PUBLIC HEARING
AVON CITY COUNCIL
FEBRUARY 10, 2025

7:25 P.M. – RESOLUTION NO. R-5-25 – A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY THOMAS I. AND MELANIE M. HRICOVEC, TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 4431 STONEY RIDGE ROAD, PERMANENT PARCEL NO. 10-04-00-012-103-079 DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 21.5 ACRES AND DECLARING AN EMERGENCY

President Fischer opened the Public Hearing for Resolution No. R-5-25 at 7:25 p.m.
There being no comments, the Public Hearing was closed at 7:26 p.m.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 10, 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 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; Law Director – John Gasior; Finance Director – Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT:
Planning and Economic Development Coordinator – Pam Fechter

RECOGNITION OF THE JEAN FISCHER FAMILY'S CONTRIBUTION TO THE PRESERVATION OF WILBUR CAHOON'S HISTORIC HOME BUILT IN 1825 LOCATED AT 2940 STONEY RIDGE ROAD — Mayor Jensen

Mayor Jensen advised most of the Fischer family were present in the audience tonight and he remembers the time when he first met with Ms. Jean Fischer to look at the historic Cahoon house and thought what a great addition it would be for the City and residents of Avon for the house to be preserved for future generations. He said a commitment was made to the Fischer family when the City took over promising to take care of the house and the property. Mayor Jensen felt the City has done that, but he also wanted to recognize and thank the Fischer family for entrusting the care of the house to the City. He stated he remembers the tears in Ms. Jean Fischer's eyes as she sold the house where she raised eight children while keeping the beauty and spirit of the house for all those years. Mayor Jensen stated to thank the family, a framed award was presented with pictures and the story of the Fischer family to commemorate the history of the house and the Fischer family's legacy that will live on at what is now known as the Wilbur Cahoon House Museum. He noted that two framed awards were created with one given to the Fischer family and one will hang in the Cahoon House for those who visit to be able to read and learn of the history of the home. Mayor Jensen again thanked the family for allowing the City to be the new caretakers of the house entrusted with its future.

Pictures were taken of the family, with Mayor Jensen and City Council. Congratulations and applause were given.

<u>MINUTES OF THE FINANCE COMMITTEE OF COUNCIL HELD TUESDAY, JANUARY 21, 2025</u>
A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Finance Committee of Council held Tuesday, January 21, 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.

<u>MINUTES OF THE WORK SESSION OF COUNCIL HELD TUESDAY, JANUARY 21, 2025</u>
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 21, 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.

<u>MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JANUARY 27, 2025</u>
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, January 27, 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.

<u>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</u>
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 second of three readings of Ordinance No. 6-25.
A Public Hearing will be held at 7:25 p.m. on Monday, February 24, 2025.

Mayor Jensen advised that Council was provided renderings of the proposed changes versus what the current Code allows. He pointed out that page A shows what currently requires a variance from the Board of Zoning and Building Appeals, page B shows the change to the Code that would no longer require a variance and page C shows that a variance would be needed after the Code change, which currently does not require a variance. Mayor Jensen indicated for as long as he can remember it was the feeling of the Board of Zoning and Building Appeals that the Code was backwards for what required a variance and what did not, and the only reason ever given was that it has always been done this way, and it did not make sense to continue in that same manner. He reported that there have been no applications for the latter, which would require a variance if Council passed this Code amendment. Mayor Jensen added they were trying to have a common sense approach to this issue.

<u>ORDINANCE NO. 8-25 – APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH</u>
The Clerk read Ordinance No. 8-25 by title only, entitled:

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH 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. 8-25, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 8-25, 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.

<u>ORDINANCE NO. 9-25 – TO AUTHORIZE THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH ASH INNOVATIONS, LLC TO SELL A PORTION OF MUNICIPAL PROPERTY CONSISTING OF APPROXIMATELY 8.9550 ACRES, PERMANENT PARCEL NO. 04-00-004-103-030, (aka BLOCK E)</u>
The Clerk read Ordinance No. 9-25 by title only, entitled:

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH ASH INNOVATIONS, LLC TO SELL A PORTION OF MUNICIPAL PROPERTY CONSISTING OF APPROXIMATELY 8.9550 ACRES, PERMANENT PARCEL NO. 04-00-004-103-030, (aka BLOCK E) 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. 9-25, and the discussion was:

Mayor Jensen advised there was some confusion about the back and forth with the applicants' legal counsel and the City's legal counsel and he asked Mr. Abichandani to come forward and address those concerns. He said in speaking with the entrepreneurs involved in this venture, they are appreciative of the opportunity that the City is providing, and they realize the value of having a piece of property for development even though there are quite a few challenges still to overcome. Mayor Jensen added the idea of not having trust between the parties was never the intent and he noted there is a tight timeframe, and the buyers would like to be under construction sometime in September. He requested for this legislation to receive a favorable vote tonight so that Ash Innovations, LLC can continue to move forward with their project.

Pramod Abichandani, CEO of Ash Innovations, LLC, thanked Mayor Jensen and City Council for allowing him to speak again tonight. He advised it is true that they want to move forward with this purchase agreement, and he admitted there was a certain amount of back and forth between the parties, but mostly it was his group trying to wrap their heads around the legal language and the legal stipulations of the contract. Mr. Abichandani said at some point they realized that they could take an infinite amount of time going back and forth to craft the perfect contract that makes everyone happy, but that would only run down the clock. He stated they did not want to take up more time as they want to get started and they are okay with the language of the contract that has been provided. Mr. Abichandani advised it is with the understanding that this is a major project for his group to undertake and it is going to be a fun entrepreneurial journey for him and his team. He said from time to time they will come back, and they will request assistance and help to the extent that the City would be able to help, and they would always be grateful for that help. Mr. Abichandani stated they are committing to quite a lot of value that will be offered to the residents of the City of Avon, and they are not taking this entire matter lightly. He advised his group understands that it is almost a 9- acre plot of land that the City is selling, and this transaction going through does not happen every day for them. Mr. Abichandani said the trust that the City is placing in them, is not taken lightly. He added they are here to stay, to build this facility, and to serve the community, and there is one hundred percent commitment to that mission from his group. Mr. Abichandani stated ultimately, they want to move forward and would really appreciate it if Council would vote in favor of passing this legislation and give them the green light to move forward as that would be great. He advised he keeps Mayor Jensen updated and they are in the advanced stages of receiving bids from design build construction firms and he is confident that Council would love the design. Mr. Abichandani said they have had some great meetings with some phenomenal business leaders in Avon and the surrounding area and they are moving in the direction of shoring up the finances as this is a major investment. He stated with this kind of commitment, they are a little nervous, but they are also very excited, and he felt the nervous energy was that of excitement more than anything else.

Mr. Fischer thanked Mr. Abichandani for his comments and for being at the meeting tonight.

Mayor Jensen recognized Cade York in the audience saying that he just arrived back from the Super Bowl noting that he was a kicker for the Cleveland Browns and was a kicker this past season for the Cincinnati Bengals. He said that Mr. York has a wealth of information regarding training and he, along with the other entrepreneurs, developed a relationship that he hopes would last a long time. Mayor Jensen noted that Mr. York wanted to be here tonight because he feels that it is just as important to show his support for this venture alongside the rest of the organization.

Ms. Berges stated that she appreciates the confidence that Mr. Abichandani has in the City. She advised Mr. Abichandani touched on the things that would be provided to the residents and she inquired about the K-12 programming that would receive 2 hours a week to the students. Ms. Berges asked roughly how many students the facility planned to accommodate.

Mr. Abichandani clarified there were different types of programming:

- Pickleball – 4 players at a time on the court with 2 students on the side waiting their turn. 6 students per court and they plan to allocate 10-12 courts, which is approximately 60-70 students.
- Fitness area – classes with 30-40 students at a time.

Mr. Abichandani advised that the recovery area was different as that would house the hyperbaric chambers and the cryotherapy noting that it may not be suitable for a classroom situation.

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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 9-25, 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.

ORDINANCE NO. 10-25 – TO AMEND THE PLANNING AND ZONING CODE SECTION 1280.06(ee)(1) "SUPPLEMENTAL REGULATIONS FOR CERTAIN USES" TO ALLOW RESTAURANTS WITH NO INDOOR SEATING IN THE C-3 AND C-4 ZONING DISTRICT, SOUTH OF I-90

The Clerk read Ordinance No. 10-25 by title only, entitled:

AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE SECTION 1280.06(ee)(1) "SUPPLEMENTAL REGULATIONS FOR CERTAIN USES" TO ALLOW RESTAURANTS WITH NO INDOOR SEATING IN THE C-3 AND C-4 ZONING DISTRICT, SOUTH OF I-90

The Chair declared this to be the first of three readings of Ordinance No. 10-25.
A Public Hearing will be held at 7:25 p.m. on Monday, March 10, 2025.

ORDINANCE NO. 11-25 – TO AMEND ORDINANCE NO. 119-19 ESTABLISHING COMPENSATION FOR THE PART-TIME UNCLASSIFIED SEASONAL POOL SUPERVISOR POSITION FOR THE CITY OF AVON

The Clerk read Ordinance No.11-25 by title only, entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 119-19 ESTABLISHING COMPENSATION FOR THE PART-TIME UNCLASSIFIED SEASONAL POOL SUPERVISOR POSITION FOR THE CITY OF AVON 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. 11-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 11-25, 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 Chair declared the motion passed.

RESOLUTION NO. R-4-25 – ADOPTING VISION ZERO AND THE LORAIN COUNTY COMPREHENSIVE SAFETY ACTION PLAN
The Clerk read Resolution No. R-4-25 by title only, entitled:

A RESOLUTION ADOPTING VISION ZERO AND THE LORAIN COUNTY COMPREHENSIVE SAFETY ACTION PLAN 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-4-25, 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 Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-4-25, 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.

RESOLUTION NO. R-5-25 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY THOMAS I. AND MELANIE M. HRICOVEC, TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 4431 STONEY RIDGE ROAD, PERMANENT PARCEL NO. 10-04-00-012-103-079 DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 21.5 ACRES
The Clerk read Resolution No. R-5-25 by title only, entitled:

A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY THOMAS I. AND MELANIE M. HRICOVEC, TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 4431 STONEY RIDGE ROAD,

PERMANENT PARCEL NO. 10-04-00-012-103-079 DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 21.5 ACRES 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-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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-5-25, 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.

REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, advised there was a positive article in the Sun Newspaper regarding the income tax increase ballot issue and she would provide a copy to the Clerk for distribution.

MRS. DEMALINE, WARD 1, had no comments.

MR. MCBRIDE, WARD 2, had no comments.

MR. MOORE, WARD 3, reminded everyone to spread the word regarding the upcoming Finance Committee Meeting on Monday, February 20, 2025 at 6:30 p.m. to discuss the income tax ballot issue.

MS. PATTON, AT LARGE, had no comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, was absent.

MR. GASIOR, LAW DIRECTOR, reported that he was on the phone today with the Lorain County Board of Elections who told him that the new ward boundaries map will be going in front of the Board, and he believes it will be approved at that time, which is Thursday, February 13, 2025. He advised subsequently letters will be going out to all the residents about their ward and precinct locations, which may have changed. Mr. Gasior felt it should all happen over the next three or four weeks. He said he would appreciate it if Council would let him know when they receive their postcard from the Board of Elections

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.

EXECUTIVE SESSION: 7:55 p.m.
A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Enter Into Executive Session for the Purpose of Discussing the Purchase of Real Estate, and invite Mayor Jensen, Mr. Gasior, Mr. Presley, and Avon Schools Superintendent Ben Hodge, 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.

RECONVENE: 8:30 p.m.
A motion was made by Mr. McBride and seconded by Mr. Radcliffe to reconvene the Regular Meeting of Council, 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.

ADJOURN: 8:31 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: 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