

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JUNE 26, 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 Cameron and Evan, Boy Scouts from Avon Troop 333 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 – Steve Presley; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

ADDITIONS AND DELETIONS

A motion was made by Mr. McBride and seconded by Mr. Witherspoon to amend the agenda by adding item #13a –Executive Session for the Purpose of Discussing the Purchase of Real Estate and for the Purpose of Discussing Pending Litigation and add item #13b to Reconvene the Regular Meeting 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 accept the agenda as amended, 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 WORK SESSION OF COUNCIL HELD MONDAY, JUNE 5, 2023

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, June 5, 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. 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 REGULAR MEETING OF COUNCIL HELD MONDAY, JUNE 12, 2023

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, June 12, 2023, 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. 81-23 – ACCEPTING THE INSURANCE PROPOSAL SUBMITTED BY
McGOWAN GOVERNMENT UNDERWRITERS**

The Clerk read Ordinance No. 81-23 by title only, entitled:

**AN ORDINANCE ACCEPTING THE INSURANCE PROPOSAL
SUBMITTED BY McGOWAN GOVERNMENT UNDERWRITERS
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. 81-23, 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. 81-23, 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. 82-23 – ACCEPTING THE CYBER LIABILITY INSURANCE PROPOSAL
SUBMITTED BY McGOWAN GOVERNMENT UNDERWRITERS**

The Clerk read Ordinance No. 82-23 by title only, entitled:

**AN ORDINANCE ACCEPTING THE CYBER LIABILITY INSURANCE PROPOSAL
SUBMITTED BY McGOWAN GOVERNMENT UNDERWRITERS
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. 82-23, 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. 82-23, 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. 83-23 – ESTABLISHING A TAX BUDGET FOR THE CURRENT
EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO, FOR THE FISCAL YEAR
ENDING DECEMBER 31, 2024**

The Clerk read Ordinance No. 83-23 by title only, entitled:

**AN ORDINANCE ESTABLISHING A TAX BUDGET FOR THE CURRENT
EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO,
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024
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. 83-23, 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. 83-23, 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. 84-23 – TO ACCEPT IMPROVEMENTS IN RED TAIL SUBDIVISION NO. 17

The Clerk read Ordinance No. 84-23 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN RED TAIL SUBDIVISION NO. 17
AND DECLARING AN EMERGENCY**

The Chair declared this to be the first of three readings of Ordinance No. 84-23.

ORDINANCE NO. 85-23 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO
PURCHASE REAL ESTATE LOCATED OFF OF FRENCH CREEK ROAD (REAR LOT) IN THE
CITY OF AVON PERMANENT PARCEL NO. 04-00-010-113-071 FROM RANDALL B.
FRATIANNE AND GARY C. FRATIANNE

The Clerk read Ordinance No. 85-23 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT TO PURCHASE REAL ESTATE LOCATED OFF OF FRENCH
CREEK ROAD (REAR LOT) IN THE CITY OF AVON PERMANENT PARCEL
NO. 04-00-010-113-071 FROM RANDALL B. FRATIANNE AND GARY C. FRATIANNE
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. 85-23, 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. 85-23, 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.

RESOLUTION NO. R-26-23 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE
QUESTION OF THE RENEWAL OF AN EXISTING .45 MILL TAX LEVY FOR THE PURPOSE OF
PROVIDING FOR THE MAINTENANCE, MANAGEMENT AND OPERATION OF PUBLIC
PARKS AND RECREATIONAL ACTIVITIES PURSUANT TO OHIO REVISED CODE, SECTION
5705.19(H)

The Clerk read Resolution No. R-26-23 by title only, entitled:

A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF THE RENEWAL OF AN EXISTING .45 MILL TAX LEVY FOR THE PURPOSE OF PROVIDING FOR THE MAINTENANCE, MANAGEMENT AND OPERATION OF PUBLIC PARKS AND RECREATIONAL ACTIVITIES PURSUANT TO OHIO REVISED CODE, SECTION 5705.19(H) AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Resolution No. R-26-23, 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 Resolution No. R-26-23, 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 had no comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, had no comments.

MRS. HOLTZMEIER, AT LARGE, advised this past week there was an incident that you hope never happens where a motorist jumped the curb and drove into a business and accidentally ran over an employee of that business. She said the video is difficult to watch, at best, but it is something that can be preventable. Mrs. Holtzmeier stated sometimes when things happen it is an opportunity to look at what could be done to help prevent this in the future and to discuss what awareness might be needed to visit this in a responsible way. She advised she called Ms. Fechter last week about this incident and one of the things that would have prevented that car from going into the business and running into the crate and subsequently running over that 19-year-old would have been bollards. Mrs. Holtzmeier said she was happy to see in the news reports that the business owner agreed, and he said they were absolutely going to be looking into that and they want to install bollards in the front of the business to prevent further incidents. She asked Ms. Fechter where the City is, within the Code, with new businesses coming in and looking at how something like this can be prevented. Mrs. Holtzmeier asked how they encourage current businesses in operation, without creating unnecessary legislation, to look at this as an opportunity to think about this for their business in an inexpensive and easy way to get bollards installed if they so choose.

Ms. Fechter confirmed that the City requires all new businesses to have bollards in those spaces for those reasons. She advised they found in the City Fire Code that there are standards for spacing and various things of that nature. Ms. Fechter said it is a great question about how we get our existing businesses to retro install bollards. She stated it is not that cost prohibitive and while she has not had a chance to speak with the Building Department on the actual costs, it is something that as the Pickering Hill Farms story comes out and more and more people see the video, she felt it would be a lot easier to have those conversations with some of the existing businesses to see how the City can help.

Mrs. Holtzmeier said to confirm that any new business coming in, our Code absolutely addresses it and requires it. She stated if anything, this could be an important example to show that safety for customers, for employees and even the motorists is paramount. Mrs. Holtzmeier advised while we never want those things to happen, sometimes they do.

Ms. Fechter agreed and said that young man was very lucky.

Mrs. Holtzmeier agreed and said it was an accident, it was not on purpose. She advised our Code is not incredibly restrictive on what those bollards need to look like.

Ms. Fechter said it is not, they have discussed higher curbing and various things of that nature, but they are looked at on an individual basis. She stated it started with our outdoor seating areas making sure they were fenced and then bollards installed for protection from the parking lot and it has been a positive moving forward.

Mrs. Holtzmeier thanked Ms. Fechter for that confirmation, and she encouraged Avon's current businesses who might have heard of this story and are looking to find out what they can do to protect their customers and their employees and their assets to consider installing bollards. She asked if a business would contact the Chief Building Official or would it be someone else in the City.

Ms. Fechter advised they can contact her, and she can direct them through the proper channels where they need to go.

Mrs. Holtzmeier said she appreciated that information and the confirmation of where the City is currently and hopefully this kind of thing can be further prevented.

MR. MCBRIDE, WARD 2, had no comments.

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 everyone a Happy 4th of July and reminded everyone that there is no Work Session on Monday, July 3rd, that it was rescheduled to Monday, July 10th at 6:30 p.m. with the Regular Meeting following at 7:30 p.m. similar to the schedule followed during Covid.

Mr. Fischer asked Mrs. Holtzmeier if she would like to remind people where they need to go on July 4th regarding the Bike Parade event.

Mrs. Holtzmeier reminded everyone that the City's 8th Annual Independence Day Bike Parade is going to be on Tuesday, July 4th at 10:00 am kicking off at the Avon Pool. She said it is an annual tradition now and to please come. Mrs. Holtzmeier stated they were going to recognize some great achievements that have happened in this community this year. She advised they have a fantastic, Grand Marshall as well. Mrs. Holtzmeier invited everyone to come if they can as it was going to be a good event.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, wished everyone a Happy 4th of July.

MR. GASIOR, LAW DIRECTOR, wished everyone a Happy 4th of July.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, had no comments.

AUDIENCE:

Ramarao Appana of 2595 Seton Drive stated as they know, he works with the SaveSoil Movement, and he was following up on his request as this is a continuous effort in making sure that the whole community and the whole United States of America knows that our soil is dying so that they can continue to collaborate and spread that message.

Mr. Appana said secondly, June 21st was declared as International Day of Yoga for promoting well-being, inclusiveness and raising human consciousness. He stated International Day of Yoga will be celebrated by one of the national non-profit organizations called SEVA on Saturday, July 1st and they are collaborating with University Hospitals. Mr. Appana said he is wondering what they can do throughout the summer to promote this yoga. He understands that there are other yoga events that might be going on, but what he would like to see is that healthcare is not dead in his opinion. Mr. Appana stated he is more than happy to collaborate and help. He said earlier in the meeting they were discussing building codes related to protecting residents and avoiding accidents. Mr. Appana stated this yoga was not about physical fitness all the time. He said once someone is physically fit, they can work towards being emotionally fit. Many problems could be resolved by promoting this emotional intelligence or emotional well-being. Mr. Appana stated when someone is frustrated, they do not know what they can do to lessen their frustration. He said they should create some kind of ambiance to promote inclusiveness rather than it is "my way or the highway". Mr. Appana stated as they know, he is very passionate about spreading well-being here in Avon and Ohio. He asked that they please let him know if there is anything that he can help do. Mr. Appana thanked Mayor Jensen and City Council for their continued support. He said so far it has been an awesome experience for him.

Mr. Moore suggested Mr. Appana contact Shannon Laurenzi, a member of the Tree Commission, as she coordinates the Arbor Day celebration for Avon and the Tree Commission would be happy to have him participate.

EXECUTIVE SESSION: 7:53 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Enter Into Executive Session for the Purpose of Discussing the Purchase of Real Estate and for the Purpose of Discussing Imminent Litigation, 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.

RECONVENE: 8:45 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Reconvene the Regular Meeting of Council, 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.

ADJOURN: 8:46 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. 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.