

**PUBLIC HEARING
MONDAY, MARCH 23, 2020**

7:25 P.M. – Council President Brian Fischer opened the Public Hearing for Resolution No. R-11-20.

RESOLUTION NO. R-11-20 – TO APPROVE WITH MODIFICATION THE NEW APPLICATION MADE BY KENNETH M. URIG, JR. TO HAVE CERTAIN LAND OWNED BY HIM LOCATED AT 35113 RIEGELSBERGER ROAD, PERMANENT PARCEL NO. 10-04-00-024-101-098, CONSISTING OF .79 ACRES AND LAND LOCATED ON JAYCOX ROAD, PERMANENT PARCEL NO. 10-04-00-024-101-029, CONSISTING OF 2.68 ACRES DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY

There being no comments, the Public Hearing for Resolution No. R-11-20 was closed at 7:26 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MARCH 23, 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; 4th Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon; Council-at-Large – Brian Fischer, Council President; Mayor - Bryan Jensen; Law Director – John Gasior; Clerk of Council – Barbara Brooks

ABSENT

City Engineer – Ryan Cummins; Service Director – Michael Farmer; Planning and Economic Development Coordinator – Pam Fechter; Finance Director – William Logan

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mr. McBride and seconded by Mr. Butkowski to add an Executive Session to the agenda for the purpose of discussing personnel as item no. 15a, and the vote was: Mr. Butkowski, “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. Butkowski 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”; Mr. Butkowski, “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, MARCH 2, 2020

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, March 2, 2020, and to approve said

minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “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 REGULAR MEETING OF COUNCIL HELD MONDAY, MARCH 9, 2020

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, March 9, 2020, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “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 SPECIAL MEETING OF COUNCIL HELD MONDAY, MARCH 16, 2020

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 Monday, March 16, 2020, and to approve said minutes as published, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “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.

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 second 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 second 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. 31-20 – DETERMINING TO PROCEED WITH CITY 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

The Clerk read Ordinance No. 31-20 by title only, entitled:

AN ORDINANCE DETERMINING TO PROCEED WITH CITY IMPROVEMENTS TO ELIZABETH AVENUE, JOSPEH 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 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. 31-20, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “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 Ordinance No. 31-20, and the 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 6 for and 1 abstention and the Chairman declared the motion passed.

ORDINANCE NO. 32-20 – REAPPROPRIATIONS

The Clerk read Ordinance No. 32-20 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. 32-20, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “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. 32-20, and the discussion was:

Mr. Gasior explained the re-appropriations as follows:

General Fund No. 101

Appropriate for Safety Director position, as follows:

Compensation and benefits \$124,145.00

Operating expenses \$22,000.00

Total General Fund re-appropriations \$146,145.00

Special Revenue Funds

Fire Department Equipment Fund No. 106

Increase appropriations \$328,873.70 to be used for a new Engine – Rescue Pumper, with a total cost of \$642,988.70. This is the 2nd half of the payment which will be coming due upon delivery of the vehicle sometime in April or May.

Total Special Revenue Fund re-appropriations \$328,873.70

Total re-appropriations all funds \$475,018.70

Mr. Gasior noted there was a correction in the total cost of the fire engine because there were some add-ons which boosted the price by an additional \$14,758.00.

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

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

ORDINANCE NO. 33-20 – AMENDING COMPENSATION FOR THE POSITION OF FULL-TIME, UNCLASSIFIED HUMAN RESOURCES SPECIALIST FOR THE CITY

The Clerk read Ordinance No. 33-20 by title only, entitled:

AN ORDINANCE AMENDING COMPENSATION FOR THE POSITION OF FULL-TIME, UNCLASSIFIED HUMAN RESOURCES SPECIALIST 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. 33-20, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 33-20, and the discussion was:

Mr. Gasior advised this piece of legislation was not on the agenda at last week’s Work Session but came up over the course of the week. He said the previous Ordinance referenced in the Whereas clause is, Ordinance No. 78-18 and the range in compensation was \$26/hr. to \$32/hr. Council passed the pay raises at the end of 2019 and this position, with the 2.5% increase, went to \$32.03/hr. He said technically, this employee was being paid outside the pay range that Council approved. Mr. Gasior stated they are asking Council to amend the pay range to \$29.50/hr. to \$40/hr. in order to clean up the issue as a housekeeping matter. He added that when Council gets back to regular sessions, there were about six other Ordinances where the pay ranges need amended as employees in those positions were very close to the higher end of those ranges.

Mr. Radcliffe asked if there was any reason they should change the lower end of the range for this position. He said his thought was to keep the range broad for the experience and not just for the position itself should the current employee decide to leave.

Mr. Gasior advised based on the classification specification and the job description he does not believe they were concerned with that as chances are a newly hired employee in this position would most likely fit within the \$30/hr. or more. He said but that decision is up to Council.

Mayor Jensen advised they have no objection to keeping the lower end of the range the same. He said typically they go ten percent below the high end or ten percent above the low end when hiring.

Mr. Radcliffe advised he does not know the ranges of current HR employees and the current employee has only been in the position a few years and he could not see it changing too much. He said this would give the City some leverage if something were to change and the City was looking to fill this position and it might be someone with less experience. Mr. Radcliffe suggested the low end of the range be kept at \$26/hr. He added that he would think the same could be held for the other ranges that need amended as well.

Mr. Gasior advised for tonight, because this Ordinance is being read for the first time, they will note that in Section One the hourly rate will be between \$26 and \$40 and that will be what Council will be voting on.

And the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “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.

RESOLUTION NO. R-11-20 – TO APPROVE WITH MODIFICATION THE NEW APPLICATION MADE BY KENNETH M. URIG, JR. TO HAVE CERTAIN LAND OWNED BY HIM LOCATED AT 35113 RIEGELSBERGER ROAD, PERMANENT PARCEL NO. 10-04-00-024-101-098, CONSISTING OF .79 ACRES AND LAND LOCATED ON JAYCOX ROAD PERMANENT PARCEL NO. 10-04-00-024-101-029, CONSISTING OF 2.68 ACRES DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT

The Clerk read Resolution No. R-11-20 by title only, entitled:

A RESOLUTION TO APPROVE WITH MODIFICATION THE NEW APPLICATION MADE BY KENNETH M. URIG, JR. TO HAVE CERTAIN LAND OWNED BY HIM LOCATED AT 35113 RIEGELSBERGER ROAD, PERMANENT PARCEL NO. 10-04-00-024-101-098, CONSISTING OF .79 ACRES AND LAND LOCATED ON JAYCOX ROAD, PERMANENT PARCEL NO. 10-04-00-024-101-029, CONSISTING OF 2.68 ACRES DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT 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-11-20, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “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. Radcliffe to adopt Resolution No. R-11-20, and the vote was: Mr. Butkowski, “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.

RESOLUTION NO. R-12-20 – IN SUPPORT OF AND AFFIRMING AN APPLICATION MADE THROUGH THE AFG (ASSISTANCE TO FIREFIGHTERS GRANT) REGIONAL COMMUNICATIONS GRANT APPLICATION 2019

The Clerk read Resolution No. R-12-20 by title only, entitled:

A RESOLUTION IN SUPPORT OF AND AFFIRMING AN APPLICATION AND AGREEMENT MADE THROUGH THE AFG (ASSISTANCE TO FIREFIGHTERS GRANT) REGIONAL COMMUNICATIONS GRANT APPLICATION 2019 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-12-20, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “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 Resolution No. R-12-20, and vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

REPORTS AND COMMENTS

Mayor Jensen had no comments.

COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, advised we are at the beginning of this economic downturn and unfortunately this will not be the last of this kind of news; he heard today that reporter, Mr. Sakal of Westlife News was laid off. He said if anyone knows of potential opportunities for Mr. Sakal to please let him know. He said Mr. Sakal would be going through some difficult times and he wanted to make everyone aware.

Mrs. Holtzmeier, At Large, had no comments.

Mr. McBride, Ward 2, had no comments.

Mr. Moore, Ward 3, had no comments.

Mr. Radcliffe, Ward 4, wished everyone well and to stay safe.

Mr. Witherspoon, At Large, advised a constituent called him concerned about the number of cars in the Meijer parking lot given the Governor's orders to social distance. He said the call was from a senior citizen saying she was doing her best to obey the laws and felt others should do the same. Mr. Witherspoon said he promised to pass along the message to the Mayor.

Mayor Jensen advised the Lorain County Health Department has called the Avon Police Department on a couple of occasions for the City to go out regarding large numbers of people inside these kinds of businesses at any given time. He said the Avon Police have been to Costco as well as ABC Brewery and those have been investigated. Mayor Jensen stated the Health Department is who to call if anyone has any questions or concerns. He advised these are uncharted waters right now with how these things should be handled. Mayor Jensen said he understands that people have concerns when the Governor has issued warnings about gatherings and yet there could be a high volume of people in the grocery stores at any given time.

Mr. Fischer, At Large, thanked everyone for being present tonight. He hoped they could enjoy next week off with no meeting. Mr. Fischer advised they would keep monitoring the situation for the first meeting in April as they will be following guidelines of what is recommended, and he hoped everyone stays healthy.

DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, was absent.

Mr. Farmer, Service Director, had no comments.

Ms. Fechter, Economic Development/Planning Coordinator, was absent.

Mr. Gasior, Law Director, noted that next week was a fifth Monday and there would be no Council Meeting. He advised he plans to take advantage of the break by staying home as much as he can. Mr. Gasior said the Director's stay at home order is a pretty compelling case to stay at home as much as possible and avoid contact with as many people as possible as they needed to do everything they can to try to flatten that curve. He wished them good luck and said he would see them in 2 or 3 weeks.

Mr. Logan, Finance Director, was absent.

AUDIENCE:

No comments were made from the audience members.

EXECUTIVE SESSION: 7:51 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Enter Into Executive Session for the Purpose of Discussing Personnel, and the vote was: Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "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.

RECONVENE: 8:13 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. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “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.

ADJOURN: 8:14 p.m.

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