

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JUNE 14, 2021
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

The Acting Chairman, Council President Pro Tem Bob Butkowski, 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; 4th Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor - Bryan Jensen; City Engineer – Ryan Cummins; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director - William Logan; Safety Director – Duane Streater; Clerk of Council – Barbara Brooks

ABSENT: 3rd Ward – Anthony Moore; Council-at-Large and Council President – Brian Fischer; Service Director – Michael Farmer

CORRESPONDENCE

The Clerk advised she received a request from the Ohio Division of Liquor Control for a Transfer of Ownership from Avon Country Tavern LLC, DBA Veranda Bistro and Bar to Bistro Brothers LLC, DBA Veranda Bistro and Bar located at 32045 Detroit Road & Patios, Avon.

No concerns were voiced and no request for a hearing was made.

MINUTES OF THE MEETING OF THE LEGAL COMMITTEE OF COUNCIL HELD MONDAY, MAY 17, 2021

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the meeting of the Legal Committee of Council held Monday, May 17, 2021, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”

The vote was 5 for and 0 against and the Acting Chairman declared the motion passed.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MAY 17, 2021

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 17, 2021, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Holtzmeier, “yes”; Mr. Butkowski, “yes”

The vote was 5 for and 0 against and the Acting Chairman declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, MAY 24, 2021

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, May 24, 2021, and to approve said minutes as published, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Butkowski, “yes”

The vote was 5 for and 0 against and the Acting Chairman declared the motion passed.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, JUNE 7, 2021

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, June 7, 2021, and to approve said minutes as published, and the vote was: Mr. Witherspoon, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”

The vote was 5 for and 0 against and the Acting Chairman declared the motion passed.

ORDINANCE NO. 38-21 – DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF AVON TO BE A PUBLIC PURPOSE; DECLARING THE IMPROVEMENT OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS MADE, TO BE MADE OR IN THE PROCESS OF BEING MADE, THAT DIRECTLY BENEFIT OR THAT ONCE MADE WILL DIRECTLY BENEFIT, SUCH PROPERTY FOR WHICH IMPROVEMENT IS DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS; PROVIDING RELATED AUTHORIZATIONS

The Clerk read Ordinance No. 38-21 by title only, entitled:

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF AVON TO BE A PUBLIC PURPOSE; DECLARING THE IMPROVEMENT OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS MADE, TO BE MADE OR IN THE PROCESS OF BEING MADE, THAT DIRECTLY BENEFIT OR THAT ONCE MADE WILL DIRECTLY BENEFIT, SUCH PROPERTY FOR WHICH IMPROVEMENT IS DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS; PROVIDING RELATED AUTHORIZATIONS; AND DECLARING AN EMERGENCY

The Acting Chairman declared this to be the first of three readings of Ordinance No. 38-21.

ORDINANCE NO. 43-21 – TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH AUGUST PROPERTIES, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS ON THE NORTH SIDE OF RIEGELSBERGER ROAD, EAST OF KENSINGTON DRIVE

The Clerk read Ordinance No. 43-21 by title only, entitled:

AN ORDINANCE TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH AUGUST PROPERTIES, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS ON THE NORTH SIDE OF RIEGELSBERGER ROAD, EAST OF KENSINGTON DRIVE AND DECLARING AN EMERGENCY

The Acting Chairman declared this to be the first of three readings of Ordinance No. 43-21.

ORDINANCE NO. 44-21 – ACCEPTING THE INSURANCE PROPOSAL SUBMITTED BY ARTHUR J. GALLAGHER & CO.

The Clerk read Ordinance No. 44-21 by title only, entitled:

**AN ORDINANCE ACCEPTING THE INSURANCE PROPOSAL
SUBMITTED BY ARTHUR J. GALLAGHER & CO.
AND DECLARING AN EMERGENCY**

The Acting Chairman declared this to be the first of three readings of Ordinance No. 44-21.

Discussion: Mr. Logan noted that there was a blank in Section 1. of the Ordinance for the dollar amount for the policy and he stated that the dollar amount that goes in Section 1. is \$207,332. That would be the new premium including our cyber liability policy for the policy year beginning July 1, 2021. He thought that Council already had the other information about the one claim of \$17,674 in the third “Whereas” clause of the Ordinance. He said that if there were any questions, he could certainly answer them.

ORDINANCE NO. 45-21 – AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH CLEVELAND COMMUNICATIONS INC. TO LEASE EQUIPMENT AND SPACE ON THE WATER TOWER LOCATED AT 4859 CENTER ROAD FOR THE PURPOSE OF INSTALLING NECESSARY ANTENNAS AND TO PROVIDE THE NEEDED HARDWARE TO FACILITATE COMMUNICATIONS BETWEEN SAFETY FORCES IN THE CITY OF AVON AND OTHER LOCAL GOVERNMENTS

The Clerk read Ordinance No. 45-21 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH CLEVELAND COMMUNICATIONS INC. TO LEASE EQUIPMENT AND SPACE ON THE WATER TOWER LOCATED AT 4859 CENTER ROAD FOR THE PURPOSE OF INSTALLING NECESSARY ANTENNAS AND TO PROVIDE THE NEEDED HARDWARE TO FACILITATE COMMUNICATIONS BETWEEN SAFETY FORCES IN THE CITY OF AVON AND OTHER LOCAL GOVERNMENTS AND DECLARING AN EMERGENCY

The Acting Chairman declared this to be the first of three readings of Ordinance No. 45-21.

REPORTS AND COMMENTS

MAYOR JENSEN advised that the pool is open. He said that they anticipated kind of a slow opening but that has not been the case. The pool has been busy every day and the residents are happy to be back.

The Mayor said that he talked with Mr. Varga, the City arborist, before he left on vacation. He is anxious to get back and talk with Council about how we can make Avon a “Tree City” and the different possibilities of grant money. So as soon as he gets back into town, the Mayor said he will try and set up a meeting for the appropriate Committee and he would let Council know.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1, had no comments.

MRS. HOLTZMEIER, AT LARGE, thanked Mr. Cummins for promptly dealing with a resident issue that we had regarding an outstanding matter. She appreciates getting back to that resident for those concerns.

Mrs. Holtzmeier wished a Happy Fathers Day to her colleagues who are fathers.

Mayor Jensen asked Mrs. Holtzmeier if she would like to mention the Bike Parade and Mrs. Holtzmeier pointed out the brochure at each place tonight announcing the date for this year's Bike Parade, which will be on Saturday, July 3rd. Last year with COVID, we had a car parade and it will be nice for the community, of all ages, to get back to our typical bike parade format. This is our 6th year of having an accessible course that is available to residents of all ages and she hopes everyone can come.

MR. MCBRIDE, WARD 2, stated that for the Bike Parade, his son sets up a water balloon stunt that will cool down anybody going by who wants to get wet and last year, it almost hit Mrs. Holtzmeier.

Mr. McBride said that a business on Rt. 83 contacted him requesting sidewalks and he sent an email to the Administration regarding this. He knows there is some vacant property there to install sidewalks but apparently there are some walkers who come across the railroad tracks from Avon Lake to walk to some of the businesses and fast food places near Rt. 83 and Chester Road.

Mr. McBride noted that we have had multiple discussions about home occupations. He said the last thing we need are any new rules and regulations but we have two or three individuals in the City who are basically running full-blown businesses out of their homes and beginning to make a nuisance. The streets have become basically parking lots, so we may need some regulations surrounding that type of home occupation. When somebody has three to five employees in the home and there is parking in the street and not in the driveway, Mr. McBride said that is an issue. He was not sure if the Law Director has been working on some legislation so we may want to review that. We may want to have the Planning Commission deal with it before it comes back to Council.

MR. MOORE, WARD 3, was absent.

MR. RADCLIFFE, WARD 4, had no comments.

MR. WITHERSPOON, AT LARGE, had no comments.

MR. FISCHER, AT LARGE, was absent.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, stated in regard to the earlier mention about the sidewalk program and areas needing sidewalks within town, he has been working with the Mayor and the Administration to identify those areas. We do have a series of maps put together for each Ward that identifies where sidewalks are and are not and are putting together a City-wide map which has the path plans as well as existing sidewalks. So we will have that information available to Council in the coming week or so.

MR. FARMER, SERVICE DIRECTOR, was absent

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

MR. GASIOR, LAW DIRECTOR, said that just following up on Mr. McBride's comment, he believes on Wednesday night we are going to discuss the home occupation permit again in front of Planning Commission on an informal basis and then we will probably have a formal ordinance and a public hearing in July.

MR. LOGAN, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY DIRECTOR, had no comments.

AUDIENCE:

Mark Pesta, 1532 Peach Drive, stated that he does not know if everyone knows, but there was a serious incident at the pool on Friday and he thought it would be a good idea to acknowledge the people who saved that little girl's life. He does not know the people personally but he is sure there are people who do know those who helped. Mayor Jensen said that we are trying to get those names; initially it was just a gentleman who pulled her out but then there was another girl who helped and there were also two nurses who were part of it. The Mayor said he was there Friday after it happened and we are thankful that the girl is ok. Mr. Pesta said, yes, it was a great effort from everybody and to acknowledge those people would be great.

Tom Chirumbole, 39077 Steeple Chase, stated his comment was in regard to Ordinance No. 45-21 – leasing space on the water tower. He said that he lives near Case Road and there is a relatively large tower near LCCC. He asked if that tower was being considered as a possible transmitter site? Mr. Butkowski responded that this system is actually for our safety forces and this location on the water tower was selected based on the proximity to the other antennas that are all part of this safety force communication system. Mr. Streator stated that the tower that Mr. Chirumbole is talking about that is over near LCCC is being utilized also as one of three; there will be three antennas for the radio system that we put in. Yes, that will be one of them and in the south end there is another one and then there is one on the water tower in Avon Lake on Walker Road.

Mr. Chirumbole said that he is an engineer and has been doing this for 30 years and he had heard that the County is interested in a County-wide radio system and he wondered if that was going to fit into a County-wide system or if that would just serve the City of Avon because sometimes when you look at sites it is like a domino effect. From his experience you have to look at the entire County. Mr. Butkowski stated that this is not necessarily County. This is kind of a catalyst and is actually a five-community system with Avon, Avon Lake, N. Ridgeville, Sheffield, and Sheffield Lake. So it is kind of the beginning of a process. Obviously we would like to expand it and he was sure that the company that is leasing the equipment to us would like to expand it as well.

Mr. Chirumbole asked if the City was considering other vendors? He would very much like to submit a design; he works for Motorola Solutions. Mr. Streator stated that Motorola is connected to Ohio MARCS (Multi-Agency Radio Communication System) and we did talk with Ohio MARCS, but they basically did not want to put any antennas up out in this area. Mr. Chirumbole said that he just talked to them this afternoon about this very topic. He stated that he is an engineer and he lives in the City of Avon, so both as a citizen and as a representative of Motorola, it is very important to him. He said that they actually did some coverage to that area County-wide and the coverage analysis showed if we used the tower at LCCC and a water tank in Avon Lake, that fills in all of Avon at a fairly high building penetration rate so he would not want the City to put up more transmitter sites than they really need. For

Motorola's offer, they would look at the entire County and obviously it is for improved communication among all the cities in the County. Mr. Streater said that he would be glad to talk to Mr. Chirumbole.

Mr. McBride stated that he knows that our safety forces have looked at this and the information goes back maybe 10 years, but there was a somewhat high negative for MARCS because of the cost. He does not know how this system compares currently but the operational cost of the MARCS system was more expensive and multiple cities in Lorain County were trying to get away from that. Not that they are not good radios because someone on one side of the County can talk to somebody on the other; it is awesome. But that information could be very dated at this point. Mr. Chirumbole said MARCS maintains a system through 2039 so they would maintain the transmitter sites.

ADJOURN: 7:49 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: Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"

The vote was 5 for and 0 against and the Chairman declared the motion passed.