

**PUBLIC HEARINGS
MONDAY, APRIL 10, 2023**

7:20 P.M. – Council President Fischer opened the Public Hearing for Ordinance No. 38-23

ORDINANCE NO. 38-23 – AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE SECTION 1270.03 SCHEDULE OF PERMITTED USES AND SECTION 1280.05 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NON-RESIDENTIAL DISTRICTS TO REQUIRE A SPECIAL USE PERMIT FOR DRIVE-THRUS IN THE C-4 DISTRICT

There being no comments, the Public Hearing for Ordinance No. 38-23 was closed at 7:21 p.m.

7:25 P.M. – Council President Fischer opened the Public Hearing for Ordinance No. 39-23

ORDINANCE NO. 39-23 – AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1228.04, 1230.02 AND 1244.06 TO MAKE PRE-APPLICATION MEETINGS WITH STAFF MANDATORY FOR ALL PROJECTS

There being no comments, the Public Hearing for Ordinance No. 39-23 was closed at 7:26 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, APRIL 10, 2023
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 – 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 – Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT: 1st Ward – Jennifer Demaline

CORRESPONDENCE:

Mayor Jensen introduced State Representative Gayle Manning who was present. He said her claim to fame in the City of Avon was when Mayor Smith was in office and was in regard to an Avon business, Custom Culinary, and State liquor regulations. The company uses wines, beer and spirits in the production of soups, sauces and other food products for restaurant chains. State liquor regulations, at that time prevented the company from buying the spirits at wholesale prices. The employees were required to uncork bottles of wine and open individual containers of beer to make these products, resulting in higher cost to the company. Then Senator Gayle Manning, introduced legislation in the Ohio Senate to resolve the problem and allow Ohio food manufacturers to reduce their costs to be as competitive as those in other states. Mayor Jensen advised Representative Manning continues to work with Avon to get things

accomplished. He mentioned the State bid threshold of \$50,000 and how she is trying to help with getting that threshold raised as it has been at that amount for many years. Mayor Jensen said his relationship with Representative Manning goes back a long way and every time he has reached out she has always been very receptive and made herself available. He stated as Mayor he appreciates that and he welcomed her back to Avon.

Representative Manning thanked Mayor Jensen and Council for allowing her to come and speak for a moment. She said she had forgotten about Custom Culinary as that was over twelve years ago. She stated she had only been Senator for a couple of months when her office got a phone call from the then Lieutenant Governor Mary Taylor saying that she got a phone call from Mayor Smith in Avon and she needed to take care of this issue. Representative Manning said she got the Common Sense Initiative Bill done in less than 30 days in both the Senate and the House and everyone loved it as it made much more sense to be able to purchase the alcohol wholesale rather than retail. She advised of course later there were other much more difficult issues that were not common sense. Representative Manning said it was nice to be able to be representing Avon again and she wanted to stop by and introduce herself to a couple of the Council Members that she had not met previously. She stated she wanted to let Council know that they can weigh in any time and that Mayor Jensen does an excellent job of keeping her posted on all of Avon's concerns, but she indicated they could also weigh-in on a bill that may not have anything to do with Avon directly but that they feel personal about as she appreciates that kind of input as well.

Mr. Gasior advised Ms. Manning was also instrumental in helping Avon get the 3% bed tax and it does not cost the residents anything.

Representative Manning stated that issue turned out to be a little bit more of a challenge. She reminded Council that she does not always know about local issues if they are not brought to her attention, and she appreciates that Avon has done that over the years. Representative Manning thanked Council for their time.

On behalf of City Council, President Fischer expressed his appreciation for all that Representative Manning has done for Avon. He advised for as long as he has been on Council there has been nothing but support from her and her office for Avon and he appreciates that.

Mayor Jensen added that Representative Manning was also part of helping Avon get the \$400,000 toward the purchase of the Traxler property that the City would be closing on before the end of the year. He advised the Mannings, both Gayle and her son, Nathan, both are accessible to discuss available funding and are helpful in providing advice on the ways those funds can be used. Mayor Jensen thanked her again for stopping by.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MARCH 20, 2023

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, March 20, 2023, 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, MARCH 27, 2023

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, March 27, 2023, 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. 38-23 – TO AMEND THE PLANNING AND ZONING CODE SECTION 1270.03 SCHEDULE OF PERMITTED USES AND SECTION 1280.05 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NON-RESIDENTIAL DISTRICTS TO REQUIRE A SPECIAL USE PERMIT FOR DRIVE-THRUS IN THE C-4 DISTRICT

The Clerk read Ordinance No. 38-23 by title only, entitled:

AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE SECTION 1270.03 SCHEDULE OF PERMITTED USES AND SECTION 1280.05 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NON-RESIDENTIAL DISTRICTS TO REQUIRE A SPECIAL USE PERMIT FOR DRIVE-THRUS IN THE C-4 DISTRICT

The Chairman declared this to be the third of three readings of Ordinance No. 38-23.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 38-23, 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. 39-23 – TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1228.04, 1230.02 AND 1244.06 TO MAKE PRE-APPLICATION MEETINGS WITH STAFF MANDATORY FOR ALL PROJECTS

The Clerk read Ordinance No. 39-23 by title only, entitled:

AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1228.04, 1230.02 AND 1244.06 TO MAKE PRE-APPLICATION MEETINGS WITH STAFF MANDATORY FOR ALL PROJECTS

The Chairman declared this to be the third of three readings of Ordinance No. 39-23.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 39-23, 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. 47-23 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HAZEN AND SAWYER TO PERFORM WATER AND SANITARY SEWER SYSTEM DYNAMIC RATE ANALYSIS MODELING

The Clerk read Ordinance No. 47-23 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HAZEN AND SAWYER TO PERFORM WATER AND SANITARY SEWER SYSTEM DYNAMIC RATE ANALYSIS MODELING 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. 47-23, 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. Moore to adopt Ordinance No. 47-23, 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. 48-23 – REAPPROPRIATIONS

The Clerk read Ordinance No. 48-23 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT
APPROPRIATIONS ORDINANCE NO. 132-22
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. 48-23, 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. 48-23, 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. 49-23 – AUTHORIZING THE MAYOR TO ACCEPT A DONATION MADE TO
THE AVON SENIOR CENTER BY THE VETERANS OF FOREIGN WARS OF OHIO CHARITIES,
(VFW POST 7035)

The Clerk read Ordinance No. 49-23 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A DONATION
MADE TO THE AVON SENIOR CENTER BY THE VETERANS OF FOREIGN
WARS OF OHIO CHARITIES, (VFW POST 7035)
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. 49-23, 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. 49-23, 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. 50-23 – DETERMINING TO PROCEED WITH THE CONSTRUCTION AND RECONSTRUCTION OF APPROXIMATELY 475 LINEAL FEET OF CHESTER ROAD, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

The Clerk read Ordinance No. 50-23 by title only, entitled:

AN ORDINANCE DETERMINING TO PROCEED WITH THE CONSTRUCTION AND RECONSTRUCTION OF APPROXIMATELY 475 LINEAL FEET OF CHESTER ROAD, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS 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. 50-23, 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. Radcliffe and seconded by Mr. Witherspoon to adopt Ordinance No. 50-23, 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. 51-23 – TO AWARD THE BID FOR THE CHESTER ROAD WIDENING – PHASE II PROJECT

The Clerk read Ordinance No. 51-23 by title only, entitled:

AN ORDINANCE TO AWARD THE BID FOR THE CHESTER ROAD WIDENING – PHASE II PROJECT AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Mr. McBride to suspend the rules and act on Ordinance No. 51-23, 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. Radcliffe and seconded by Mr. Moore to adopt Ordinance No. 51-23, 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.

RESOLUTION NO. R-21-23 – TO AUTHORIZE THE MAYOR TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT OF TRANSPORTATION, WINTER CONTRACT FOR ROAD SALT

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

**A RESOLUTION TO AUTHORIZE THE MAYOR TO PARTICIPATE IN A
COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT
OF TRANSPORTATION, WINTER CONTRACT FOR ROAD SALT
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Radcliffe and seconded by Mr. Witherspoon to suspend the rules and act on Resolution No. R-21-23, 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. Radcliffe and seconded by Mr. Moore to adopt Resolution No. R-21-23, 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.

REPORTS AND COMMENTS

MAYOR JENSEN thanked Council for working with the Administration in getting all the bids awarded for the summer road improvement programs. He said this looks like it may be one of the first years ever to get most of the programs completed before school starts again in the fall. Mayor Jensen added that they will probably be coming back to reject the bid for Williams Court, and they might try to go out for bids for that project again. He advised they were ahead on most of the road projects this year so that will be good for the residents to see work getting done, but also getting it done before the next school year begins. Mayor Jensen stated the Chester Road Widening project may be the only project still not substantially completed by the time school starts again.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, was absent.

MRS. HOLTZMEIER, AT LARGE, had no comments.

MR. MCBRIDE, WARD 2, advised he had a couple property maintenance items, but he would follow up with the Mayor after the meeting.

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, wished Mr. Presley a happy birthday! He asked Mr. Streator for an update on how the restroom facility build is coming along.

Mr. Streator advised they should be installing the footers this week, weather permitting.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, advised to follow up on Mayor Jensen's point, they do have some projects getting underway shortly. He said Just Imagine Drive would be getting started next Monday, April 17, 2023, in the area by the Cleveland Clinic and is expected to take six to eight weeks to complete. Mr. Cummins stated also next Monday, April 17, 2023, would be the start of the Cherry Street, Pear Street, Willo Road and Jennie Street resurfacing project that is being done as all one project and is expected to last about a month. He advised the following week would be the beginning of the Main Street and Middle Road resurfacing project and is expected to last six to eight weeks. Mr. Cummins thanked everyone for their patience and said they will do their best this construction season.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, advised Chili's Restaurant was officially opened today. She said the restaurant is very nice inside and the people running it seem to be very nice and very civic oriented and she invited everyone to stop by when they have a chance.

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, advised the mowing officially started this week. He said the stadium property was mowed today and he believes they mow City Hall on Tuesdays.

Mayor Jensen said there was some concern as to whether they could get started with the mowing because of the fluctuating weather, but it looks like this week is going to be great weather and the mowing company is going to be able to get it in.

AUDIENCE:

There were no comments from the audience.

ADJOURN: 7:48 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. Holtzmeier, "yes"; Mr. Fischer, "yes".

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