

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MAY 23, 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; Clerk of Council – Barbara Brooks

ABSENT:

Safety/Public Service Director – Duane Streator

CORRESPONDENCE

The Clerk reported that she received a request from the Ohio Division of Liquor Control for a Transfer of Ownership of the Liquor License from Wood and Wine to Pancho Avon, LLC located at 38790 Chester Road, Avon.

There was no discussion and no request for a hearing.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MAY 2, 2022

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, May 2, 2022, 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, MAY 9, 2022

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the meeting of the Finance Committee of Council held Monday, May 9, 2022, 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, MAY 9, 2022

A motion was made by Mr. Mc Bride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, May 9, 2022, 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 MEETING OF THE LEGAL COMMITTEE OF COUNCIL HELD MONDAY, MAY 16, 2022

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the meeting of the Legal Committee of Council held Monday, May 16, 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.

ORDINANCE NO. 60-22 – TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER’S AGREEMENT FOR FIELDSTONE LANDING SUBDIVISION NO. 1

The Clerk read Ordinance No. 60-22 by title only, entitled:

AN ORDINANCE TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER’S AGREEMENT FOR FIELDSTONE LANDING SUBDIVISION NO. 1 AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 60-22.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 60-22, 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. 60-22, and the discussion was:

Mr. Gasior pointed out the sidewalk assessment for both these parcels, Mr. Haldi and Mr. Paull, are going to be taken care of as part of the closing with the title company. He advised he is satisfied that Council can move forward.

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. 64-22 – REAPPROPRIATIONS

The Clerk read Ordinance No. 64-22 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. Moore to suspend the rules and act on Ordinance No. 64-22, 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. Radcliffe to adopt Ordinance No. 64-22, 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. 65-22 – TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH TYLER TECHNOLOGIES AND THE LORAIN COUNTY BOARD OF COMMISSIONERS FOR THE INSTALLATION OF UPDATED COMPUTER AIDED DISPATCH (CAD), RECORDS MANAGEMENT SYSTEM (RMS), MOBILE COMPUTING PLATFORM (MCP) AND ALL RELATED SOFTWARE AND HARDWARE FOR USE BY THE COUNTY 9-1-1 SYSTEM, AND TO EXECUTE A CRIMINAL JUSTICE INFORMATION EXCHANGE AGREEMENT BETWEEN THE LORAIN COUNTY 9-1-1 AGENCY AND THE AVON FIRE DEPARTMENT

The Clerk read Ordinance No. 65-22 by title only, entitled:

AN ORDINANCE TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH TYLER TECHNOLOGIES AND THE LORAIN COUNTY BOARD OF COMMISSIONERS FOR THE INSTALLATION OF UPDATED COMPUTER AIDED DISPATCH (CAD), RECORDS MANAGEMENT SYSTEM (RMS), MOBILE COMPUTING PLATFORM (MCP) AND ALL RELATED SOFTWARE AND HARDWARE FOR USE BY THE COUNTY 9-1-1 SYSTEM, AND TO EXECUTE A CRIMINAL JUSTICE INFORMATION EXCHANGE AGREEMENT BETWEEN THE LORAIN COUNTY 9-1-1 AGENCY AND THE AVON FIRE DEPARTMENT 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. 65-22, 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. Radcliffe to adopt Ordinance No. 65-22, and the discussion was:

Mr. Radcliffe inquired as to the last time this was updated for Avon.

Mayor Jensen advised it has not been anything in recent years.

Mr. Gasior advised the reason for this change is primarily because Tyler Technologies is taking over the system. He said if Mr. Streator were here, he could probably elaborate a little more, but the City has always been involved in a system with the County for 9-1-1. Mr. Gasior stated the significant thing that is happening right now is that Tyler Technologies is taking over the contract.

Mr. Radcliffe asked if the Criminal Justice Information Exchange Agreement is new or different.

Mr. Gasior advised the new thing that is going on here is that agreement was always with the Police Department, and it was like the Fire Department rode on the coat tails and did not have to pay. He said now it is being picked up with the Fire Departments throughout the County and Avon is paying around \$830 for the contract. Mr. Gasior stated the County had never charged the Fire Departments and he asked about corresponding savings to the Police Department if the Police Department was covering all of that and the City should see a reduction in the Police Department's charge, and he was told that would happen. He advised overall the charges together would probably be greater than what is being paid right now for just the Police Department.

Mr. Radcliffe inquired how far back the current agreement goes for the Police Department.

Mr. Gasior indicated it could go back into the early 2000's possibly with the 9-1-1 system and it always was Police only.

Mr. Radcliffe asked if the agreement was for the Police Department being updated at the same time.

Mr. Gasior advised the contract is being entered into by Police and Fire, but the unique thing here is that Fire is going to also have to pay. He said they want Fire covered under the 9-1-1 agreement because there is some confidential information that passes back and forth. Mr. Gasior clarified that he only had a brief conversation with Michelle Smith at the County who deals with this 9-1-1 system/agreement. He suggested that Ms. Smith could be invited to an upcoming meeting to explain further if Council wishes as he was doing his best to explain it, but that conversation was two weeks ago and lasted about fifteen minutes. Mr. Gasior said Ms. Smith gave him the information he needed to put the Ordinance together. He stated that he felt the agreements were self-explanatory.

Mayor Jensen suggested if Council wanted to have first reading tonight, they could. He explained that Mr. Streator would be back for the next meeting and could explain further as he is out tonight on an educational seminar.

Mr. Fischer advised if there were no other questions, they have a motion to adopt and second and he called for a vote.

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. 66-22 – AMENDING §256.04 OF THE CODIFIED ORDINANCES OF THE CITY TO REVISE THE CLASS SPECIFICATION TO CREATE THE PERMANENT PART-TIME POSITION OF INFORMATION TECHNOLOGY TECHNICIAN

The Clerk read Ordinance No. 66-22 by title only, entitled:

AN ORDINANCE AMENDING §256.04 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASS SPECIFICATION TO CREATE THE PERMANENT PART-TIME POSITION OF INFORMATION TECHNOLOGY TECHNICIAN 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. 66-22, 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. 66-22, 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. 67-22 – TO ESTABLISH COMPENSATION FOR THE PERMANENT PART-TIME, UNCLASSIFIED POSITION OF INFORMATION TECHNOLOGY TECHNICIAN

The Clerk read Ordinance No. 67-22 by title only, entitled:

AN ORDINANCE TO ESTABLISH COMPENSATION FOR THE PERMANENT PART-TIME, UNCLASSIFIED POSITION OF INFORMATION TECHNOLOGY TECHNICIAN FOR THE CITY OF AVON 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. 67-22, 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. Radcliffe to adopt Ordinance No. 67-22, 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. 68-22 – TO AUTHORIZE THE TRANSFER OF FUNDS RECEIVED FROM THE AMERICAN RESCUE PLAN ACT TO THE CAPITAL IMPROVEMENT FUND NO. 401 AND TO AUTHORIZE EXPENDITURES FROM SAID FUND

The Clerk read Ordinance No. 68-22 by title only, entitled:

AN ORDINANCE TO AUTHORIZE THE TRANSFER OF FUNDS RECEIVED FROM THE AMERICAN RESCUE PLAN ACT TO THE CAPITAL IMPROVEMENT FUND NO. 401 AND TO AUTHORIZE EXPENDITURES FROM SAID FUND 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. 68-22, 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. Radcliffe to adopt Ordinance No. 68-22, 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. 69-22 – AUTHORIZING AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PAVEMENT RESURFACING AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF STATE ROUTE 83 (CENTER ROAD)

The Clerk read Ordinance No. 69-22 by title only, entitled:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PAVEMENT RESURFACING AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF STATE ROUTE 83 (CENTER 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. 69-22, 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. 69-22, and the discussion was:

Mr. Logan advised he wanted to remind Council that in this Ordinance the Finance Director has the option of either paying ODOT for the \$707,220 or setting up an escrow account and they have chosen the latter. He said they are setting up an escrow account through First Federal Lakewood and that should be in place tomorrow as they signed off on the documents today. Mr.

Logan stated he would get in touch with the person at ODOT and fill out their escrow form, but he wanted to update Council that is the option chosen. He advised when ODOT bids the job in June, if it is less than the \$707,220 then he thinks that is all they will be asking from the City.

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.

REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, advised she is hopeful to get a Service Committee Meeting scheduled for the end of June as she would like to continue the conversation on sidewalks to see where we are with the 2022 plan and continue looking forward into 2023. She said she spoke with Mr. Cummins, and he was working on some plans and thought they would be ready by the end of June. Mrs. Demaline suggested Monday, June 27, 2022 at 6:30 p.m.

There were no conflicts voiced, and the Clerk was asked to schedule that Committee meeting.

MRS. HOLTZMEIER, AT LARGE, congratulated Mrs. Brooks on a successful Lorain County Beautiful Day in Avon and a Citywide Residential Shred Event. She said she understands a lot of groups were involved and she asked Mrs. Brooks to elaborate on that good news.

Mrs. Brooks advised it was a group effort with the Girl Scouts, the Boy Scouts, the Cub Scouts, the Lion’s Club, the French Creek Foundation, Willoway Nursery, Avon Democratic Club, the VFW, the Service Department, the Utilities Department, the Parks Department, Heritage Christian Church, the Zoning Enforcement Officer, Cooper Disposal, the Planning Clerk, Mayor Jensen, Lorain County Commissioners, Republic Services and Absolute Shredding. She said there was a very good turnout with good weather and the events were very well attended.

Mrs. Holtzmeier advised that is awesome and there are certainly a lot of people that want to be helpful in the community and she thanked Mrs. Brooks for organizing those events.

MR. McBRIDE, WARD 2, thanked Mrs. Brooks and said it was a wonderful event. He advised his wife was duly impressed as she witnessed Mayor Jensen retrieving boxes of documents to be shred from the residents’ vehicles during the shred event.

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, had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

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

MR. GASIOR, LAW DIRECTOR, wished everyone a nice Memorial Day weekend. He advised there is a fifth Monday this month and he jokingly said it is like a National Holiday and he wished everyone a happy fifth Monday.

MR. LOGAN, FINANCE DIRECTOR, agreed it is nice to have a fifth Monday and enjoy the weekend. He advised he wanted to point out that he will have a couple of Ordinances when Council is back in session in June. Mr. Logan said one Ordinance will be the preliminary 2023 budget, which is due at the County offices by July 20th and they will fine tooth the budget in the fall. He stated the other Ordinance he would be bringing forth is the property and liability insurance renewal also for the Work Session on June 6th.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, was absent.

AUDIENCE:

There were no comments from the audience members.

ADJOURN: 7:05 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: 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.