

**PUBLIC HEARINGS  
MONDAY, JUNE 10, 2019**

**7:20 P.M.** – Council President Craig Witherspoon opened the Public Hearing for Ordinance No. 40-19.

**ORDINANCE NO. 40-19 – AN ORDINANCE TO AMEND ORDINANCE NO. 413-68,  
PASSED JANUARY 15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE  
OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING THE 6.18 ACRE  
REMAINDER OF THE 10.53 ACRE PARCEL OF LAND LOCATED AT 37520  
COLORADO AVENUE, PERMANENT PARCEL NO. 10-04-00-010-111-096 FROM R-2  
TWO-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL  
BUSINESS DISTRICT OVERLAY**

There being no comments, the Public Hearing for Ordinance No. 40-19 was closed at 7:21 p.m.

**7:25 P.M.** – Council President Craig Witherspoon opened the Public Hearing for Ordinance No. 41-19.

**ORDINANCE NO. 41-19 – AN ORDINANCE TO AMEND SECTIONS 1270.03(b)(11)  
AND 1280.05(gg) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO  
INCLUDE VETERINARY OFFICES ON THE SCHEDULE OF PERMITTED AND  
SPECIAL USES IN THE C-2 CENTRAL BUSINESS/FRENCH CREEK DISTRICTS**

There being no comments, the Public Hearing for Ordinance No. 41-19 was closed at 7:26 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JUNE 10, 2019  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

The Chairman, Council President Craig Witherspoon, called the meeting to order and led the Pledge of Allegiance.

**PRESENT**

Council Members: 1<sup>st</sup> Ward – Bob Butkowski; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2<sup>nd</sup> Ward – Dennis McBride; 4<sup>th</sup> Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon, Council President; City Engineer – Ryan Cummins; Service Director – Michael Farmer; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director/Acting Mayor – William Logan; Clerk of Council – Barbara Brooks

**ABSENT**

3<sup>rd</sup> Ward – Anthony Moore and Mayor - Bryan Jensen

**CORRESPONDENCE**

The Clerk reported she had a request from the Ohio Division of Liquor Control for a Transfer of Ownership of their D5I permit class from Main Event Entertainment LP to Main Event Entertainment Inc. dba Main Event Entertainment located at 35605 Chester Road.

No concerns were voiced.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MAY 20, 2019

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Work Session of Council held Monday, May 20, 2019, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD TUESDAY, MAY 28, 2019

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Regular Meeting of Council held Tuesday, May 28, 2019, and to approve said minutes as published, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 40-19 – REZONING THE 6.18 ACRE REMAINDER OF THE 10.53 ACRE PARCEL OF LAND LOCATED AT 37520 COLORADO AVENUE FROM R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY

The Clerk read Ordinance No. 40-19 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING THE 6.18 ACRE REMAINDER OF THE 10.53 ACRE PARCEL OF LAND LOCATED AT 37520 COLORADO AVENUE, PERMANENT PARCEL NO. 10-04-00-010-111-096 FROM R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY**

The Chairman declared this to be the third of three readings of Ordinance No. 40-19.

The Chairman noted this was a positive referral from the Planning Commission.

A motion was made Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 40-19, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 41-19 – TO AMEND SECTIONS 1270.03(b)(11) AND 1280.05(gg) OF THE CODIFIED ORDINANCES OF THE CITY TO INCLUDE VETERINARY OFFICES ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN C-2 CENTRAL BUSINESS/FRENCH CREEK DISTRICTS

The Clerk read Ordinance No. 41-19 by title only, entitled:

**AN ORDINANCE TO AMEND SECTIONS 1270.03(b)(11) AND 1280.05(gg) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE VETERINARY OFFICES ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE C-2 CENTRAL BUSINESS/FRENCH CREEK DISTRICTS**

The Chairman declared this to be the third of three readings of Ordinance No. 41-19.

A motion was made Mr. McBride by and seconded by Mrs. Holtzmeier to adopt Ordinance No. 41-19, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 50-19 – GRANTING A SPECIAL USE PERMIT TO TBK PROPERTY, LLC dba BREW KETTLE AVON, TO CONSTRUCT A 758 SQUARE FOOT OUTDOOR PATIO SEATING AREA AT 33287 JUST IMAGINE DRIVE**

The Clerk read Ordinance No. 50-19 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO TBK PROPERTY, LLC, dba BREW KETTLE AVON, TO CONSTRUCT A 758 SQUARE FOOT OUTDOOR PATIO SEATING AREA AT 33287 JUST IMAGINE DRIVE AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 50-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “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. 50-19, and the discussion was:

Mr. McBride stated they might as well put bollards around every single store front in the City. He felt the changes made were ridiculous and the business owners are now going to have to expend a lot of money by paying their architect to make changes and he asked to what end.

Ms. Fechter advised that Council has the new drawing in their packet. It is the drawing that follows the Ordinance, incorporated as Exhibit A. She said the applicant has decided to remove the mascot, remove the concrete benches, remove the patio that is on the adjacent tenant space. They removed the seating area and expanded the patio out and provided a 20” thick reinforced masonry wall 44” high to protect the patrons on the patio. Ms. Fechter stated there is a cross section noted in the top corner of the drawing provided.

Mr. Gasior advised the expansion is only a couple hundred square feet making it 1,000 square feet total which is an increase of approximately 250 square feet.

Ms. Fechter agreed and said the proposed seating area was bumped out.

Mr. Gasior advised originally there was a second patio on the original drawing and that has been eliminated for the future tenant.

Mr. McBride facetiously asked if the reason the mascot was removed was in case a car should hit it and it should go through the window of the restaurant.

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

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 51-19 – GRANTING A SPECIAL USE PERMIT TO RICHARD & PAULINE SCHNEIDER TO ALLOW FOR LOT CONSOLIDATION, LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE NORTH SIDE OF SCHWARTZ ROAD, WEST OF 32370 SCHWARTZ ROAD

The Clerk read Ordinance No. 51-19 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO RICHARD & PAULINE SCHNEIDER TO ALLOW FOR LOT CONSOLIDATION, LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE NORTH SIDE OF SCHWARTZ ROAD, WEST OF 32370 SCHWARTZ ROAD, PERMANENT PARCEL NOS. 04-00-026-108-017, AND 04-00-026-108-018, AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 51-19, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “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. 51-19, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 52-19 – REZONING A 0.8607 PORTION OF A 2.8048 ACRE PARCEL OF LAND OWNED BY SHIRE GLENN GREEN, LLC AND LOCATED ON THE NORTH SIDE OF AVON ROAD, FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO O-1 PLANNED OFFICE DISTRICT

The Clerk read Ordinance No. 52-19 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE 413-68, PASSED JANUARY 15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING A 0.8607 PORTION OF A 2.8048 ACRE PARCEL OF LAND OWNED BY SHIRE GLENN GREEN, LLC AND LOCATED ON THE NORTH SIDE OF AVON ROAD,**

**PERMANENT PARCEL NO. 10-04-00-028-102-067 FROM R-1 SINGLE FAMILY  
RESIDENTIAL DISTRICT TO O-1 PLANNED OFFICE DISTRICT**

The Chairman declared this to be the first of three readings of Ordinance No. 52-19 and stated a Public Hearing will be held at 7:25 p.m. on Monday, July 8, 2019.

**RESOLUTION NO. R-13-19 – TO ADOPT THE SOLID WASTE MANAGEMENT PLAN  
FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT**

The Clerk read Resolution No. R-13-19 by title only, entitled:

**A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE  
LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Butkowski and seconded by Mrs. Holtzmeier to suspend the rules and act on Resolution No. R-13-19, and the vote was: Mr. McBride, “no”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

The vote was 5 for and 1 against and the Chairman declared the motion failed.

The Chairman declared this to be the second of three readings of Resolution No. R-13-19.

**REPORTS AND COMMENTS**

Mayor Jensen, absence excused.

**COUNCIL MEMBERS:**

Mr. Butkowski, Ward 1, had no comments.

Mr. Fischer, At Large, reported he would be out of town for the June 24<sup>th</sup> Regular Meeting.

Mrs. Holtzmeier, At Large, said it was her understanding this past weekend had an excellent Safety Fair for the City as well as the Lion’s Fishing Derby. She stated when the community hosts events for families that encourages our youth she felt it enhances the quality of life here in Avon and it is a good thing.

Mrs. Holtzmeier wished all the fathers a Happy Father’s Day.

Mr. McBride, Ward 2, advised he spoke with the City Engineer and the Planning Coordinator earlier and the “No Left Turn” sign at Planet Fitness was still not installed to indicate it was a right in and right out only near Jaycox Road. He felt the Administration needed to decide whether they should eliminate the right in and right out entrance/exits as he felt motorists do not pay them any attention and then they have to install delineators to keep motorists from making illegal turns. Mr. McBride said he would rather eliminate the delineators and suggested concrete islands in the center of the road in these areas to prohibit the left turns. He stated if the developers do not like that solution then they could pay to extend the left turn lane. Mr. McBride felt it should be looked at as these areas are becoming a nuisance in his

opinion and they may need to start pushing back on some of the developers advising them they cannot have a curb cut in certain locations.

Mr. Moore, Ward 3, absence excused.

Mr. Radcliffe, Ward 4, had no comments.

Mr. Witherspoon, Council President, reported the Lion's Club Fishing Derby was a success with a great turnout thanks, in part, to the help from the City. He said this is the 32<sup>nd</sup> year the derby has been held and there were 186 children and there were 238 fish caught and released that day. Mr. Witherspoon stated all the children left with something that day and the longest fish caught was a 17" catfish. He thanked the City for their efforts in making sure the park was in great shape and the children and parents all had a great time.

#### DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, had no comments.

Mr. Farmer, Service Director, reported he would be on vacation next week and would be absent for the June 17<sup>th</sup> Work Session.

Ms. Fechter, Economic Development/Planning Coordinator, wished all the fathers a Happy Father's Day.

Mr. Gasior, Law Director, had no comments.

Mr. Logan, Acting Mayor/Finance Director, advised next week he would have a couple Ordinances before Council with one being the 2020 Tax Budget and he would be getting information out to Council this week. He stated the other Ordinance will be the renewal of our property and liability insurance and he would be sending information out to Council on that as well.

#### AUDIENCE:

Frank Caruso of 1914 Pembroke Lane asked if there was any update on the planned traffic light at the corner of Middleton Road and Jaycox Road. Secondly, in light of the recent tragedy involving a bicycle and car accident in Avon Lake he asked if the City of Avon plan to do anything proactively to avoid that kind of situation happening in Avon.

Mr. McBride advised he knows Mayor Jensen and the City Engineer are working on coming up with a solution regarding the traffic light question. He believed there is another traffic light needed on Nagel Road that the City is looking at pushing along as well.

Mr. Cummins advised the City has not done a traffic study for that area yet, but he will talk with Mayor Jensen to see what his thoughts are on the matter.

Ms. Fechter advised she and Mr. Cummins and Mr. Farmer are working with the consulting firm currently on the citywide master bike plan. She believes they are taking some of the recent tragedies in Avon Lake into consideration when looking at some of these plans and what would

be the best way to move forward in the City. Ms. Fechter noted they were in the very beginning stages of that planning. She mentioned there is a public meeting about that bike master plan this Thursday evening at the Avon Isle from 6:30 – 8:30 p.m.

Mr. McBride felt that unless there is a great separation between the bicyclist and the motorist they would never be able to fully eliminate that issue. He mentioned an area in Rocky River where there is a separation of the two on a stretch of roadway and they also installed delineators.

Mr. Cummins advised the recent incident is a tragedy and while the City is planning on trying to make all levels of bike and pedestrian transportation safer throughout the community, they cannot always predict or protect every scenario. He said it is his understanding that this incident was an impaired driver and they would have to install a physical wall to prevent every situation and that is just not possible. Mr. Cummins stated they are trying to plan out paths and make every level of bike transportation as safe as it can be, but there are different levels of biking and each level takes on more risk and not everyone participates in each level. He said they take the incident to heart and mourn the tragedy and we will do what they can, but they cannot address every particular situation.

Mrs. Holtzmeier said that was a timely question from Mr. Caruso and that it was good to be asked.

Mr. Fischer advised on that same note, he felt it also goes back to our passing of the distracted driving law as it was mentioned the motorist in the Avon Lake tragedy was impaired and he would not be shocked to learn it had something to do with distracted driving. He said he would still love to see the numbers of what we have been doing. Mr. Fischer stated there are DUI checkpoints and he would love to see distracted driver checkpoints. He said distracted driving is still a problem.

ADJOURN: 7:54 p.m.

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

The vote was 6 for and 0 against and the Chairman declared the motion passed.