

**MONDAY, JANUARY 22, 2024
PUBLIC HEARINGS**

The Chair opened the Public Hearing for Resolution No. R-6-24 at 7:20 p.m.

7:20 P.M. - RESOLUTION NO. R-6-24 – A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY ROY E. MILLER, TRUSTEE, TO HAVE CERTAIN LAND OWNED BY HIM LOCATED ON CENTER ROAD, PERMANENT PARCEL NO. 10-04-00-014-107-015, CONSISTING OF 0.2 ACRES AND AT 3041 CENTER ROAD, PERMANENT PARCEL NO. 10-04-00-014-107-016, CONSISTING OF 30.63 ACRES, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY

There being no comments, the Public Hearing for Resolution No. R-6-24 was closed at 7:22 P.M.

The Chair opened the Public Hearing for Resolution No. R-5-24 at 7:25 p.m.

7:25 P.M. - RESOLUTION NO. R-5-24 – A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY JAMES E. AND MARY C. BRADY TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 3332 CENTER ROAD, PERMANENT PARCEL NO. 10-04-00-014-105-063, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY

There being no comments, the Public Hearing for Resolution No. R-5-24 was closed at 7:26 P.M.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 22, 2024
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: Council-at-Large Mary Berges; 1st Ward – Jennifer Demaline; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; 4th Ward – Scott Radcliffe; 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; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT: Council-at-Large Michelle Patton; Finance Director – Steve Presley

ADDITIONS/DELETIONS

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to amend the agenda by the addition of item no. 26a. an Executive Session for the Purpose of Discussing Pending Litigation

and for the Purpose of Discussing a Personnel Matter, and the vote was: Ms. Berges, “yes.”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to accept the agenda as amended, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes.”; Mr. Fischer, “yes”.

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

MINUTES OF THE WORK SESSION OF COUNCIL HELD TUESDAY, JANUARY 2, 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 Tuesday, January 2, 2024, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes.”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JANUARY 8, 2024

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, January 8, 2024, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes.”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 2-24 – TO AMEND SECTION 1040.01(a) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE THE RATES CHARGED FOR WATER SERVICE IN THE CITY OF AVON FOR THE YEARS 2024 AND 2025

The Clerk read Ordinance No. 2-24 by title only, entitled:

**AN ORDINANCE TO AMEND SECTION 1040.01(a) OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE
WATER RATES FOR YEARS 2024 AND 2025
AND DECLARING AN EMERGENCY**

The Chair declared this to be the second of three readings of Ordinance No. 2-24.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 2-24, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes.”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 2-24, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 3-24 – TO AMEND SECTION 1042.02(i) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE SANITARY SEWER RATES FOR THE YEARS 2024 AND 2025

The Clerk read Ordinance No. 3-24 by title only, entitled:

**AN ORDINANCE TO AMEND SECTION 1042.02 (i) OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE
SANITARY SEWER RATES FOR YEARS 2024 AND 2025
AND DECLARING AN EMERGENCY**

The Chair declared this to be the second of three readings of Ordinance No. 3-24.

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 3-24, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 3-24, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 4-24 – TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING TWO PARCELS OF LAND CONSISTING OF APPROXIMATELY 16.93 ACRES OF LAND LOCATED AT 34925 CHESTER ROAD, PERMANENT PARCEL NOS. 04-00-021-000-255 AND 04-00-021-000-266 FROM C-4/O-2 GENERAL BUSINESS/PLANNED OFFICE RESEARCH OFFICE PARK TO C-4/O-2/M-1 GENERAL BUSINESS/PLANNED OFFICE RESEARCH OFFICE PARK/GENERAL INDUSTRIAL OVERLAY

The Clerk read Ordinance No. 4-24 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED
JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE
OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING TWO PARCELS
OF LAND CONSISTING OF APPROXIMATELY 16.93 ACRES OF LAND
LOCATED AT 34925 CHESTER ROAD, PERMANENT PARCEL NOS.
04-00-021-000-255 AND 04-00-021-000-266 FROM C-4/O-2 GENERAL
BUSINESS/PLANNED OFFICE RESEARCH OFFICE PARK TO**

**C-4/O-2/M-1 GENERAL BUSINESS/PLANNED OFFICE RESEARCH OFFICE
PARK/GENERAL INDUSTRIAL OVERLAY**

The Chair declared this to be the second of three readings of Ordinance No. 4-24.

A Public Hearing will be held for Ordinance No. 4-24 on Monday, February 12, 2024, at 7:25 P.M.

ORDINANCE NO. 5-24 – TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING LAND CONSISTING OF AN 0.02300 ACRE PORTION OF PERMANENT PARCEL NO. 04-00-015-108-043 FROM C-2 FRENCH CREEK/CENTRAL BUSINESS DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Clerk read Ordinance No. 5-24 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED
JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE
OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING LAND
CONSISTING OF AN 0.02300 ACRE PORTION OF PERMANENT
PARCEL NO. 04-00-015-108-043 FROM C-2 FRENCH CREEK/CENTRAL
BUSINESS DISTRICT TO R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The Chair declared this to be the second of three readings of Ordinance No. 5-24.

A Public Hearing will be held for Ordinance No. 5-24 on Monday, February 12, 2024, at 7:20 P.M.

ORDINANCE NO. 7-24 – TO AMEND SECTION 210.01(e)(7)(A)(1) AND (2) OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON TO ESTABLISH RATES FOR THE USE
OF THE CITY’S AQUATIC CENTER IN THE YEAR 2024

The Clerk read Ordinance No. 7-24 by title only, entitled:

**AN ORDINANCE TO AMEND SECTION 210.01(e)(7)(A)(1) AND (2) OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON TO ESTABLISH RATES
FOR THE USE OF THE CITY’S AQUATIC CENTER IN THE YEAR 2024
AND DECLARING AN EMERGENCY**

The Chair declared this to be the second of three readings of Ordinance No. 7-24.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 7-24, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 7-24, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 8-24 – TO AUTHORIZE THE OHIO DEPARTMENT OF
TRANSPORTATION TO REVIEW AND APPROVE A POSTED SPEED LIMIT OF 45 MPH
ON STATE ROUTE 254 (DETROIT ROAD) FROM SLM 2.81 (RR AT GRADE CROSSING)
TO SLM 4.61 (0.12 MILES WEST OF HAYES STREET)

The Clerk read Ordinance No. 8-24 by title only, entitled:

**AN ORDINANCE TO AUTHORIZE THE OHIO DEPARTMENT OF
TRANSPORTATION TO REVIEW AND APPROVE A POSTED SPEED LIMIT OF 45
MPH ON STATE ROUTE 254 (DETROIT ROAD) FROM SLM 2.81 (RR AT GRADE
CROSSING) TO SLM 4.61 (0.12 MILES WEST OF HAYES STREET)
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. 8-24, and the vote was: Ms. Berges, “yes.”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 8-24, and the discussion was:

Mrs. Demaline said that she would like to know the Mayor’s thoughts on this.

Mayor Jensen stated that what made this all take place was our hope to be able to lower the speed limit along Detroit Road but when you do this if ODOT’s study finds that it should be a different speed, then that is what you have to accept. So we had some questions and people asked how this got started and if the City wanted to raise the speed limit. And it really started out because we wanted to lower the speed limit along some areas but found out that it was not warranted and through this process, we also found that some speed limit signs in different places were not located properly or did not have the correct speed limit.

Mr. Cummins said, yes, the initial thought was that a study might be able to help lower the speed in certain sections. What was found was the data that that you would collect in those areas was somewhat tainted by the presence of a speed limit sign that maybe did not reflect what has been journalized. So this in some way might be a step backwards in order to go a couple steps forward. We are certainly going to bring the areas into compliance with ODOT’s standards of what is there now but it is also going to open up the door for future studies as the areas continue to change as development continues to happen along the corridor without the worry of having the areas tainted by speed limit signs that are not appropriate. But it is also required that all of this be studied and corrected in order to receive federal funds for the improvement of S.R. 254.

Mr. Fischer asked Mr. Cummins how often ODOT re-evaluates any areas and Mr. Cummins said that it is up to the City to decide when to re-evaluate. ODOT is just there to review the engineering studies to make sure that it was done appropriately and that the City’s request is acceptable or not. Mr. Fischer asked if that would be a request from the City to the State to look at it again and Mr. Cummins said it would be a coordination between the City and the State. The City would say we want to re-study this and the State would agree and tell

the City to do the engineering studies and show them the results and then they would have a conversation about whether that can result in any type of change.

Mrs. Demaline said that she was disappointed in the speed limit being 45 MPH in an area that we are trying to make more pedestrian-friendly. She does appreciate and understand what Mr. Cummins is saying and especially his bringing more information and explaining that the study may have been somewhat tainted by incorrectly posted or incorrectly identified speed limits. She thanked him for that and also for answering Mr. Fischer's question of when we can go out and ask for another study.

The vote was: Mrs. Demaline, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mr. Fischer, "yes".

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

ORDINANCE NO. 9-24 – TO AUTHORIZE THE OHIO DEPARTMENT OF TRANSPORTATION TO REVIEW AND APPROVE A POSTED SPEED LIMIT OF 35 MPH ON STATE ROUTE 254 (DETROIT ROAD) FROM SLM 4.61 (0.12 MILES WEST OF HAYES STREET) TO SLM 6.63 (MIDDLETON ROAD)

The Clerk read Ordinance No. 9-24 by title only, entitled:

**AN ORDINANCE TO AUTHORIZE THE OHIO DEPARTMENT OF
TRANSPORTATION TO REVIEW AND APPROVE A POSTED SPEED LIMIT OF 35
MPH ON STATE ROUTE 254 (DETROIT ROAD) FROM SLM 4.61 (0.12 MILES WEST
OF HAYES STREET) TO SLM 6.63 (MIDDLETON 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. 9-24, and the vote was: Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mrs. Demaline, "yes"; Mr. Fischer, "yes".

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

A motion was made by Mr. McBride and seconded by Ms. Berges to adopt Ordinance No. 9-24, and the vote was: Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mrs. Demaline, "yes"; Mr. McBride, "yes"; Mr. Fischer, "yes".

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

ORDINANCE NO. 10-24 – TO AUTHORIZE THE OHIO DEPARTMENT OF TRANSPORTATION TO REVIEW AND APPROVE A POSTED SPEED LIMIT OF 40 MPH ON STATE ROUTE 254 (DETROIT ROAD) FROM SLM 6.63 (MIDDLETON ROAD) TO SLM 8.82 (LORAIN/CUYAHOGA COUNTY LINE)

The Clerk read Ordinance No. 10-24 by title only, entitled:

**AN ORDINANCE TO AUTHORIZE THE OHIO DEPARTMENT OF
TRANSPORTATION TO REVIEW AND APPROVE A POSTED SPEED LIMIT OF 40**

**MPH ON STATE ROUTE 254 (DETROIT ROAD) FROM SLM 6.63 (MIDDLETON ROAD) TO SLM 8.82 (LORAIN/CUYAHOGA COUNTY LINE)
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 10-24, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes.”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to adopt Ordinance No. 10-24, and the discussion was:

Mrs. Demaline asked when they would see the new signs posted and the enforcement of the new speed limits and Mr. Cummins said that he did not have that information readily available. He does not know the timing or the availability of new signs but he would imagine they would be put in place in the next few weeks.

Mr. Streator stated that they are working now on getting those new signs and once they get them installed, they will do postings on social media, etc. to make the public aware of the changes.

The vote was: Ms. Berges, “yes.”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 11-24 – TO AWARD A BID AND ENTER INTO A JOINT CONSTRUCTION PROJECT WITH AVON LAKE REGIONAL WATER FOR THE MILLER ROAD WATER MAIN IMPROVEMENT PROJECT

The Clerk read Ordinance No. 11-24 by title only, entitled:

**AN ORDINANCE TO AWARD A BID AND ENTER INTO A JOINT CONSTRUCTION PROJECT WITH AVON LAKE REGIONAL WATER FOR THE MILLER ROAD WATER MAIN IMPROVEMENT PROJECT
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. 11-24, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes.”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 11-24, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes.”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 12-24 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO B & L TRIO PROPERTIES, LLC (MISENCIK FUNERAL HOME, LESSEE) TO ALLOW CONSTRUCTION OF A SIX (6) FOOT FENCE ALONG THE PROPERTY LINE AT 36363 DETROIT ROAD

The Clerk read Ordinance No. 12-24 by title only, entitled:

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO B & L TRIO PROPERTIES, LLC (MISENCIK FUNERAL HOME, LESSEE) TO ALLOW CONSTRUCTION OF A SIX (6) FOOT FENCE ALONG THE PROPERTY LINE AT 36363 DETROIT 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. 12-24, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 12-24, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 13-24 – TO ACCEPT IMPROVEMENTS IN CONCORD VILLAGE NO. 3, FOR THE CONSTRUCTION/INSTALLATION OF PUBLIC UTILITIES CONSISTING OF PUBLIC WATERLINE AND ALL APPURTENANCES THERETO

The Clerk read Ordinance No. 13-24 by title only, entitled:

AN ORDINANCE TO ACCEPT IMPROVEMENTS IN CONCORD VILLAGE NO. 3, FOR THE CONSTRUCTION/INSTALLATION OF PUBLIC UTILITIES CONSISTING OF PUBLIC WATERLINE AND ALL APPURTENANCES THERETO 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. 13-24, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 13-24, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-5-24 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY JAMES E. AND MARY C. BRADY, TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 3332 CENTER ROAD, PERMANENT PARCEL NO. 10-04-00-014-105-063, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT

The Clerk read Resolution No. R-5-24 by title only, entitled:

A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE JAMES E. AND MARY C. BRADY, TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 3332 CENTER ROAD, PERMANENT PARCEL NO. 10-04-00-014-105-063, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Resolution No. R-5-24, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-5-24, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-6-24 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY ROY E. MILLER, TRUSTEE, TO HAVE CERTAIN LAND OWNED BY HIM LOCATED ON CENTER ROAD, PERMANENT PARCEL NO. 10-04-00-014-107-015, CONSISTING OF 0.2 ACRES AND AT 3041 CENTER ROAD, PERMANENT PARCEL NO. 10-04-00-014-107-016, CONSISTING OF 30.63 ACRES, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT

The Clerk read Resolution No. R-6-24 by title only, entitled:

A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY ROY E. MILLER, TRUSTEE, TO HAVE CERTAIN LAND OWNED BY HIM LOCATED ON CENTER ROAD, PERMANENT PARCEL NO. 10-04-00-014-107-015, CONSISTING OF 0.2 ACRES AND AT 3041 CENTER ROAD, PERMANENT PARCEL NO. 10-04-00-014-107-016, CONSISTING OF 30.63 ACRES, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT 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-6-24, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to adopt Resolution No. R-6-24, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-7-24 – TO ADVERTISE FOR BIDS FOR AVON PARKS MOWING CONTRACT NO. 1 (THE BOARD OF EDUCATION SOCCER FIELD COMPLEX, AQUATIC FACILITY GROUNDS, FIRE STATION SITE, POLICE STATION SITE AND THE AVON POST OFFICE SITE)

The Clerk read Resolution No. R-7-24 by title only, entitled:

A RESOLUTION TO ADVERTISE FOR BIDS FOR AVON PARKS MOWING CONTRACT NO. 1 (THE BOARD OF EDUCATION SOCCER FIELD COMPLEX, AQUATIC FACILITY GROUNDS, FIRE STATION SITE, POLICE STATION SITE AND THE AVON POST OFFICE SITE) 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-7-24, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to adopt Resolution No. R-7-24, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-8-24 – TO ADVERTISE FOR BIDS FOR AVON PARKS MOWING CONTRACT NO. 2 (THE AVON ISLE, THE COMMUNITY CENTER, AVON CEMETERY, STATE ROUTE (SR) 83 RIGHT-OF-WAY IN NORTHWEST QUADRANT OF THE SR 83 AND SR 254 INTERSECTION, STONEY RIDGE ROAD GAZEBO SITE, OLD VILLAGE HALL, AND THE SENIOR CENTER AND LITTLE LEAGUE PARK COMPLEX)

The Clerk read Resolution No. R-8-24 by title only, entitled:

A RESOLUTION TO ADVERTISE FOR BIDS FOR AVON PARKS MOWING CONTRACT NO. 2 (THE AVON ISLE, THE COMMUNITY CENTER, AVON CEMETERY, STATE ROUTE (SR) 83 RIGHT-OF-WAY IN NORTHWEST QUADRANT OF THE SR 83 & SR 254 INTERSECTION, STONEY RIDGE ROAD GAZEBO SITE, OLD VILLAGE HALL, AND THE SENIOR CENTER & LITTLE LEAGUE PARK COMPLEX) 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-8-24, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-8-24, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-9-24 – TO ADVERTISE FOR BIDS FOR AVON PARKS MOWING CONTRACT NO. 3 (SCHWARTZ ROAD PARK)

The Clerk read Resolution No. R-9-24 by title only, entitled:

**A RESOLUTION TO ADVERTISE FOR BIDS FOR AVON PARKS
MOWING CONTRACT NO. 3 (SCHWARTZ ROAD PARK)
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-9-24, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-9-24, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-10-24 – TO ADVERTISE FOR BIDS FOR AVON PARKS MOWING CONTRACT NO. 4 (VETERANS MEMORIAL PARK AND ITS ENTRANCE WAY UP TO DETROIT ROAD)

The Clerk read Resolution No. R-10-24 by title only, entitled:

**A RESOLUTION TO ADVERTISE FOR BIDS FOR AVON PARKS
MOWING CONTRACT NO. 4 (VETERANS MEMORIAL PARK
AND ITS ENTRANCE WAY UP TO 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 Resolution No. R-10-24, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to adopt Resolution No. R-10-24, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-11-24 – TO ADVERTISE FOR BIDS FOR AVON PARKS MOWING CONTRACT NO. 5 (THE AVON CITY HALL COMPLEX INCLUDING THE AREA ADJACENT TO THE MIDDLE ROAD RIGHT-OF-WAY, THE NORTHGATE COMMUNITY CENTER SITE, NORTHGATE PARK, THE OLD COLORADO RIGHT-OF-WAY AT EATON DRIVE, AND THE CRUSHER STADIUM COMPLEX INCLUDING THE RECREATION LANE ENTRANCE UP TO STATE ROUTE 611 (COLORADO AVE.))

The Clerk read Resolution No. R-11-24 by title only, entitled:

**A RESOLUTION TO ADVERTISE FOR BIDS FOR
AVON PARKS MOWING CONTRACT NO. 5 (THE AVON CITY
HALL COMPLEX INCLUDING THE AREA ADJACENT TO THE
MIDDLE ROAD RIGHT-OF-WAY, THE NORTHGATE COMMUNITY
CENTER SITE, NORTHGATE PARK, THE OLD COLORADO RIGHT-
OF-WAY AT EATON DRIVE, AND THE CRUSHER STADIUM
COMPLEX INCLUDING THE RECREATION LANE ENTRANCE UP
TO STATE ROUTE 611 (COLORADO AVE.)
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-11-24, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Ms. Berges to adopt Resolution No. R-11-24, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

RESOLUTION NO. R-12-24 – TO ADVERTISE FOR BIDS FOR AVON PARKS MOWING CONTRACT NO. 6 (EAGLE POINT PARK AND ITS ENTRANCE WAY UP TO DETROIT ROAD)

The Clerk read Resolution No. R-12-24 by title only, entitled:

**A RESOLUTION TO ADVERTISE FOR BIDS FOR
AVON PARKS MOWING CONTRACT NO. 6 (EAGLE POINT PARK
AND ITS ENTRANCE WAY UP TO DETROIT ROAD)
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-12-24, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-12-24, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

REPORTS AND COMMENTS

MAYOR JENSEN asked Mr. Streator how often these contracts are going out for the mowing and Mr. Streator said this year we are going to do three-year contracts.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, had no comments.

MRS. DEMALINE, WARD 1, asked that a Service Committee Meeting be called to discuss the 2024 sidewalk program. After a brief discussion of when the Committee Members and the necessary Administration would be available for such a meeting, Mrs. Demaline asked the Clerk to schedule a Service Committee Meeting for Monday, March 11, 2024 at 6:30 p.m. to discuss the 2024 Sidewalk Improvement Program.

MR. McBRIDE, WARD 2, asked if the Mayor or anyone else has any background about the letter they received asking to make sure our police are still actively making arrests to avoid vandalism, loitering, littering, vagrancy, etc. Mr. McBride said that he does not understand what this group is doing or why Council received this letter. Mayor Jensen said that he thought that the letter was sent because this group is afraid that our rights as a City will be diminished and that we will not be allowed to do the things that we do now. He said that he can assure that that is not the case and he does not think there is any fear on our part that that is going to take place. He thought that they want Council and everybody to come together and make sure that does not happen. There is nothing on the horizon; if there was, we would certainly let you know but we are policing as we always do with no limitations or restrictions.

MR. MOORE, WARD 3, gave kudos to the Street Department crews for their work during this most recent winter snowstorm. He appreciates their hard work.

MS. PATTON, AT LARGE, was absent.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, reminded Council that next week was a fifth Monday so there would be no Council Meeting next week. The next time Council will meet is on Monday, February 5, 2024.

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, was absent.

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

AUDIENCE COMMENTS:

There were no comments from the audience members.

EXECUTIVE SESSION: 8:01 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Enter Into Executive Session for the Purpose of Discussing Pending Litigation and for the Purpose of Discussing a Personnel Matter and invite Mr. Streator and Legal Counsel Stephen Bosak of Dooley, Gembala, McLaughlin, Pecora, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

Attorney Bosak left at 8:32 p.m.

RECONVENE: 8:54 p.m.

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

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

ADJOURN: 8:55 p.m.

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

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