

**PUBLIC HEARING
MONDAY, SEPTEMBER 27, 2021 AT 7:25 P.M.**

7:25 P.M. – Council President Fischer opened the Public Hearing for Ordinance No. 62-21.

**ORDINANCE NO. 62-21 – AN ORDINANCE AMENDING “SCHEDULE 1294.08(a) OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING FENCES AND WALLS**

There being no comments, the Public Hearing for Ordinance No. 62-21 was closed at 7:26 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, SEPTEMBER 27, 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; 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 Streator; Clerk of Council – Barbara Brooks

ABSENT: 4th Ward – Scott Radcliffe

CORRESPONDENCE

The Clerk advised she received a request from the Ohio Division of Liquor Control for a Transfer of License from Avon Isle Park Inc. DBA Dustys Tavern located at 37399 French Creek Road to Final Fore LLC located at 35948 Detroit Road.

The Clerk advised she received a second request from the Division of Liquor Control for a Transfer of Ownership from Barbiers Tavern Inc. DBA Frank & Ellies Place located at 37111 Detroit Road 1st Fl & Bsmt & Deck to Anngo LLC located at 37111 Detroit Road 1st Fl & Bsmt & Deck.

No concerns were voiced and no requests for hearings were made.

MINUTES OF THE WORK SESSION OF COUNCIL HELD TUESDAY, SEPTEMBER 7, 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, September 7, 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. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, SEPTEMBER 13, 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, September 13, 2021, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

The vote was 6 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 OF AVON 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 third of three readings of Ordinance No. 62-21.

A motion was made by Mrs. Holtzmeier and seconded by Mr. Moore to adopt Ordinance No. 62-21, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 67-21 – AMENDING SECTIONS 210.01(f)(1)(A), 1226.01, 1226.02, 1226.07 AND 1262.08 OF THE CODIFIED ORDINANCES OF THE CITY REGARDING ZONING PERMIT FEES FOR HOME OCCUPATIONS

The Clerk read Ordinance No. 67-21 by title only, entitled:

AN ORDINANCE AMENDING SECTIONS 210.01(f)(1)(A), 1226.01, 1226.02, 1226.07 and 1262.08 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING ZONING PERMIT FEES FOR HOME OCCUPATIONS

The Chairman declared this to be the second of three readings of Ordinance No. 67-21 and a Public Hearing will be held on Tuesday, October 12, 2021 at 7:25 p.m.

ORDINANCE NO. 72-21 – AUTHORIZING THE MAYOR TO ENTER INTO DEPOSITORY AGREEMENTS WITH CHASE BANK, DOLLAR BANK, FIFTH THIRD BANK, FIRST FEDERAL LAKEWOOD, FIRST NATIONAL BANK, HUNTINGTON NATIONAL BANK AND KEY BANK FOR THE DEPOSIT OF PUBLIC MONIES

The Clerk read Ordinance No. 72-21 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO DEPOSITORY AGREEMENTS WITH CHASE BANK, DOLLAR BANK, FIFTH THIRD BANK, FIRST FEDERAL LAKEWOOD, FIRST NATIONAL BANK, HUNTINGTON NATIONAL BANK AND KEY BANK FOR THE DEPOSIT OF PUBLIC MONIES 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. 72-21, and the vote was: Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 72-21, and the discussion was:

Mrs. Holtzmeier inquired if the banks listed are those the City already has a relationship with and is a part of our previously adopted Ordinance 5 years ago.

Mr. Logan advised Chase Bank is new to that group. He advised when Council adopted the Ordinance five years ago, Chase Bank did not have a presence here in Avon and they do now. Mr. Logan clarified the City does not bank with every one of these banks although they do bank with a few of them and Huntington Bank is the primary bank the City uses. He advised we have business contacts with these banks and purchase CDs from some of these banks from time to time.

Mrs. Holtzmeier asked if this selection was put out through an RFP process.

Mr. Logan advised not the depository agreements because they are voluntary and does not commit the City to anything. He said the legislation is required because if the City is going to open up a depository account they have got to have a depository agreement on file. Mr. Logan stated the current ones expire at the end of this year. He explained an RFP would be used if the City was going to market banking services, but not for a depository agreement.

Mrs. Holtzmeier advised she was not able to be here last week and so she listened to the recording of the meeting to hear the dialog about this Ordinance, and she heard Mr. Logan say appropriately that a lot of these relationships were those that had brick and mortar here in Avon.

Mr. Logan advised these banks all have a physical presence here in Avon.

Mrs. Holtzmeier asked if there is a particular reason why some banks that also have brick and mortar branches are not listed in this Ordinance.

Mr. Logan advised they lost contact with them as they are not contacted by anyone at the other banks in Avon such as U.S. Bank and Northwest Bank to name a couple and there may be one or two others. He advised that the banks with depository agreements have all been in touch with him.

Mrs. Holtzmeier advised those were the two banks on her list and to find out why they were not listed is good information to have. She said to that extent, she looked over these agreements and they are pretty simplistic in nature and she would not have a problem in approving it. Mrs. Holtzmeier stated she wanted to take this opportunity to again, knowing that Huntington is our primary transactionary relationship, look at the ability to have sweep accounts for our deposits to be able to put them in a more interest yielding function.

Mr. Logan advised that is an option and he added that the City does earn interest on their Huntington checking account. He said right now it might be 5 basis points and the highest earning interest is 8 basis points.

Mrs. Holtzmeier advised aside from the laddered investments that the City currently has and the reason she is bringing up sweep accounts is that some of the money market type accounts that the City has are more savings in nature and not long term investments. She said with a sweep account they do have the ability to go into something that is yielding more than 8 basis points. Mrs. Holtzmeier stated she would like the City to continue to look at that especially with Huntington.

Mr. Logan advised they will check into that. He said a couple of these banks where they have money market accounts, the City earns a little better than that Star rating and they account for those in their investment schedule. Mr. Logan confirmed the length of these agreements are 5 years and that is his preference and the banks have all agreed to that time frame and that way they do not have to put a tickler on the calendar every year, but every five years. He said that does not mean that the City cannot enter into depository agreements with other banks as the City sees fit and he would come to Council with that.

And the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 73-21 – REAPPROPRIATIONS

The Clerk read Ordinance No. 73-21 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. 73-21, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 73-21, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 74-21 – AUTHORIZING THE MAYOR TO ENTER INTO A MULTI-JURISDICTIONAL AGREEMENT FOR LORAIN COUNTY SPECIALTY WEAPONS AND TACTICS TEAM (S.W.A.T.)

The Clerk read Ordinance No. 74-21 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A MULTI-JURISDICTIONAL AGREEMENT FOR LORAIN COUNTY
SPECIALTY WEAPONS AND TACTICS TEAM (S.W.A.T.)
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. 74-21, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 74-21, and the vote was: Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**ORDINANCE NO. 75-21 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY
OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF
ZONING ENFORCEMENT OFFICER**

The Clerk read Ordinance No. 75-21 by title only, entitled:

**AN ORDINANCE AMENDING §256.98 OF THE CODIFIED ORDINANCES OF
THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION
FOR THE POSITION OF ZONING ENFORCEMENT OFFICER
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. 75-21, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 75-21, and the discussion was:

Mrs. Holtzmeier inquired of Mayor Jensen with the retirement of the incumbent and the growth of the community and the complexity of our Code if he would anticipate adding more than one person to this department.

Mayor Jensen advised no and indicated this Ordinance is a class spec for a full-time employee and Ordinance No. 77-21 is a class spec for a part-time Zoning Enforcement Officer position. He said every time they have an employee retire or leave for other reasons, they reevaluate the position to see what needs to be changed or updated. Mayor Jensen stated they look to see if some of the duties of this employee overlap in another department such as the Planning Commission. Mayor Jensen said when the current Zoning Enforcement Officer is out on the road that the Secretary for the Planning Commission and Zoning Board of Appeals can often answer those questions quickly. He said Council will see both positions here is because it may need to be kept a full-time position, but if it did not need

to be they are looking at making it a part-time position and use those funds elsewhere to help with the growth of the City. Mayor Jensen advised typically the Zoning Officer has smaller items that come before him as well as evaluating certain projects to see if they belong in different zones. He said they want to look at the time constraints of this individual and make sure that it is being used in the best value for the residents. He stated they intend to hire one or the other but not both full and part-time.

And the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 76-21 – TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH NCC CONSTRUCTION LLC FOR THE INSTALLATION OF PUBLIC UTILITIES IN THE VICINITY OF CHESTER ROAD AND MOORE ROAD

The Clerk read Ordinance No. 76-21 by title only, entitled:

AN ORDINANCE TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH NCC CONSTRUCTION LLC FOR THE INSTALLATION OF PUBLIC UTILITIES IN THE VICINITY OF CHESTER ROAD AND MOORE 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. 76-21, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 76-21, and the discussion was:

Mr. Logan advised the deposits were made by Mr. Christman last week so he is all set to go.

And the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 77-21 – AMENDING §256.04 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION TO CREATE THE PERMANENT PART-TIME POSITION OF ZONING ENFORCEMENT OFFICER

The Clerk read Ordinance No. 77-21 by title only, entitled:

AN ORDINANCE AMENDING §256.04 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION TO CREATE THE PERMANENT PART-TIME POSITION OF ZONING ENFORCEMENT OFFICER 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. 77-21, and the vote was: Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 77-21, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

RESOLUTION NO. R-26-21 – AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF AVON, TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH SOURCEWELL (fka THE NATIONAL JOINT POWERS ALLIANCE)

The Clerk read Resolution No. R-26-21 by title only, entitled:

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF AVON, TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH SOURCEWELL (fka THE NATIONAL JOINT POWERS ALLIANCE) 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-26-21, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 6 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-26-21, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

REPORTS AND COMMENTS

MAYOR JENSEN reported that the hospitals are being hit hard with Covid-19 cases and the staff is having to make decisions about whether they can accept the patient or not. He advised he wanted to let Council know that today alone since 7:00 am the Avon Fire Department has received 17 calls for service and 7 of those were falls and there were a few sick people and a full arrest that took place. Mayor Jensen stated the situation is affecting all of them, but not all the sickness is Covid related. He said but it is putting a stress on our safety services in terms of the number of calls they are going on currently. Mayor Jensen asked Council to remember the safety services in their prayers and remember them in terms of the hard work that they do every day for us. He advised the Covid numbers were not getting better and the calls for service are going up during this time and to keep in mind when you see the squad that those are our neighbors in need.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1, had no comments.

MRS. HOLTZMEIER, AT LARGE, had no comments.

MR. MCBRIDE, WARD 2, advised speaking of the Zoning Enforcement Officer, it is getting to be that time of year with political signs, and anyone that has heard him complain in the past, he is going to do it again. He said he would like to see the City start removing any political sign in the right of way and that includes along streets where it is hard to define where the right of way is located. Mr. McBride stated maybe the Zoning Enforcement Officer or some of the other City personnel can be given some guidance on a few of those streets where people like to cheat them down near the pavement and there is no sidewalk to really tell where the right of way is located. He advised there are quite a few signs advertising a virtual target range that are sprouting up all over and have been near some of the major intersections north of I-90 at the entrance and exit ramps. Mr. McBride said it would be nice to see those signs pulled also.

Mr. McBride indicated it may be time for Council to consider adopting legislation regulating phone usage in vehicles and say that only hands-free mobile phone use is permitted while operating a vehicle in the City. He advised he knows they have the distracted driving regulations in place, but it would be nice to make it a first offense. Mr. McBride stated they have signage reminding drivers, but he felt the signage is too small. He said people are on the phone and not paying attention and there are big gaps between the cars sitting at the intersection backing up traffic because they are busy on their phone. Mr. McBride advised and money is being spent to improve the Detroit Road and SR 83 intersection and there is a lot more traffic, but this adds to the issue when people are zombies sitting at those traffic signals.

Mr. McBride advised the last issue he wanted to bring up is that he knows Council accepted improvements at Norton Place, but he received a call from a resident and drove it and there is a speed limit sign as soon as you drive into the Norton Place subdivision on Middleton and there is nothing on the street that runs south. He said the resident requested one of those speed indicator signs, although he does not know if it would be warranted for a street that short. Mr. McBride stated there is also a couple of back to back K. Hovnanian Companies signs of parking permitted on the side of the street. They are large bright blue signs and he does not know why those signs are still there and why the builder never removed them considering that was the successor company to the Moon Road fiasco with installing the traffic signal that claimed they did not have the money to install the traffic signal. He suggested someone from the Service Department go down and make sure what signs should and should not be located there. Mr. McBride advised there are no signs indicating that overnight parking is prohibited and there have been quite a few vehicles parking on the street overnight.

Mayor Jensen advised he would have someone look into the situations mentioned by Mr. McBride.

MR. MOORE, WARD 3, had no comments.

MR. RADCLIFFE, WARD 4, was absent.

MR. WITHERSPOON, AT LARGE, had no comments.

MR. FISCHER, AT LARGE, had no comments.

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, reminded Council to take another look at the document he provided them last week and give him a call if they have any comments.

MR. LOGAN, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY DIRECTOR, had no comments.

AUDIENCE: There were no comments from the audience.

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: Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. Fischer, "yes".

The vote was 6 for and 0 against and the Chairman declared the motion passed.