

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 22, 2021
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:49 P.M.**

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

PRESENT:

Council Members: 1st Ward – Bob Butkowski; Council-at-Large – Tammy Holtzmeier; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; Council-at-Large – Craig Witherspoon; Council-at-Large and Council President – Brian Fischer; 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; Safety Director – Duane Streater; Clerk of Council – Barbara Brooks

ABSENT: 4th Ward – Scott Radcliffe

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, FEBRUARY 8, 2021

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, February 8, 2021, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, FEBRUARY 8, 2021

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, February 8, 2021, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

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

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

A motion was made by Mr. McBride and seconded by Mr. Moore to remove Ordinance No. 112-20 from the Table, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “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 Table Indefinitely Ordinance No. 112-20, and the vote was: Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

Council President Fischer advised in connection with Ordinance No. 112-20 and in light of the discussion at the meeting of the Legal Committee of Council held earlier tonight and Council’s vote to table indefinitely, he is referring the whole matter back to the Planning Commission to review the M-1 and M-2 districts and start the approval process over.

ORDINANCE NO. 4-21 – TO AWARD THE BID FOR THE FRENCH CREEK ROAD PAVEMENT RESURFACING PROJECT, PHASE 2

The Clerk read Ordinance No. 4-21 by title only, entitled:

AN ORDINANCE TO AWARD THE BID FOR THE FRENCH CREEK ROAD PAVEMENT RESURFACING PROJECT, PHASE 2 AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 4-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 4-21, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “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. 4-21, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 5-21 – TO AUTHORIZE THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE LORAIN COUNTY COMMISSIONERS AND THE CITY OF AVON TO PARTICIPATE IN THE LORAIN COUNTY WENS EMERGENCY NOTIFICATIONS SYSTEM

The Clerk read Ordinance No. 5-21 by title only, entitled:

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE LORAIN COUNTY COMMISSIONERS AND THE CITY OF AVON TO PARTICIPATE IN THE LORAIN COUNTY WENS EMERGENCY NOTIFICATIONS SYSTEM AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 5-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 5-21, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “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. 5-21, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 6-21 – TO AWARD THE BID FOR THE MOON ROAD PAVEMENT RESURFACING PROJECT

The Clerk read Ordinance No. 6-21 by title only, entitled:

AN ORDINANCE TO AWARD THE BID FOR THE MOON ROAD PAVEMENT RESURFACING PROJECT 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. 6-21, and the vote was: Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “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. 6-21, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 7-21 – REAPPROPRIATIONS

The Clerk read Ordinance No. 7-21 by title only, entitled:

AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 108-20 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. 7-21, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “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. 7-21, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 8-21 – ACCEPTING THE DEDICATION OF A 60’ PUBLIC RIGHT OF WAY EASEMENT, TO WIT: THE EASTERN EXTENSION OF PEAR STREET

The Clerk read Ordinance No. 8-21 by title only, entitled:

AN ORDINANCE ACCEPTING THE DEDICATION OF A 60' PUBLIC RIGHT OF WAY EASEMENT, TO WIT: THE EASTERN EXTENSION OF PEAR STREET 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. 8-21, and the vote was: Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. Fischer, "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. 8-21, and the vote was: Mr. Moore, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Fischer, "yes".

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

ORDINANCE NO. 9-21 – TO ACCEPT A LAND DONATION FROM NWQ JAYCOX/I-90, LLC

The Clerk read Ordinance No. 9-21 by title only, entitled:

AN ORDINANCE TO ACCEPT A LAND DONATION FROM NWQ JAYCOX/I-90, LLC AND DECLARING AN EMERGENCY

The Chairman declared this to be the first of three readings of Ordinance No. 9-21.

ORDINANCE NO. 10-21 – TO AMEND CHAPTER 1464 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE FLOOD DAMAGE PREVENTION PROVISIONS

The Clerk read Ordinance No. 10-21 by title only, entitled:

AN ORDINANCE TO AMEND CHAPTER 1464 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE FLOOD DAMAGE PREVENTION PROVISIONS 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. 10-21, and the vote was: Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Fischer, "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. 10-21, and the vote was: Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Witherspoon, "yes"; Mr. Fischer, "yes".

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

RESOLUTION NO. R-2-21 – IN SUPPORT OF SUBMISSION OF A SAFE ROUTES TO SCHOOL IMPLEMENTATION GRANT APPLICATION FOR THE NAGEL ROAD PEDESTRIAN IMPROVEMENT PROJECT

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

A RESOLUTION IN SUPPORT OF SUBMISSION OF A SAFE ROUTES TO SCHOOL IMPLEMENTATION GRANT APPLICATION FOR THE NAGEL ROAD PEDESTRIAN IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY

The Chair declared this to be the second of three readings of Resolution No. R-2-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-2-21, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “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 Resolution No. R-2-21, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-3-21 – TO ADVERTISE FOR BIDS FOR THE 2021 PAVEMENT MARKING PROGRAM

The Clerk read Resolution No. R-3-21 by title only, entitled:

A RESOLUTION TO ADVERTISE FOR BIDS FOR THE 2021 PAVEMENT MARKING PROGRAM AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-3-21, and the vote was: Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “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 Resolution No. R-3-21, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

EXECUTIVE SESSION: 8:06 P.M.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to enter into Executive Session for the purpose of discussing the purchase or sale of real estate, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

RECONVENE: 9:23 P.M.

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

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

MOTION TO REMOVE ORDINANCE NO. 11-21- TO AUTHORIZE THE SALE OF MUNICIPAL PROPERTY - FROM THE AGENDA

A motion was made by Mr. McBride and seconded by Mr. Butkowski to remove Ordinance No. 11-21 – To Authorize the Sale of Municipal Property - from the agenda, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

ADJOURN: 9:24 P.M.

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

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