

Law Director John Gasior administered the oath of office to Steven J. Presley, Finance Director, prior to the start of the meeting.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD TUESDAY, OCTOBER 11, 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; Council-at-Large – Craig Witherspoon; Council-at-Large and Council President Brian Fischer; Mayor - Bryan Jensen; 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

ABSENT:

4th Ward – Scott Radcliffe; City Engineer – Ryan Cummins

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, SEPTEMBER 19, 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 Monday, September 19, 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. 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, SEPTEMBER 26, 2022

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 26, 2022, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes” Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 116-22 – GRANTING A SPECIAL USE PERMIT TO GARDEN DRIVE INVESTMENTS, LLC, TO AUTHORIZE THEIR TENANT, AVON BREWING COMPANY, TO CONSTRUCT A 15,982 SQ. FT. RESTAURANT WITH OUTDOOR SEATING FOR PROPERTY LOCATED AT 36383 DETROIT ROAD

The Clerk read Ordinance No. 116-22 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO GARDEN DRIVE INVESTMENTS, LLC, TO AUTHORIZE THEIR TENANT, AVON BREWING COMPANY, TO CONSTRUCT A 15,982 SQ. FT. RESTAURANT WITH OUTDOOR SEATING FOR PROPERTY LOCATED AT 36383 DETROIT 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. 116-22, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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. Moore to adopt Ordinance No. 116-22, and the discussion was: Mr. Gasior pointed out that what Council is being asked to consider was simply to grant outdoor seating for a restaurant in the proper district. He advised the restaurant, if it did not have outdoor seating, would not come before Council as it is a use that is permitted as a matter of right. Mr. Gasior stated the only thing Council is to consider is the outdoor seating area and he believes it complies with the square footage requirements for the proposed building. He said the restrictions that are set forth in Section 2 of the Ordinance are still valid. Mr. Gasior advised he spoke to the owner of the proposed restaurant, Mathias Hauck, and he is satisfied with those restrictions.

And the vote was: Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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. 117-22 – REAPPROPRIATIONS

The Clerk read Ordinance No. 117-22 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. 117-22, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “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. Moore to adopt Ordinance No. 117-22, and the vote was: Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-30-22 – SUPPORTING THE SUBMISSION OF A 2022 CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM FUNDING APPLICATION FOR THE PURCHASE OF LAND FOR THE PRESERVATION OF OPEN SPACE, SENSITIVE ECOLOGICAL AREAS AND STREAM CORRIDORS

The Clerk read Resolution No. R-30-22 by title only, entitled:

A RESOLUTION SUPPORTING THE SUBMISSION OF A 2022 CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM FUNDING APPLICATION FOR THE PURCHASE OF LAND FOR THE PRESERVATION OF OPEN SPACE, SENSITIVE ECOLOGICAL AREAS AND STREAM CORRIDORS 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-30-22, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “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 Resolution No. R-30-22, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”; Mrs. Demaline, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

REPORTS AND COMMENTS

MAYOR JENSEN advised he would be presenting to the Lorain County Commissioners a request for ARPA funds to leverage with City funds to improve areas of the Avon Recreation Complex for the benefit of the residents and the surrounding communities. He said the County Commissioners have been giving out ARPA funds to different organizations in the County, particularly the fairgrounds as well as the Port Authority for their “Rockin’ on the River” events. Mayor Jensen stated the funds, if awarded, would be used to supplement the improvements being made at the Crushers Stadium and the Recreation Complex for new turf and signage and new baseball fields. He advised the hope is that if the City spends \$1 million that the County will match those funds with \$1 million toward those improvements. Mayor Jensen said there is also the availability of grant funds from the NFL to help with the cost of installing a turf football field to be located on the western portion of the City’s property at the Recreation Complex that the City also plans to help fund and hopefully the County Commissioners as well. He stated this will allow the youth to have a turf football field to play on as well as other amenities available at the YMCA. Mayor Jensen advised they are also requesting to replace the scoreboard with a digital one that would allow for additional events such as movie nights that the residents and surrounding communities could benefit from its use. He said he would update Council if that funding is awarded.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, had no remarks.

MRS. HOLTZMEIER, AT LARGE, welcomed Mr. Presley to his first Avon Council meeting as the City's new Finance Director and they appreciate him being here in this role.

MR. McBRIDE, WARD 2, advised he had not been to a Board of Zoning and Building Appeals meeting in some time and as a former member of that board he was fairly impressed how they considered some of the requests for variances and denied some. He said it seemed that for a while the BZBA was giving out variances left and right for no reason and he was pleasantly surprised to learn they are following the City's standard in the Code and that was good to see even though some may have been disappointed with their outcome.

MR. MOORE, WARD 3, had no remarks.

MR. RADCLIFFE, WARD 4, was absent.

MR. WITHERSPOON, AT LARGE, had no remarks.

MR. FISCHER, AT LARGE, had no remarks.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, was absent.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, advised this Saturday is the "Not So Spooky Halloween" event and she believes there are over 400 people registered. It was noted the registered families choose from specified times when to participate. She said it is a great event and Meijer gave a \$1,000 donation to purchase candy for the event.

MR. GASIOR, LAW DIRECTOR, welcomed Mr. Presley.

MR. PRESLEY, FINANCE DIRECTOR, advised he appreciates everyone's warm welcome and wishes and he looks forward to working with all of them.

MR. STREATOR, SERVICE/PUBLIC SAFETY DIRECTOR, advised the curbside leaf collection is planned to start on Monday, October 24, 2022. He said there is more information on the City website.

EXECUTIVE SESSION: 7:42 P.M.

A motion was made by Mr. McBride and seconded by Mr. Moore to Enter into Executive Session for the Purpose of Discussing the Purchase and/or Sale of Real Estate, and the vote was: Mr. Moore, "yes"; Mr. Witherspoon, "yes"; Mrs. Demaline, "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.

RECONVENE: 8:06 P.M.

A motion was made by Mr. McBride and seconded by Mr. Witherspoon to Reconvene the Regular Meeting of Council, and the vote was: Mr. Witherspoon, “yes”; Mrs. Demaline, “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.

ADJOURN: 8:07 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. Witherspoon, “yes”; Mr. Fischer, “yes”.

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