

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, NOVEMBER 8, 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: 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

ABSENT: 1st Ward – Bob Butkowski

CORRESPONDENCE

The Clerk reported that she received a request from the Ohio Division of Liquor Control for notification of a change in Stock for Bar Nova.

Mr. Gasior advised Council previously approved the transfer of ownership of stock in September of 2021. He said because the facility is within 500 feet of a public park, the location of Bar Nova also must be approved. Mr. Gasior stated he investigated it because he thought it was unusual and found out that it is something the Board of Liquor Control is starting to do now every time there is a change in ownership. He advised in the past, the change in ownership still required approval, but there was never really an issue with a business that had an established location. Mr. Gasior said the Board of Liquor Control is now going to be checking the location within a proximity of a public park or school. He stated if there is no objection from Council, the form will be submitted back to the Division of Liquor Control indicating such.

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

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, OCTOBER 18, 2021

A motion was made by Mr. Moore and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Work Session of Council held Monday, October 18, 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. 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, OCTOBER 25, 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, October 25, 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. Fischer, “yes”.

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

ORDINANCE NO. 84-21 – REAPPROPRIATIONS

The Clerk read Ordinance No. 84-21 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. 84-21, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “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. Radcliffe to adopt Ordinance No. 86-21, and the discussion was: Mr. Logan pointed out that one item was added under Special Revenue Funds, the Park Operating Fund No. 250. He said they are requesting an increase in appropriations \$25,000 for the purchase and installation of park picnic tables and park benches made from recycled materials. This expense will be reimbursed through the Lorain County Solid Waste Recycling Grant. Mr. Logan advised this has been done in the past and Mrs. Brooks handles that grant application. He stated the City has to spend the money first and submit the reimbursement request and then the grant money is dispersed to the City.

And the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “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. 85-21 – LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT IN THE CITY OF AVON OF ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE, AND DETROIT ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 6,100-FOOT SANITARY SEWER SYSTEM ALONG ELIZABETH AVENUE, PUTH DRIVE, JOSEPH STREET AND DETROIT ROAD BETWEEN ADDRESSES 34008 AND 34901, TOGETHER WITH ALL NECESSARY APPURTENANCES RELATED THERETO, IN ACCORDANCE WITH RESOLUTION NO. R-22-19, ADOPTED ON SEPTEMBER 9, 2019

The Clerk read Ordinance No. 85-21 by title only, entitled:

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT IN THE CITY OF AVON OF ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE, AND DETROIT ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 6,100-FOOT SANITARY SEWER SYSTEM ALONG ELIZABETH AVENUE, PUTH DRIVE, JOSEPH STREET AND DETROIT ROAD BETWEEN ADDRESSES 34008 AND 34901, TOGETHER WITH ALL NECESSARY APPURTENANCES RELATED THERETO, IN ACCORDANCE WITH RESOLUTION NO. R-22-19, ADOPTED ON SEPTEMBER 9, 2019
AND DECLARING AN EMERGENCY**

The Chairman declared this to be the first of three readings of Ordinance No. 85-21.

ORDINANCE NO. 86-21 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON FOR A PUBLIC PARK LOCATED AT 3701 VETERANS MEMORIAL PARKWAY AND KNOWN AS VETERANS MEMORIAL PARK TO INCLUDE ADDITIONAL IMPROVEMENTS

The Clerk read Ordinance No. 86-21 by title only, entitled:

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON FOR A PUBLIC PARK LOCATED AT 3701 VETERANS MEMORIAL PARKWAY AND KNOWN AS VETERANS MEMORIAL PARK TO INCLUDE ADDITIONAL IMPROVEMENTS 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. 86-21, and the vote was: Mr. Witherspoon, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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. Radcliffe to adopt Ordinance No. 86-21, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 87-21 – GRANTING A SPECIAL USE PERMIT TO THE CITY OF AVON OVER A 16.64 ACRE PARCEL OF LAND LOCATED AT 39115 DETROIT ROAD (F.K.A. THE KURTZ BROTHERS PROPERTY) TO CREATE A PUBLIC PARK AND RECREATIONAL FACILITIES

The Clerk read Ordinance No. 87-21 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO THE CITY OF AVON OVER A 16.64 ACRE PARCEL OF LAND LOCATED AT 39115 DETROIT ROAD (F.K.A. THE KURTZ BROTHERS PROPERTY) TO CREATE A PUBLIC PARK AND RECREATIONAL FACILITIES 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. 87-21, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “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. Radcliffe to adopt Ordinance No. 87-21, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “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. 88-21 – TO ACCEPT IMPROVEMENTS IN CONCORD VILLAGE NO. 2, SUB-PHASE 2, FOR THE CONSTRUCTION/INSTALLATION OF PUBLIC UTILITIES CONSISTING OF PUBLIC WATER, SANITARY SEWER MAINS AND APPURTENANCES THERETO

The Clerk read Ordinance No. 88-21 by title only, entitled:

AN ORDINANCE TO ACCEPT IMPROVEMENTS IN CONCORD VILLAGE NO. 2, SUB-PHASE 2, FOR THE CONSTRUCTION/INSTALLATION OF PUBLIC UTILITIES CONSISTING OF PUBLIC WATER, SANITARY SEWER MAINS AND APPURTENANCES THERETO 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. 88-21, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “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. Radcliffe to adopt Ordinance No. 88-21, and the discussion was:

Mr. Gasior asked Mr. Cummins if the plat was finalized.

Mr. Cummins advised yes, it was delivered to his office earlier that day.

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

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

ORDINANCE NO. 89-21 – AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE OPTION AND DEVELOPMENT AGREEMENT WITH T3 REALTY, LLC TO ALLOW FOR THE FURTHER DEVELOPMENT OF THEIR PROPERTY

The Clerk read Ordinance No. 89-21 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE OPTION AND DEVELOPMENT AGREEMENT WITH T3 REALTY, LLC TO ALLOW FOR THE FURTHER DEVELOPMENT OF THEIR PROPERTY 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. 89-21, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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. Radcliffe to adopt Ordinance No. 89-21 and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-30-21 – AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT FOR TECHNICAL RESCUE RESPONSE

The Clerk read Resolution No. R-30-21 by title only, entitled:

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN
AGREEMENT FOR TECHNICAL RESCUE RESPONSE
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-30-21, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “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. Radcliffe to adopt Resolution No. R-30-21, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “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.

REPORTS AND COMMENTS

MAYOR JENSEN advised the VFW will be holding their annual Veterans Day Service on Thursday morning and will be serving lunch afterward.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1, was absent.

MRS. HOLTZMEIER, AT LARGE, advised she was reminded when Mr. Logan presented the appropriation of funds for picnic tables and park benches made of recycled material that they are grateful for Mrs. Brooks and the work that she does in providing those recycling monies so that the City can purchase these items for use in our parks. She said that is always a good thing that sometimes is not always said and she wanted to include that thank you tonight.

Mrs. Holtzmeier congratulated those who won their election races. She said it seems like the biggest winner of the night was really our Police and Fire levies. Mrs. Holtzmeier advised in all of Avon’s four Wards and almost 16 precincts, those two levies passed in every single precinct in the City. She stated that is a testimony to how much the community thinks of our safety forces and the need to continue funding them and equipping them with the tools that they need to do their jobs.

Mr. Streater advised that the overwhelming support the community has for our Safety Forces was recognized by both departments as well.

Mrs. Holtzmeier advised with Veterans Day that week she recognized those in attendance who were Veterans and she thanked them for their service to our country.

MR. MCBRIDE, WARD 2, thanked Mr. Cummins and Mayor Jensen for working with University Hospitals at the old EMH facility to continue to improve the detention basin issues. He said there is still a way to go, but he received some positive feedback from a couple of the residents in that area and it is appreciated.

Mr. McBride thanked Mr. Streater as he is hearing good things from the phone calls made to people who are posting signs in the public right of way. He indicated the phone call seems to be working well in getting people to remove their signs, Mr. McBride advised his only suggestion was to impose a hefty fine to help pay the Zoning Inspectors time and effort, but he did not know what the best solution was going forward.

Mr. McBride thanked Mrs. Brooks for the work she does with the recycling grant although it is part of her unofficial job title of Recycling Coordinator.

Mr. McBride advised he felt they need to take a second look at the Special Use Permits for drive-thru's. He said at Starbucks in City Centre, the drive-thru line blocks that main access drive to that area. Mr. McBride stated they need to do something as it really messes up the entrance to City Centre, affecting Marc's and some of the other businesses in that area. He advised another location with a similar problem is the Dunkin Donuts at Circle K on Chester Road that is across from City Hall. Mr. McBride said it was done again for the drive-thru at the newly opened Panera Bread on Chester in front of Hobby Lobby. He said if the service is slow and someone is in line, there was no way to escape. Mr. McBride clarified there was one slot to escape at Panera Bread, but he felt the Planning Commission should not be approving any drive-thru's where someone cannot pull out of line. He advised the new Panera Bread location looks great and is landscaped beautifully and they have parking spaces available, but when the drive-thru takes a long time, he felt it was difficult to get out of line and go inside to pick up to-go orders. Mr. McBride said he understands there is a pandemic, but some of these locations were always slow and the drive-thru stacking was an issue. He stated the Dunkin Donuts on Nagel Road often has their drive-thru line backed up into the street. Mr. McBride advised if a business cannot provide enough stacking then maybe the City should not permit a drive-thru and it should be based on what the City thinks and not on what the businesses' traffic engineer says is enough or the businesses' projections because he feels the drive-thru's are overwhelmed and he believes that has nothing to do with the pandemic. He said the Dunkin Donuts drive-thru on Nagel Road was buried before the pandemic and the one on Colorado Avenue was not much better. Mr. McBride felt they should take a second look at all those drive-thru's and what the standards are and the requirements should be stiffened up.

Mr. McBride congratulated all the winners in the election.

MR. MOORE, WARD 3, congratulated all the winners in the election.

MR. RADCLIFFE, WARD 4, thanked the residents, especially those in Ward 4, as he is grateful to be serving another four-year term and he is looking forward to it.

MR. WITHERSPOON, AT LARGE, congratulated all the winners in the election and he congratulated those who did not win as it was a real big effort to step up and put yourself out there. He said even though everyone could not win they still should be congratulated for stepping up.

MR. FISCHER, AT LARGE, also congratulated the winners in the election. He thanked the voters for supporting the safety forces by approving the renewal levies in the police and fire departments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MR. FARMER, SERVICE DIRECTOR, had no comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, confirmed that the Veterans Service will be Thursday, November 11th at 11:00 am at the VFW post.

Ms. Fechter advised Council should congratulate themselves because today was opening day for Bendix. She said this was seven years from the first phone call and they should all be very excited to see such a great company come into Avon. Ms. Fechter stated it is a beautiful facility and the traffic signal is operational today and everything went smoothly. Congratulations!!

MR. GASIOR, LAW DIRECTOR, congratulated everyone for those who won their seat in the election and those that ran.

Mr. Gasior advised regarding the drive-thru stacking that they are looking at those issues. He said one of the issues is an escape lane and he feels they should seriously consider it.

MR. LOGAN, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY DIRECTOR, had no comments.

AUDIENCE:

There were no comments from the audience.

ADJOURN: 7:51 P.M.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adjourn the Regular Meeting of Council, and the vote was: Mr. Witherspoon, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Fischer, "yes".

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