

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 27, 2025
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

The Chair, Council President Brian Fischer, called the meeting to order and Boy Scout Mike Favetti of Troop 462 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; City Engineer – Ryan Cummins; 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

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, JANUARY 6, 2025

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, January 6, 2025, 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 SPECIAL MEETING OF COUNCIL HELD MONDAY, JANUARY 6, 2025

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Special Meeting of Council held Monday, January 6, 2025, 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.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JANUARY 13, 2025

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, January 13, 2025, and to approve said minutes as published, 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 Chair declared the motion passed.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD TUESDAY, JANUARY 21, 2025

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Special Meeting of Council held Tuesday, January 21, 2025, and to approve

said minutes as published, 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 Chair declared the motion passed.

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

The Clerk read Ordinance No. 5-25 by title only, entitled:

**AN ORDINANCE 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
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. 5-25, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 5-25, 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 Chair declared the motion passed.

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

The Clerk read Ordinance No. 6-25 by title only, entitled:

**AN ORDINANCE AMENDING SECTION 1262.08(c) OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON REGARDING MINIMUM YARD
REQUIREMENTS FOR ACCESSORY STRUCTURES**

The Chair declared this to be the first of three readings of Ordinance No. 6-25.

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

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

The Clerk read Ordinance No. 7-25 by title only, entitled:

**AN ORDINANCE 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
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. 7-25, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 7-25, 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 Chair declared the motion passed.

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%

The Clerk read Resolution No. R-02-25 by title only, entitled:

**A RESOLUTION 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%
AND DECLARING AN EMERGENCY**

The Chair declared this to be the third of three readings of Resolution No. R-02-25.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-02-25, and the discussion was:

Mayor Jensen advised that some firefighters were present at the meeting earlier, but they were called out on a run which reminds him that when they talk about both the Police and Fire Departments and the increased number of calls that continue to come in; he realizes that costs continue to rise, and that it is becoming increasingly more expensive to operate both the Police and Fire Departments. Mayor Jensen stated typically around this time, they would be talking about putting a levy on the ballot in November asking for an increase in both the operating and equipment levy funds for both of those departments. He advised the solution that they came up with to spread the burden over a greater number of people in order to help with these costs, is this income tax ballot issue. Mayor Jensen said as the City grows both the Police and Fire Department Funds would also grow so they can utilize those funds to support their needs by adding more manpower and/or more equipment. He stated they also took into consideration that a second Fire Station will be necessary in the foreseeable future and the cost of that has already been factored into the budget if this ballot measure passes. Mayor Jensen explained that often there is a levy separate from an operating levy for a new building, and this proposal has already taken that into consideration, and they would not be seeking additional funding with a separate levy to build that second fire station. He advised if the ballot issue passes then Council would pass legislation to rescind those police and fire levies and remove those levies from the property tax duplicates. Mayor Jensen said the other thing that was important for him when considering this issue is that it is an opportunity for the senior citizens to vote in favor of something that is important to them as far as safety services, but it would not cost them more money if they were not working. He stated an income tax increase would not affect them, but they would still benefit from the safety services provided. He advised that he hopes Council will support this issue and he knows they have a lot of work ahead to get the word out and explain the issue to the voters. Mayor Jensen noted they would not be promoting so much as they would be providing education on the ballot issue. He said both the Police and Fire Chiefs have been in discussions with him about this issue and both support it, and he hoped the Council would support it as well.

Mr. McBride commented that some residents would see their out-of-pocket expenses decrease by saving on property taxes, particularly the senior citizens who do not pay income tax. He hoped that something would be given out to the public very soon because he felt that as soon as this Resolution passes that it would explode on social media.

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 Chair declared the motion passed.

REPORTS AND COMMENTS

MAYOR JENSEN advised that today he met with a representative of Republic Services, who informed him that the cost of trash will be going up by six percent. He said the City had a Memorandum of Understanding (MOU) in place, but it has now expired so the City would be negotiating with Republic Services for a rate under a new MOU and hopefully make the agreement for a longer term than one year. Mayor Jensen stated when he met with Republic Services six months ago there was discussion of a seven or eight percent increase noting that some rates in other communities have gone up by fifteen percent. He expressed his concern to Republic Services with anything near that high of an increase and then asked them if a new agreement could be

extended to five years like what has been done with past MOU's. Mayor Jensen advised six months ago it was still difficult for him to consider a six or seven percent increase over the course of three or four years, which would amount to eighteen percent. He said after talking with Republic Services today, they believe that there may be a way to agree to a new MOU with a three or four percent increase each year over the next five years. Mayor Jensen stated they would continue to negotiate with Republic Services, but the one thing he is concerned about if they were to change to a different hauler is all that goes along with that change. He noted such benefits as having collection day on Mondays and that bulk and yard waste collection are weekly year-round. Mayor Jensen commented that Republic Services indicated to him that there is a cost associated with having bulk collected weekly. He advised occasionally there are a few calls into the City about trash collection being missed or other issues related to their service, but not like it was in past years. Mayor Jensen stated having trash collection day on Mondays really seems ideal as often the day is not changed due to a holiday or it gets collected the next day, and he felt that was the perfect spot to be in. He noted that Avon Lake has three separate days that their trash hauler is in the City collecting trash. Mayor Jensen said at the end of February Republic Services would be before Council and Council can express their concerns and ask questions. He indicated that they were going to try to work out a new agreement and he was hopeful to lock in a decent rate for a longer period of time.

Mayor Jensen advised he has a meeting this week with State Representative Gayle Manning to talk about real estate taxes. He indicated there has been a lot of discussion regarding the burden of taxes being placed on the property owners, but no one could agree on how it should be changed. Mayor Jensen stated that his hope is that the meeting with Representative Manning will be productive, and that Avon can get behind an effort to make a change and encourage other communities to support that change. He said a lot of residents are frustrated with the situation and officials agree that something needs to be done, but they have not yet agreed on what that is. Mayor Jensen advised higher property taxes are making it unaffordable for people to live in our City unless they have large incomes.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, had no comments.

MRS. DEMALINE, WARD 1, had no comments.

MR. MCBRIDE, WARD 2, had no comments.

MR. MOORE, WARD 3, had no comments.

MS. PATTON, AT LARGE, had no comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, explained to the audience members that the Regular Meeting night is Council's voting night and typically Regular Meetings are much quicker than the Work Sessions where all the discussion takes place. He suggested if anyone wishes to hear more of the discussion regarding any of the agenda items, that he recommends they attend a Work Session of Council on either the first or third Monday of the month.

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 COMMENTS:

There were no comments from the audience members.

ADJOURN: 7:46 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: 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.

PASSED:_____

SIGNED BY:_____
Brian Fischer, President of Council

ATTEST:_____
Barbara J. Brooks, Clerk of Council