

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, NOVEMBER 14, 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 – Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

GARDEN CLUB BEAUTIFICATION AWARDS PRESENTATION

Cynthia Murnyack-Czarnecki, Chair of the Avon Garden Club Scholarship Program and representing the Avon Garden Club Beautification Awards Committee and on behalf of their president, Lee Kelley, and officers, Nancy Haas, Kathy Hrabik, and Gretchen Shimola, the Beautification Awards Committee Chair, Kathy Luca, the Committee members, and our Club members thanked Council President Fischer, Council Members and Mayor Jensen for welcoming them.

Ms. Murnyack-Czarnecki then stated that every other year the Avon Garden Club recognizes exceptional residential gardens in the City of Avon. Many of the residents of the City work diligently and wholeheartedly to make the City a beautiful place to live and work. The winners here present with us this evening surely did that as it was a very difficult decision to narrow down the field. In evaluating gardens for these awards, eligible gardens were those that were designed and personally attended to by the homeowners as opposed to those that were professionally manicured. Additionally, only front yards were eligible for consideration.

Consideration was given to four categories of residential gardens which were: condominium gardens; gardens established less than 20 years, gardens established between 21 and 80 years, and gardens established for over 81 years or historical gardens. The committee took many driving trips around the City, viewing and evaluating gardens, taking notes, meeting gardeners, and learning more about their gardening efforts.

David Hobson, weekly garden columnist for the Waterloo Region Record and member of the Garden Writers Association, once said “I grow plants for many reasons: to please my eye or to please my soul, to challenge the elements or to challenge my patience, for novelty or nostalgia, but mostly for the joy in seeing them grow.” We’re sure our winners can attest to this!

Six of the eight awards were presented on Tuesday, October 18, 2022. Two award winners were unable to attend that presentation but are here this evening and will be receiving their awards now.

Aleshia and Daniel Kerszenciwejk’s garden was awarded Honorable Mention in the residential category of gardens established for 21 to 80 years. Aleshia and Daniel have created a graceful, lovely cottage garden which spans the entire front of their colonial home. The colorfully vivid garden featured beautiful tall flowers including 5-foot-tall Mexican sunflowers, coneflowers, lavender, Black-eyed Susans, strawflowers, catnip, a butterfly bush, pink petunias sprinkled with

basil, and Knock Out roses. Mingled and mixed with the floral plantings were vegetables and herbs. The display included squash and tomato plants as well as oregano and thyme. Aleshia and Daniel have three small children but manage to enjoy and encourage them to participate in “jug gardening”. During the Committee’s evaluation, it was explained that each year, in January, they start their plants from seeds in milk jugs on their back porch. In the spring, after the seedlings have grown into healthy, young plants, the young plants are then transplanted into the ground in their garden. Aleshia and Daniel have been very conscientious to not use chemicals in their gardens. They select their plants carefully because they want to attract pollinators. Congratulations again to the Kerszenciwejgs!

David Less’s garden was awarded Honorable Mention in the historical category of residential gardens which again are gardens established over 81 years. David meticulously cares for his mature garden yet keeps adding new life to it though his creative plantings. Shading David’s home were tri-colored beech trees, a birch tree, and a white dogwood. David has included bounteous floral varieties in a plethora of colors which have brought joy to the onlookers of his garden. Included in his plantings were balloon flowers, artemisia, clematis, sweet potato vine, pink yarrow, rhododendron, and hostas. A butterfly bush offered a haven for swallowtails, monarchs, and hummingbirds. Artfully placed pavers created a walkway from the sidewalk to the front porch. The shaded front porch was full of annual plants housed in interesting planters. All of which lent a welcoming air to the home’s entry. David creatively incorporated a raised vegetable garden into the unused space left of his driveway. Congratulations to David!

Ms. Murnyack-Czarnecki congratulated both winners and said each of them have artfully contributed to the beauty of Avon.

Applause and congratulations were given, and photos were taken of the award recipients with Ms. Murnyack-Czarnecki and Mayor Jensen.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, OCTOBER 17, 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, October 17, 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 SERVICE COMMITTEE OF COUNCIL HELD MONDAY, OCTOBER 24, 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 Service Committee of Council held Monday, October 24, 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, OCTOBER 24, 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, October 24, 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.

ORDINANCE NO. 121-22 – TO AMEND CHAPTER 1040 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON FOR THE PURPOSE OF UPDATING THE WATER CODE AND ADJUSTING CERTAIN RATES AND FEES

The Clerk read Ordinance No. 121-22 by title only, entitled:

AN ORDINANCE TO AMEND CHAPTER 1040 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON FOR THE PURPOSE OF UPDATING THE WATER CODE AND ADJUSTING CERTAIN RATES AND FEES 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. 121-22, 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. 121-22, 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. 122-22 – TO AMEND CHAPTER 1042 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON FOR THE PURPOSE OF UPDATING THE SANITARY SEWER CODE AND ADJUSTING RATES AND FEES

The Clerk read Ordinance No. 122-22 by title only, entitled:

AN ORDINANCE TO AMEND CHAPTER 1042 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON FOR THE PURPOSE OF UPDATING THE SANITARY SEWER CODE AND ADJUSTING RATES AND FEES 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. 122-22, 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. 122-22, and the discussion was:

Mr. Gasior pointed out that Council has a new title page in front of them that eliminates the strike-through on 1042.03, 1042.033, and 1042.035. After reviewing this with the City Engineer, we realized and came to the conclusion that those sections should remain in 1042, that they are not covered in other sections of the Code, particularly 1050. So we are leaving those three sections in. Other than that, there are no other changes.

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. 123-22 – TO AWARD A BID FOR THE SR 83 GROUND STORAGE WATER TANK REPAINTING PROJECT

The Clerk read Ordinance No. 123-22 by title only, entitled:

AN ORDINANCE TO AWARD A BID FOR THE SR 83 GROUND STORAGE WATER TANK REPAINTING PROJECT 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. 123-22, 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. 123-22, 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. 124-22 – REAPPROPRIATIONS

The Clerk read Ordinance No. 124-22 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. 124-22, 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. 124-22, 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. 125-22 – AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE(S) TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO AMEND THE JANUARY 1, 2022 THROUGH DECEMBER 31, 2024 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF AVON AND THE AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES (“AFSCME” or “UNION”)

The Clerk read Ordinance No. 125-22 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE(S) TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO AMEND THE JANUARY 1, 2022 THROUGH DECEMBER 31, 2024 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF AVON AND THE AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES (“AFSCME” or “UNION”) 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. 125-22, 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. Moore to adopt Ordinance No. 125-22, and the discussion was:

Mayor Jensen stated that he just wanted to let Council know that the representative for AFSCME came in personally and wanted to thank him and also to thank Council for seeing something that we felt was not equal and correcting that. He also mentioned to him that there is another community that saw the same thing and he was using Avon’s example as a template for fixing that. So again, he came out of his way to personally thank us for correcting this. The Mayor said that he thinks it goes a long way to work with the union to fix things when they have to be fixed and have an open dialogue and work things out that way.

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 stated that he had the honor this week on Friday and Saturday to go out and meet with some veterans and thank them. It never gets tiring to thank our veterans for the sacrifices they made and to thank the families that also sacrificed with them.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1, said that she just wanted to touch base and see if we are still on track to discuss the Sidewalk Program at our next Work Session. Mr. Cummins said, yes, we will have that grouping of individual plans under the “old way”, a listing of those properties and a cost estimate for each property available for Council to consider and he is working with Mr. Gasior to put together legislation so that those letters can then be sent out. Mayor Jensen said that also, he and Mr. Loeser met with Mr. Debottis this last week and tomorrow we should be cutting that sidewalk. We did come to an agreement with him of where the sidewalk would go and he was very agreeable with everything we put together so if the weather is conducive, we will get that poured within the next week. He thought that everybody got the message also on the blacktopping piece that we did; that was all completed so that looks good over there. Having Zoning Enforcement Officer Jill Clements help with that now is going to make a big difference in terms of what we see this next year.

Mrs. Demaline thanked Mr. Cummins and the Mayor for the update. She said that Mr. Cummins had mentioned that we will discuss the old way of projects at the next Work Session. Will we also be discussing the projects that we are planning for the new way? Mr. Cummins said, no, those would follow a few weeks afterwards so that we would concentrate on getting individual packets put together for what we were shifting from the new way back to the old way. So that is what we will have ready for next week and then we will follow up in later weeks with the final plans for that section, really the Colorado section, and will be working with Mr. Gasior for any legislation that we would need. Mrs. Demaline said, but hopefully, at the Work Session next Monday, we can do an overview of the areas that we will be looking at on the new way. Mr. Cummins said, yes, those are the areas left from what we talked about before. In total, there are about 65 parcels involved in both ways. We were going to shift roughly 40 of those back to the old way but it is all the same areas, with the addition of the intersection of Detroit Road and Moon Road where we are putting together a plan for the northwest corner.

Mayor Jensen stated that we did look at the new way on Colorado over there. A lot of that is going to be the City’s project and we want to see if we need to put that together as one project or separate that. And if we can separate it, we can do a lot of the work and then go back to the old way so that is kind of why we are not having both of them together. We still believe that on the new way we have plenty of time if we get it out for bid the beginning of the year but that is mostly just going to be the Avon Road portion of it. We will keep Council informed in terms of what we find out on that other piece that is on Colorado because those were the two sections that we were going to go out for bid on in the new way.

Mrs. Demaline said that her other comment is that she was hoping, before the end of the year, to have an update on where we are with the Lit Communities engagement. Mayor Jensen said that we met with them the other day and the question was, what more information do we need to get before we can go to Council so there are a couple steps in the way right there. But we did meet this last week and he thought that we are close to having a plan but we want to talk to the schools and then get back to Council and tell you where we are. Mrs. Demaline asked if the Mayor had an estimate of when Council would hear an update on that? Mayor Jensen responded that right after they meet with the schools, they would come back to Council because the other work is

already done; it is now just making sure what the schools would be actively participating in or be willing to talk about.

MRS. HOLTZMEIER, AT LARGE, asked, while we are talking about sidewalks and the timeline, is there an anticipated week that the Mayor wants to bring that back to us, the new way? Mayor Jensen said that he thought they want to make sure that that is on one of the two Work Session agendas in December as they want to have something to be voted on before the end of the year. And then Mr. Cummins can put together the pieces that need to go out for bid.

Mrs. Holtzmeier said that was excellent and she then asked Mr. Presley, in regard to the budget session, when he anticipated sending out an email to their group with his schedules and materials that we are going to be looking at next Saturday at the Finance Committee meeting. Mr. Presley said that his goal is to send that out by the end of the day this Wednesday. He said that Mr. Logan is coming in and they are going to review all the handouts to make sure that they are similar to what you have seen previously and then he will email those out and also have some paper copies available on Saturday morning.

Mrs. Holtzmeier said that, lastly, about the Garden Club, she was so glad that they were able to come in and make the presentation here. What they do is really amazing. She had no idea that we even looked at gardens that were greater than 81 years old. That is significant. First of all, to be able to keep the plantings alive that long is so impressive. And it was nice to share that here as well.

MR. McBRIDE, WARD 2, stated that he really did think that it is a pretty big deal that somebody from AFSCME came in to thank the Mayor for doing the right thing and it would be nice if the Mayor would mention that person's name. Mayor Jensen said that his name is Marquez Brown and we have met with him a couple times; he is a really good person to deal with and is never confrontational. It is just working through things and we have a really good working relationship. And again, it does not happen without Council. You support this and doing the right thing and the Mayor thought that it shows to everybody that works within the City that things can be worked out without grievances. We are working together for the same cause and to benefit one another

Mr. McBride said that he was going to give the Mayor kudos because the Administration in many ways sets the tone with negotiations and working through issues with the union. So he congratulated the Mayor and said that he was a big part of that and so is Mr. Streator.

MR. MOORE, WARD 3, stated that he just wanted to hit a couple items on the sidewalks, with the old way vs. the new way. In his Ward, along with other Wards, there were no sidewalks in 2022. He is hoping that when we go to do 2023, we can double up on what was supposed to be done in 2022 along with what we would do in 2023. We are losing yet another year of sidewalks of going forward and he would like to put a timeline and end date on this. He does not want to be canvassing next election time on the issue of sidewalks again. So he just wants to keep beating the drum and advocate for an end date and that we double up in 2023 with the sidewalks that should have been done in 2022, along with the 2023 program.

MR. RADCLIFFE, WARD 4, had no comments.

MR. WITHERSPOON, AT LARGE, noted that Mrs. Holtzmeier missed mentioning the Band Watch Party that she arranged and it was a fantastic thing. He asked Mrs. Holtzmeier to please give them an input on that.

Mrs. Holtzmeier said that there are more than 100 high school students in the Avon Mighty Eagle Marching Band and they work tirelessly throughout the summer and fall, having practice every day, to do two different shows. One is the show that you see at half-time at the football games and another is a more sophisticated, very complex competition show. They do that show once per year at the football game. This week they represented Avon on a national stage at the Bands of America competition in Indianapolis. This competition is incredibly competitive. Bands from across the country travel to Indianapolis to compete. To get the invitation to perform, the Avon Band had to have placed first in an event within the State of Ohio, in a state-wide competition. They did that twice this year, which enabled them to compete at the national level. The City was gracious enough to open up Council Chambers and host a watch party for the competition for parents, grandparents, and members of the community to come in and watch on our screens here as it was streamed across the country. It was a nice crowd that came and our kids knew that these people were here because everyone was on their phones. They really represented Avon, Ohio, well on a national stage.

Mr. Witherspoon thanked Mrs. Holtzmeier and gave her kudos for arranging the Watch Party; it was a great thing. Mrs. Holtzmeier noted that Mayor Jensen, the Mayor's Assistant Rose Seighman, and IT Coordinator Aaron Jenkins were all really helpful in setting it up so everybody came together to arrange it.

MR. FISCHER, AT LARGE, stated that he would like to echo comments by the Mayor, Mrs. Holtzmeier, and Mr. Witherspoon. First on the veterans, he would like to thank all our veterans, especially our Avon veterans. It was a fantastic Veterans Day here in Avon; the community is very supportive of our veterans. In regard to the Garden Club, he wanted to thank them for coming in. And thirdly, regarding the band: yes, the band is fantastic. As a football parent, he can tell you that "Friday Night Lights" would not be what it is without our band.

Mr. Fischer said that, also, he wanted to ask Mr. Gasior where we are on our timeline for our livestock moratorium and how much time we have left on that? Mr. Gasior responded that moratorium expires on December 31st. Planning Commission is going to consider the drafted legislation that he passed out to everybody and then Council will probably see it in December. If it is something that is acceptable, he thought that we could start the three readings at the first Regular Meeting in December and then, if possible, we could do a Special Meeting for a second reading. Or we can just go the three readings and pass the Ordinance the first Regular Meeting in January.

Mayor Jensen asked Mr. Fischer if, as a football parent, he wanted to give an update on the football team. Mr. Fischer said, yes, the team is going into the Regional Finals this Friday, playing in Sandusky against Toledo Central Catholic.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

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

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

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

AUDIENCE:

There were no comments made from the audience members.

ADJOURN: 8:08 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.