

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, AUGUST 10, 2020
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 9:21 P.M.**

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

PRESENT

Council Members: 1st Ward – Bob Butkowski; Council-at-Large – Tammy Holtzmeier; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; 4th Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon; Council-at-Large – Brian Fischer, Council President; 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 Transfer of Ownership for Master Pizza Franchise Group, LLC to Master Group Enterprises, LLC, DBA Master Pizza located at 35954 Detroit Road, Avon.

No questions were asked, or concerns raised.

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mr. McBride and seconded by Mr. Butkowski to amend the agenda with the addition of item #14a – Ordinance No. 80-20 – Reappropriations, 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. Radcliffe 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 FINANCE COMMITTEE OF COUNCIL HELD MONDAY, JULY 13, 2020

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Finance Committee of Council held Monday, July 13, 2020, 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, JULY 13, 2020

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, July 13, 2020, 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, JULY 13, 2020

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, July 13, 2020, 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.

ORDINANCE NO. 72-20 – 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 \$6,750,000 FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING, RENOVATING, FURNISHING AND EQUIPPING MUNICIPAL RECREATION FACILITIES

The Clerk read Ordinance No. 72-20 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 \$6,750,000 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. 72-20.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 72-20, 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. 72-20, 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. 74-20 – AUTHORIZING THE DEVELOPMENT OF ENGINEERING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF AN ASPHALT MULTI-USE TRAIL ALONG THE ENTIRETY OF FRENCH CREEK ROAD IN CONJUNCTION WITH A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) IMPLEMENTATION GRANT

The Clerk read Ordinance No. 74-20 by title only, entitled:

AN ORDINANCE AUTHORIZING THE DEVELOPMENT OF ENGINEERING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF AN ASPHALT MULTI-USE TRAIL ALONG THE ENTIRETY OF FRENCH CREEK ROAD IN CONJUNCTION WITH A TRANSPORTATION FOR LIVABLE COMMUNITITES INITIATIVE (TLCI) IMPLEMENTATION GRANT AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 74-20 and said the third of three readings would be at the September 14, 2020 Regular Meeting of Council.

ORDINANCE NO. 75-20 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE AVON BRANCH OF THE LORAIN PUBLIC LIBRARY

The Clerk read Ordinance No. 75-20 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE AVON BRANCH OF THE LORAIN PUBLIC LIBRARY 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. 75-20, 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. 75-20, 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. 76-20 – TO AWARD THE BID FOR THE 2020 AVON PAVEMENT MARKING PROGRAM

The Clerk read Ordinance No. 76-20 by title only, entitled:

AN ORDINANCE TO AWARD THE BID FOR THE 2020 AVON PAVEMENT MARKING PROGRAM 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. 76-20, 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. 76-20, 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. 77-20 – TO AMEND CHAPTER 1062 OF THE AVON CODIFIED ORDINANCES TO REVISE REGULATIONS FOR THE AVON CEMETERY

The Clerk read Ordinance No. 77-20 by title only, entitled:

AN ORDINANCE TO AMEND CHAPTER 1062 OF THE AVON CODIFIED ORDINANCES TO REVISE REGULATIONS FOR THE AVON CEMETERY AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 77-20, 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. 77-20, 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. 78-20 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH KRISTIN HOPKINS OF CT CONSULTANTS TO PROVIDE PROFESSIONAL CONSULTATION TO EVALUATE LAND USE POLICIES WITHIN THE R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Clerk read Ordinance No. 78-20 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH KRISTIN HOPKINS OF CT CONSULTANTS TO PROVIDE PROFESSIONAL CONSULTATION TO EVALUATE LAND USE POLICIES WITHIN THE R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT 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. 78-20, 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. Butkowski to adopt Ordinance No. 78-20, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “no”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 1 against and the Chairman declared the motion passed.

ORDINANCE NO. 79-20 – TO AUTHORIZE AN AMENDMENT TO THE DEVELOPER’S AGREEMENT WITH JAF ACQUISITIONS, LLC and CONCORD VILLAGE PHASE TWO, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS

The Clerk read Ordinance No. 79-20 by title only, entitled:

**AN ORDINANCE TO AUTHORIZE AN AMENDMENT TO THE DEVELOPER'S
AGREEMENT WITH JAF ACQUISITIONS, LLC and CONCORD VILLAGE
PHASE TWO, LLC FOR THE CONSTRUCTION OF PUBLIC
IMPROVEMENTS AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 79-20, 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. 79-20, and the discussion was:

Mr. Gasior pointed out, based on a comment by Mr. Cummins made in the Work Session, that in the fourth Whereas clause of the Ordinance he is going to strike the language after the words "However, due to weather, ~~the timing of the City's own improvement project~~" and have it read, "However, due to weather, the relocation of certain utility lines along Chester Road and complications related to the coronavirus, construction of the left-turn lane has yet to begin" because that probably was not a factor and he misunderstood. Mr. Gasior advised what Council was voting to adopt would be with that line stricken and the language related to the utility lines added.

And 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. 80-20 – REAPPROPRIATIONS

The Clerk read Ordinance No. 80-20 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT
APPROPRIATIONS ORDINANCE NO. 104-19
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 80-20, 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. Radcliffe to adopt Ordinance No. 80-20, 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-18-20 – IN SUPPORT OF THE DAVIDSON FLEXIBILITY FOR STATES AND LOCALITIES ACT

The Clerk read Resolution No. R-18-20 by title only, entitled:

**A RESOLUTION IN SUPPORT OF THE DAVIDSON
FLEXIBILITY FOR STATES AND LOCALITIES ACT
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-18-20, 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. Witherspoon and seconded by Mr. Butkowski to adopt Resolution No. R-18-20, 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.

EXECUTIVE SESSION: 9:35 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to enter into Executive Session for the purpose of discussing pending litigation, 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.

RECONVENE: 9:50 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. 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.

ADJOURN: 9:51 p.m.

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