

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JUNE 28, 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 and Council President – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; 4th Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor - Bryan Jensen; City Engineer – Ryan Cummins; Service Director – Mike 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

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to amend the agenda by removing Item #21, Resolution No. R-18-21 (Expressing Opposition to Sub. S.B. 111 Insofar as it Significantly Reduces the Amount of Federal Aid Previously Dedicated to Municipalities Resulting in a Substantial Loss of Revenue that will Impede the Ability of Municipalities to Provide for the Health, Safety and Welfare of their Residents and Businesses), 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. Moore 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 MEETING OF THE PARKS & RECREATION COMMITTEE OF COUNCIL
HELD MONDAY, JUNE 7, 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 Parks & Recreation Committee of Council held Monday, June 7, 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 WORK SESSION 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 Work Session of Council held Monday, June 7, 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.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JUNE 14, 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, June 14, 2021, 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.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, JUNE 21, 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 21, 2021, and to approve said minutes as published, 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. 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 Chairman declared this to be the second of three readings of Ordinance No. 43-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 43-21, 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. Moore to adopt Ordinance No. 43-21, 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.

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 Chairman declared this to be the second of three readings of Ordinance No. 45-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 45-21, 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. 45-21, and the discussion was: Mr. McBride asked if there was a provision in the lease that if work has to be done on the water tower or if it needs to be painted that the lessees are required to remove their equipment temporarily for such maintenance.

Mr. Gasior confirmed that was all covered in the lease agreement. He advised they were well aware of the AT&T situation, and they focused in on making sure that the City did not have to relocate any equipment at the City’s cost.

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. 46-21 – ESTABLISHING A TAX BUDGET FOR THE CURRENT EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022

The Clerk read Ordinance No. 46-21 by title only, entitled:

AN ORDINANCE ESTABLISHING A TAX BUDGET FOR THE CURRENT EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022 AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 46-21, 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. 46-21, 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.

ORDINANCE NO. 47-21 – AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY OF AVON BY ADDING SECTION 5.16.1 (FMCSA CLEARINGHOUSE POLICY AND PROCEDURES FOR CDL EMPLOYEES)

The Clerk read Ordinance No. 47-21 by title only, entitled:

AN ORDINANCE AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY OF AVON BY ADDING SECTION 5.16.1 (FMCSA CLEARINGHOUSE POLICY AND PROCEDURES FOR CDL EMPLOYEES) 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. 47-21, 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. Moore to adopt Ordinance No. 47-21, 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.

ORDINANCE NO. 48-21 – TO AWARD A BID FOR THE CHESTER ROAD PAVEMENT RESURFACING PROJECT

The Clerk read Ordinance No. 48-21 by title only, entitled:

AN ORDINANCE TO AWARD A BID FOR THE CHESTER ROAD PAVEMENT RESURFACING PROJECT 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. 48-21, 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 Ordinance No. 48-21, 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. 49-21 – TO AWARD A BID FOR THE NAGEL ROAD-NORTH PAVEMENT RESURFACING PROJECT

The Clerk read Ordinance No. 49-21 by title only, entitled:

AN ORDINANCE TO AWARD A BID FOR THE NAGEL ROAD-NORTH PAVEMENT RESURFACING PROJECT 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. 49-21, 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. Moore to adopt Ordinance No. 49-21, 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.

ORDINANCE NO. 50-21 – AMENDING ORDINANCE NO. 48-19 WHICH ADOPTED THE JUNE 10, 2019 REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY OF AVON

The Clerk read Ordinance No. 50-21 by title only, entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 48-19 WHICH ADOPTED THE JUNE 10, 2019 REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY OF AVON

The Chairman declared this to be the first of three readings of Ordinance No. 50-21. A Public Hearing will be held on Monday, August 9, 2021 at 7:15 p.m.

ORDINANCE NO. 51-21 – TO AMEND SECTIONS 1222.02, 1278.03, 1280.05 AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE STORAGE CONDOMINIUMS UNDER MINI SELF STORAGE 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. 51-21 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 STORAGE CONDOMINIUMS UNDER MINI SELF STORAGE ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE M-1 GENERAL INDUSTRIAL AND M-2 LIGHT INDUSTRIAL DISTRICTS

The Chairman declared this to be the first of three readings of Ordinance No. 51-21. A Public Hearing will be held on Monday, August 9, 2021 at 7:20 p.m.

Ms. Fechter advised the gentleman that Council met last week, David Keehan, is wanting to build these storage condos, by his facility on Jaycox Road. Ms. Fechter stated the facilities that Mr. Keehan is looking to build range between 900 and 1,000 square feet. She advised she still needs to have some conversations with the Law Director to see if there are any additional violation fees that the City can impose if they are operating the storage facility against the bylaws and against what the Code allows. Ms. Fechter indicated she would recommend a range of 900 to 1200 square feet be approved for the storage condominiums. She stated some on Council as well as some in the Administration, felt that having that higher square footage should be allowable to start because with the mini storage 500 square feet is the maximum size allowed. Ms. Fechter felt if they make it not as easy to achieve these bigger units it might help with the concern that there could potentially be too many within the City. She said there was also some conversation in the Planning Commission meeting about where these units were going to be located and the direction of the discussion led to not allowing them in specific areas such as on Detroit Road to make sure these units would not pop up in areas where the City would not consider them desirable. Ms. Fechter advised the current Code already has that covered as it says these units are only allowed on arterial streets and that issue was resolved on Jaycox Road by saying that north of I-90 or north of Detroit Road that those areas will be designated as M-1 General Industrial and any area south of that will not. Said in that way, it encompasses our industrial parks. She said she would like to look at a couple more details that she will bring to Council next week, but if there was anything that Council would like to include in this legislation or if there are any concerns to please let her know. Ms. Fechter stated they would like to go ahead at the end of these readings and call for a vote as there are people wanting to build storage condos and they could always make some tweaks along the way.

Mr. Fischer advised he agreed that come August 9, 2021, all of Council's questions should have been addressed and he hoped the vote could be taken. He advised he did not want August 9, 2021, to arrive and then there were a bunch of questions as there is time before that date and he reiterated that if there are questions or concerns that need addressed to please contact Ms. Fechter and get those ironed out before the vote.

ORDINANCE NO. 52-21 – 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 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGEL ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY

The Clerk read Ordinance No. 52-21 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 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGEL ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY

A motion was made by Mr. McBride and seconded by Mr. Moore to table Ordinance No. 52-21 indefinitely, and the discussion was: Mr. Gasior advised he spoke with Council President Fischer and determined this is the best way to approach this situation. He said the Planning Commission acted and made a favorable recommendation to City Council and that recommendation remains. Mr. Gasior stated

it sounded to him like the applicant understands that he cannot go forward until some time early next year to get on the November 2022 ballot. He advised there is nothing pressing and no reason for this Ordinance to just sit out there with nothing going on and it was almost a housekeeping matter to table it indefinitely and eliminate it.

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. 53-21 – APPROVING MODIFICATIONS TO THE SANITARY SEWER MASTER PLAN AND ADOPTING SAID MODIFICATIONS AS REVISIONS TO THE OFFICIAL SANITARY SEWER MASTER PLAN FOR THE CITY OF AVON

The Clerk read Ordinance No. 53-21 by title only, entitled:

AN ORDINANCE APPROVING MODIFICATIONS TO THE SANITARY SEWER MASTER PLAN AND ADOPTING SAID MODIFICATIONS AS REVISIONS TO THE OFFICIAL SANITARY SEWER MASTER PLAN FOR THE CITY OF AVON

The Chairman declared this to be the first of three readings of Ordinance No. 53-21.

A Public Hearing will be held on Monday, August 9, 2021 at 7:25 p.m.

ORDINANCE NO. 54-21 – TO AMEND THE SPECIAL USE PERMIT FOR AVON PROPERTIES INC. (dba. BOB-O-LINK GOLF COURSE) TO ALLOW FOR THE CONSTRUCTION OF A NEW POLE BARN LOCATED AT 4141 CENTER ROAD

The Clerk read Ordinance No. 54-21 by title only, entitled:

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT FOR AVON PROPERTIES INC. (dba BOB-O-LINK GOLF COURSE) TO ALLOW FOR THE CONSTRUCTION OF A NEW POLE BARN LOCATED AT 4141 CENTER 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. 54-21, 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. Moore to adopt Ordinance No. 54-21, 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.

ORDINANCE NO. 55-21 – TO PROVIDE FOR THE ISSUANCE AND SALE OF MUNICIPAL RECREATION FACILITY NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,200,000 FOR THE PURPOSE OF PAYING THE COST

OF CONSTRUCTING, RENOVATING, FURNISHING AND EQUIPPING MUNICIPAL RECREATION FACILITIES

The Clerk read Ordinance No. 55-21 by title only, entitled:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF MUNICIPAL RECREATION FACILITY NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS OF THE CITY OF AVON, OHIO IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,200,000 FOR THE PURPOSES OF PAYING THE COSTS OF CONSTRUCTING, RENOVATING, FURNISHING AND EQUIPPING MUNICIPAL RECREATION FACILITIES AND DECLARING AN EMERGENCY

The Chairman declared this to be the first of three readings of Ordinance No. 55-21.

Mr. Logan advised this is the last set of notes that need to be rolled over this year. He said these are the notes for the swimming pool and the infrastructure related to the pool. Mr. Logan stated these notes were first taken out in 2015 and they plan to pay these notes down by a minimum of \$300,000 but they may be able to pay them down by more than that amount depending on the second half TIF collections. He advised as with the Elizabeth, Puth, Joseph Notes back in early June, these notes also will carry a 90-day call provision meaning that after 90 days the City can retire these notes and issue long term debt and that is a good option the City will have along with those other notes to possibly combine them and issue bonds early next year if interest rates remain in the same vicinity. Mr. Logan said these recreation facilities notes will be sold at a negotiated sale and Fifth Third Bank is the underwriter. He stated last year the City sold these notes competitively, but since the call provision is in there, they wanted to make sure the City had an underwriter that is familiar with what they are doing.

Mr. Logan advised he will be asking Council to pass this Ordinance on the third reading, which will be at the first meeting in August and then the notes will be sold mid-August and retire the notes that are outstanding in early September.

Mr. Butkowski inquired since the call provision is in these notes were they paying a premium over what is normally paid for a one-year note.

Mr. Logan advised it is negligible at less than a basis point.

REPORTS AND COMMENTS

MAYOR JENSEN reminded everyone that the fireworks display would be on Saturday, July 3, 2021 at the Crusher's Stadium at dusk. He said the fireworks display will be similar to last year's fireworks display as it will be a little bigger than normal and will be in conjunction with the Crusher's game that night. Mayor Jensen advised the crews are preparing the area so people can park and enjoy the festivities.

Mayor Jensen advised the annual Bike Parade would also be held that same day, Saturday, July 3, 2021 at 10 am.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1, advised he would like to call a Finance Committee Meeting for Monday, July 12, 2021 at 6:30 p.m. to discuss and review the water and sewer rates as well as storm

water rates moving forward. He said the Finance Committee members all confirmed with him their availability for that date and time and he requested the Clerk to set and publicize that meeting.

MRS. HOLTZMEIER, AT LARGE, confirmed the Bike Parade will be held this Saturday, July 3, 2021 at 10 am. She advised one thing people will walk away with from the event is knowing that there are some spectacular people in this community and the Fourth of July provides an opportunity to recognize them at the Bike Parade and she hoped to see them in attendance.

MR. MCBRIDE, WARD 2, advised he would like to call a Legal Committee Meeting to discuss acquiring a Tree City designation. He asked Mayor Jensen to verify that the Arborist, Mr. Varga, was back in town and said he is considering an early August date for this Committee to meet and discuss that topic. Mr. McBride said he could see this discussion may turn into a 2-hour session depending on what is on the agenda.

It was noted that August 2nd and August 9th were the first two Mondays in August when Council meets for their Work Session and Regular Meeting.

Mr. McBride suggested the Legal Committee Meeting be set for Monday, August 2, 2021 at 6:00 p.m.

Mr. Fischer suggested Mr. Varga be contacted to see of his availability before the meeting is officially scheduled.

Mayor Jensen advised he spoke with Mr. Varga earlier this week and he would like to ask that if Mr. McBride has a few minutes this month to meet with him prior to setting a committee meeting so they are together on what should be presented and discussed. He indicated otherwise the committee meeting could be lengthy and he felt it needed to have some direction. Mayor Jensen said it would be good to go over what Council's expectations are so that when it is discussed in committee that they will only present what is necessary and it still may take more than one meeting to get this all accomplished.

Mr. McBride agreed.

The committee meeting date and time was still to be determined for that topic.

MR. MOORE, WARD 3, wished everyone an enjoyable Fourth of July weekend.

MR. RADCLIFFE, WARD 4, had no comments.

MR. WITHERSPOON, AT LARGE, inquired as to why Resolution No. R-18-21 was removed from the agenda.

Mr. Gasior advised he would explain that reasoning during his comments if that was okay with Mr. Witherspoon.

Mr. Witherspoon agreed.

MR. FISCHER, AT LARGE, wished everyone a happy Fourth of July.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MR. FARMER, SERVICE DIRECTOR, wished everyone a happy and safe Fourth of July.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, wished everyone a happy Fourth of July.

Ms. Fechter thanked Mr. Cummins for covering for her at last week's meeting so she could go on vacation.

MR. GASIOR, LAW DIRECTOR, wished everyone a happy Fourth of July.

Mr. Gasior advised the Resolution No. R-18-21 that was prepared for Council's consideration and subsequently removed from tonight's agenda, to Express Opposition to Sub. S.B. 111, was in relation to some activity that was taking place at the State House last week. He said the activity focuses on the \$844 million for the first trunch of American Rescue Plan Act funds that the City was to receive sometime this summer. Mr. Gasior stated as Council may recall, Mr. Logan mentioned back in May that the City share was estimated to be just under \$4.6 million. He advised that was to be part of the distribution to cities and villages and that was to be Avon's share.

Mr. Logan added for those municipalities under a population of 50,000 that are referred to as Non-Entitlement Units (NEU).

Mr. Gasior advised the State Legislature has been working on the State budget and they were entertaining Substitute Senate Bill 111 to try to divert some of those \$844 million by taking \$422 million away from the cities and villages and giving it to the townships. Mr. Gasior said he prepared that Resolution around Wednesday of last week and on Thursday there was activity at the State House and they removed the provision. He stated for cities over a population of 50,000 they were unaffected by this proposed change as their funding would come directly from the Treasury, but for those under 50,000 they were identified as an NEU and the legislation came out of Washington and it was earmarked for cities and villages. Mr. Gasior believes House Bill 168 will get passed this week if they have not passed it already. He said there was a very nice write-up on Friday in the Ohio Municipal League Bulletin and Ken Scarrett, the Executive Director of the OML, strongly suggests that municipalities write a letter and/or pass a Resolution letting their Governors and State Representatives know that the municipalities should be reimbursed that \$422 million that went to the townships. Mr. Gasior advised Mr. Scarrett points out that the State of Ohio received almost \$6 billion from that American Rescue Plan Act (ARPA) and there was no reason that the townships could not have been taken care of out of that \$6 billion instead of taking it away from cities and villages with a population under 50,000. He said most townships do not have fire and police departments as they rely on the county sheriffs and the counties are receiving their share of funding as well and none of their funding was cut. Mr. Gasior believed this action was a very unfair thing that the State legislature did to cities and villages. He felt that tonight the appropriate thing to do was delete Resolution No. R-18-21 from the agenda and he added that perhaps next week he may bring a different Resolution that simply calls for that \$422 million to be reimbursed to cities and villages out of that \$6 billion in money the State just received from the Federal Government.

Mr. Logan advised the share that Avon will receive with this reduction will be \$2,451,000 which is down from \$4.6 million. He said that amount is divided into two distributions with one this year and one next year.

Mr. Gasior advised on a positive note, our Resolution No. R-17-21 from a couple weeks ago regarding Senate Bill 110 did have some effect and that issue was with cable television and cable providers has been eliminated from the budget bill so a municipality would not prohibited by State law from entering into any kind of cable agreement if they so choose. He said he wanted to update Council regarding that provision being removed from the budget bill.

MR. LOGAN, FINANCE DIRECTOR, had no further comments.

MR. STREATOR, SAFETY DIRECTOR, had no comments.

AUDIENCE: There were no comments from the audience.

ADJOURN: 8:05 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.