

**PUBLIC HEARING
AVON CITY COUNCIL
FEBRUARY 24, 2025**

7:20 P.M. – RESOLUTION NO. R-6-25 – A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY WILLIAM M. HRICOVEC, TRUSTEE AND ABBY L. HRICOVEC, TRUSTEE, TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 3570 STONEY RIDGE ROAD, PERMANENT PARCEL NO. 10-04-00-011-107-225 CONSISTING OF 10.33 ACRES OF LAND LOCATED AT 37114 HALSTED LANE, PERMANENT PARCEL NO. 10-04-00-011-107-177 CONSISTING OF 1.35 ACRES DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT

President Fischer opened the Public Hearing for Resolution No. R-6-25 at 7:20 p.m.
There being no comments, the Public Hearing was closed at 7:21 p.m.

7:25 P.M. – ORDINANCE NO. 6-25 – AN ORDINANCE AMENDING SECTION 1262.08(c) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING MINIMUM YARD REQUIREMENTS FOR ACCESSORY STRUCTURES

President Fischer opened the Public Hearing for Ordinance No. 6-25 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 24, 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 Andrew Gostkowski 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

DISCUSSION WITH REPUBLIC SERVICES REGARDING ESTABLISHING A NEW MEMORANDUM OF UNDERSTANDING FOR RATES CHARGED TO THE RESIDENTS OF AVON FOR CURBSIDE COLLECTION OF REFUSE, RECYCLING, BULK AND YARD WASTE AND TO ADDRESS THE BILLING ERRORS THAT OCCURRED

Mayor Jensen advised two representatives from Republic Services were present to address Council, but first he wanted to provide a little background with Republic Services and the City of Avon. He noted just a few years ago that neither of the representative's present tonight were in

their current roles with Republic Services. Mayor Jensen said several years ago there were noticeably more issues with the services provided by Republic Services and the City received more complaint calls as a result. He stated most of those issues were ironed out and the City entered a Memorandum of Understanding (MOU) back in 2019 and there was only a slight rate increase over several years. Mayor Jensen advised trying to negotiate the rates for the next several years and entering a new MOU was somewhat difficult because the rates being charged to Avon residents were different across the board and it did not appear there was any consistency in how the residents were billed from Republic Services. He said he and Mr. Gasior met with representatives from Republic Services a couple of times, noting that the initial negotiations included rate increases higher than the City was willing to commit to in an MOU. Mayor Jensen stated the City tried to finesse their way through the negotiation process and at some point, Republic Services decided that they were going to have to raise the rates for the services provided, which he believes was 5% or 6%. He advised when the rate increase came out from Republic Services, there was another line on the bill retroactively billing for an increase in January which made it difficult for many residents to understand the billing. Mayor Jensen said he believes the City is in a better place with Republic Services in trying to move forward and trying to get an MOU in place that Council supports passing. He stated the City has been very cognizant and cautious in changing haulers reminding everyone that several years ago Council explored the possibility of joining the Lorain County Solid Waste Consortium noting that the proposed rates would have cost residents more. Mayor Jensen advised the City of Avon Lake changed haulers and contracted with Kimble and now the residents pay more, and their services are limited to once a month for bulk collection or pay an extra charge and Kimble is in Avon Lake three days of the week. He said subsequently Avon was able to negotiate for Monday collection, which was previously Avon Lake's collection day with Republic Services. Mayor Jensen stated then bulk collection changed to weekly collection instead of monthly in Avon. He advised the Administration and City Council are still negotiating the rates but noted that the quality of service is most important. Mayor Jensen added that most of Council do not want to be in the garbage business and have tried to stay with an MOU which is different than a contract while still actively trying to negotiate and work with Republic Services, but each household has the right to contract with the hauler of choice.

Mr. Gasior advised it has been at least twenty years that the City has had an MOU with Republic Services. Mayor Jensen added for the most part, the MOU has worked out well.

Mayor Jensen advised in looking at what other cities are paying for curbside collection, residents of Sheffield Village pay slightly higher than Avon and North Ridgeville residents pay slightly lower than Avon noting the population density is a factor, but they are all very comparable. He said Republic Services appear to be correcting their billing discrepancies, and everyone has become frustrated with what they have seen happening nationally and there is a general mistrust in government and corporations. Mayor Jensen stated they want to do what is in the best interest of the City and the residents and he believes that no one wants to go back to the days when there was a garbage truck in Avon every day of the week. He advised Monday collection has been great and if an address is missed Republic Services can get it on Tuesday versus waiting until Monday when collection was on a Friday. Mayor Jensen said he believes Republic Services has been very responsive when notified of a missed pickup. He agreed there are still some challenges when calling Republic Services Call Center, indicating that is where miscommunication often occurs.

Dan Given, Municipal Manager at Republic Services advised that he is the liaison on a day-to-day basis with the City Administration, City Council and the public as well.

Chase Ritenauer, General Manager at Republic Services and an Avon resident advised that Mayor Jensen highlighted the situation well. He said the most recent MOU with Avon was in place from May 1, 2019, through April 30, 2024. Mr. Ritenauer agreed that in reviewing the rates for the residents of Avon they were all over the place. He stated he took over his current role in 2022 and there are a variety of what he calls tranches; noting Avon's growth when looking at the buckets of how the rates were listed. Mr. Ritenauer advised in most communities there are a couple of different rates; the standard rate and a senior rate, which equates to about a dollar month or three dollars a quarter less. He said trying to get Avon to that level of consistency was the key goal in 2024. Mr. Ritenauer stated obviously, in 2025 their goal is working with and looking at how they want to extend the MOU with Avon going forward. He advised from a service standpoint; Monday collection is a highly sought after day of collection and there is a lot of benefit to a community having a Monday collection day. Mr. Ritenauer said there is also a benefit to weekly bulk collection as people are not having to guess what day bulk day is and the City probably receives fewer calls and Republic Services gets fewer calls and the drivers like it better. He stated bulk collection is better spread out from a volume perspective and easier on the drivers typically. Mr. Ritenauer advised that kind of service if they look at pricing through the consortium is a significantly higher price point, but they at Republic Services like providing that weekly service and they have tried to standardize weekly bulk across the board. He said a long-term MOU is something they would be interested in exploring. Mr. Ritenauer stated he sat through the Finance Committee Meeting earlier tonight when the Fire Chief and Police Chief both reported the cost of equipment, training and personnel has risen significantly and he added the same thing is hitting the environmental services industry. He advised costs for parts are up 18% not to mention labor costs, truck maintenance costs, landfill costs such as gas systems and leachate systems, has hit Republic Services in a significant way. Mr. Ritenauer said looking back at Avon's prior MOU with Republic Services there were a number of years without a rate increase. He stated he looks at the status of where Avon was and that got them to the end of this year. Mr. Ritenauer advised if they look at the CPI (Consumer Price Index) for water, sewer, and trash over the last three years it was 5.85% and over the last five years it was 4.92%. He clarified that is the whole basket of what they do including labor, landfill, recycle center and truck maintenance. Mr. Ritenauer said looking at where the rates were at and while they are not talking about a municipally bid contract, but an MOU; he would tell them that in the surrounding area the outyear price increases in many Lorain County communities were getting into the 5% or 6% area of increases, which is how they landed where they did with the recent increase. He stated Mr. Gasior and Mayor Jensen are correct in that it is an MOU, and it is what Avon has entered into for at least twenty years. Mr. Ritenauer said with an MOU the residents have a choice but there is a bit of risk on the part of Republic Services because with a municipal bid they are guaranteed the business as it would be a franchise agreement and while Republic Services has most of Avon, it is not ironclad. He reminded everyone that they pick up most of the City on a Monday and depending on volume that could mean 21 to 22 trucks in the City on Monday when thinking about waste, recycling and bulk curbside collection. Mr. Ritenauer advised the relationship between Republic Services and the City of Avon is strong and he feels there is good communication and advancing, with more of a municipal driven price increase was something that he felt was fair. He said looking back at those years when there was no rate increase in Avon for those services, it certainly could have been more, but he felt it was a fair thing to do.

Mr. Ritenauer stated regarding the billing issues, Republic Services was outside of the City MOU and a price increase could have taken effect, but he gave his word to Mayor Jensen that the pricing would not take effect until February. He noted the last billing quarter was November, December, and January with the new quarter commencing in February. Mr. Ritenauer indicated that Republic Services inadvertently billed for January so they would now need to figure out crediting the \$1.35 back to the customers and he assured Council that they would remedy that error.

Mr. Ritenauer stated that the relationship between Republic Services and the City of Avon is strong, and they have employees at Republic Services who reside in Avon. He mentioned that there is a candidate for National Driver of the Year at Republic Services who lives in Avon. Mr. Ritenauer said his drivers care a lot about this community and he felt that was evident when looking at the August of 2023 flood, which was devastating across this region. He advised Avon, he believes, was the one City that got their garbage picked up in one day noting that the instruction to the drivers was to clean the City up and they did that. Mr. Ritenauer said that is the type of relationship that they like to have with municipalities, and he hopes the City likes to have a good working relationship with them as well.

Mr. Ritenauer advised he was open to any questions Council may have for him. He said his position from a Republic Services standpoint is that they would like to work toward some type of agreement and present it at some point.

Mr. Gasior advised he wanted to clarify a few things regarding the MOU that it goes back at least twenty years. He said to his knowledge the City of Avon has never contracted with a waste hauler as far as he is aware in the City. Mr. Gasior stated waste hauling has always been an individual contract between the resident or the business and the waste hauler. He advised it was somewhere around twenty years ago that he believes the City put together an MOU so that the hauler would be committed to the City and the City could tell the residents that if they choose Republic Services as their hauler that there was a set price agreed upon. Mr. Gasior said the City has never contracted with a waste hauler and that is unusual for some communities. He stated the City with the MOU invites the hauler to come into the City and service the customers and they are also inviting representatives of Republic Services to sit down with City officials and prepare an MOU where the hauler promises that the rate charged residents if they sign up with their service. Mr. Gasior advised he wanted to make the clarification that Avon does not contract with a waste hauler, but the individual household's contract with the waste hauler directly, but the MOU governs what the rates are going to be.

Mr. McBride advised he is in favor of an MOU. He said the only real negative comments he has received in the past were when a fuel surcharge was added. Mr. McBride felt that a fuel surcharge should be built into the MOU. He stated the residents like predictability and while he does not believe the bill needs to remain flat for five years, it needs to be reasonable then it would benefit both the residents and Republic Services. Mr. McBride advised the service has been running very smooth for the last two or three years at minimum and he has been on Council for over twenty years, and he remembers when there were more issues. He said things can always be improved upon and the hope was to reach an agreement with an MOU that benefits the residents.

Mr. Fischer said he feels the City has had a great relationship with Republic Services over the years and he also agrees that it has gotten better over the last couple of years. He stated the few

calls he has received have been resolved quickly. Mr. Fischer advised his wife told him that collection day has to remain on Mondays, and she loves that bulk collection is weekly.

Mr. Moore advised he agrees that Republic Services has done a good job and originally, he was not optimistic about bulk collection being weekly, but it has worked out well. He said some residents got an increase in their bills and did not know that it was coming, and he felt the communication from Republic Services needs to be ahead of the billing increase. Mr. Moore agrees having Monday collection was important and he reiterated that overall Republic Services does a good job. He asked how a resident gets a cart replaced when it is beaten up and he wondered if there is a charge involved.

Mr. Ritenauer said point taken about the increase as typically a notice will be on the quarterly bill prior to an increase. He advised regarding the toter replacement; the customer can go online, or he was happy to get it replaced if Mr. Moore provides him with an address. Mr. Ritenauer explained that Avon is not under an MOU currently and there is sometimes a delivery fee attached for a toter replacement, but they are not paying for the toter itself.

Mayor Jensen asked if the resident would have to pay the delivery fee for a replacement toter.

Mr. Ritenauer advised that it depends on the language in the MOU.

Mayor Jensen said hopefully they can work something out because there have been times when a resident has a broken toter through no fault of their own and yet they were charged a delivery fee for a replacement toter.

Mr. Ritenauer indicated if there is not a fee sometimes it becomes an issue when someone wants a replacement more frequently and the toter is still very usable.

Mr. Moore said he felt it was a different story if someone was asking for a different toter every two years versus someone who has never asked for a replacement. He advised his personal household has never had a replacement can, but they have one that is a little dinged up.

Mayor Jensen suggested that if there is a way the City can work with Republic Services to have someone from the City look at the toter they want replaced before Republic Services would make the exchange. He said they could continue to discuss that issue further as he knows that is a contentious issue when someone has a broken toter and they are being told that they have to pay \$50 to have a replacement toter delivered.

Larry Escalante of 2122 Southhampton Lane, Avon, asked how someone receives the senior rate.

Mr. Ritenauer advised they could call customer service, or some go through the City with new or renewed contracts. He said it can vary.

Mr. Escalante advised in looking at business efficiency, noting that where he lives in Avenbury Lakes, they have an association that is identified as an adult association. He asked if there would be a possibility of identifying those streets which have 353 homes.

Mr. Given advised regarding a senior rate, that should be part of the MOU. He said with all the different communities that he works with, there are many different standards as to what is classified as a senior. Mr. Given stated he would like to have an open discussion of how that will be handled in Avon to determine who receives and who does not receive a discount. He advised he would be happy to go over that in more detail when negotiating the MOU to see what would serve Avon best.

Pat Jankowski of 1409 Hollow Wood Lane said she would like to commend the drivers as they are always courteous and on time and she appreciates that. She added the people answering the phones at the Call Center, not so much. Ms. Jankowski asked if there were still smaller toters at a lower rate available. She said some of her neighbors had smaller cans when she first moved into her development. Ms. Jankowski stated she is a single person who only places recycling curbside about once a month and she never fills the can. She advised when she called Republic Services to see if she could get a smaller can that she could better manage, and she was told not in her area. Ms. Jankowski asked Mr. Ritenauer to comment on her inquiry.

Mr. Ritenauer advised with the change to weekly bulk collection, the cart size is no longer indicative of the waste stream, which is why a lot of communities have now gone toward providing a senior discount as opposed to the cart discount. He explained that a senior could have a 64-gallon container versus a 96-gallon container and put out six bags under the new weekly bulk collection. Mr. Ritenauer explained it is more a senior discount versus a cart size driven discount. He said he would be happy to take Ms. Jankowski's address and see if he could find her a smaller cart noting that there are not many left in circulation as most of what they see are the 96-gallon and the 64-gallon cart, with the recycling being the 64-gallon cart. Mr. Ritenauer stated there are a few 32-gallon carts here and there and he would be happy to assist her.

There were no further comments.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, FEBRUARY 3, 2025

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, February 3, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, FEBRUARY 10, 2025

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, February 10, 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 SPECIAL MEETING OF COUNCIL HELD MONDAY, FEBRUARY 17, 2025

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, February 17, 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.

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 third of three readings of Ordinance No. 6-25.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 6-25, and the discussion was:

Mr. Gasior advised there were previously three draft exhibits provided to Council over the last six weeks. He said now there is a one-page exhibit that is going to be attached to the Ordinance in place of the three pages. Mr. Gasior noted that Mr. Cummins prepared the one-page exhibit so that there are no questions about what is permitted going forward.

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. 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 second 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. 13-25 – TO ACCEPT IMPROVEMENTS IN FIELDSTONE LANDING SUBDIVISION NO. 2

The Clerk read Ordinance No.13-25 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN
FIELDSTONE LANDING SUBDIVISION NO. 2
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. 13-25, 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. 13-25, 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. 14-25 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO
PROVIDENCE EVANGELICAL CHURCH, INC., (a.k.a. PROVIDENCE CHURCH), TO
INCLUDE A 13,000 SQ. FT. GYMNASIUM/CLASSROOM ADDITION TO THEIR FACILITY
LOCATED AT 35295 DETROIT ROAD**

The Clerk read Ordinance No.14-25 by title only, entitled:

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO
PROVIDENCE EVANGELICAL CHURCH, INC., (a.k.a. PROVIDENCE CHURCH),
TO INCLUDE A 13,000 SQ. FT. GYMNASIUM/CLASSROOM ADDITION
TO THEIR FACILITY LOCATED AT 35295 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 Ordinance No. 14-25, 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. Radcliffe to adopt Ordinance No. 14-25, 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.

**ORDINANCE NO. 15-25 – TO AWARD A BID FOR THE SCHWARTZ ROAD WEST
RESURFACING PROJECT**

The Clerk read Ordinance No.15-25 by title only, entitled:

**AN ORDINANCE TO AWARD A BID FOR THE
SCHWARTZ ROAD WEST 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 Ordinance No. 15-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 15-25, 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.

ORDINANCE NO. 16-25 – TO AMEND AND SUPPLEMENT APPROPRIATIONS

The Clerk read Ordinance No.16-25 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT
APPROPRIATIONS ORDINANCE NO. 109-24
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. 16-25, 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. 16-25, and the discussion was:

Mr. Presley indicated a revision has been made to the Exhibit A of the Ordinance as follows:

Baseball Stadium Lease Fund No. 282

Increase Repairs/Maintenance by \$175,000 as it was not included in the Original Budget.

Total Change to Fund 282 \$175,000.00

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.

**RESOLUTION NO. R-6-25 – TO APPROVE WITH MODIFICATION THE RENEWAL
APPLICATION MADE BY WILLIAM M. HRICOVEC, TRUSTEE AND ABBY L.
HRICOVEC, TRUSTEE TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 3570
STONE RIDGE ROAD, PERMANENT PARCEL NO. 10-04-00-011-107-225 CONSISTING
OF 10.33 ACRES AND LAND LOCATED AT 37114 HALSTED LANE, PERMANENT
PARCEL NO. 10-04-011-107-177 CONSISTING OF 1.35 ACRES DESIGNATED AS BEING
LOCATED WITHIN AN AGRICULTURAL DISTRICT**

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

A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY WILLIAM M. HRICOVEC, TRUSTEE AND ABBY L. HRICOVEC, TRUSTEE TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 3570 STONEY RIDGE ROAD, PERMANENT PARCEL NO. 10-04-00-011-107-225 CONSISTING OF 10.33 ACRES AND LAND LOCATED AT 37114 HALSTED LANE, PERMANENT PARCEL NO. 10-04-011-107-177 CONSISTING OF 1.35 ACRES DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT 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-6-25, 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. Radcliffe to adopt Resolution No. R-6-25, 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-7-25 – COMMITTING TO TERMINATE COLLECTION OF THE 2.0 MILLS POLICE OPERATING LEVY, THE .50 MILLS POLICE EQUIPMENT LEVY AND THE .50 MILLS FIRE EQUIPMENT LEVY EFFECTIVE JANUARY 1, 2026 SHOULD THE .20% INCOME TAX INCREASE FOR FUTURE FUNDING OF THE AVON POLICE AND FIRE DEPARTMENTS PASS ON MAY 6, 2025 (ISSUE NO. 3)

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

A RESOLUTION COMMITTING TO TERMINATE COLLECTION OF THE 2.0 MILLS POLICE OPERATING LEVY, THE .50 MILLS POLICE EQUIPMENT LEVY AND THE .50 MILLS FIRE EQUIPMENT LEVY EFFECTIVE JANUARY 1, 2026 SHOULD THE .20 % INCOME TAX INCREASE FOR FUTURE FUNDING OF THE AVON POLICE AND FIRE DEPARTMENTS PASS ON MAY 6, 2025 (ISSUE NO. 3) 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-7-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-7-25, 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.

REPORTS AND COMMENTS

MAYOR JENSEN advised regarding scheduling a committee meeting to discuss sidewalks, he noted that Mr. Cummins was not available on March 3, 2025, but suggested a Service Committee Meeting could be called for March 10, 2025.

Mrs. Demaline, Chair of the Service Committee, confirmed her availability as well as the other two members of the Service Committee.

Mayor Jensen suggested they discuss the sidewalks from 2024 that were not completed as well as the proposed 2025 Sidewalk Improvement Program. He advised there may be a finance component of it because some of the areas they thought the ditches and culverts could be covered over by the City crews, but it looks like those may have to go out for bid. Mayor Jensen indicated there would be an update on the costs associated with those areas.

After a brief discussion it was determined that the meeting time should be set for 6:45 p.m.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, thanked Mr. Moore and Mr. Presley for putting together all the information for the Finance Committee Meeting that was held earlier that night and for giving the residents an opportunity to ask questions and receive answers.

Ms. Berges gave an update on the Tree Commission work saying that she was very pleased to tell Council that the City of Avon received the Tree City USA designation again for this past year. She stated the City also received a Growth Award that the Tree Commission applied for noting that this was the first year they applied for a Growth Award, and they were very thrilled to learn they would be receiving that award. Ms. Berges advised Mr. Varga, Chair of the Tree Commission, gave a presentation on the Tree Commission to the Avon Garden Club this past week and he received a lot of positive feedback from the Garden Club members after the presentation. She added that she and Mr. Varga have been invited to speak at the North Coast Urban Forestry Conference in April to talk about having a Student Member on the Tree Commission. Ms. Berges noted that Ms. Brooks is helping them with the Power Point for that upcoming presentation to hopefully make the City proud.

MRS. DEMALINE, WARD 1, had no comments.

MR. MCBRIDE, WARD 2, thanked Mr. Moore and Mr. Presley for putting together the Power Point and automating the tax calculation slides.

Mr. McBride congratulated the Tree Commission, saying that was excellent news.

Mr. McBride advised he is starting to see some signs posted in illegal places again and he named a few locations where he saw them posted. He suggested those signs be removed and cite the business owner whose name is on the sign.

MR. MOORE, WARD 3, thanked Mr. Presley and Mayor Jensen for helping him with the presentation.

Mr. Moore advised the Tree Commission receiving a Growth Award is awesome news to hear and he felt that was very exciting for Avon.

MS. PATTON, AT LARGE, congratulated the Tree Commission on receiving Tree City USA designation again.

Ms. Patton thanked Mr. Moore for putting together the slide presentation with the help of Mr. Presley and Mayor Jensen. She felt the more information they get out to the public, and the clearer the message, the more successful it will be.

MR. RADCLIFFE, WARD 4, gave kudos on everything at the earlier Finance Committee Meeting.

Mr. Radcliffe said to the residents who came out tonight to hear more information on the proposed income tax ballot issue, he wanted to let them know that it was very important that if they or their friends and neighbors had any questions that they get their concerns addressed and questions answered as it is a very important issue. He suggested they remind people that the whole City works better when everyone is communicating. Mr. Radcliffe advised the Finance Director, Mayor Jensen and anyone on City Council are more than willing to talk to the residents and address their concerns and he invited them to please reach out and to please get questions answered before going to the polls to vote.

MR. FISCHER, AT LARGE, thanked Mr. Moore and Mr. Presley for all their work putting the presentation together. He felt the interactive tax calculator spreadsheet was great and that people now have a way to find out exactly what this ballot issue would mean to their household.

Mr. Fischer thanked Ms. Berges for the updates she provides to City Council regarding the Tree Commission and for her continued work and dedication to the Tree Commission. He asked Ms. Berges to pass along Council's congratulations to the other members of the Tree Commission.

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:

Eva St. Clair, 39348 Colorado Avenue, Avon, stated her address is her mother's house and it is close to Miller Road and probably the last house on Colorado Avenue next to Miller Road. She stated it was right around the December holidays that ODOT had a meeting at the library, and they discussed how many cars were going past the area and that there are a lot of accidents on Colorado Avenue by Miller Road to I-90 and noted there are a lot of vehicles. Ms. St. Clair advised she has been fighting for her mom for probably 20 years about how fast vehicles go through that area and how many people drive through there daily. She stated there are two matriarchs that live right there, one is 99 years old, and the other is almost 90 years old, and they cannot even get in and out of their houses. She noted they have lived in Avon for most of their lives. Ms. St. Clair stated it was a two-lane road when these two ladies first moved here but now it is a five-lane road. She added the middle lane, because drivers go 50 mph, only go towards Crushers Stadium, and they cannot even get out of their horseshoe drives. She stated there are 36,000 cars that go past her mother's

house daily, and there are many accidents, some of which are fatal. She asked Council if they knew about those accidents in that area. Ms. St. Clair stated she would like to do something about it. She noted 20 years ago a car went through her mother's house with both her mother and father inside of it. Twenty years ago, she came in from Key West to visit her parents for two weeks and she predicted what was going to happen. She added the Mayor was James Smith and she invited him to dinner almost every night, and said "please come, look what's going on here, someone is going to hit her mother's house." She stated Mayor Smith never came, she said "okay can you put up NASCAR railings as they have two and a half acres here, can you help us out? She recalled being told, Oh, well it is a State Route they cannot do that, so she responded okay how about some deer signs?" She noted you guys are building Crushers Stadium and it is getting built up over there and 20-30 deer would cross every morning, every night. She would make dinner and they would sit at the dining room table and they would watch these cars go crazy, absolutely nuts trying to make it through Sheffield Lake at 50 mph but it is not 50 mph it is 60 mph and 70 mph. Ms. St. Clair advised this man who hit the house, which they probably do not know about because it was pretty much hidden, ended up in the basement of her parent's home. She noted that her parents were sitting in the dining room having dinner and had just got up and they had heard the car coming at the house. She advised it ricochet off the curb and it flew 75 feet through the air and bounced once and made it through two huge maple trees and she does not know how, but it went straight underneath the room they were standing in down underneath the dining room. Ms. St. Clair continued that her mother had a heart attack, and her dad died just a couple months later. She added her sister called her and she never hears her sister cry, but she cried that day and was like "oh my gosh Eva, what you predicted just happened." She added she had just got off the plane in Key West and had to turn around and come back and find out what happened. Ms. St. Clair advised Mayor Smith called her said "Eva, we have put the deer signs up," and she thought "yeah, thanks."

Ms. St. Clair stated it has been 20 years this year and her mother asked her to come and stay with her as she will be 99 years old next month. She noted that her mother's father lived to be 102 years old, so her mother is not going anywhere anytime soon and she wants to live in her house. She added they cannot even get to the house; it is very dangerous. Ms. St. Clair stated she would like to know what Council's plans for Miller Road to McDonald's are. She noted there are 6.5 acres there, it is now prime land and is what her mother has heard for 30 years but everything is being built over here. She added there is a gas line that is like 25 feet from the road sticking up and these cars drive by. She advised that her mother's house is as old as her mother and its beautiful although it looks terrible from the outside, her mother just wanted to let it go when her father passed but Ms. St. Clair stated she is not going to let it go as it is a beautiful home and is still very sound. She knows that 254 acres behind her mother's house was sold to an interested business. She has talked to this interested business, and they are right at her feet. She knows they are trying to help and asked if they have heard anything, but she is not waiting. She stated the goal is to have her mom live there safe, she asks that ODOT officer at the meeting, "do you have an idea about what to do and she responded yes, and she has talked to the City and the Mayor a couple times, but there are five lanes on Colorado Avenue now and they are all turning into the Crusher's Stadium but Cecilia Conrad at 39280 Colorado Avenue she can't get into her horseshoe drive, her mother cannot get into her horseshoe drive because with 50 mph everyone is going so fast and everyone has to turn left but if it goes down to 35 mph like every other little town in Ohio when you come into the city limits you go 35 mph so why is it 50 mph? She stated ODOT told her "we can't make it any lower nobody is going to listen." She noted her response was "really? Is that how you run the City, you have to rush through there, you are going to have more people dead." She added there were people from Marriott and Fairfield and they cannot even get out or in to go to work. She asked if they could slow down on the west side of town, can they slow down- and she knows it's a State Route and it takes two years to change anything from what she was told. Ms. St. Clair stated even when she asked to change it, they never did so she moved back from Florida to be here to help her mother, and she is asking for some help. She inquired if the City has any plans for those 6.5 acres and she is dealing with great developers that are interested in the property and they turn it down because there are no sewers that go down there, is there a reason why there are no sewers that go there.

Mayor Jensen advised there is access to sewers in that area.

Ms. St. Clair stated the developers indicated to her that they are not going build on their property because the City is saying it is going to be a million dollars to put sewers in. She added then they are asking her if she could put up some money to sell her mother's house. She stated that she told them no, she is not handing any money over to sell her mother's house. She asked if Council thinks that the interested business is going to have sewers come down to the back of her mother's property and stated she will wait but until then they are going to fix up that house and move there and be safe. She stated 36,000 vehicles in one day, is that enough? She stated she used to talk to someone from the City but cannot recall his name, she has all the documents and case history of what is going on.

Ms. St. Clair stated they had NRG eminent domain on her mother's property, and they came right down from Avon Lake from the electric company and came down Miller Road, but they came over into her mother's property and back over and the corridor was straight down 21 miles but why did they want to come through her mother's property and then go back over. She asked them if they were waiting for her mother to die because she might not die, she outlived her pacemaker and she has 9.8 years left, so if you are waiting for her to die and take her property it is not going to happen, she is sorry and asked does anyone hear her, she has a lot of things going on here.

Mr. Fischer suggested they get Ms. St. Clair in touch with Mr. Streater, the Safety/Service Director about the State Route, maybe has some information he could provide her that may be able to tell her, but their hands are tied as far as what they can and cannot do on a State Route.

Ms. St. Clair offered for Mr. Streater to come see the traffic and stated it is kind of scary by their property of 2.5 acres, beautiful area, beautiful part of town although it is becoming industrial with the businesses. She asked if they are looking to add a sports complex on east side of the road, she stated she has people interested but cannot get any sewers in there, could the City get some sewers over there?

Mayor Jensen stated he believes there is access to sewers as it is developed right there, they make sure that there are sewers and access to those areas. He added they do not allow sewers to come in if it does not benefit the whole area.

Ms. St. Clair stated she has developers coming back to her saying that the City is stating it is going to be a million dollars, is that how much it is going to be because they are scaring people away. She stated she is watching these acres sell on Chester Road and asked if they are ever going to make it over to the west side? She asked if they think that they could bring down the traffic.

Mr. Streater said Ms. St. Clair has the same response from the State as he did.

Ms. St. Clair stated she wants to fight it.

Mr. Streater stated he understands.

Ms. St. Clair stated she is ready to sue somebody as they have been through enough.

Mr. Streater added that he hopes she will have better success.

Ms. St. Clair stated she is here to fight, and her mother asked her to come up from Florida and if she is going to spend time here instead of Florida she is going to fight for her mother and make it right.

Ms. St. Clair asked Ms. Fechter if she has heard anything from anybody? Ms. St. Clair stated she has talked to her and tried to get through.

Ms. Fechter advised there is interest in someone buying that property, but she does not know who it is and does not know when they are moving forward but right now, they have been on hold since probably November. Ms. Fechter advised there is a consultant that has that land.

Ms. St. Clair asked what land?

Ms. Fechter stated the 254 acres behind her mother's property and noted it has not been purchased yet as they are doing due diligence on the site as the railroad is still on the property.

Ms. St. Clair stated she has gotten a few things about it, they showed the building and everything they were planning on building, the wetlands they had to get approval on.

Ms. Fechter stated the last she heard they were working on the wetlands with the Army Corps.

Ms. St. Clair stated that was supposed to stop a while ago and asked if anyone knows about that and offered to look together as she loves Avon and this is where she grew up, do they have any ideas if there is anything else. She has worked in a lot of places, and she makes things happen, she is working for her mother and needs some answers.

Mr. McBride stated they just did a Detroit Road Improvement Project, in fact it is not completed yet, but ODOT made them raise the speed limit and not lower it on Detroit Road.

Ms. St. Clair stated she could not believe it when ODOT said "if we do anything they are going to raise it." Ms. St. Clair stated that ODOT had just showed her fatal documents of 35 accidents at Miller Road and Colorado Avenue. She stated all through BP and McDonald's and all these semis, there are people dying on the road.

Mr. McBride agreed the speed limit is too high.

Ms. St. Clair stated when she said if they lower it then the middle lane can be a suicide lane as it already is. She added they can at least have arrows coming into Ms. Conrad's property and her mother's property. She noted while these women are living there, wouldn't you want to take care of your mom.

Mr. Fischer responded there is no one up here that doubts Ms. St. Clair wants to take care of her mom and safety is their top concern, but there are some things that they can and cannot do or are limited to.

Ms. St. Clair stated she is going to fight it.

Mr. Fischer stated he understands what she is trying to say and agrees with Mr. McBride.

Ms. St. Clair asked if he is the Council President and Mr. Fischer responded that he is Council President. Ms. St. Clair stated then she would like a meeting with him. Mr. Fischer responded absolutely anytime, and she added and maybe with the Mayor as well. Ms. St. Clair stated she wants to make things happen. Mr. Fischer stated they would be happy to work with her to see what they can and cannot do. He added he understands her frustration and Ms. St. Clair stated very much so and stated she will be here every other Monday and offered her phone number. She added she wants to get some business and make some good changes. Mr. Fischer asked Ms. St. Clair to give the Clerk her information and she responded absolutely. Mr. Fischer thanked Ms. St. Clair.

Mike Stern, 39348 Colorado Avenue, Avon, stated they said there is access to the sewer lines is there a way they could see what the future plans are for that so they could get an idea of how to sell their property and who they could sell their property to.

Mayor Jensen stated they could meet with Ryan Cummins, City Engineer, and he could show them where things are at and different discussions regarding bringing a sewer or how they are doing it but it is a public sewer.

Mr. Stern stated from what they read a certain company has bought the property.

Mayor Jensen advised there is nothing transferred yet so that is all speculation.

Mr. Stern stated he is sure they have some type of plans here and he would like to see them because when they said one million dollars, that scares people away and this is going to be right in their backyard and he knows it is not going to be anywhere close to that amount, so he would like to see what type of drawings or engineering has been done on that.

Mayor Jensen said there have not been any drawings, but they can certainly show him where sanitary sewer is and is not.

Mr. Stern stated that would tell him a lot.

Mayor Jensen advised he could reach out to Ms. Fechter, and she could set up a meeting with the Engineer and the Utilities Superintendent as they are the ones that would know where all of the sanitary sewer and storm lines are located.

Mr. Stern stated he knows being the City of Avon they would like to put their two cents into what goes into that big piece of property there and they would like to have a little feedback on what the Mayor would like to have there so maybe they could do something to work together on it.

Mayor Jensen responded absolutely, and Mr. Stern said thank you. Mr. Fischer said the Clerk would provide his business card with his contact information on it to Mr. Stern and Ms. St. Clair.

ADJOURN: 8:32 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