

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD TUESDAY, JANUARY 21, 2025
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: Council-at-Large – Mary Berges; 2nd Ward - Dennis McBride; 3rd Ward - Tony Moore; 4th Ward - Scott Radcliffe; Council-at-Large – Michelle Patton; Council-at-Large and Council President – Brian Fischer; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Planning/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: 1st Ward – Jennifer Demaline

Council President Brian Fischer, called the meeting to order.

1. **ORDINANCE NO. 5-25 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO DeVILLE DEVELOPMENTS, LLC TO INCLUDE OUTDOOR SEATING FOR THEIR TENANT, HONEYGROW RESTAURANT, ON PROPERTY LOCATED AT 1485 NAGEL ROAD, UNIT #300** Planning Referral

Ms. Fechter advised this unit is part of Nagel Crossings, which is located at the corner of Nagel Road and Just Imagine Drive and in the same building where Chipotle is located. She said the photo on the overhead is of Chipotle and Honeygrow is proposing to recreate the same patio layout as Chipotle for outdoor seating.

2. **ORDINANCE NO. 6-25 – AMENDING SECTION 1262.08(c) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING MINIMUM YARD REQUIREMENTS FOR ACCESSORY STRUCTURES** Planning Referral

The First of Three Readings of Ordinance No. 6-25 will be on Monday, January 27, 2025

A Public Hearing will be held at 7:25 p.m. on Monday, February 24, 2025

Ms. Fechter stated in discussions with the Zoning Enforcement Officer as well as Members of the Board of Zoning and Building Appeals, who recommended to the Planning Commission and now to City Council asking that the Code be amended regarding driveway extensions. She explained that currently the Code requires a variance from the Board of Zoning and Building Appeals if a property owner wishes to add a driveway extension for a third car area from the existing drive from behind the sidewalk toward the garage. Ms. Fechter advised in contrast the Code allows a property owner to add a full third car area from the street to the garage with no variance requirement. She said the request is to reverse those two distinctions because when the extension area begins at the street the property owner must repair the sidewalk to match with the added driveway apron and curb cut. Ms. Fechter stated the City would rather a variance be required when it is necessary to replace the sidewalk and add to the driveway apron with an additional curb cut. She advised that currently there is a twenty-foot setback for a front load garage and a ten-foot setback for a side load garage. Ms. Fechter said the amendment is to remove those setbacks and allow property owners to add extra width to the driveway beginning at the back side of the sidewalk or at the right of way where there is no sidewalk and complete the added width toward the garage.

Mayor Jensen advised it is like adding a three-car driveway instead of saying it is a three-car parking area across the front of the property. He stated currently if a property owner comes to the City wanting a three-car parking in front of their garage, they must install it all the way to the street or ask for a variance which made no sense, and he felt reversing the variance requirement will simplify it. He advised the Board of Zoning and Building Appeals had no real reason to deny such variances and this is one area of the Code they felt was unnecessary to require a variance and could save the residents time allowing them to get a zoning permit without seeking a variance. Mayor Jensen clarified that if the property owner wants a full wide three-car driveway with the added apron and curb cut, they would now have to request a variance, but stated they have not had anyone request those that he was aware of.

Mr. McBride said it sounds like a great idea. He added although unrelated he noticed that the Code states that side yard setbacks for a basketball hoop are zero, like a fence, and he felt that it would creating more work for the Police Department at some point.

3. ORDINANCE NO. 7-25 – TO AUTHORIZE THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE HOLY TRINITY CATHOLIC PARISH OF AVON FOR THE SERVICES OF A SCHOOL RESOURCE OFFICER Mr. Streator

Mr. Streator advised the City was approached by the Holy Trinity Catholic Parish asking to mimic the School Resource Officer (SRO) program that the City currently has with the public schools and this Memorandum of Understanding does that. He said the Police Chief has worked with the Catholic Diocese and Mr. Gasior to work out the legalities of the agreement and this is what is before Council tonight for consideration to put a School Resource Officer in the Holy Trinity Catholic Parish. Mr. Streator advised they were in the process of filling those positions and they are hiring SRO's needed for the public schools first and then they will fill the position at Holy Trinity.

Ms. Berges inquired if this MOU is just for this school year through May or was it going to be renewed potentially for next year.

Mr. Streator advised he believes it will be an ongoing MOU so that it would not have to be renewed every year to which Mr. Gasior confirmed that to be true. Mr. Gasior added that either party would have to notify the other if it was going to be discontinued.

Ms. Patton inquired if there are School Resource Officers in every public school in Avon full-time.

Mr. Streator advised that currently there is a School Resource Officer at Heritage Elementary, the Middle School and the High School.

Ms. Patton asked if they were looking to place a School Resource Officer at East Elementary.

Mr. Streator confirmed they are looking to place an SRO at East Elementary. He said that there is an agreement in place with the Schools and they would like to fill that vacancy, but finding the proper fit is the challenge. Mr. Streator clarified that it is a part-time position as they are only needed when school is in session.

4. RESOLUTION NO. R-02-25 – SUBMITTING TO THE ELECTORS OF THE CITY, PURSUANT TO ARTICLE IV, SECTION 17 OF THE AVON CITY CHARTER AND CHAPTER 718 OF THE OHIO REVISED CODE, THE QUESTION OF AMENDING SECTIONS 881.01, 881.03, AND 881.04 OF THE CODIFIED ORDINANCES OF THE CITY TO INCREASE THE CITY'S MUNICIPAL INCOME TAX RATE FROM 1.75% TO 1.95% FOR THE PURPOSE OF PROVIDING FUNDS FOR CAPITAL AND OPERATING EXPENDITURES OF THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF AVON AND TO AMEND SECTION 881.06 OF THE CODIFIED ORDINANCES OF THE CITY TO INCREASE THE CREDIT FOR MUNICIPAL INCOME TAXES PAID BY RESIDENTS OF THE CITY TO ANOTHER MUNICIPALITY FROM 1.50% TO 1.70% Mr. Gasior

To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Gasior yielded his time to Mayor Jensen and/or Mr. Presley.

Mayor Jensen noted that they held a Finance Committee Meeting at 6:30 p.m. prior to this Work Session where this item was discussed in detail. He stated he and the Finance Department are committed to making sure they get the word out and how this ballot issue is explained to the residents. Mayor Jensen advised any help that Council can provide to him and the Finance Director as far as groups in Avon they recommend explaining this issue to is appreciated. He said both the Fire and Police Chiefs, the Finance Director and himself are willing to meet and talk about this issue with the residents. Mayor Jensen said the City is at an important crossroads and he felt this is a creative way to fund those departments to benefit the residents and not put any extra burden on the senior population.

5. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE thanked Mayor Jensen and President Fischer and Superintendent Hodge for organizing the special event last Monday, January 13, 2025, at the Avon High School Performing Arts Center to congratulate the football team on their Championship. She said it was very special to be a part of that presentation and there were quite a few parents who thanked them afterward for taking the time and making the effort to recognize the football team and coaches.

Ms. Berges advised regarding sidewalk safety. She said she has brought this issue up in the past and she does not want to bring it up every year. Ms. Berges stated that as there is snow currently on the ground, she has heard from citizens who are nervous about walking their dogs on sidewalks because of ice and snow. She said she would like to work with the Administration to see how they get the word out to residents, but mostly to businesses along Detroit Road and Chester Road where people walk every day to see if the City can raise awareness to clear their sidewalks.

Mayor Jensen advised they would put that information on the electronic message board on Detroit Road by the pool to remind everyone to keep their sidewalks clear.

MRS. DEMALINE, WARD 1 was absent.

MR. MCBRIDE, WARD 2 advised he thought that residents/businesses in Avon were not required to clear their sidewalks.

Mayor Jensen advised the City tries to require property owners to clear their sidewalks when possible. He said Mr. Gasior may have something to add to the discussion as far as liability.

Mr. Gasior advised it is a tricky situation because there is an Ordinance that requires the sidewalks to be clean. He stated that there is case law where the courts have said if a property owner does not clean their sidewalk, and someone slips and falls that it is an open obvious condition and there is no liability. Mr. Gasior further clarified that he was not sure where the City would stand if the City cited someone under the Ordinance for failing to clean the sidewalk. He explained it is a tricky area because if someone were to fall when there is a violation of a City Code citing negligence, yet they also have the Supreme Court of Ohio saying that if it is an open and obvious hazard there is no liability.

Mr. McBride advised he felt there was a difference between a commercial establishment that is inviting people to come in versus residential property.

Mr. Gasior advised on their own premises is another situation all unto itself. He said if the City wants to go forward and cite businesses or residents that are not cleaning their sidewalks, they could do that, but...

Mayor Jensen clarified that typically the City does not cite someone but rather asks. He said the City has worked with certain businesses where a plow has cleared a parking area and piled snow onto the sidewalk and most businesses try to comply with the request to keep the sidewalk clear. Mayor Jensen added they would continue to keep working on it the best they could.

MR. MOORE, WARD 3 had no comments.

MS. PATTON, AT LARGE had no comments.

MR. RADCLIFFE, WARD 4 hoped everyone stays warm in these low temperatures.

MR. FISCHER, AT LARGE agreed with Ms. Berges that last Monday night was fun, and he too received a lot of messages from the Coaches and parents asking him to thank all of Council and Mayor Jensen for the presentation to the football team. He thanked Council and Mayor Jensen for their participation.

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, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR had no comments.

AUDIENCE:

There were no comments from the audience members.

6. ADJOURN: 7:45 p.m.
There being no further business, the Work Session of Council was adjourned.

PASSED: _____

SIGNED BY: _____
Brian Fischer, Council President

ATTEST: _____
Barbara Brooks, Clerk of Council