

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MAY 10, 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: 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 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

MINUTES OF THE WORK SESSION 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 Work Session of Council held Monday, April 19, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, APRIL 26, 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 26, 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.

ORDINANCE NO. 35-21 – GRANTING A SPECIAL USE PERMIT FOR THE LORAIN PUBLIC LIBRARY SYSTEM, (AVON BRANCH LIBRARY), TO ALLOW FOR THE CONSTRUCTION OF A 16,000 SQ. FT. ADDITION AND RENOVATION TO THE EXISTING 10,400 SQ. FT. BUILDING LOCATED AT 37485 HARVEST DRIVE

The Clerk read Ordinance No. 35-21 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE LORAIN PUBLIC LIBRARY SYSTEM, (AVON BRANCH LIBRARY), TO ALLOW FOR THE CONSTRUCTION OF A 16,000 SQ. FT. ADDITION AND RENOVATION TO THE EXISTING 10,400 SQ. FT. BUILDING LOCATED AT 37485 HARVEST DRIVE 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. 35-21, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 35-21, 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. 36-21 – GRANTING A SPECIAL USE PERMIT TO GEORGIA PROPERTIES, LTD. PARTNERSHIP TO ALLOW THEIR TENANT, NEMO MANAGEMENT, INC. TO CONSTRUCT A 750 SQ. FT. CONCRETE PATIO/OUTDOOR SEATING AREA ON PROPERTY LOCATED AT 36976 DETROIT ROAD

The Clerk read Ordinance No. 36-21 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO GEORGIA PROPERTIES, LTD. PARTNERSHIP TO ALLOW THEIR TENANT, NEMO MANAGEMENT, INC. TO CONSTRUCT A 750 SQ. FT. CONCRETE PATIO/OUTDOOR SEATING AREA ON PROPERTY LOCATED AT 36976 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. 36-21, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 36-21, and the discussion was:

Ms. Fechter advised in working with Mr. Nemo on this Special Use Permit and where things are going to be placed for the patio; they have the spacing for the bollards outlined in the drawing. She said what they are questioning right now and are working with the Building Department on is whether Mr. Nemo will place fencing in front of these bollards or do a decorative casing around each one. Ms. Fechter stated the site plan shows the 6” concrete filled bollards that are 4’ apart like the Fire Department requested. She advised as they could see by the dots on site plan along Detroit Road, the dots going down the driveway was the spacing where all the bollards are going to be located. Ms. Fechter said right now it looks like they might be doing a steel pipe filled with concrete and putting a decorative foundation around it to make a little nicer looking than plain bollards around the entire building. She stated where Mr. Nemo is thinking of installing the bollards, he is considering installing fencing on each side of them to be more aesthetically pleasing, especially since it is in the French Creek District. Ms. Fechter advised once Mr. Nemo has his final design completed the City will make sure that Mr. Burik approves of the design. She said she wanted to let Council know about the safety measures they were taking, and she has also included a copy of this drawing to be a part of the Special Use Permit incorporated in the Ordinance to show that Mr. Nemo has addressed the safety concerns and he is willing to do what is required. Ms. Fechter noted that Mr. Nemo was present if Council has any questions.

Mr. Gasior inquired of Ms. Fechter if this drawing was going to be made a part of the Ordinance.

Ms. Fechter advised yes, and she provided a copy to the Clerk.

Mr. Gasior advised he would make a reference to an Exhibit A in one of the sections of the Ordinance.

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.

ORDINANCE NO. 37-21 – AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED MUTUAL AID CONTRACT WITH OTHER POLITICAL SUBDIVISIONS WITHIN LORAIN COUNTY TO PROVIDE MUTUAL POLICE ASSISTANCE IN THE INTERCHANGE AND USE OF PERSONNEL AND EQUIPMENT TO ALL PARTICIPATING ENTITIES

The Clerk read Ordinance No. 37-21 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED MUTUAL AID CONTRACT WITH OTHER POLITICAL SUBDIVISIONS WITHIN LORAIN COUNTY TO PROVIDE MUTUAL POLICE ASSISTANCE IN THE INTERCHANGE AND USE OF PERSONNEL AND EQUIPMENT TO ALL PARTICIPATING ENTITIES 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. 37-21, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 37-21, 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.

RESOLUTION NO. R-11-21 – IN SUPPORT OF SUBMITTING AN APPLICATION TO THE OHIO ASSOCIATION OF REGIONAL COUNCILS (OARC) THROUGH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDING

The Clerk read Resolution No. R-11-21 by title only, entitled:

A RESOLUTION IN SUPPORT OF SUBMITTING AN APPLICATION TO THE OHIO ASSOCIATION OF REGIONAL COUNCILS (OARC) THROUGH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDING 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-11-21, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-11-21, 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.

REPORTS AND COMMENTS

MAYOR JENSEN advised that Council and a lot of residents have asked many times over the years about adding a dog park. He said they think they have a location for one that would be in Veterans Park. Mayor Jensen stated Recreation Coordinator Clare Harasimchuk will come before Council to provide a description of where they would like to put a dog park and then there will be a contest for the residents to design the park. He advised they would be updating Council on the proposed location and it seems to be the best place as it would not be close to residential areas, but it was within walking distance from the new park previously owned by Kurtz Brothers. Mayor Jensen said there would be a walking trail from the old Kurtz Brothers property to the new dog park as well as a path through Veterans Park. He stated Ms. Harasimchuk would show Council the proposed layout and what the contest was going to look like.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MRS. HOLTZMEIER, AT LARGE gave a shout-out to Ms. Fechter. She advised that Ms. Fechter was very helpful this week in crossing the “T’s” and dotting the “I’s” on a few matters and she wanted to publicly thank her. Mrs. Holtzmeier stated it is protecting Avon’s future, and she is doing a fine job at it.

MR. MCBRIDE, WARD 2 thanked the Administration for some recent help over the last month or so with a few neighborhood issues including the placement of traffic signals and upcoming projects.

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 gave a belated Happy Mother’s Day to Mrs. Holtzmeier, Ms. Fechter and Mrs. Brooks and those in the audience who are mothers and all the mothers in Avon as he hoped they all had a great day yesterday.

Mr. Fischer reminded everyone that this is National Police Memorial Week and he asked that the police officers be kept in their thoughts and prayers.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MR. FARMER, SERVICE DIRECTOR had no comments.

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

MR. GASIOR, LAW DIRECTOR advised he would like to bring in Attorney William Hanna of Walter-Haverfield as he is available next Monday night and has agreed to come speak before Council. He said typically Mr. Hanna is not available on a Monday because of his duties as Law Director in the City of Cleveland Heights. Mr. Gasior stated Mr. Hanna is an expert in Video Service Providers. He stated a gentleman has come before Council a couple of times in the last three or four months, asking questions about cable franchises and how difficult it is to get competition in here, and whether Wow! could be brought into the City or AT&T. Mr. Gasior advised he believes that Mr. Hanna, who knows this area inside out can provide a nice general overview of what the status of cable T.V. is today and provide answers to questions from Council. He suggested the matter be referred to Legal Committee and hopefully the Legal Committee would be able to get together and schedule that meeting for next Monday night at 6:00 or 6:30 p.m. depending on how much time they felt they needed to discuss this topic. Mr. Gasior said they could also have a Committee of Council of the Whole meeting in an upcoming Work Session. He stated either way he felt it would be really an enlightening hour or hour and a half and perhaps there could be something that the City may be able to do to benefit the residents.

Mr. McBride advised he knows there is a lot of discussion on this topic on social media from Avon residents. He indicated it is often assumed that it is a simple process to get these providers to come into Avon. Mr. McBride suggested they set a Legal Committee of Council Meeting for next Monday, May 17, 2021 at 6:30 p.m. in Council Chambers. He said this would allow a 45-minute session with Mr. Hanna and he could lay it all out for the residents. Mr. McBride agreed it is frustrating and said he does not particularly like the service provided although he does see Spectrum out trying to resolve problems and he did not know if their effort was good enough. He felt it would be beneficial to hear from Mr. Hanna and he asked the Clerk to schedule the Committee Meeting and for Mr. Gasior to confirm Mr. Hanna's attendance at that meeting.

Mr. Gasior stated he looked at his old file on VSP's and the Clerk produced an Ordinance from 2008. He advised when the State Legislature passed Senate Bill 117 and they changed this whole area Avon Council passed an Ordinance to make sure the City would continue to receive 5% of revenue and it also included the advertising revenue in that Ordinance. Mr. Gasior said he believes Walter-Haverfield is ahead of the curve when it comes to this area of law and they would have a lot of good information exchanged at this meeting.

Mr. McBride inquired if they had cost estimates of what it would cost for the City to run fiber. He said a lot of people think that the City should just subsidize it and run their own fiber and have the providers come in, but that was not an easy feat. Mr. McBride asked if they feel that 45 minutes would be sufficient at a public meeting.

Mr. Fischer asked if they would be discussing both internet and cable or would the discussion concentrate on just cable.

Mr. Gasior advised Mr. Hanna is going to be talking about internet and cable because they are carried on the medium. He said the other thing that Mr. Hanna could probably address is that whole issue of fiber and how some cities are moving toward it and maybe even some of the costs associated with making that move. Mr. Gasior stated he would brief Mr. Hanna and let him know that these are some of the things that people are going to be interested in discussing. He advised the important thing is to get an overview and then if the questions from the people start to get very specific, they can always end the meeting and then reschedule it for another night and pick up where they leave off as Mr. Hanna is more than willing to come out on any other night of the week when he is not at a Council Meeting in Cleveland Heights. Mr. Gasior felt to begin the committee meeting at 6:30 pm would be fine to get that overview and answer a few questions and reschedule if necessary.

MR. LOGAN, FINANCE DIRECTOR advised late this afternoon the US Treasury put out a 151-page document outlining how municipalities can spend their American Rescue Plan Act funds. He said it is going to unfold over the next few weeks and different law firms will come out with their interpretation

and there will be guidance. Mr. Logan stated the estimate that he is still seeing is that Avon should receive about \$4.6 million, with half being received this year and the other half a year from now. He advised the funds are going to be distributed down from the State level to the County and the County will distribute the funds to all the political subdivisions in the County. Mr. Logan said over the next couple of weeks they would get a much better idea of exactly how the funds can be spent and what the rules are and what the City must comply with like what was done last year with the CARES funds, but they will not be buying more safety equipment as it would be more infrastructure spending and things of that nature.

MR. STREATOR, SAFETY DIRECTOR had no comments.

AUDIENCE: There were no comments from the audience.

ADJOURN: 7:52 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. 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.