

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD TUESDAY, OCTOBER 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: 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 Streator; Clerk of Council – Barbara Brooks

CORRESPONDENCE

The Clerk reported that she received a request from the Division of Liquor Control for a Transfer of Ownership (TRFO) from Young Getty Enterprises, LLC, dba Moes Southwest Grill to TMP Restaurant One, LLC dba Moes Southwest Grill located at 36050 Detroit Road, Unit D, Avon for a D1, D3 permit class.

There was no request for a hearing, nor any other comments made.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, SEPTEMBER 18, 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, September 18, 2023, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, SEPTEMBER 25, 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, September 25, 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”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

APPOINTMENT OF DAVID MORAHAN TO THE LANDMARKS PRESERVATION COMMISSION AS THE MAYOR’S APPOINTEE TO THE UNEXPIRED TERM ENDING DECEMBER 31, 2025

Per Article XIV, Section 1(a), Appointment requires the concurrence of a majority of the membership of the legislative authority.

Mayor Jensen advised Mr. Morahan was present in the audience tonight and he has been instrumental in helping to revitalize the Avon Center Cemetery. He said Mr. Morahan has donated quite a bit of his time and labor to help repair some problem areas in the Cemetery. Mayor Jensen stated many may not realize how hard it is to get someone to volunteer and who wants to help within the community and Mr. Morahan has certainly been that person. He advised when the opportunity presented itself, due to a vacancy on this board, Mr. Morahan graciously said he would like to be a part and serve in that capacity. Mayor Jensen said Mr. Morahan and his wife, Michelle, have both been very instrumental in researching matters for the Cemetery and trying to help people find information or markers. He stated Mr. Morahan cares about the community, and he cares about the Landmarks Preservation Commission, but also in the preservation of the community. Mayor Jensen advised he does not believe they could find a better fit for this position, and he recommends Council concur with his appointment.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to concur with the Mayor's appointment of David Morahan to the Landmarks Preservation Commission to fill the unexpired term ending December 31, 2025, 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.

Mr. Gasior thanked Mr. Morahan for agreeing to serve in this capacity on behalf of the City of Avon.

The Oath of Office was administered to David Morahan by Law Director John Gasior.

Applause was given and photos were taken.

Mr. Fischer thanked Mr. Morahan and said they appreciate him serving on the Landmarks Preservation Commission.

ORDINANCE NO. 104-23 – CONSENTING TO AN ENTERPRISE ZONE TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF AVON, THE BOARD OF LORAIN COUNTY COMMISSIONERS, ADVANCED POLYMER COATINGS, INC., AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF AVON TO EXECUTE AN ENTERPRISE ZONE AGREEMENT WITH THIS ENTITY AND AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO TRANSMIT A CERTIFIED COPY OF THIS ORDINANCE ALONG WITH THE ENTERPRISE ZONE AGREEMENT TO THE BOARD OF LORAIN COUNTY COMMISSIONERS FOR FURTHER CONSIDERATION BY THE BOARD

The Clerk read Ordinance No. 104-23 by title only, entitled:

AN ORDINANCE CONSENTING TO AN ENTERPRISE ZONE TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF AVON, THE

BOARD OF LORAIN COUNTY COMMISSIONERS, ADVANCED POLYMER COATINGS, INC., AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF AVON TO EXECUTE AN ENTERPRISE ZONE AGREEMENT WITH THIS ENTITY AND AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO TRANSMIT A CERTIFIED COPY OF THIS ORDINANCE ALONG WITH THE ENTERPRISE ZONE AGREEMENT TO THE BOARD OF LORAIN COUNTY COMMISSIONERS FOR FURTHER CONSIDERATION BY THE BOARD 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. 104-23, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 104-23, and the discussion was:

Ms. Fechter advised late this afternoon she sent Council an email with a comparison of all the other current tax abatements in Avon and when they expire. She said she had hard copies for them as well, if they would like, and she was happy to answer any questions.

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. 105-23 – GRANTING A SPECIAL USE PERMIT TO PAUL B. DONZIS, (dba ARBY’S #7895), TO EXPAND AND RECONSTRUCT THE CURRENT DRIVE-THRU TO INCLUDE TWO DRIVE-THRU ORDER POINTS TO BE LOCATED AT 1331 CENTER ROAD

The Clerk read Ordinance No. 105-23 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO PAUL B. DONZIS, (dba ARBY’S #7895), TO EXPAND AND RECONSTRUCT THE CURRENT DRIVE-THRU TO INCLUDE TWO DRIVE-THRU ORDER POINTS TO BE LOCATED AT 1331 CENTER ROAD 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. 105-23, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 105-23, 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.

ORDINANCE NO. 106-23 – GRANTING A SPECIAL USE PERMIT TO T3 REALTY II, LLC TO ALLOW FOR CONSTRUCTION OF A 4,755 SQ. FT. BUILD-OUT FOR THE CREATION OF TWO (2) EXTERIOR VOLLEYBALL COURTS AND AN OUTDOOR DINING PATIO FOR THE PROPERTY LOCATED AT 1945 RECREATION LANE

The Clerk read Ordinance No. 106-23 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO T3 REALTY II, LLC TO ALLOW FOR CONSTRUCTION OF A 4,755 SQ. FT. BUILD-OUT FOR THE CREATION OF TWO (2) EXTERIOR VOLLEYBALL COURTS AND AN OUTDOOR DINING PATIO FOR THE PROPERTY LOCATED AT 1945 RECREATION LANE 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. 106-23, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 106-23, and the discussion was:

Mr. Gasior advised an updated version was sent out to the Clerk late that afternoon and he inquired if all of Council received that update. The Clerk confirmed that she sent it out to all of Council and she updated the link on their agenda as well with the update.

Mr. Gasior advised they wanted to make sure that the time that the restaurant/bar was open would coincide with the times that T3 itself is open. He said in that way, the bar would not be open as a stand-alone bar/restaurant without T3 being in operation.

Ms. Fechter added that the volleyball courts were updated from 2 to 4. She said there were 2 existing courts, and they were building 2 additional for a total of 4 volleyball courts.

Mr. Gasior agreed and said that 4 volleyball courts are mentioned.

Mr. Fischer questioned who carries the liquor license for the restaurant/bar area.

Mike D’Andrea of T3 advised in talking with the partners on this project that Avon Brewing Company would carry the liquor license. He indicated he was unsure how that process works but he was told they would take care of it.

Mr. Gasior advised there may have to be an announcement before City Council of a liquor license transfer at some later date, similar to the one mentioned earlier tonight. He said typically the Clerk receives the notice and notifies Council.

Mr. Fischer inquired if that would be an additional liquor license or something that would carry over from the existing one.

Mr. Gasior advised he believes at this point it is just going to be a transfer, but he could not say for sure.

Mayor Jensen advised Council would be made aware if there is going to be a transfer or if there is a problem then Council will hear of it or Council could voice their concerns if they had an issue.

The Clerk confirmed she would notify Council once she receives notice from the Division of Liquor Control.

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. 107-23 – REAPPROPRIATIONS

The Clerk read Ordinance No. 107-23 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. 107-23, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 107-23, 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.

RESOLUTION NO. R-31-23 – TO ADVERTISE FOR BIDS FOR THE NORTHGATE
SANITARY SEWER LATERAL REHABILITATION PROJECT

The Clerk read Resolution No. R-31-23 by title only, entitled:

**A RESOLUTION TO ADVERTISE FOR BIDS FOR THE NORTHGATE SANITARY
SEWER LATERAL REHABILITATION PROJECT
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-31-23, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-31-23, and the discussion was:

Mr. McBride pointed out that Carleen Avenue was misspelled in the first paragraph of the first Whereas clause. Mr. Gasior indicated they would make that correction.

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.

REPORTS AND COMMENTS

MAYOR JENSEN advised an email was sent out to Council showing them the parking lot for the former Traxler property. He said anyone going to the site today will notice that the grindings on the property are now spread out. Mayor Jensen stated depending on the weather, Mr. Loeser is estimating that the parking lot should be in place for the “Lake” game, which is always a big rivalry game between Avon and Avon Lake. He advised the main use of the parking lot will be for the Traxler park property, but it can be used as overflow parking from a football game when needed. Mayor Jensen suggested Council drive by and see the work that has been done if they get the chance and he said Mr. Loeser has done a great job.

Mayor Jensen advised a reappropriation may come before Council’s next Work Session for the Traxler property between \$5,000 to \$10,000 for some site work on the property and depending on how much work that house will need as it may need a new roof.

Mayor Jensen advised Canvus has reached out to the City with a donation of some of their park furniture made from recycled wind turbines. He said it was discussed previously about using some of the recycling grant money to purchase some items, but the County eliminated that grant. Mayor Jensen stated PPG of Avon is donating those pieces to the City and they will be placed at Every Child’s Playground this Thursday and then there would be a tour with PPG of the new pieces at the playground and Council would be receiving an invite and everyone could learn more about Canvus and the products they offer. He advised each piece of park furniture made from recycled wind turbines costs between \$5,000 to \$10,000 so this is a very generous donation to the City. Mayor Jensen said the City crews will be doing some site preparation once the locations for each piece are decided.

Mayor Jensen advised the Tree Commission had a good event with their Arbor Day celebration this past Saturday. He said he appreciates the hard work and the event was a success again this year although the weather did not cooperate as much as last year, but a lot of hard work went into it. Mayor Jensen stated Council should all be proud since they approved the creation of the Tree Commission and they have done a phenomenal job in keeping things going and caring about our environment.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, had no comments.

MRS. HOLTZMEIER, AT LARGE, advised she was pleased to hear the update on the parking lot across from the Early Learning Center. She inquired if there would be a designated in and out for that property.

Mayor Jensen advised yes, they consulted with the School Resource Officer to know the best approach. He said there would be an in only and an out only and they were also going to put striping to designate parking spaces. Mayor Jensen stated they were going to try to make it as easy as possible for people.

Mrs. Holtzmeier stated she is hopeful that once the parking lot is usable then parking in the public right-of-way should not exist.

Mayor Jensen advised he was not sure it would eliminate it all together, but it should help. He said they were looking at approximately 60 more parking spaces being added. Mayor Jensen stated he was hopeful it would alleviate some of the side street parking that the City constantly receives complaints about.

Mrs. Holtzmeier said it was good to hear those updates and she thanked him for sharing.

MR. MCBRIDE, WARD 2, thanked Mayor Jensen for his continued diligence to push our County Health Department to address an issue at a property in Avon that was basically an absentee landlord at a single-family house in the Northgate Subdivision to take care of the pool with stagnant water. He said hopefully the Health Department would conclude that they need to order the homeowner to remove the inground pool and fill it in. Mr. McBride stated he did hear that the property was looking a little better, but he felt they should continue to push to encourage that landlord to sell the property to someone that would invest in and become a part of the neighborhood.

Mr. McBride advised as part of his continuing saga of Starbucks at City Centre; he was by the Avon Commons multiple times this past weekend and traffic in the Starbucks drive-thru was backing onto Detroit Road. He said motorists could not pull into the main entrance of City Centre because the Starbucks customers were lined all the way back to Detroit Road. Mr. McBride stated some were able to navigate around them, but cars just sat in the intersection and that is already a bad enough intersection with the Avon Commons. He advised something needs to be done and he felt they need to push the landlord of that plaza to take care of it as they designed that layout and not the City and that is a very bad placement for a Starbucks. Mr. McBride said he does not know what the answer is other than the City may have to revoke the Special Use Permit for the drive-thru as there may be an accident in that area because of Starbucks. He stated anything that can be done would help and he knows that landlord is not always cooperative.

MR. MOORE, WARD 3, thanked Mayor Jensen, the City Administration and City Council for their support of the Tree Commission. He said he had a family obligation and missed the Arbor Day event this past Saturday, but he heard it was successful even though there was some rain. Mr. Moore thanked the Tree Commission for all their hard work.

MR. RADCLIFFE, WARD 4, requested a Safety Committee of Council be set for 7:00 p.m. on November 6, 2023, to discuss School Bus Safety and Fines and invite the Magistrate and the Police Chief.

The Clerk indicated she would get that meeting scheduled.

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, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, advised the City staff meeting was held at Hunter International that morning. She said their building is mostly complete and they gave the staff a tour and it is a beautiful building. Ms. Fechter stated Hunter International is so excited that things are going well that they are not sure if they will need to lease out the upper level of the building and are considering using it for their own business needs and they are already talking about getting started on their second phase. She advised she is happy for them that things have worked out the way they wanted them to, and they are moving right along. Ms. Fechter thanked City Council for their support.

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

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

AUDIENCE

There were no comments made from the audience members.

ADJOURN: 7:58 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. 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.