

**PUBLIC HEARINGS  
AVON CITY COUNCIL  
MONDAY, AUGUST 9, 2021**

**7:15 P.M.** – Council President Fischer opened the Public Hearing for Ordinance No. 50-21.

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

There being no comments, the Public Hearing for Ordinance No. 50-21 was closed at 7:17 p.m.

**7:20 P.M.** – Council President Fischer opened the Public Hearing for Ordinance No. 51-21.

**ORDINANCE NO. 51-21 – 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**

There being no comments, the Public Hearing for Ordinance No. 51-21 was closed at 7:21 p.m.

**7:25 P.M.** – Council President Fischer opened the Public Hearing for Ordinance No. 53-21.

**ORDINANCE NO. 53-21 – 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**

There being no comments, the Public Hearing for Ordinance No. 53-21 was closed at 7:26 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, AUGUST 9, 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; Safety Director – Duane Streater; Clerk of Council – Barbara Brooks

**CORRESPONDENCE**

The Clerk advised she received a request from the Ohio Division of Liquor Control for a change in Stock for Barbiers Tavern, Inc. DBA Frank and Ellie's Place located at 37111 Detroit Road, 1<sup>st</sup> FL & BSMT & Deck, Avon, OH.

No concerns were voiced and no requests for a hearing were made.

#### PRESENTATION TO MAYOR JENSEN

Bob Hill, Avon Lion's Club

Bob Hill of 3590 Weston Drive, Avon, advised he was present tonight representing the Avon Lion's Club to provide the results of the most recent Fishing Derby. He said there was a very good turnout of 205 participants and 153 fish and 2 turtles were caught and released. Mr. Hill stated awards were given to those who caught the 5 largest fish with the largest being a 17" catfish. He advised there were 9 extra raffles held where contributors from the area donated a lot of prizes. Mr. Hill said the grand prize was the Crusher's Loge donated by the City and the Mayor presented that to the winner. He thanked the generous sponsors that helped to make the Fishing Derby a success and they had great weather for the event. Mr. Hill specifically mentioned Cabelas who want to be more involved in community events such as this and they helped this year and provided ideas for future events. He thanked the City of Avon and Mayor Jensen for all he has done for the City in helping to promote events such as this one. Mr. Hill presented Mayor Jensen with an honorary fish trophy from the Lion's Club for helping with the Fishing Derby over the years.

Mayor Jensen said he was glad to see Mr. Hill back at a Council Meeting. He knows that Council is behind him and the City has always supported the Lion's Club and their work. Mayor Jensen advised the Lion's Club has given back more than the City or City Council could have given and they are grateful for the men and women who wear red and support the community. He stated this was the biggest Fishing Derby to date and that is because of the work of people like Mr. Hill and Mr. Witherspoon who is serving as the Lion's Club President once again. Mayor Jensen thanked all those who worked to put on such a great event and said it was not about the City leaders, but what the Lion's Club means to the children in this community and the City is very appreciative.

Mr. Hill advised half of the participants were new to the tournament this year and they found a new way to reach out to more members of the community through the school system, which helped increase the turnout. He agreed with Mayor Jensen that it was very nice to see the area filled with participants. Mr. Hill said it is planned that next year's Fishing Derby will be held at the newly purchased park land off Detroit Road next to Veterans Memorial Park. He stated if it was alright with everyone else he planned on coming back and seeing Council on a regular basis and he thanked them for their time.

Mr. Fischer thanked Mr. Hill and said it was nice to have him back at Council Meetings.

#### UPDATE FROM REPUBLIC SERVICES

Dave Kidder, Manager Municipal Sales

Mr. Fischer advised Mr. Kidder provided late notice that he was unable to make tonight's meeting to provide Council with an update. He invited Mr. Kidder to come before Council on Tuesday, September 7, 2021, but he has not heard back from him yet. Mr. Fischer assured the public that Council has many questions and that they were hopeful to get an update soon.

#### MINUTES OF THE WORK SESSION OF COUNCIL HELD TUESDAY, 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 Work Session of Council held Tuesday, July 6, 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 MEETING OF THE FINANCE COMMITTEE OF COUNCIL HELD MONDAY, JULY 12, 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 Finance Committee of Council held Monday, July 12, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, JULY 12, 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, July 12, 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.

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 third of three readings of Ordinance No. 50-21.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 50-21, 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. 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 third of three readings of Ordinance No. 51-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 51-21, 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.

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

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 third of three readings of Ordinance No. 53-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 53-21, 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. 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 third of three readings of Ordinance No. 55-21.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 55-21, 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.

ORDINANCE NO. 58-21 – TO AMEND SECTION 1040.01(a) OF THE CODIFIED ORDINANCES TO INCREASE THE RATES CHARGED FOR WATER SERVICE

The Clerk read Ordinance No. 58-21 by title only, entitled:

**AN ORDINANCE TO AMEND SECTION 1040.01(a) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE THE RATES CHARGED FOR WATER SERVICE IN THE CITY OF AVON 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. 58-21, 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. 58-21, 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. 59-21 – TO AMEND SECTION 1042.02(i) OF THE CODIFIED ORDINANCES TO INCREASE SANITARY SEWER RATES**

The Clerk read Ordinance No. 59-21 by title only, entitled:

**AN ORDINANCE TO AMEND SECTION 1042.02(i) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE SANITARY SEWER RATES 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. 59-21, 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. Radcliffe to adopt Ordinance No. 59-21, 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.

**ORDINANCE NO. 60-21 – TO AMEND SECTION 1056.08(a) OF THE CODIFIED ORDINANCES TO INCREASE THE STORMWATER UTILITY BASE RATE PER ERU (EQUIVALENT RESIDENTIAL UNIT) PER MONTH, AND TO ESTABLISH AN ANNUAL BASE RATE ADJUSTMENT**

The Clerk read Ordinance No. 60-21 by title only, entitled:

**AN ORDINANCE TO AMEND SECTION 1056.08(a) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE THE STORMWATER UTILITY BASE RATE PER ERU (EQUIVALENT RESIDENTIAL UNIT) PER MONTH, AND TO ESTABLISH AN ANNUAL BASE RATE ADJUSTMENT 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. 60-21, 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. Radcliffe and seconded by Mr. Moore to adopt Ordinance No. 60-21, 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.

ORDINANCE NO. 61-21 – REAPPROPRIATIONS

The Clerk read Ordinance No. 61-21 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT  
APPROPRIATIONS ORDINANCE NO. 108-20  
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. 61-21, 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. 61-21, and the discussion was: Mr. Logan advised he wanted to point out that a line item was added under the General Fund since last week as follows:

Increase appropriations \$80,000.00 for 10 new solar powered radar speed signs.

Mr. Logan said that amount includes the purchase and the installation of these signs to be placed at various locations to be determined.

Mayor Jensen advised that amount should be more than necessary, but they wanted to include enough funding in case it was decided to place a few speed signs at the various school locations in the City. He said they may have noticed that the Early Learning Center has a speed reader that is attached to the pole where the flashing lights are located. Mayor Jensen stated they would not use any more funds than are necessary, but they wanted to be prepared for these additional locations.

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. 62-21 – AMENDING “SCHEDULE 1294.08(a)” OF THE CODIFIED  
ORDINANCES OF THE CITY REGARDING REQUIREMENTS FOR FENCES AND WALLS

The Clerk read Ordinance No. 62-21 by title only, entitled:

**AN ORDINANCE AMENDING “SCHEDULE 1294.08(a)” OF  
THE CODIFIED ORDINANCES OF THE CITY OF AVON  
REGARDING REQUIREMENTS FOR FENCES AND WALLS**

The Chairman declared this to be the first of three readings of Ordinance No. 62-21 and announced a Public Hearing would be held on Monday, September 27, 2021 at 7:25 p.m.

ORDINANCE NO. 63-21 – AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT FOR 1225 MOORE ROAD, PERMANENT PARCEL NO. 04-00-009-000-015, TO OCCUPY A PORTION OF THE CITY RIGHT OF WAY ALONG A SECTION OF MOORE ROAD (EAST SIDE) A WIDTH OF APPROXIMATELY 637.45 FEET

The Clerk read Ordinance No. 63-21 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT FOR 1225 MOORE ROAD, PERMANENT PARCEL NO. 04-00-009-000-015, TO OCCUPY A PORTION OF THE CITY RIGHT OF WAY ALONG A SECTION OF MOORE ROAD (EAST SIDE) A WIDTH OF APPROXIMATELY 637.45 FEET 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. 63-21, 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. 63-21, 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.

ORDINANCE NO. 64-21 – TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH MERIDIAN CONSTRUCTION & DESIGN, INC. FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT 31880 MILLS ROAD

The Clerk read Ordinance No. 64-21 by title only, entitled:

**AN ORDINANCE TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH MERIDIAN CONSTRUCTION & DESIGN, INC. FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT 31880 MILLS 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. 64-21, 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. 64-21, 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-22-21 – SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION STATE ISSUE ONE FUNDING APPLICATION FOR THE JAYCOX ROAD RESURFACING PROJECT

The Clerk read Resolution No. R-22-21 by title only, entitled:

**A RESOLUTION SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION STATE ISSUE ONE FUNDING APPLICATION FOR THE JAYCOX ROAD 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 Resolution No. R-22-21, 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. Radcliffe to adopt Resolution No. R-22-21, 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-23-21 – SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION STATE ISSUE ONE FUNDING APPLICATION FOR THE JUST IMAGINE DRIVE RESURFACING PROJECT

The Clerk read Resolution No. R-23-21 by title only, entitled:

**A RESOLUTION SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION STATE ISSUE ONE FUNDING APPLICATION FOR THE JUST IMAGINE DRIVE 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 Resolution No. R-23-21, 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. Radcliffe to adopt Resolution No. R-23-21, 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-24-21 – AUTHORIZING THE MAYOR OF THE CITY OF AVON TO ENTER INTO A PARTICIPATION AGREEMENT AND ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT WITH McKESSON CORPORATION, CARDINAL HEALTH, INC., AND AMERISOURCEBERGEN CORPORATION PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT

The Clerk read Resolution No. R-24-21 by title only, entitled:

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON TO ENTER INTO A PARTICIPATION AGREEMENT AND ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT WITH McKESSON CORPORATION, CARDINAL HEALTH, INC. AND AMERISOURCEBERGEN CORPORATION PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT 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-24-21, 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-24-21, 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.

REPORTS AND COMMENTS

MAYOR JENSEN advised it is individuals like Mr. Hill and the organization that he represents that make his job as Mayor so satisfying. To look at the kids out fishing this past weekend and to see their smiles shows just how much the Fishing Derby means to them. The Lion’s Club continues to keep giving back and yet Mr. Hill came forward to thank us when we should be thanking him. Mayor Jensen stated giving the 200+ kids the opportunity to enjoy time outside with their families fishing was far more meaningful than the little bit the City did by stocking the pond and some other prep work. He advised he is grateful for Mr. Witherspoon and Mr. Hill and the Lion’s Club that continues to give and help needy families during difficult times of their lives and more. Mayor Jensen asked that Mr. Hill express his thanks to all those that were part of helping make this event successful. He said these people are constantly there whenever the City needs them.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1, had no comments.

MRS. HOLTZMEIER, AT LARGE, noted that this is the last Council Meeting in the month of August and the next time that they will be meeting, school will have already started. She said while she does not anticipate them to be installed in time for school to start, she is grateful that they were able to

authorize those extra speed indicator signs to the community. Mrs. Holtzmeier stated it is always helpful to remind the residents about speeding especially through neighborhoods and to slow down. She advised school buses are going to be starting to make their rounds as she just received an email from the schools letting us know the buses will be doing some practice runs. She advised as drivers, they all have a responsibility to slow down because it is that time of year. Mrs. Holtzmeier wished the rest of Council a good break.

MR. MCBRIDE, WARD 2, complimented Mr. Witherspoon on a job well done on the Fishing Derby. He said it was great to see Mr. Hill back at a Council Meeting as he was missed for quite some time and hopefully he is well on his way to recovering.

Mr. McBride advised it would appear from an email from the High School Principal that parking spaces are limited, and the schools eliminated the busing and the huge Performing Arts Center is in process of being constructed. He asked while the Performing Arts Center is needed where are all the students are going to park. Mr. McBride said vehicles did not need to be parking on Hunter's Trail or the other adjacent streets. He stated they should not be parking next door at the church because it is a school parking issue and the schools need to take care of it.

Mr. McBride asked if Mr. Cummins received a reply from University Health System on their retention basin or were they going to try to claim that they do not have enough money to do it this year.

Mr. Cummins advised late last week UH supplied an alternate schedule to complete that work. He said he distributed that information to the City Administration, and he was sure there would be some more discussions about that before the City gives them an official reply and whether it is deemed as acceptable or not.

Mr. McBride thanked Mr. Cummins and advised his viewpoint is that he has been invited to some of the residents' homes in that area and they cannot sit out on their patios on certain evenings or have their windows open on a beautiful day because of the odor that comes out of that area. He said the other thing he heard was that supposedly one of the members of the recreation center was bitten by a muskrat but he could not verify the truth of that statement. Mr. McBride stated his perspective is that they have a problem and they have not maintained it and they should fix it and fix it now and get it done. He advised certainly now that they are a part of a larger organization, they could pull some emergency capital funds from some other part of University Health System. Mr. McBride said he empathizes with those who were handed the problem to fix, but the authorization to increase the budget probably needs to go up further on the food chain at UH.

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. Witherspoon for his involvement with the Lion's Club and the Fishing Derby. He said Mr. Witherspoon is the President of the Lion's Club and he gives countless hours of his time, and the Fishing Derby is one of his favorite events held each year along with the Safety Fair. Mr. Fischer advised there were all kinds of great posts made online that people were happy the Fishing Derby was back this year.

Mr. Fischer confirmed that the next meeting of Avon City Council will be on Tuesday, September 7, 2021. He asked the Council Members to let him know if they had a scheduling conflict and could not make that meeting date and he hoped they all enjoyed their time off.

Mr. Fischer advised he had a couple of conversations with the Safety Director regarding texting while driving and other distracted driving problems. He said they have had some good conversations and

he is going to leave it with the experts, but he knows that it is a big concern of Council especially with school starting back up. Mr. Fischer stated they were both looking at ways to get that problem brought back to the forefront and possibly come up with some sort of initiative.

**DIRECTORS/ADMINISTRATION:**

MR. CUMMINS, CITY ENGINEER, had no comments.

MR. FARMER, SERVICE DIRECTOR, had no comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, advised the Avon High School Performing Arts Center is on the Planning Commission agenda for August 18<sup>th</sup> at 7:00 p.m. She said Council was gracious many months ago when Covid was at its highest to allow the delay of the Final Development Plan approval by the Planning Commission while allowing essential construction to continue knowing there were so many residents that were very passionate about it and wanted time to speak for or against the project. Ms. Fechter indicated they are now able to allow everyone the opportunity to publicly provide any comments they wish without jeopardizing the health of the residents.

MR. GASIOR, LAW DIRECTOR, congratulated Mayor Jensen, as he is running unopposed in the upcoming General Election this November. He advised that says a lot about the job he has been doing for the City.

Mr. Gasior wished everyone a Happy Labor Day.

MR. LOGAN, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY DIRECTOR, advised the Safety Fair is scheduled to be held on Saturday, September 25, 2021 at the Avon Aquatic Facility. He said more information will be forthcoming soon, but they are looking forward to another successful event.

AUDIENCE: There were no comments from the audience.

**EXECUTIVE SESSION:** 8:02 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Threat of Imminent Litigation and the Purchase/Sale of Real Estate, 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.

**RECONVENE:** 9:25 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Reconvene the Regular Meeting of Council, 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.

ADJOURN: 9:26 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.