

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, APRIL 26, 2021  
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 – Bob Butkowski; 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; Service Director – Michael Farmer; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director - William Logan; Safety Director – Duane Streator; Clerk of Council – Barbara Brooks

**MINUTES OF THE MEETING OF THE FINANCE COMMITTEE OF COUNCIL HELD MONDAY, APRIL 12, 2021**

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, April 12, 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. Radcliffe, “yes”; Mr. Witherspoon, “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, APRIL 12, 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, April 12, 2021, and to approve said minutes as published, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, APRIL 12, 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, April 12, 2021, 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 SPECIAL MEETING OF COUNCIL HELD MONDAY, APRIL 19, 2021**

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Special Meeting of Council held Monday, April 19, 2021, 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.

ORDINANCE NO. 31-21 – TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,600,000 BOND ANTICIPATION NOTES OF THE CITY OF AVON, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNERS’ PORTION AND THE CITY’S PORTION OF THE COSTS, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, RELATED TO THE IMPROVEMENT OF ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE, AND DETROIT ROAD BETWEEN THE ADDRESSES OF 34008 AND 34901 BY THE CONSTRUCTION OF A SANITARY SEWER, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

The Clerk read Ordinance No. 31-21 by title only, entitled:

**AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,600,000 BOND ANTICIPATION NOTES OF THE CITY OF AVON, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNERS’ PORTION AND THE CITY’S PORTION OF THE COSTS, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, RELATED TO THE IMPROVEMENT OF ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE AND DETROIT ROAD BETWEEN THE ADDRESSES OF 34008 AND 34901 BY THE CONSTRUCTION OF A SANITARY SEWER, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Ordinance No. 31-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 31-21, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “abstain”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 1 abstention and the Chairman declared the motion passed.

ORDINANCE NO. 33-21 – AUTHORIZING THE CREATION OF THE AMERICAN RESCUE PLAN ACT FUND NO. 287

The Clerk read Ordinance No. 33-21 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE CREATION OF THE AMERICAN RESCUE PLAN ACT FUND NO. 287 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. 33-21, 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 Ordinance No. 33-21, 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.

ORDINANCE NO. 34-21 – AUTHORIZING AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PAVEMENT RESURFACING AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF STATE ROUTE 254 (DETROIT ROAD)

The Clerk read Ordinance No. 34-21 by title only, entitled:

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PAVEMENT RESURFACING AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF STATE ROUTE 254 (DETROIT ROAD) 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. 34-21, 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 Ordinance No. 34-21, 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.

REPORTS AND COMMENTS

MAYOR JENSEN advised there is a possibility that at the next Work Session and at the voting on the following week at the Regular Meeting that there may be a request to purchase restrooms for Every Child’s Playground, the new playground next to the pool, as well as at Northgate Park. He said they are waiting to hear if the American Rescue Plan Act will allow the City to use those funds for the purchase of that type of improvement. Mayor Jensen stated they have Port-a-Pots at those locations and at Northgate the children cross the road to use the restroom. He advised for safety reasons the City would like to add new restrooms. Mayor Jensen indicated he would be asking that Council pass it by emergency, if it is an allowable use, to get those items ordered and in place before the busy time of year. He said they are looking at ordering three prefabricated restrooms. Mayor Jensen stated at this time, they probably would not go forward with this project if they are not permitted to use the American Rescue Plan Act funds. He advised they are trying to help protect the residents by providing something they feel is safer and cleaner to use for them and their children.

**COUNCIL MEMBERS:**

MR. BUTKOWSKI, WARD 1 had no comments.

MRS. HOLTZMEIER, AT LARGE advised with Spring being firmly here and knowing that tick season is upon us and by all accounts it seems that this year that ticks are a little bit stronger in numbers than in years past, she asked if the City was doing anything in particular for the parks.

Mayor Jensen advised they have a program in place, and he could let Council know next week when it would start. He said typically the employee that does the fertilization program goes through all the parks and puts an application down for fleas and ticks.

Mrs. Holtzmeier thanked Mayor Jensen.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE reminded Council that the deadline to file their financial disclosure statement was in mid-May as required for elected officials.

Mr. Fischer advised with the recent snowfall there were a lot of tree branches that came down and there are a lot of people asking about getting those picked up by the City.

Mayor Jensen advised typically the Streets Department is out in the neighborhoods weekly. He said he knows there have been some neighborhoods where branches were put out the day after the crew was on their street. Mayor Jensen said they put more crews on the branch pickup task and if someone is made aware of a resident that has not had their branches picked up to please send him a message and he would make sure it was taken care of. He advised they should be through the whole City this week and if not, please have them contact his office so they can make sure they reach out to that neighborhood.

#### DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER advised there was a pre-construction meeting held today for the French Creek Road resurfacing and Moon Road resurfacing and the work would begin on Monday, May 10, 2021 and would extend until the first week in July of 2021.

MR. FARMER, SERVICE DIRECTOR had no comments.

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

MR. GASIOR, LAW DIRECTOR advised Council that the library property transferred today.

MR. LOGAN, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR had no comments.

AUDIENCE: There were no comments from the audience.

#### ADJOURN: 7:41 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"; 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.