

**PUBLIC HEARING
MONDAY, AUGUST 8, 2022**

7:25 p.m. – ORDINANCE NO. 83-22 – AN ORDINANCE TO AMEND SECTION 1244.12 (d)(5)(A)(D)(3) and (D)(4) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING FINAL PLAT SUBMISSION REQUIREMENTS FOR ADDRESS MAPS

Council President Brian Fischer opened the Public Hearing for comments. There being no comments the Public Hearing was closed at 7:26 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, AUGUST 8, 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 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 had a request from the Ohio Division of Liquor Control for a New D5I liquor permit for HAVONP, LLC located at 35846 Detroit Road, Avon. It was noted that this is the former IHOP location and the new location for the soon-to-be Mezquite Mexican Kitchen and Bar. No requests for a hearing were made.

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mr. McBride and seconded by Mr. Moore to amend the agenda by removing item #10 – Ordinance No. 95-22 –Rezoning The 12.24 Acre Parcel Of Land Located North Of Middleton Road And West Of Pendleton Court, Permanent Parcel No. 04-00-022-102-072 From R-1 Single-Family Residential District To C-4 General Business District, and adding item #19a - an Executive Session for the purpose of discussing pending/imminent litigation, 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 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 TUESDAY, JULY 5, 2022

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 Tuesday, July 5, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, JULY 11, 2022

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, July 11, 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. 83-22 – AMENDING SECTION 1244.12(d)(5)(A), (D)(3) and (D)(4) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING THE FINAL PLAT SUBMISSION REQUIREMENTS FOR ADDRESS MAPS

The Clerk read Ordinance No. 83-22 by title only, entitled:

AN ORDINANCE AMENDING SECTION 1244.12(d)(5)(A), (D)(3) and (D)(4) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING THE FINAL PLAT SUBMISSION REQUIREMENTS FOR ADDRESS MAPS

The Chairman declared this to be the third of three readings of Ordinance No. 83-22.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 83-22, 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.

ORDINANCE NO. 94-22 – GRANTING A SPECIAL USE PERMIT TO 951 REALTY, LTD. TO ALLOW THEIR TENANT, ADVANCED POLYMER COATINGS, INC., TO INSTALL A 45’ 3 ¼” HIGH ABOVE GROUND STORAGE CONTAINER FOR HAZARDOUS MATERIAL ON PROPERTY LOCATED AT 951 JAYCOX ROAD

The Clerk read Ordinance No. 94-22 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO 951 REALTY, LTD. TO ALLOW THEIR TENANT, ADVANCED POLYMER COATINGS, INC., TO INSTALL A 45’ 3 ¼” HIGH ABOVE GROUND STORAGE CONTAINER FOR HAZARDOUS MATERIAL ON PROPERTY LOCATED AT 951 JAYCOX 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. 94-22, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 94-22, 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.

ORDINANCE NO. 96-22 – REAPPROPRIATIONS

The Clerk read Ordinance No. 96-22 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. 96-22, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 96-22, 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.

**ORDINANCE NO. 97-22 – TO REJECT THE BID FOR THE CONSTRUCTION OF
RESTROOM FACILITIES AT THE AVON AQUATIC CENTER, NORTHGATE PARK AND
EAGLE POINT PARK**

The Clerk read Ordinance No. 97-22 by title only, entitled:

**AN ORDINANCE TO REJECT THE BID FOR THE CONSTRUCTION OF
RESTROOM FACILITIES AT THE AVON AQUATIC CENTER,
NORTHGATE PARK AND EAGLE POINT PARK
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. 97-22, 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.

A motion was made by Mr. Radcliffe and seconded by Mrs. Demaline to adopt Ordinance No. 97-22, 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.

ORDINANCE NO. 98-22 – AMENDING §256.04 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASS SPECIFICATION TO CREATE THE PERMANENT FULL-TIME POSITION OF CLERK OF COURTS

The Clerk read Ordinance No. 98-22 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 FULL-TIME POSITION OF CLERK OF COURTS 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. 98-22, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 98-22, 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.

ORDINANCE NO. 99-22 – TO ESTABLISH A RANGE OF COMPENSATION FOR THE FULL-TIME, UNCLASSIFIED POSITION OF CLERK OF COURTS FOR THE CITY OF AVON

The Clerk read Ordinance No. 99-22 by title only, entitled:

AN ORDINANCE TO ESTABLISH A RANGE OF COMPENSATION FOR THE FULL-TIME, UNCLASSIFIED POSITION OF CLERK OF COURTS 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. 99-22, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 99-22, 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.

ORDINANCE NO. 100-22 – AUTHORIZING THE MAYOR TO ENTER INTO A MULTI-JURISDICTIONAL AGREEMENT FOR THE NORTHEAST LORAIN COUNTY TACTICAL RESPONSE TEAM COMPRISED OF THE CITY OF AVON, CITY OF AVON LAKE AND CITY OF NORTH RIDGEVILLE

The Clerk read Ordinance No. 100-22 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MULTI-JURISDICTIONAL AGREEMENT FOR THE NORTHEAST LORAIN COUNTY TACTICAL RESPONSE TEAM COMPRISED OF THE CITY OF AVON, CITY OF AVON LAKE AND CITY OF NORTH RIDGEVILLE 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. 100-22, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 100-22, 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.

ORDINANCE NO. 101-22 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PATRIOTIC PRODUCTIONS, A NON-PROFIT NEBRASKA CORPORATION, ALLOWING THEM TO DISPLAY THEIR “REMEMBERING OUR FALLEN” MEMORIAL BETWEEN THE 1ST AND THE 5TH OF SEPTEMBER

The Clerk read Ordinance No. 101-22 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PATRIOTIC PRODUCTIONS, A NON-PROFIT NEBRASKA CORPORATION, ALLOWING THEM TO DISPLAY THEIR “REMEMBERING OUR FALLEN” MEMORIAL BETWEEN THE 1ST AND 5TH OF SEPTEMBER 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. 101-22, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 101-22, and the discussion was:

Ms. Fechter advised she wanted to make a correction to the Ordinance, the memorial will be in Avon between September 1st (not September 2nd) and September 5th with the opening ceremony being held on September 1st at 10 am.

Mr. Gasior noted that the change will be reflected in the final Ordinance and Council's vote should be based on the correct date. He said he believes the promoter agreed to all the redline changes in the draft agreement and the final draft was in the packet assuming that the promoter would agree, and the promoter confirmed such with him today.

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.

RESOLUTION NO. R-26-22 – TO READVERTISE FOR BIDS FOR THE CONSTRUCTION OF RESTROOM FACILITIES AT THE AVON AQUATIC CENTER, NORTHGATE PARK AND EAGLE POINT PARK

The Clerk read Resolution No. R-26-22 by title only, entitled:

A RESOLUTION TO READVERTISE FOR BIDS FOR THE CONSTRUCTION OF RESTROOM FACILITIES AT THE AVON AQUATIC CENTER, NORTHGATE PARK AND EAGLE POINT PARK 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-26-22, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-26-22, 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.

RESOLUTION NO. R-27-22 – TO ADVERTISE FOR BIDS FOR THE AVON POLICE DEPARTMENT TO PURCHASE AND INSTALL NEW DISPATCH CONSOLES

The Clerk read Resolution No. R-27-22 by title only, entitled:

A RESOLUTION TO ADVERTISE FOR BIDS FOR THE AVON POLICE DEPARTMENT TO PURCHASE AND INSTALL NEW DISPATCH CONSOLES 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-27-22, 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.

A motion was made by Mr. Mc Bride and seconded by Mr. Radcliffe to adopt Resolution No. R-27-22, 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.

REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, had no comments.

MRS. HOLTZMEIER, AT LARGE, had no comments.

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, advised there have been a lot of questions in the community regarding electric bills increasing to as much as double the monthly amount and NOPEC is being blamed. He asked Mr. Logan if he could provide any insight into the situation.

Mr. Logan advised apparently NOPEC let cities know at the end of June 2022 that NOPEC’s electric purchase agreement is based on a variable rate and NOPEC is tied to this variable rate. He said as the cost of everything has been going up, NOPEC’s rate has gone up so much so that it is at the point where it is at .12¢ per kilowatt hour. Mr. Logan stated if you default to FirstEnergy, their rate is just under .07¢ per kilowatt hour; so right now, NOPEC’s rate for electric is higher. He advised in reading through the email and in talking with our NOPEC representative, that the higher rate may continue through April, May of 2023. Mr. Logan said NOPEC is saying in the email he sent to Council, that if a residence or business currently in NOPEC wants to opt-out, they may do so at no fee and anyone who opts-out defaults to the FirstEnergy rate. He stated it is his understanding that if you call the electric company you can opt-out, but it may take a month for it to be processed and come off your electric bill depending on the individual’s billing cycle. Mr. Logan advised he also found out that you can go onto the FirstEnergy website and instruct them that you want to opt-out of NOPEC’s program. He said he was just as surprised as anyone else when a neighbor approached him and brought up this subject. Mr. Logan stated he looked at his own bill for the last twelve months and the increase is very noticeable especially the last couple of months. He advised people are using more electricity in July and August with the high humidity and running their air conditioners and it was going to be

more noticeable when billed at .12¢ per kilowatt hour versus .067¢ kwh. Mr. Logan said he knew nothing of this until a couple of days ago and he has always advised people whenever they have called City Hall that staying with NOPEC was generally the way to go and that they would be paying less than what they would pay by going with another supplier. He stated but right now it is the opposite with the electric and NOPEC is admitting it and it is not just Avon, but any NOPEC city. Mr. Logan advised NOPEC has an electric agreement with over 300 communities.

Mr. McBride advised he has issue with the way this originally done with NOPEC.

Mr. Logan advised in 1998 Council passed an Ordinance.

Mr. McBride advised residents were automatically opted-in unless they individually opted-out and he felt that was basically interference with a private contract whether it was with a public utility or not and he has expressed that concern in the past. He said he gets his electric from NOPEC, but he was more aggravated that some elected officials had the audacity to tell him who he is going to get his supply of utilities from and that he would have to opt-out which creates more work for the taxpayer. Mr. McBride stated the other complaint he has about NOPEC is that while they are great at sending out their fancy glossy literature tooting their own horn, but it is not so when the reverse is true, and he felt they should take NOPEC to task whether by Resolution or other means to say that NOPEC basically dropped the ball. He advised NOPEC should have given all the homeowners in the program notice that the rate would be increasing as it was double the kilowatt hours.

Mr. Logan advised he left a message with a company located in Bay Village that Avon has used for the City of Avon electric and gas accounts. He said they do a great job of watching out for the City and they know when contracts come up and which rates to lock into and make their recommendations. Mr. Logan advised he would like to hear their advice on all of these NOPEC rate issues and hear what they recommend. He stated everyone feels blindsided as they recently received their July bills for electric.

Mr. McBride added he felt it was blindsided with no warning. He reiterated that NOPEC should have sent out notice letting people know about this rate increase.

Mr. Logan advised in looking at the rates, the increase from NOPEC goes back to before January with the biggest difference being with the June, July billing.

Mr. McBride understood the rate was variable and would flex from time to time but said possibly NOPEC's silence was telling. He wondered if the rates were going to stay like this for awhile and not just six months, but possibly for a year or two.

Mr. Fischer agreed that people are starting to notice their electric bills are much higher with the heat of summer and their air conditioners going full-time and he felt this might only be the beginning of the topic catching steam. He advised Council and the Administration were already getting emails and phone calls and he just wanted to understand what was happening and what they could tell the residents.

Mr. Logan advised he could distribute the NOPEC agreement to Council if they would like and Avon is a part of the NOPEC aggregation program, and he reiterated that Avon has been a part of NOPEC since 1998 by Council action. He said a couple of years ago he and Mr. Gasior looked at some options and he does not believe there is anything that requires the City to stay with NOPEC, but they must consider the alternative and what would happen if they do not and rates go down.

Mr. Fischer advised in the current economy people cannot afford a couple hundred dollars more a month for their electric.

Mr. Logan advised people can call FirstEnergy and opt-out at no penalty and if he were not currently moving from his house he would opt-out as he is being told rates are going to be higher at least until April or May of 2023. He indicated that customers who opt-out would default to

FirstEnergy's rate and they would have to do their own apples to apples comparison each month to decide if and when they want to opt back in.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, PLANNING AND ECONOMIC DEVELOPMENT COORDINATOR, reminded Council that on Thursday, September 1st at 10:00 am would be the opening ceremony for the "Remembering Our Fallen" memorial at the Veteran's Memorial by the Avon Aquatic Center. She said it is a really nice program that consultant Sheri Seroka coordinated for Avon. Ms. Fechter stated the exhibit will be on display from September 1st to September 5th. She wished everyone a Happy Labor Day.

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. LOGAN, FINANCE DIRECTOR, advised on the bright side regarding utility rates, he sent information to Council earlier regarding the City's water and sewer rates. He said he, Mayor Jensen and Brian Bruce, the Superintendent of Utilities, had a discussion last week about the utility rates. Mr. Logan stated they would like to hold the rates where they currently are for water and sanitary sewer and not make any changes at this time. He advised neither of the suppliers to Avon for water and sewer were raising their rates at this time. Mr. Logan said they are recommending the rates remain the same for now with everything else going on in the economy. He stated if Council or the Finance Committee of Council would care to discuss it further, they could.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR, advised on September 10th would be the annual Safety Fair at the Avon Aquatic Center from 10 am to 2 pm. He said he would be giving out more information when they meet again in September, but he wanted to remind them so they could put it on their calendars.

AUDIENCE:

There were no comments from the audience members.

EXECUTIVE SESSION: 7:57 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to enter into Executive Session for the Purpose of Discussing Pending/Imminent Litigation, 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.

RECONVENE: 8:53 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: 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.

ADJOURN: 8:54 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: 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.