

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 26, 2024
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:34 P.M.**

The Chair, Council President Brian Fischer, called the meeting to order and led in the Pledge of Allegiance.

PRESENT:

Council Members: 1st Ward – Jennifer Demaline; 2nd Ward – Dennis McBride; Council-at-Large Michelle Patton; 4th Ward – Scott Radcliffe; Council-at-Large and Council President – Brian Fischer; Mayor - Bryan Jensen; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – Steve Presley; Safety/Public Service Director – Duane Streater; Assistant Clerk of Council – Rachel Markovitz; Clerk of Council – Barbara Brooks

ABSENT:

Council-at-Large Mary Berges; 3rd Ward – Anthony Moore; City Engineer – Ryan Cummins

RECOGNITION OF GAIL A. HAYDEN’S YEARS OF SERVICE TO THE CITY OF AVON

Mayor Jensen advised as Council knows Gail has decided to retire and they are so appreciative of what she has meant to the City. He said he would like to read and present a Proclamation to her on behalf of Council and himself.

The Proclamation read in part as follows:

***Gail A. Hayden** faithfully served the City of Avon for a total of 33 years; and*

WHEREAS: ***Gail** started her career in Avon on February 26, 1986, as the Assistant Clerk of Council, became the Administrative Assistant to the Mayor for a time, and back as the Assistant Clerk of Council, a position which she has held for the past 26 years; and*

WHEREAS: ***Gail** served under 4 Mayors and a total of 53 Council Members in her 33 years; and*

WHEREAS: ***Gail** started working for the City of Avon when the population was approximately 7,000 and is retiring with the population at approximately 25,000. During that time, she has seen the city’s population almost quadruple; and*

WHEREAS: ***Gail** has helped organize, collect and compose Council Packets for more than 1,144 Council Meetings, which does not include any of the special meetings over those years; and*

WHEREAS: ***Gail’s** knowledge, proficiency, insight and dependability will be difficult to replace, as will her “eagle eye” looking over documents and minutes; and*

WHEREAS: *What will be impossible to replace is what makes Gail truly one in a million – her heart. **Gail** is everything that is good: she is faithful, kind, courteous, loyal, supportive, trustworthy, thoughtful and helpful. Gail has a kind word for everyone she sees; and*

WHEREAS: ***Gail** served the City of Avon and its residents faithfully, honestly and competently for 33 years. We wish her a very healthy and happy retirement, she has more than earned.*

NOW, THEREFORE, *I, Bryan K. Jensen, as Mayor of the City of Avon, do hereby encourage every official, employee and citizen of the City of Avon to join me in expressing our profound and sincere appreciation to **GAIL A. HAYDEN**, for her devoted service to the City of Avon.*

A standing ovation was given to Ms. Hayden.

Ms. Hayden said that this is a wonderful farewell, and she could not even imagine all of those statistics. She thanked the Mayor and Council for this recognition. Everyone has been asking her how it feels to be retiring and she says that she still cannot quite believe it. Ms. Hayden stated she feels like she is going to be coming into City Hall this Friday helping with the Council packets same as always. She advised she has always enjoyed her job and it has meant a lot to know that Council and the Mayor have always appreciated her work. Ms. Hayden said she is going to miss it and miss everyone at City Hall, but she knows that she will enjoy the free time that retirement brings, and she is looking forward to it. She said, “Thank you again for tonight, and for all of the good years I’ve had here.”

More applause was given, and pictures were taken.

MINUTES OF THE MEETING OF THE SAFETY AND FINANCE COMMITTEES OF COUNCIL HELD ON MONDAY, FEBRUARY 5, 2024

A motion was made by Mr. McBride and seconded by Mrs. Demaline to dispense with the reading of the minutes of the Meeting of the Safety and Finance Committees of Council held Monday, February 5, 2024, and to approve said minutes as published, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 0 against and the Chair declared the motion passed.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, FEBRUARY 5, 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 Monday, February 5, 2024, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 0 against and the Chair declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, FEBRUARY 12, 2024

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, February 12, 2024, and to approve said minutes as published, and the vote was: Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 0 against and the Chair declared the motion passed.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, FEBRUARY 19, 2024

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, February 19, 2024, and to approve said minutes as published, and the vote was: Mr. Radcliffe, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 0 against and the Chair declared the motion passed.

ORDINANCE NO. 20-24 – 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

The Clerk read Ordinance No. 20-24 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

The Chair declared this to be the first reading of Ordinance No. 20-24.

ORDINANCE NO. 23-24 – AMENDING SECTION 1042.02(e) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO PROVIDE FOR PAYMENT OF SANITARY SEWER TAP FEES THROUGH A VOLUNTARY ASSESSMENT COLLECTED ALONG WITH THE PROPERTY OWNER’S REAL ESTATE TAXES

The Clerk read Ordinance No. 23-24 by title only, entitled:

AN ORDINANCE AMENDING SECTION 1042.02(e) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO PROVIDE FOR PAYMENT OF SANITARY SEWER TAP FEES THROUGH A VOLUNTARY ASSESEEMNT COLLECTED ALONG WITH THE PROPERTY OWNER’S REAL ESTATE TAXES AND DECLARING AN EMERGENCY

The Chair declared this to be the first reading of Ordinance No. 23-24.

REPORTS AND COMMENTS

MAYOR JENSEN advised there is a generation that continues to work into their later years wanting to continue to stay active. He asked that a video be played for all present where he and other City employees wished Pat Jankowski a Happy Birthday including singing Happy Birthday to her. Ms. Jankowski was in the audience.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, was absent.

MRS. DEMALINE, WARD 1, had no comments.

MR. McBRIDE, WARD 2, wished Ms. Jankowski a happy birthday.

Mr. McBride congratulated Ms. Hayden on her retirement. He hoped she could spend more time with her husband and family.

MR. MOORE, WARD 3, was absent.

MS. PATTON, AT LARGE, wished Ms. Jankowski a happy birthday.

Ms. Patton congratulated Ms. Hayden on her retirement. She hoped that she loves retirement.

MR. RADCLIFFE, WARD 4, wished happy salutations to Ms. Jankowski and Ms. Hayden.

MR. FISCHER, AT LARGE, wished Ms. Jankowski a happy birthday and said we love you.

Mr. Fischer stated to Ms. Hayden, the Proclamation said it all as that was perfectly stated. He said they are going to miss her as she is one in a million. Mr. Fischer thanked her for all her years of service to the City of Avon and he hopes she enjoys her retirement.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, was absent.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, congratulated Ms. Hayden. She said she is going to be missed and she is one of a kind.

MR. GASIOR, LAW DIRECTOR, thanked Ms. Hayden for all her help over the years in getting the agenda out every week, except for the fifth Monday which were the best Monday's. He said he would miss her and he wished her the best of luck in retirement and he hopes it is a great time for her.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, congratulated Ms. Hayden on her retirement. He said it was great working with her and he hopes she enjoys her retirement.

Mr. Streator provided some guidance regarding the April 8th solar eclipse event saying they have been preparing for at least the last year with the City Safety Forces and all the other City Departments. Mr. Streator stated there will be information going out in the water bills as well as a

page created on the City website where information can be updated as it is received. He advised it is a tough task to plan for something where there are a lot of unknowns. Mr. Streator said they are planning for the worst and hoping for the best. He added that they want to make it a positive experience as there are some apocalyptic predictions being circulated. Mr. Streator stated they expect that traffic will increase that day based on the information they have and there is going to be an event held at the Crusher Stadium that day and they encourage those interested to participate. He advised the Avon Schools will be closed that day and were opening their parking lots for a pay to park opportunity. Mr. Streator said they will update everyone as they get more information. He stated they have been in contact with all of our businesses which is an important part, and they anticipate a lot of traffic immediately after the event. He advised Lt. Haag from the Police Department has done a great job in putting everything together and the Fire Department as well and that they are all preparing the community for that day so that the level of service that the community is provided every day remains intact. Mr. Streator said there are not a lot of specifics as they can only guestimate what will happen. They have been in contact with the local hotels and their reservations for that day are increased. The numbers have changed for those visiting Lorain County for the eclipse from one million to five hundred thousand. Some of the surrounding communities are having events and you cannot get to some of those communities without traveling through Avon like most every other day. He advised for those who have experienced Christmastime in Avon, he felt it would not be much different. Mr. Streator said they were going to try to keep traffic moving and make it profitable for the businesses and they were not trying to shut any businesses down.

Mayor Jensen added that they were not planning any road closures or were not planning to make any roadway one way.

Mr. Streator confirmed the Mayor's comment. He advised, if necessary, they will have to direct traffic that day, but they were not planning to change the road directions.

Mayor Jensen said they have been in contact with the neighboring cities to monitor what they are doing and there have been no road closures or direction changes with those cities as well.

Mr. Streator agreed and said especially Avon Lake and Avon's Safety Forces have been in contact with both Police and Fire of all the surrounding communities and they have not come up with any traffic plans or change in road directions or the like. He said they plan on monitoring that day and adjust as needed. Mr. Streator stated that our Traffic Signal/Electrical Manager could adjust the traffic signals and depending on the amount of traffic at an intersection they can hopefully keep traffic moving.

Mayor Jensen reminded Council that not everything on social media is accurate and the City officials were available to contact if someone has a question. He gave credit to Mr. Streator and the City Safety Forces and the Committee that have been planning for over a year and they will continue to make changes as they feel necessary. Mayor Jensen reiterated that the City is not planning on any drastic changes at this point.

Mr. Radcliffe inquired if there would be additional facilities made available on a temporary basis for the travelers whether in Avon or a neighboring city such as restroom facilities or additional cell towers being brought in.

Mr. Streator advised there will be some additional restrooms available to the travelers such as those in our parks. He said the Schools were also allowing the use of restrooms at their facilities as well. Mr. Streator stated he does not know what the cellular companies were doing yet, but they are anticipating there could be a problem with that, but they have a backup communications plan amongst the Avon Safety Forces. He said as far as the general public, he does not know what the big cell companies will do because there is a lot a large area that has to be covered.

Mr. Fischer advised out of an abundance of caution after speaking with Mr. Streator, Council will more than likely be doubling up on its meetings on April 1st for the Work Session

with the Regular Meeting following to avoid having a meeting on April 8th. He said he will be working with Mr. Gasior to make sure of the time frame to get legislation passed and he believes Mrs. Demaline will be absent on April 1st. Mr. Fischer stated Mr. Gasior will be composing a Resolution for Council to consider passing.

AUDIENCE COMMENTS:

Greg Botson, owner of 36470 – 36500 Detroit Road advised he has been a business owner for 33 years and an Avon resident for 27 years as well as a property owner in Avon. He said he and his wife own the building at 36470 to 36500 Detroit Road where their insurance agency Botson Insurance and some other businesses reside including CommStar up until 2 years ago. Mr. Botson stated after speaking to Mr. Gasior he was before Council tonight to ask for a variance in the French Creek District Ordinance to allow a potential long-term tenant to come into their building. He advised the tenant would be Hertz Car Rental. Mr. Botson said the Ordinance currently states that the French Creek District allows no repair, sales and/or rental in the C-2 French Creek District, which he understands. He advised he feels this situation with Hertz Car Rental is outside of that and he would like to ask for an exception. Mr. Botson said Hertz will only house a maximum of twenty cars and most of them will be in use by the customer so, he expects between 10-20 cars in the parking lot. He stated there would be no repair and no sales. Hertz will park their cars at the rear of the of the building, which is the north side, and they have twenty parking spaces. Mr. Botson advised he was aware that he would have to go before the Planning Commission. He said the Letter of Intent from the Hertz Corporation states that the greatest number of cars that they will have at the proposed location will be 20 and with the letter he included a diagram of the parking lot. Mr. Botson stated he spoke with Mr. McBride by email, and he had questions about washing and cleaning of the cars and Hertz has told him that they are willing to take the cars to the local car wash. He said from a business standpoint that is not the best over time, but Hertz is willing to work out a compromise if that is an issue with the City because they really are interested in the space. Mr. Botson stated he was willing to look at enclosing the drive-thru area to be able to wash the vehicles so that it is not an eyesore from Detroit Road. He advised they would like for this to be an initial step and they would be talking with Ms. Fechter in the Planning Department to see what the next steps are. Mr. Botson said he wanted to present the idea to Council tonight and answer any questions they may have and keep moving forward.

Mr. Fischer asked about the numbers drawn on the site map provided with the Letter of Intent from Hertz to which Mr. Botson answered those are the number of parking spaces available.

Mr. Botson advised there are 3 parking spaces in the front of the building, which would be for clients. He said Hertz primarily would like the 20 spaces in the back at the rear of the building. Mr. Botson clarified that he was showing that there is plenty of parking available. He stated the cars not being used by clients would be parked in the back of the building so that it is not an eyesore to Detroit Road.

Mr. Gasior advised he did have a brief conversation with Mr. Botson, and this would be a rezoning request and not a variance. He said Council would have to amend the Code, Section 1270.03. Mr. Gasior stated the word rental is stated as a prohibited use in the C-2 District. He advised it would be necessary to amend that Section of the Code and that process would begin with the Planning Commission. Mr. Gasior said if Council would like to discuss this in a Committee, they could refer it to a Committee of Council. He stated they could wait until the Planning Commission makes a recommendation. Mr. Gasior advised that Council Members could attend the Planning Commission meeting at which the item comes up and have some input at that point. He said this

property is in the French Creek District, C-2, and automotive has been prohibited in that District since at least 2001 and it specifically states no rental so it would require a Code change.

Mr. Fischer felt a Council Committee Meeting would be premature. He felt it should go through the Planning Commission process first.

Mr. McBride said this property is in Ward 2 and he understands that in the C-2 District they really do not want a lot of auto service businesses. He advised given the size of what Hertz wants to do, he would be in favor of this. Mr. McBride stated he was unaware this had to go to the Planning Commission as he thought it was a Board of Zoning and Building Appeals matter. He thanked Mr. Gasior for clarifying that it needed to go to the Planning Commission and then come before Council. Mr. McBride said potentially he felt they could amend the Planning and Zoning Code to encompass an operation such as this without much detriment to the C-2 District. He felt it was an ideal property as there is a berm on the north side of the property between the rear of the office building and the first house on Clifton Way, although they might need to add a fence. Mr. McBride stated when Mr. Botson was talking about making an enclosure out of the existing former bank drive-thru so that they could pull a car in and vacuum it out. He said there is a nice gabled canopy that is attached to the building. Mr. McBride felt the property lends itself to this type of business. Does he want to change the Code to allow all kinds of rental operations? He said no, but felt there was probably a way to do it so that one or two rental car companies can come in. Mr. McBride said the French Creek District is limited in the available property so he did not feel they would get a rush of 10 rental car businesses coming in. He felt there was very little risk if Council decides to go that way based on what the Planning Commission says or does not say. Mr. McBride noted that Mr. Botson is a long time Avon business owner who has been very good to the community, and he felt it was a reasonable request and they should really look at it.

Mr. Radcliffe asked instead of changing the Code, could it be set as a Special Use overlay for one property only as an option to prevent other future issues.

Mr. Gasior advised the Code does not grant use variances for the Board of Zoning and Building Appeals to consider. Mr. Gasior stated it is not listed in the Code as a Special Use, it is prohibited. He advised they really cannot call it a Special Use; they would have to allow it in the whole District as a Code change. Mr. Gasior felt Council should look at the whole District to see the number of areas that would lend themselves to that type of an operation. He stated it is going to be difficult to say the least, but it is something to look at. Mr. Gasior advised the Planning Commission will take it up and he felt that is probably the best place to start.

ADJOURN: 8:02 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: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 0 against and the Chair declared the motion passed.