiber network options for the City of Avon. Mayor Jensen said he would like to hold off scheduling another Finance Committee meeting until that one is complete and then they will look at the schedule and determine a date.

Mrs. Holtzmeier congratulated the Finance Department as that AA1 credit rating is representative and it makes her glad that the City went back to Moody's and asked for that as it is going to save a lot of money in future refinancing. She advised this puts the City back in an enviable position within the regional communities and is another jewel in the City's crown to be proud of; well done.

MR. MCBRIDE, WARD 2, congratulated the Finance Department and all the City Departments, the Administration, Mayor and Council for not squandering money. He said the new rating is a good thing and will save the City money in the future.

Mr. McBride advised perhaps he is mistaken, but it seems to him that the signal in front of the Fire Station was an active signal, and it is again only a flashing light. He said people pulling out of those businesses across the street from the Fire Station are having difficulty. Mr. McBride stated unless there is some prohibition against it, he felt they should activate that signal to be timed with the shopping center to the east and Healthway Blvd. so that it creates a break. He advised many times driving by that area people are sitting there trying to turn left and if traffic does not stop there is no break for them. Mr. McBride said he was not sure if it is permissible, but the Fire Station has the signal preemption if they have an emergency and need to get out.

Mayor Jensen advised he is not sure they have that signal set up to do that as far as the traffic that is coming out of Taco Bell is concerned and he is not sure that is legal to do.

Mr. Streator advised he can look into it, but the signal head only has a yellow and a red; there is no green light on Detroit Road across from the Fire Station.

Mr. McBride advised he thought the developer was required to install an additional master light, but he could be mistaken.

Mr. Streator advised he would look into it as they were reviewing that whole area anyway and take that into consideration.

Mr. McBride advised he heard a rumor that EMH has an RFP out to contract for the dredging of the swamp.

Mr. Cummins advised that is his understanding that EMH is finalizing a contract and that they are planning to get started before mid-February.

Mr. McBride advised that is excellent news.

MR. MOORE, WARD 3, congratulated the Finance Department on the credit rating as that is really exciting.



MR. RADCLIFFE, WARD 4, advised he thinks it is wonderful that the Finance Department has set a new goal of AAA rating for everyone to work toward. He felt that is a great goal to have and he asked them to keep up the wonderful work.

Mr. Logan advised the neighbors to the east have the AAA rating.

Mr. Radcliffe said he hoped Avon would too.

MR. WITHERSPOON, AT LARGE, had no comments.

MR. FISCHER, AT LARGE, advised he would like to echo the Mayor's sentiment about messaging now that the Resolution has been passed for placement of the income tax issue on the May ballot. He felt they need to make sure that it is clear and that voters understand what the reason behind it is and the time is limited.

Mr. Fischer advised the plow drivers did an awesome job and they worked countless hours.

Mr. Fischer reminded Council that there is no meeting next week because January 31, 2022 is a fifth Monday.

Mr. Fischer congratulated the Finance Department on the Moody's credit rating as that was fantastic and he thanked them for all the work they do.

Mr. Fischer advised he loves the Avon Eagles, and he gave a special shoutout to Abby Liber, who is an Avon High School Senior. He advised Ms. Liber scored her 1,000 points milestone for basketball and she is about to break the record for all time scoring leader for Avon High School at tonight's game. Mr. Fischer wished Abby good luck and congratulated her on her High School sports achievement.

#### DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no further comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, had no comments.

MR. GASIOR, LAW DIRECTOR, had no further comments.

MR. LOGAN, FINANCE DIRECTOR, thanked everyone for the congratulations on the credit upgrade result. He advised it is a process with Department Heads and City Council paying attention to the budgets and Moody's was very interested in the income tax ballot issue and he asked a lot of the right questions about it. Mr. Logan stated the second big piece is the consolidation of the debt that they are doing. He said they are looking to issue bonds around February 8, eliminating the notes that are outstanding. Mr. Logan stated they will be paying down the City's outstanding debt by a little over \$4 million. He advised along those same lines, they have had 15 property owners from Elizabeth Avenue, Puth Drive and Joseph Street pay their special assessment upfront. Mr. Logan said today was the last day of that prepayment period for those property owners, but if someone were to come in between now and the time that the bonds are ready to be issued to pay their assessment, the City will accept it.

Mr. Logan advised regarding the ARPA funds, the Federal Treasury on January 6<sup>th</sup> put out their Final Rule and a city may use up to \$10 million of its ARPA funds as revenue replacement with no specific guidelines. In other words, revenue replacement for what is referred to as General Government Services. He advised that is where Mayor Jensen and himself have discussed these funds and they can now be used for roadway projects or a number of different things. Mr. Logan stated the City of Avon's total ARPA funding will be approximately \$2.5 million and they have half of it now and the other half will be received probably in May or June.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, had no further comments.

**AUDIENCE:**

There were no comments from the audience.

**EXECUTIVE SESSION 8:06 P.M.**

A motion was made by Mr. McBride and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Purchase of Real Estate and the Threat of Imminent Litigation, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

**RECONVENE 9:02 P.M.**

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

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

Mr. Fischer noted that Abby Liber did in fact break the school record for the most points scored.

**ADJOURN: 9:03 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”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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