

**PUBLIC HEARING
MONDAY, FEBRUARY 28, 2022**

7:25 P.M. – Council President Fischer opened the Public Hearing for Resolution No. R-5-22.

RESOLUTION NO. R-5-22 – A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY PICK’S, LLC TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 35669 DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-015-110-022 DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 10.71 ACRES AND DECLARING AN EMERGENCY

There being no comments, the Public Hearing for Resolution No. R-5-22 was closed at 7:26 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 28, 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: 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; 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

ABSENT:

Council-at-Large – Tammy Holtzmeier and City Engineer – Ryan Cummins

CORRESPONDENCE

The Clerk advised that she received a request from the Ohio Division of Liquor Control for a New D51 and D6 liquor license for Brinker Restaurant Corp. dba Chili’s Grill & Bar located at 35585 Chester Road, Avon.

There were no concerns or requests for a hearing made.

Mr. Fischer asked Ms. Fechter if she knew when Chili’s would be breaking ground.

Ms. Fechter stated Chili’s has been waiting on their liquor license and they are buying time hoping material prices go down. She said she would expect they would break ground at the beginning of Spring because the Jacobs Group has begun some site work.

**MINUTES OF THE MEETING OF THE FINANCE AND LEGAL COMMITTEES OF COUNCIL
HELD MONDAY, FEBRUARY 7, 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 and Legal Committees of Council held Monday, February 7,

2022, 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 Chairman declared the motion passed.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, FEBRUARY 7, 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, February 7, 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”; 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 14, 2022

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, February 14, 2022, 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 Chairman declared the motion passed.

ORDINANCE NO. 14-22 – TO ADD SECTION 1222.02(b)(44a) AND TO AMEND SECTION 1270.03(b)(3) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON, TO PERMIT DRIVE-THRU BANKING IN THE C-4 GENERAL BUSINESS DISTRICT WHEN NOT ASSOCIATED WITH A PRINCIPAL USE ON THE PROPERTY

The Clerk read Ordinance No. 14-22 by title only, entitled:

AN ORDINANCE TO ADD SECTION 1222.02(b)(44a) AND TO AMEND SECTION 1270.03(b)(3) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON, TO PERMIT DRIVE-THRU BANKING IN THE C-4 GENERAL BUSINESS DISTRICT WHEN NOT ASSOCIATED WITH A PRINCIPAL USE ON THE PROPERTY

The Chairman declared this to be the second of three readings of Ordinance No. 14-22.

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

ORDINANCE NO. 22-22 – AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY, SECTION 5 (CLASSIFICATION AND COMPENSATION) BY INSERTING SUBSECTION 5.18 WHICH ADOPTS A NOTARY REIMBURSEMENT POLICY

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

AN ORDINANCE AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY OF AVON, SECTION 5 (CLASSIFICATION AND COMPENSATION) BY INSERTING SUBSECTION 5.18 WHICH ADOPTS A NOTARY REIMBURSEMENT POLICY 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. 22-22, 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 Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 22-22, 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 Chairman declared the motion passed.

ORDINANCE NO. 23-22 – AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY BY ADDING SECTION 6.12, (PAID TIME OFF - PART-TIME EMPLOYEES)

The Clerk read Ordinance No. 23-22 by title only, entitled:

**AN ORDINANCE AMENDING THE PERSONNEL POLICY
MANUAL FOR THE CITY OF AVON BY ADDING SECTION 6.12,
(PAID TIME OFF – PART-TIME EMPLOYEES)
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. 23-22, 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 Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mrs. Demaline to adopt Ordinance No. 23-22, 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 Chairman declared the motion passed.

ORDINANCE NO. 24-22 – AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY, SECTION 6.1, (HOLIDAYS)

The Clerk read Ordinance No. 24-22 by title only, entitled:

**AN ORDINANCE AMENDING THE PERSONNEL POLICY
MANUAL FOR THE CITY OF AVON, SECTION 6.1, (HOLIDAYS)
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Radcliffe and seconded by Mrs. Demaline to suspend the rules and act on Ordinance No. 24-22, 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 Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mrs. Demaline to adopt Ordinance No. 24-22, 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 Chairman declared the motion passed

ORDINANCE NO. 25-22 – AMENDING SECTION 222.01 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING PLACES TO POST ENACTED LEGISLATION

The Clerk read Ordinance No. 25-22 by title only, entitled:

AN ORDINANCE AMENDING SECTION 222.01 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING PLACES TO POST ENACTED LEGISLATION 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. 25-22, 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 Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 25-22, 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 Chairman declared the motion passed

ORDINANCE NO. 26-22 – APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH

The Clerk read Ordinance No. 26-22 by title only, entitled:

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH 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. 26-22, 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 Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 26-22, 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 Chairman declared the motion passed.

ORDINANCE NO. 27-22 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHIO EDISON COMPANY, (OE), AND THE CLEVELAND ILLUMINATING COMPANY,

(CEI), TO PROVIDE LIGHT-EMITTING DIODE (“LED”) STREET LIGHTING SERVICE TO THE COMPANY OWNED STREET LIGHTING FACILITIES LOCATED IN THE CITY OF AVON

The Clerk read Ordinance No. 27-22 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHIO EDISON COMPANY, (OE), AND THE CLEVELAND ILLUMINATING COMPANY, (CEI), TO PROVIDE LIGHT-EMITTING DIODE (“LED”) STREET LIGHTING SERVICE TO THE COMPANY OWNED STREET LIGHTING FACILITIES LOCATED 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. 27-22, 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 Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 27-22, 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 Chairman declared the motion passed

RESOLUTION NO. R-5-22 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY PICK’S, LLC TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 35669 DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-015-110-022, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 10.71 ACRES

The Clerk read Resolution No. R-5-22 by title only, entitled:

A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY PICK’S, LLC TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 35669 DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-015-110-022, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 10.71ACRES 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-5-22, 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 Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-5-22, 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 Chairman declared the motion passed.

RESOLUTION NO. R-6-22 – TO APPOINT A REPRESENTATIVE FOR THE CITY OF AVON TO THE LORAIN COUNTY BOARD OF HEALTH

The Clerk read Resolution No. R-6-22 by title only, entitled:

A RESOLUTION TO APPOINT A REPRESENTATIVE FOR THE CITY OF AVON TO THE LORAIN COUNTY BOARD OF HEALTH 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-6-22, 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 Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-6-22, 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 Chairman declared the motion passed

RESOLUTION NO. R-7-22 – TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF RESTROOM FACILITIES AT THE AVON AQUATIC CENTER, NORTHGATE PARK AND AT THE YET TO BE NAMED PARK ON DETROIT ROAD (FORMERLY THE KURTZ BROS PROPERTY)

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

A RESOLUTION TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF RESTROOM FACILITIES AT THE AVON AQUATIC CENTER, NORTHGATE PARK AND AT THE YET TO BE NAMED PARK ON DETROIT ROAD (FORMERLY THE KURTZ BROS PROPERTY) AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Resolution No. R-7-22, 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 Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-7-22, and the discussion was:

Mrs. Demaline asked if the Resolution would be changed to reflect the park’s new name.

Mr. Gasior indicated he was unaware that the park was given a new name.

Mayor Jensen advised the park was going to now be known as Eagle Point.

Mr. Fischer advised Eagle Point won the vote in the naming contest.

Mr. Gasior advised he was not told about the name change. Mr. Gasior asked if the Kurtz Bros. property would now be known as Eagle Point Park.

There was some discussion as to whether an Ordinance to formally name the park would be forthcoming.

Mr. Gasior advised they could pass an Ordinance to name the park, but he does not believe they have adopted legislation to name other City parks. He said they could have that legislation at the next meeting if that was the desire of Council, but for now Council could pass the legislation with Kurtz Bros. property listed.

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 Chairman declared the motion passed

REPORTS AND COMMENTS

MAYOR JENSEN had no further comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, advised with the weather breaking she is hoping they could have the 2022 Sidewalk Program on an upcoming Work Session agenda.

Mayor Jensen advised he would get with the Zoning Enforcement Officer and Mr. Cummins, who is out of town, as they were working on that list this last week. He said if it is ready then it will be on the next Work Session agenda and if not, the following Work Session.

MRS. HOLTZMEIER, AT LARGE, was absent

MR. MCBRIDE, WARD 2, asked if Mayor Jensen had any idea as to when the swamp would be dredged at UH.

Mayor Jensen advised Mr. Cummins will be back in the office tomorrow.

MR. MOORE, WARD 3, advised the Lorain Public Library System is celebrating Earth Day (April 22) by participating in the 13th annual Neighborhood Forest program that provides free trees to children. He said if any children are interested in receiving a free tree, they could register online by March 15th at www.neighborhoodforest.org or they could contact the Avon Branch of the library at 440-937-4743.

MR. RADCLIFFE, WARD 4, thanked the Recreation Coordinator, Clare Harasimchuk for all her work with the park naming contest. He felt Eagle Point is a wonderful name for the park and he looks forward to seeing signage so that the residents can see it is a new park for the community.

MR. WITHERSPOON, AT LARGE, had no comments.

MR. FISCHER, AT LARGE, thanked Mrs. Brooks, Mr. Gasior and Mayor Jensen for all their work preparing the agendas and packets each week. He said a lot of people do not see the behind the scenes of what goes into putting these agendas/packets together. Mr. Fischer advised Mrs. Brooks and Mr. Gasior, Mayor Jensen and he are coordinating throughout the week and sometimes on the weekend

to get the agenda finalized and they all make his life a lot easier. He said he wanted to make sure he did not forget to give them a thank you for making his life easier. Mr. Fischer stated some people may say that is their job, but they all go above and beyond, especially when talking in the evenings or on the weekends getting things finalized. He advised the process would be starting again tomorrow with next week's agenda and Mr. Witherspoon may be the only other one who realizes how much goes on behind the scenes getting packets ready. Mr. Fischer stated he appreciates it a lot more than he used to and he thanked them again.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, was absent.

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

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

MR. LOGAN, FINANCE DIRECTOR, had no further comments.

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

AUDIENCE:

Pat Jankowski of 1409 Hollow Wood Lane advised she appreciates the new sound system as she can hear the conversations clearly now. She said they are all doing a wonderful job.

ADJOURN: 7:48 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. 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 Chairman declared the motion passed.