

**PUBLIC HEARING
MONDAY, JANUARY 10, 2022**

7:28 P.M. – Council President Fischer opened the Public Hearing for Ordinance No. 95-21.

ORDINANCE NO. 95-21 – 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. 95-21 was closed at 7:29 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 10, 2022
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 – Jennifer Demaline; 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 and Council President – Brian Fischer; Mayor - Bryan Jensen; City Engineer – Ryan Cummins; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director - William Logan; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

CORRESPONDENCE

The Clerk reported that she received a notice from the Ohio Division of Liquor Control for a NEW D1 liquor license for Riser Foods Co., DBA Avon Lake GetGo 3284 located at 1501 Travelers Pointe, Avon, Ohio.

There were no questions asked and no requests for a hearing were made.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, DECEMBER 20, 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, December 20, 2021, and to approve said minutes as published, and the vote was: Mrs. Demaline, “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, DECEMBER 27, 2021

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the meeting of the Finance Committee of Council held Monday, December 27, 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”; Mrs. Demaline, “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, DECEMBER 27, 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, December 27, 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. Demaline, “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 ORGANIZATIONAL MEETING OF COUNCIL HELD MONDAY, JANUARY 3, 2022

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Organizational Meeting of Council held Monday, January 3, 2022, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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 SPECIAL MEETING OF COUNCIL HELD MONDAY, JANUARY 3, 2022

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, January 3, 2022, and to approve said minutes as published, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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. 95-21 – 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. 95-21 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. 95-21.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 95-21, and the discussion was:

Mr. Gasior advised he wanted to let everyone know that they were requiring the new owner of the property when they took title, to deed restrict the property to a single-family residential home. He said that was in fact done and he spoke to the attorney that prepared the deed restriction and that will always be a 4-acre, single-family lot. Mr. Gasior stated this sewer modification was done primarily to facilitate that single-family home.

And the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “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. 1-22 – GRANTING A SPECIAL USE PERMIT TO YMLM REAL ESTATE, LLC TO DEVELOP 7.23 ACRES OF LAND INTO A MEMORY SUPPORT ASSISTED LIVING FACILITY TO BE LOCATED ON THE NORTH SIDE OF CHESTER ROAD, WEST OF CHESTER INDUSTRIAL PARKWAY

The Clerk read Ordinance No. 1-22 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO YMLM REAL ESTATE, LLC TO DEVELOP 7.23 ACRES OF LAND INTO A MEMORY SUPPORT ASSISTED LIVING FACILITY TO BE LOCATED ON THE NORTH SIDE OF CHESTER ROAD, WEST OF CHESTER INDUSTRIAL PARKWAY 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. 1-22, and the vote was: Mrs. Demaline, “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. Moore to adopt Ordinance No. 1-22, and the discussion was:

Mr. Gasior advised that Council received tonight before the meeting, the most recent revision dated 1/10/22 of Ordinance No. 1-22. He said the applicant, Mr. Bruno, was here at last week’s Work Session and he took Mr. Bruno’s comments into consideration from that Work Session. Mr. Gasior stated as Council knows, Mr. Bruno was not personally present in front of the Planning Commission at the December 15, 2021, meeting when Planning Commission made its recommendation. He advised much of what Mr. Bruno said at last week’s Work Session was more misunderstanding and wordsmithing than anything, but he wanted to go over the legislation so that everyone understands what they were granting, adding that this is nothing unusual as they have done this for other entities. Mr. Gasior stated there are 7.23 acres of land on Chester Road near Chester Industrial Parkway close to Colorado Avenue. He said Mr. Bruno would like to develop that property into a memory support assisted living facility and that is what this Special Use is designed to do. Mr. Gasior advised Mr. Bruno is not going to buy that property and spend a lot of money if he does not have assurances that the whole piece of property will be covered by this Special Use Permit. He said that was not the point of the language that was used in the previous version of the Ordinance, but he knows that it confused the situation for Mr. Bruno, so he wanted to clarify it. Mr. Gasior stated in the second Whereas clause, YMLM Real Estate is going to construct a memory support assisted living facility in five phases on the 7.23 acres of C-4 land that Mr. Bruno will soon own. He advised that will facilitate the construction of the multi-phase memory support assisted living facility. Mr. Gasior pointed out that Council all received a copy of the proposed map which is the Exhibit A to the Ordinance, and it shows the five buildings and the five phases. He said again, this legislation is designed to grant a Special Use over that entire piece of property. Mr. Gasior stated in Section 1 of the Ordinance it clearly spells out that Council grants the Special Use so that the applicant can go ahead and develop the property into a memory support assisted living facility on the 7.23 acres in

the C-4 district. Phase 1 of the development will proceed pursuant to plans and specifications submitted to the Planning Commission on December 15, 2021. He advised the key here is that a Special Use always has conditions and in Section 2 those conditions are outlined. Mr. Gasior said initially he may have gone a little too far, but he felt they were in the same spot even though the language has been pared down. He stated the conditions that must be met are all the applicable requirements of 1280.02, 1280.03, 1280.05(jj) and 1280.06(h). In addition to those sections of the Code that the applicant will have to comply with, the Special Use Permit will require the operator of the memory care facility to follow its non-emergency patient transportation protocols, which was the key to the entire thing and those protocols are now attached to the Special Use Permit and will apply to all five phases, and they are identified in Exhibit B to the Ordinance. Mr. Gasior advised the language that follows; “Any expansion, development, enlargement, improvement, change in tenancy, change in transport protocols, use or the like, other than maintenance of the property in its current condition, will require additional amendments to this Special Use Permit, with a recommendation of Planning Commission and approval by Council.” He said that sentence is more in line with the City’s boilerplate Special Use that covers a larger tract of land and for whatever reason and however it came out, it appeared that the language was confusing to the applicant. Mr. Gasior explained that it appeared to the applicant that he was only being granted the Special Use Permit to build one building and he wanted to make it clear that was never the case. He stated he listened to the recording of the December Planning Commission Meeting and there was concern and he believes it was the Mayor that raised that concern about what the City would do if those protocols were failing, and if the applicant should come in with Phase 2, the second building. Mr. Bramhall who was at the Planning Commission Meeting on behalf of Mr. Bruno that night indicated those issues could be addressed in Phase 2 or subsequent phases and he believes that was the condition that was envisioned that night. Mr. Gasior advised that is not to say that would not happen and if this developer comes in with Phase 4 and there are going to be issues with the way that non-emergency transport is being conducted or some other issue then Planning Commission will discuss that issue with the applicant as will City Council and those issues will have to be addressed. He said they have done this in the past and it is pretty much the way the City operates. Mr. Gasior stated with that explanation, he reaffirmed there is a revised version of Ordinance No. 1-22 before Council tonight and he does not believe it diminishes the City’s ability to make sure this applicant follows his protocols on the emergency/non-emergency transport, and he would recommend Council follow through and approve the Ordinance. Mr. Gasior advised Mr. Bruno received a copy of this revision and he is good with it.

Mr. Bruno, who was present, confirmed and agreed to Mr. Gasior’s last statement.

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

The vote was 7 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 2-22 – GRANTING A SPECIAL USE PERMIT TO KATHLEEN R. AND JOHN T. GORBACH TO ALLOW FOR A LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE SOUTH SIDE OF 34625 DETROIT ROAD, PERMANENT PARCEL NUMBER 04-00-022-105-014

The Clerk read Ordinance No. 2-22 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO KATHLEEN R.
AND JOHN T. GORBACH TO ALLOW FOR A LOT SPLIT AND THE
CREATION OF A FLAG LOT ON THE SOUTH SIDE OF 34625
DETROIT ROAD, PERMANENT PARCEL NUMBER 04-00-022-105-014
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. 2-22, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “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. 2-22, and the discussion was:

Ms. Fechter advised Mr. Gorbach was in front of the Board of Zoning and Building Appeals on Wednesday, January 2, 2022. She said the requested variances were granted for the parcel and Mr. Gorbach is working with Mr. Gasior. Ms. Fechter stated there is one parcel that has a barn located on it and that parcel will be deed restricted that if the property owners want to sell the parcel where the barn is located that the barn will have to be removed. She confirmed that Mr. Gorbach received all his approvals and is ready for Council’s vote tonight.

And the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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. 3-22 – TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING THE 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGLE ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY

The Clerk read Ordinance No. 3-22 by title only, entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING THE 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGLE ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY

The Chairman declared this to be the first of three readings of Ordinance No. 3-22.

A Public Hearing will be held on Monday, February 14, 2022, at 7:25 p.m.

ORDINANCE NO. 4-22 – DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO PAVEMENT RESURFACING AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF STATE ROUTE 83 (CENTER ROAD) BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT)

The Clerk read Ordinance No. 4-22 by title only, entitled:

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO PAVEMENT RESURFACING AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF STATE ROUTE 83 (CENTER ROAD) BY THE OHIO

**DEPARTMENT OF TRANSPORTATION (ODOT)
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. 4-22, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 4-22, and the discussion was:

Mr. Moore inquired if Mr. Cummins knew a rough timeline for this construction to take place.

Mr. Cummins advised the work would occur after July 1st so, in the second half of the year probably in the August, September, October time frame.

Mr. Moore inquired if Mr. Cummins knew the duration of the work.

Mr. Cummins advised his estimate would be they would get started in August and probably finish in October.

Mr. Moore asked the scope of the work.

Mr. Cummins advised basically the area in front of Winking Lizard is the southern extent of the large intersection project at SR 83 and SR 254 and that would extend southward down to the northern extent of the Mills Road roundabout.

Mrs. Demaline inquired of Mr. Cummins if he is aware how the traffic pattern will change during this project.

Mr. Cummins advised he has not seen ODOT’s maintenance of traffic, but he would anticipate that it would be a moving zone and quite often with ODOT they have these projects occur at night.

Mayor Jensen advised they will be requesting that the work occur at night. He said in terms of the traffic on SR 83 it would be too difficult during daytime hours. Mayor Jensen added as was done on Detroit Road, they would ask for the same process and that the work be done at night.

Mrs. Demaline asked if there was any consideration for a temporary traffic signal to be installed at Riegelsberger Road and SR 83.

Mr. Cummins advised as far as this project, no.

And the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “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. 6-22 – REAPPROPRIATIONS

The Clerk read Ordinance No. 6-22 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT
APPROPRIATIONS ORDINANCE NO. 97-21
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. 6-22, and the vote was: Mrs. Demaline, “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. Moore to adopt Ordinance No. 6-22, and the discussion was:

Mr. Logan advised one item was added since last week, \$40,000 for the replacement of floors at the Avon Isle. He said this item was budgeted in 2021 and it was postponed due to COVID, and it was missed and should have been included in the 2022 budget.

Mr. Witherspoon inquired if it was a resurfacing of the existing floors or a replacement.

Mayor Jensen advised it is a replacement.

Mr. Logan advised he believes they are looking at getting the work started in early March.

Mr. Streator advised Mr. Loeser is meeting tomorrow with the contractor on that project to replace the flooring. He clarified that the flooring would be oak.

And the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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 tomorrow is a sad day for Northeast Ohio as fallen Cleveland Police Officer Shane Bartek will be laid to rest. He asked everyone to keep the police in their thoughts and prayers that they come home safe every day. Mayor Jensen stated it is great to see the outpouring of support for Officer Bartek’s family, but it is sad that his life ended so young.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, had no further comments.

MRS. HOLTZMEIER, AT LARGE, had no comments.

MR. MCBRIDE, WARD 2, reported that yesterday was National Law Enforcement Appreciation Day. He said regarding fallen Officer Bartek, it reminds us how dangerous the job really is and where

the incident occurred was not considered the worst neighborhood and it was only a couple of blocks from a church and a solid neighborhood where a lot of people have lived for many years. Mr. McBride advised it is a sad state of affairs.

MR. MOORE, WARD 3, had no further comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. WITHERSPOON, AT LARGE, had no further comments.

MR. FISCHER, AT LARGE, thanked Mayor Jensen and Mr. McBride for recognizing the work of the Police. He also wanted to mention that yesterday was Law Enforcement Appreciation Day. Mr. Fischer asked others to keep the police in their prayers, especially our Avon Police Officers.

Mr. Fischer reminded Council that next week's Work Session would be held on Tuesday, January 18, 2022.

Mr. Fischer asked the Clerk to please add an Executive Session for the purpose of discussing the purchase of real estate to the January 18th Work Session agenda.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no further comments.

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

MR. GASIOR, LAW DIRECTOR, asked Council to contact him or Mr. Logan this week if they had any thoughts regarding the proposed income tax increase levy for the May ballot. He reminded them that this issue is time sensitive, and they want to make sure they have it to the Board of Elections by the February 2, 2022 deadline.

Mr. Radcliffe added especially considering the potential issues with the Board of Elections and meeting that deadline.

MR. LOGAN, FINANCE DIRECTOR, advised he said when Resolution R-1-22 was copied and distributed in the Finance Committee meeting prior to this meeting, he did not realize that he had written a note to call Amy Arrighi. He said Ms. Arrighi is R.I.T.A.'s Chief Legal Counsel and he has been intending to go over the Resolution with her once it was far enough along with Council and he would be meeting with her tomorrow.

Mr. Logan said to update Council, the cash pre-payment period for the Special Assessments for the Elizabeth, Joseph, Puth residents expires on January 24, 2022. He stated to date, they have received pre-payment from 7 out of 107 total assessed parcels. Mr. Logan advised they are on track for combining the notes that are outstanding and issuing bonds in early February. He said he is meeting on Wednesday morning with Moody's regarding the City's credit rating, and it would take a couple of weeks before they assign the City a rating and it will more than likely stay where it is, which is the AA2 rate, but he would keep Council informed.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, advised this time of year, City Council is typically concerned about the supply of road salt. He said obviously the City is doing very well with our road salt supply because of the mild winter so far.

Mr. Streator updated Council that the safety forces have been very busy the last couple of weeks.

AUDIENCE:

There were no comments from the audience.

ADJOURN: 8:00 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. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.