

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JULY 12, 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 and Council President – Brian Fischer; 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; 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; Clerk of Council – Barbara Brooks

**ABSENT:**

Safety Director – Duane Streator

**CORRESPONDENCE**

The Clerk advised she received a request from the Ohio Division of Liquor Control for a Transfer of Ownership from Piccoloavon, LLC DBA Café Piccolo to Antica of Avon, LLC DBA Antica of Avon located at 35568 Detroit Road, Avon.

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

**PROCLAMATION**

Mayor Jensen advised he had the pleasure of being at an event recently recognizing Lois Shinko for her 50 years in business. He said he asked Lois Shinko and her family to attend tonight’s Council Meeting to formally present her with a Proclamation noting that it was a group effort with City Council and himself to recognize her and her accomplishments.

Mayor Jensen recognized Lois Shinko for 50 years since she and her husband Bob opened their antique store in Avon called, “The Country Store” and which is still going strong keeping the interest of antiques and yard sales alive and well in Avon. Without Lois’ commitment to Olde Avon, traditions and love of antiquing, Avon’s downtown area would not be what it is today. Mayor Jensen proclaimed the fourth weekend of every June as “**Lois Shinko Aunt Teak and Uncle Junque – Avon Citywide Garage Sale Weekend**” to recognize the many contributions Lois has made on behalf of our community.

Ms. Shinko thanked everyone in Avon that helped them for all these years, and she said they will continue to keep it going.

Mr. Shinko advised he is lucky to have Lois with him as she does fine work. He said there are some really nice people in this town, and he thanked everyone for their continued support. Mr. Shinko stated this was a really nice thing the City did for them.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, JUNE 21, 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, June 21, 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, JUNE 28, 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 28, 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 SPECIAL MEETING OF COUNCIL HELD MONDAY, JULY 6, 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, July 6, 2021, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Holtzmeier, “yes”; Mr. Butkowski, “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 second of three readings of Ordinance No. 50-21 and 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 second of three readings of Ordinance No. 51-21 and a Public Hearing will be held on Monday, August 9, 2021 at 7:20 p.m.

ORDINANCE NO. 53-21 – APPROVING THE MODIFICATIONS TO THE SANITARY SEWER MASTER PLAN AND ADOPTING SAID MODIFICATIONS AS REVISIONS TO THE OFFICIAL SANITARY SEWER MASTER PLAN

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

**AN ORDINANCE APPROVING THE 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 second of three readings of Ordinance No. 53-21 and a Public Hearing will be held on Monday, August 9, 2021 at 7:25 p.m.

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 PURPOSE OF PAYING THE COST OF CONSTRUCTING, RENOVATING, FURNISHING AND EQUIPPING MUNICIPAL RECREATION FACILITIES AND DECLARING AN EMERGENCY**

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

ORDINANCE NO. 56-21 – EXTENDING THE TEMPORARY MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS IN THE CITY OF AVON

The Clerk read Ordinance No. 56-21 by title only, entitled:

**AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS IN THE CITY OF AVON AND DECLARING AN EMERGENCY**

The Chairman declared this to be the second of three readings of Ordinance No. 56-21.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 56-21, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 56-21, and the discussion was: Mr. McBride inquired as to when there will be an Ordinance outlining short term rentals. He said there was a lot of social media traffic and comments about someone building a home in Avon and is looking for transitional housing for several months. Mr. McBride clarified he is not talking about situations where there are parties thrown 4 weekends in a row.

Mr. Gasior advised that would not be an issue as short term rental is defined as something that is less than 30 days. He said if someone is looking to rent for 2, 4 or 6 months, it is not impacted by this legislation. Mr. Gasior stated he is hopeful that if they decide to do anything it will be in front of Planning Commission in August, and something may be in front of Council in September.

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.

ORDINANCE NO. 57-21 – AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH MOORE MONTESSORI EDUCATIONAL SERVICES, LLC, DBA AVON MONTESSORI TO EXPAND THEIR OUTDOOR CLASSROOM SPACE ON A PORTION OF LAND OWNED BY THE CITY OF AVON BEHIND 37701 COLORADO

The Clerk read Ordinance No. 57-21 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH MOORE MONTESSORI EDUCATIONAL SERVICES, LLC, DBA AVON MONTESSORI TO EXPAND THEIR OUTDOOR CLASSROOM SPACE ON A PORTION OF LAND OWNED BY THE CITY OF AVON BEHIND 37701 COLORADO 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. 57-21, 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. Moore to adopt Ordinance No. 57-21, 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.

RESOLUTION NO. R-19-21 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF THE RENEWAL OF AN EXISTING ONE-HALF (.5) MILL TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING BUILDINGS AND EQUIPMENT USED DIRECTLY IN THE OPERATION OF THE AVON POLICE DEPARTMENT AND FOR OTHER PURPOSES SET FORTH IN OHIO REVISED CODE SECTION 5705.19(J)

The Clerk read Resolution No. R-19-21 by title only, entitled:

**A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF THE RENEWAL OF AN EXISTING ONE-HALF (.5) MILL TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING BUILDINGS AND EQUIPMENT USED DIRECTLY IN THE OPERATION OF THE AVON POLICE DEPARTMENT AND FOR OTHER PURPOSES SET FORTH IN OHIO REVISED CODE SECTION 5705.19(J) AND DECLARING AN EMERGENCY**

The Chairman declared this to be the second of three readings of Resolution No. R-19-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-19-21, 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 Resolution No. R-19-21, 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.

**RESOLUTION NO. R-20-21 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF THE RENEWAL OF AN EXISTING ONE-HALF (.5) MILL TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING BUILDINGS AND EQUIPMENT USED DIRECTLY IN THE OPERATION OF THE AVON FIRE DEPARTMENT AND FOR OTHER PURPOSES SET FORTH IN OHIO REVISED CODE SECTION 5705.19(I)**

The Clerk read Resolution No. R-20-21 by title only, entitled:

**A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF THE RENEWAL OF AN EXISTING ONE-HALF (.5) MILL TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING BUILDINGS AND EQUIPMENT USED DIRECTLY IN THE OPERATION OF THE AVON FIRE DEPARTMENT AND FOR OTHER PURPOSES SET FORTH IN OHIO REVISED CODE SECTION 5705.19(I) AND DECLARING AN EMERGENCY**

The Chairman declared this to be the second of three readings of Resolution No. R-20-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-20-21, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-20-21, 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.

RESOLUTION NO. R-21-21 – DECLARING THE NECESSITY OF CONSTRUCTING CONCRETE SIDEWALKS FOR THE 2021 SIDEWALK PROGRAM

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

**A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING CONCRETE SIDEWALKS FOR THE 2021 SIDEWALK PROGRAM AND DECLARING AN EMERGENCY**

The Chairman declared this to be the second of three readings of Resolution No. R-21-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-21-21, 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. Moore to adopt Resolution No. R-21-21, and the discussion was: Mayor Jensen asked Council if they would add the north side of Avon Road from Nagel Road to Pine Drive. He said a couple Council Members approached him and asked that section be added to this years’ sidewalk improvement program.

Mr. Gasior advised in Section 1 they will add a subsection (7) and that will be for the sidewalk on the north side of Avon Road from Nagel Road to Pine Drive. He said that language will be added and the Ordinance did not have to be amended, but when Council votes they understand it will include those 7 items and he would provide the revision to the Clerk.

Mr. Fischer asked Mayor Jensen to address why the sidewalks were going in on the north side of Avon Road.

Mayor Jensen advised he and Mr. Loeser, Superintendent of Streets, went out and looked at the areas to see if there was a way to get sidewalks on the south side of Avon Road; but because of the amount of time it would take to cover those large ditches and be able to have enough storm water retention to install sidewalks it would be a year or two out. He said they are still looking at trying to cover the ditches in front of the four existing homes, but there are still other areas that are going to be more difficult and problematic. Mayor Jensen stated it will serve the City well to have sidewalks installed on the north side of that road and they were also looking at installing a mid-block pedestrian crossing to increase the safety for children. He advised he has reservations about pedestrians crossing at Nagel Road and Avon Road because there are 5 lanes of traffic and there are still motorists making those turns sharply in that area regardless of whether the sidewalks were installed on the north or south side of Avon Road. Mayor Jensen stated they would look at whether there was a safer way to cross in that area, but the first step was to get the sidewalks installed.

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.

## REPORTS AND COMMENTS

MAYOR JENSEN thanked Mr. and Mrs. Shinko for all they mean to the City of Avon. He said he has a long history of working with them and a lot of fun. Mayor Jensen stated he appreciates all they do and he feels it keeps Avon what it is today.

### COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1, had no comments.

MRS. HOLTZMEIER, AT LARGE, thanked Mr. and Mrs. Shinko and their daughter Annemarie for all they do for Avon.

MR. MCBRIDE, WARD 2, thanked Mr. and Mrs. Shinko and said their work is much appreciated.

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, thanked Mr. and Mrs. Shinko for all they have done for the City over the years. He said it has been a pleasure having them in the City and he hopes they continue for years to come.

### DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MR. FARMER, SERVICE DIRECTOR, had no comments.

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

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. LOGAN, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY DIRECTOR, was absent.

AUDIENCE:

Pat Jankowski of 1409 Hollow Wood Lane said she is not familiar with the storage condominiums and there has been a lot of discussion about what goes in. She inquired how they were going to be monitored.

Mr. Fischer advised he believes they will have an HOA that oversees them. He asked Ms. Fechter if she would like to elaborate.

Ms. Fechter advised the storage condominiums would have in essence an HOA that will be responsible to monitor the units because they will be individually owned.

Ms. Jankowski asked if she meant that they are monitored by themselves.

Ms. Fechter said there is a Board of Directors, the HOA, that will be responsible for the activities that go on at the storage condos.

Mayor Jensen advised it will be very similar to storage units that are rented, but these will be individually owned.

Ms. Jankowski asked if there was any enforcement with the City.

Mayor Jensen advised the City will still be required to inspect these units.

Ms. Fechter clarified that the inspections will not only be on the City but that they will monitor themselves and the Fire Department and Police Department will do their standard inspections like they do with all the other facilities, but these units will also have a Board of Governors to oversee them.

ADJOURN: 7:56 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: 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.