

**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 6, 2025
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 9:02 P.M.**

The Chairman, Council President Brian Fischer, called the meeting to order and led in the Pledge of Allegiance.

PRESENT:

Council Members: Council-at-Large – Mary Berges; 1st Ward – Jennifer Demaline; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; Council-at-Large – Michelle Patton; 4th Ward – Scott Radcliffe; Council-at-Large and Council President – Brian Fischer; Mayor - Bryan Jensen; Law Director – John Gasior; Finance Director – Steve Presley; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

ABSENT:

City Engineer – Ryan Cummins; Planning and Economic Development Coordinator – Pam Fechter

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, DECEMBER 16, 2024

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, December 16, 2024, and to approve said minutes as published, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, DECEMBER 16, 2024

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, December 16, 2024, and to approve said minutes as published, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 127-24 – AUTHORIZING THE HIRING OF THE LAW FIRM OF DOOLEY, GEMBALA, MCLAUGHLIN & PECORA AS SPECIAL COUNSEL TO THE CITY OF AVON FOR ALL MATTERS PERTINENT TO THE DECEMBER 11, 2024 TAXPAYER DEMAND LETTER PRESENTED TO THE CITY SEEKING TO RECOVER AND THEN ENJOIN CERTAIN PAYMENTS INTO THE OHIO PUBLIC EMPLOYEE RETIREMENT SYSTEM

The Clerk read Ordinance No. 127-24 by title only, entitled:

AN ORDINANCE AUTHORIZING THE HIRING OF THE LAW FIRM OF DOOLEY, GEMBALA, MCLAUGHLIN & PECORA AS SPECIAL COUNSEL TO THE CITY OF AVON FOR ALL MATTERS PERTINENT TO THE DECEMBER 11, 2024 TAXPAYER DEMAND LETTER PRESENTED TO THE CITY SEEKING TO RECOVER AND

**THEN ENJOIN CERTAIN PAYMENTS INTO THE OHIO PUBLIC EMPLOYEE
RETIREMENT SYSTEM
AND DELARING AN EMERGENCY**

The Chair declared this to be the second of three readings of Ordinance No. 127-24.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 127-24, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “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. 127-24, and the vote was: Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 1-25 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO DeVILLE DEVELOPMENTS, LLC TO INCLUDE A DRIVE-THRU FOR THEIR TENANT, SAVVY SLIDERS, ON THEIR PROPERTY LOCATED AT 33420 JUST IMAGINE DRIVE

The Clerk read Ordinance No. 1-25 by title only, entitled:

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT
GRANTED TO DeVILLE DEVELOPMENTS, LLC TO INCLUDE A
DRIVE-THRU FOR THEIR TENANT, SAVVY SLIDERS, ON
THEIR PROPERTY LOCATED AT 33420 JUST IMAGINE DRIVE
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. 1-25, and the vote was: Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “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. Radcliffe to adopt Ordinance No. 1-25, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 2-25 – TO AMEND A SPECIAL USE PERMIT GRANTED TO THE AVON UNITED METHODIST CHURCH LOCATED AT 37711 DETROIT ROAD TO INCLUDE A NEW DRIVEWAY AND PARKING LOT EXPANSION FOR 26 ADDITIONAL PARKING SPACES

The Clerk read Ordinance No. 2-25 by title only, entitled:

**AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED
TO THE AVON UNITED METHODIST CHURCH LOCATED AT**

**37711 DETROIT ROAD TO INCLUDE A NEW DRIVEWAY AND PARKING
LOT EXPANSION FOR 26 ADDITIONAL PARKING SPACES
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. 2-25, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “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. 2-25, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

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

**ORDINANCE NO. 3-25 – TO ACCEPT THE TENTATIVE AGREEMENT REACHED IN THE
MATTER OF THE CITY OF AVON AND AFSCME, OHIO COUNCIL 8 (SERB CASE
NUMBER 2024-MED-09-0944)**

The Clerk read Ordinance No. 3-25 by title only, entitled:

**AN ORDINANCE TO ACCEPT THE TENTATIVE AGREEMENT REACHED
IN THE MATTER OF THE CITY OF AVON AND AFSCME,
OHIO COUNCIL 8 (SERB CASE NUMBER 2024-MED-09-0944)
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. 3-25, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “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. 3-25, and the vote was: Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

**RESOLUTION NO. R-1-25 – TO ADVERTISE FOR BIDS FOR THE SCHWARTZ ROAD
WEST PAVEMENT RESURFACING PROJECT**

The Clerk read Resolution No. R-1-25 by title only, entitled:

**A RESOLUTION TO ADVERTISE FOR BIDS FOR THE SCHWARTZ
ROAD WEST PAVEMENT RESURFACING PROJECT
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-1-25, and the vote was: Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “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. Radcliffe to adopt Resolution No. R-1-25, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Fischer, “yes”.

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

ADJOURN: 9:08 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adjourn the Special Meeting of Council, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

PASSED:_____

SIGNED BY:_____
Brian Fischer, President of Council

ATTEST:_____
Barbara J. Brooks, Clerk of Council