

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MARCH 9, 2020
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 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 – Brian Fischer, Council President; Mayor - Bryan Jensen; 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

4th Ward - Scott Radcliffe; City Engineer – Ryan Cummins

MINUTES OF THE ECONOMIC DEVELOPMENT COMMITTEE MEETING OF COUNCIL HELD MONDAY, FEBRUARY 17, 2020

A motion was made by Mr. McBride and seconded by Mr. Butkowski to dispense with the reading of the minutes of the Economic Development Committee of Council held Monday, February 17, 2020, 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 WORK SESSION OF COUNCIL HELD MONDAY, FEBRUARY 17, 2020

A motion was made by Mr. McBride and seconded by Mr. Butkowski to dispense with the reading of the minutes of the Work Session of Council held Monday, February 17, 2020, 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.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, FEBRUARY 24, 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, February 24, 2020, and to approve said minutes as published, 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.

MINUTES OF THE SAFETY COMMITTEE MEETING OF COUNCIL HELD FRIDAY, FEBRUARY 28, 2020

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Safety Committee Meeting of Council held Friday, February 28, 2020, and to approve said minutes as published, 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. 25-20 – REAPPROPRIATIONS

The Clerk read Ordinance No. 25-20 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT
APPROPRIATIONS ORDINANCE NO. 104-19
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. 25-20, 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. 25-20, 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. 26-20 – 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. 26-20 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. Moore to suspend the rules and act on Ordinance No. 26-20, 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. 26-20, 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. 27-20 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LORAIN COUNTY PUBLIC HEALTH TO PROVIDE CERTAIN PHASE II STORMWATER SERVICES IN THE CITY

The Clerk read Ordinance No. 27-20 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LORAIN COUNTY PUBLIC HEALTH (LCPH) TO PROVIDE CERTAIN PHASE II STORMWATER SERVICES IN THE CITY OF AVON AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Witherspoon to suspend the rules and act on Ordinance No. 27-20, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 27-20, 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. 28-20 – ADOPTING THE JANUARY 14, 2020 REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY

The Clerk read Ordinance No. 28-20 by title only, entitled:

AN ORDINANCE ADOPTING THE JANUARY 14, 2020 REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY OF AVON

The Chair declared this to be the first of three readings of Ordinance No. 28-20.

A Public Hearing will be held on Monday, April 13, 2020 at 7:25 p.m.

ORDINANCE NO. 29-20 – TO AMEND SECTIONS 1222.02, 1278.03, 1280.05 AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY TO INCLUDE GARDEN CENTER ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE M-1 GENERAL INDUSTRIAL AND M-2 LIGHT INDUSTRIAL DISTRICTS

The Clerk read Ordinance No. 29-20 by title only, entitled:

AN ORDINANCE TO AMEND SECTIONS 1222.02, 1278.03, 1280.05 AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE GARDEN CENTER ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE M-1 GENERAL INDUSTRIAL AND M-2 LIGHT INDUSTRIAL DISTRICTS

The Chair declared this to be the first of three readings of Ordinance No. 29-20.

A Public Hearing will be held on Monday, April 13, 2020 at 7:20 p.m.

ORDINANCE NO. 30-20 – REPEALING ORDINANCE NO. 127-19 WHICH AUTHORIZED THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT 2251 CENTER ROAD, PERMANENT PARCEL NO. 04-00-015-110-281

The Clerk read Ordinance No. 30-20 by title only, entitled:

AN ORDINANCE REPEALING ORDINANCE NO. 127-19 WHICH AUTHORIZED THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT 2251 CENTER ROAD, PERMANENT PARCEL NO. 04-00-015-110-281 AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to suspend the rules and act on Ordinance No. 30-20, 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 Mrs. Holtzmeier to adopt Ordinance No. 30-20, 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.

RESOLUTION NO. R-9-20 – TO ADVERTISE FOR BIDS FOR THE ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE AND DETROIT ROAD SANITARY SEWER IMPROVEMENT, PHASE 2 PROJECT

The Clerk read Resolution No. R-9-20 by title only, entitled:

A RESOLUTION TO ADVERTISE FOR BIDS FOR THE ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE AND DETROIT ROAD SANITARY SEWER IMPROVEMENT, PHASE 2 PROJECT 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-9-20, 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 Resolution No. R-9-20, and the vote was: Mr. Moore, “yes”; Mr. Witherspoon, “abstain”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 1 abstention and the Chairman declared the motion passed.

RESOLUTION NO. R-10-20 – APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD FOR THE IMPROVMENTS TO ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE AND DETROIT ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 6,100-FOOT SANITARY SEWER ALONG ELIZABETH AVENUE, PUTH DRIVE, JOSEPH STREET AND DETROIT ROAD BETWEEN ADDRESSES 34008 AND 34901,

TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS
THERETO

The Clerk read Resolution No. R-10-20 by title only, entitled:

**A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT
EQUALIZATION BOARD FOR THE IMPROVEMENTS TO ELIZABETH
AVENUE, JOSEPH STREET, PUTH DRIVE AND DETROIT ROAD BY
THE CONSTRUCTION OF AN APPROXIMATELY 6,100-FOOT SANITARY SEWER
SYSTEM ALONG ELIZABETH AVENUE, PUTH DRIVE, JOSEPH STREET
AND DETROIT ROAD BETWEEN ADDRESSES 34008 AND 34901, TOGETHER
WITH ALL NECESSARY APPURTENANCES AND RELATED
IMPROVEMENTS THERETO AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Resolution No. R-10-20, 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 Resolution No. R-10-20, and vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “abstain”; Mr. Fischer, “yes”.

The vote was 5 for and 1 abstention and the Chairman declared the motion passed.

REPORTS AND COMMENTS

Mayor Jensen reported that he spoke with the Fire Chief prior to tonight’s meeting and as they all know there has been a State of Emergency called for here in Ohio by Governor DeWine. He said they are not sure what that all means at this point, but they are going to be in contact with State officials about any updates. Mayor Jensen advised he asked the Chief to request some test kits for the Corona Virus. He said as of now, they are going to still have three EMT’s on a run, but only two will enter the residence at any given time. If they know someone is sick with the known symptoms of the virus they will be tested. Mayor Jensen said there is a lot that is not known with this virus and it does not appear too many people are in the danger area, as discussed on the news today, but they still want to be cautious as the Avon Fire Department does not have the manpower to continue to go out and lose their own people by being quarantined. He stated they will be more cautious immediately and see how things go from there.

COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, had no comments.

Mrs. Holtzmeier, At Large, had no comments.

Mr. McBride, Ward 2, asked if he could get a breakdown of the number of tickets issued by the Zoning Enforcement Officer for violations for illegally placed signs in the public right of way and whether the sign was a political candidate or an issue for the library or schools or homebuilders or something else.

Mayor Jensen advised the Zoning Enforcement Officer went out today and took a bunch of signs down on the right of way corners at the main intersections. He stated he would check with the Zoning Enforcement Officer to see if he has written any tickets, but he has been collecting the signs and he would provide those counts.

Mr. McBride said it would be great to have that information and because that task seems to be a waste of an employee's time, it would be nice to start writing tickets to cover the time as there are a lot of other duties the Zoning Enforcement Officer can be doing.

Mr. McBride advised he would like to set up a Legal Committee meeting for Monday, March 23rd at 6:00 p.m. to discuss briefly an update on the massage parlor regulations, to discuss a little more on developing a tree preservation and maintenance plan, and spend most of the meeting time on discussing on-street parking regulations and home occupation to go along with that. He indicated they may have to revisit home occupation at some time, but he would like to spend the bulk of the time going over the on street parking and looking at the fines and what is and is not working, including how far people should park away from a mailbox or a driveway. A resident should not have to swing way out to be able to pull into their driveway.

Mayor Jensen asked if they could also add a Safety Committee meeting to discuss the grant for the Fire Department regarding the radios and higher frequency and associated hardware.

Mr. Gasior advised the Assistant Fire Chief sent a several page narrative and there are still a lot of questions he and Mr. Logan have regarding grants. Typically, when there is a grant application, a Resolution is passed by Council to support the grant application. He said the other thing that complicates this is that it is five cities that are trying to work together and split the funding so there is probably going to be some sort of five city agreement to share the costs and apply for the grants. Mr. Gasior stated it is certainly something that needs to be done based on what he has read, but the logistics are another problem.

Mayor Jensen suggested a Safety Committee meeting could be set for a different week.

Discussion took place by Council as to a suitable time and date for the Safety Committee to meet.

Mr. Logan mentioned he would forward the communication from Assistant Chief Emling to City Council.

Mrs. Holtzmeier, as Chair of the Safety Committee, asked as to a deadline to have some action on that grant application.

Mr. Logan said he does not believe there is one right now as this is something that may drag on throughout this year and they were not looking at any major dollar amounts to be spent right now for this purpose. He indicated it is still in the planning and grant seeking stage.

Mrs. Holtzmeier suggested the Legal Committee meeting could be scheduled and as they get closer to the March 23rd date if it seems prudent to add a Safety Committee meeting, they could do that or schedule it later as well.

Mr. McBride suggested a 5:30 pm start date if members were available.

Mayor Jensen advised there is a Resolution that needs Council approval for the grant application to go forward.

Mr. Gasior pointed out that any legislation needed, would be on a Work Session for discussion prior to a Council vote at a Regular Meeting. He said it may not be necessary for anything beyond that at this point.

Council agreed to discuss the matter at a Work Session of Council.

Mr. Logan suggested Assistant Fire Chief Emling and Fire Chief Root attend next week's Work Session.

Mr. Moore, Ward 3, had no comments.

Mr. Radcliffe, Ward 4, was absent

Mr. Witherspoon, At Large, suggested a Parks and Recreation Committee meet to discuss the bike and walking trail project that the City is deeply involved in. He said they would set a date when they could get a few things coordinated. Mr. Witherspoon stated there has been a lot of public input on that issue and they would need to refresh themselves on what is going on and he wanted to give them a heads up that would be forthcoming. He said there have been a few residents who have an interest in where this trail is going to be placed. Mr. Witherspoon advised Ms. Fechter and he would work on an appropriate date for setting that meeting.

Ms. Fechter advised she would check with the Consultant's schedule to see his availability.

Mr. Fischer, At Large, had no comments.

DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, was absent.

Mr. Farmer, Service Director, had no comments.

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

Mr. Gasior, Law Director, had no comments.

Mr. Logan, Finance Director, advised the City received its credit rating confirmed at the AA2. He said they are still hopeful it could go up a notch to an AA1 later this year. Mr. Logan stated they are still hopeful to sell bonds next week, but it is currently a wild financial market environment and there may not be anyone willing to buy. He advised they have over \$34 million in bonds that they are hopeful to save over \$4 million in savings over the next twenty years if they are sold and if the financial market stabilizes by that time.

AUDIENCE:

No comments were made from the audience members.

EXECUTIVE SESSION: 7:54 p.m.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to Enter Into Executive Session for the Purpose of Discussing Personnel, 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.

RECONVENE: 8:18 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. 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: 8:19 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. 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.