

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE  
CITY OF AVON, OHIO HELD MONDAY, MARCH 3, 2025  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

**PRESENT:**

Council Members: 1<sup>st</sup> Ward – Jennifer Demaline; 2<sup>nd</sup> Ward - Dennis McBride; 3<sup>rd</sup> Ward -Tony Moore; 4<sup>th</sup> Ward - Scott Radcliffe; Council-at-Large – Michelle Patton; 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:**

Council-at-Large – Mary Berges; and Planning/Economic Development Coordinator – Pam Fechter

Council President Brian Fischer called the meeting to order.

1. **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** Planning Referral  
A Public Hearing will be held for Ordinance No. 10-25 on Monday, March 10, 2025 at 7:25 p.m.  
The Third of Three readings of Ordinance No. 10-25 will be held on Monday, March 10, 2025.

Mayor Jensen advised as Council recalls, 7Brew Drive-Thru Coffee was requesting a Code change to allow for a business with no indoor seating. He noted it received a negative referral from the Planning Commission, and it is now before Council to decide whether they want to allow this type of business in that zoning district, south of I-90. Mayor Jensen clarified that a Code change would allow all restaurants with no indoor seating, and it was not specific to 7Brew.

2. **ORDINANCE NO. 17-25 – GRANTING A SPECIAL USE PERMIT TO LORAIN COUNTY METRO PARKS FOR CONSTRUCTION OF A TRAILHEAD TO INCLUDE AN ELEVEN (11) CAR PARKING LOT AND A TEN (10) FOOT WIDE ALL-PURPOSE TRAIL FOR AN AREA DESIGNATED AS THE UPPER FRENCH CREEK WETLANDS LOCATED AT 4488 JAYCOX ROAD** Planning Referral

Mayor Jensen advised when this request was before the Planning Commission there were a lot of neighboring residents that came to the meeting with concerns about how this change might affect them. He clarified that the Lorain County Metro Parks are their own governmental entity and were not required to seek approval from the City, but the City has asked them to present any proposed changes for approval as a procedural formality. Mayor Jensen stated Mr. Ziemnik, Director of the Lorain County Metro Parks, answered all the residents' questions and he felt everyone walked away very satisfied that their concerns were addressed. He advised the Metro Parks are keeping the City apprised of everything they are doing. Mayor Jensen noted they received a positive recommendation from the Planning Commission and are requesting approval of the Special Use Permit from City Council.

3. **ORDINANCE NO. 18-25 – TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING THE 17.7 ACRES OF LAND LOCATED ON THE WEST SIDE OF NAGEL ROAD BETWEEN MIDDLETON & DETROIT ROADS, PERMANENT PARCEL NOS. 10-04-00-022-102-044, 10-04-00-022-102-043, 10-04-00-022-102-039, 10-04-00-022-102-041, 10-04-00-022-102-042, 10-04-00-022-102-047 & 10-04-00-022-102-048 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT** Planning Referral  
The First of Three Readings of Ordinance No. 18-25 will be on Monday, March 10, 2025  
A Public Hearing will be held on Monday, April 14, 2025, at 7:25 p.m.

Mayor Jensen advised this is another request that came out of the Planning Commission meeting as a negative recommendation. He said they all remember this was previously in front of Planning Commission and City Council and placed on the ballot and it failed by a small margin. Mayor Jensen stated the Planning Commission felt that since there were no changes to the original request that it did not make sense to place it back on the ballot, but it is before City Council to decide whether they want it to go back to the voters. He mentioned the applicant may come before Council with some changes to the original request, but from the viewpoint of the Planning Commission they did not feel there was anything that would warrant placing it back on the ballot.

Mr. Gasior noted the 10- in front of each parcel number listed was not necessary and those would be removed when it comes before Council next week as that information was confirmed with the Lorain County Auditor's Office.

4. [ORDINANCE NO. 19-25 - TO AUTHORIZE THE MAYOR TO ACCEPT THE MODIFIED STORM SEWER EASEMENT ACROSS SUBLOT NO. 17 \(3198 STONE WHEEL RUN\) LOCATED IN SCHWARTZ ROAD SUBDIVISION NO. 1](#) Planning Referral

Mr. Cummins advised when this subdivision was constructed, a storm sewer was placed across the middle of the backyard. He said the rear property line jogs and instead of following that jog of the rear property line, the storm sewer easement was across the back of the subplot in a catty-cornered type of direction. Mr. Cummins stated the current property owner wishes to construct a new swimming pool and the proposed pool area would encompass some of where the storm sewer easement crosses their property. He advised the property owners hired an engineer who designed a reroute of a portion of the storm sewer. Mr. Cummins noted it is designed to City standards and has been reviewed thus there are no issues with the design. He said the property owners are looking to vacate a portion of the existing storm sewer easement and recreate the easement in a manner that follows the new storm sewer route and then install the sewer, which would free up land for them to install the pool that they would like to install. He stated what is before Council would allow the Mayor to sign those easement documents to vacate a portion of the existing easement and recreate it as shown by the red crosshatch marks on the diagram from the Planning Referral provided to Council.

Mr. McBride asked if the storm sewer serves more than one property.

Mr. Cummins responded it does, noting that the storm sewer travels across multiple properties. He stated it is the Homeowners Association's storm sewer, but the City has some rights to it if the HOA were to not maintain it or if there was a problem that is not addressed by the HOA; at which point the City then has some rights to come in and solve those situations. Mr. Cummins advised the City has tangential rights to the storm sewer and not direct rights. He said the HOA has agreed to this change and to finalize it they are asking that the City of Avon approve the change as well.

Mr. Cummins clarified that the easement was all located on private property owned by a single property owner, but there was a storm sewer easement across the private property that was to the benefit of the HOA, as well as a benefit to the City of Avon.

Mr. McBride commented that in the future he felt the City should not let things of this nature happen again. He said it was one thing to have a rear yard drain for a residence, but he did not believe there should be a storm sewer running through private property with or without an easement.

Mr. Cummins advised he would be happy to discuss it at another time noting that there were pluses and minuses of having this type of system in the backyard. He believes there are a number of pluses to it and was something they could discuss further and if a change needs to be made to the standards they could consider that, but it does bring some benefits.

Mr. McBride said he felt it should never have cut across the homeowner's rear yard.

Mr. Cummins advised he would agree with that statement. He said it should have jogged with the property line.

Mr. Gasior advised Schwartz Road Subdivision No. 1 was presented in 2005 and approved in 2006 or 2007 so this goes back quite a few years, and he mentioned that he does not know if the City has done anything like this since that time although he could not say for sure.

Mayor Jensen believes this situation is a unique one. Mayor Jensen indicated they could also look at the situation and discuss if something should be changed.

Mr. McBride provided his opinion that the property should be a part of the HOA and not someone's personal property. He felt it should not matter if there is an easement because the City would still have an easement if it was located on the HOA property. Mr. McBride stated it would be nice not to burden the homeowner with that kind of situation as the homeowner was going to have to pay to move that and he felt they should not have to pay.

5. RESOLUTION NO. R-8-25 – DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF AVON ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS STREET IMPROVEMENT FUND FOR THE JUST IMAGINE DRIVE PAVEMENT RESURFACING, C119X/C120Z WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO Mr. Presley

Mr. Presley indicated the State is now requiring Council approve this kind of Resolution to seek reimbursement related to the application filed for projects awarded funding from the Ohio Public Works Commission, Issue 2. Mr. Presley stated he electronically sent the original one passed by Council in 2021 and that was not accepted as they want this format and this verbiage to be approved by Council going forward. He suspects it is the effect of the State ballot issue this May, and the State is wanting everyone to recognize that the purpose of that ballot issue is to fund capital improvement projects throughout the State. Mr. Presley added that neither Mr. Cummins nor Mr. Gasior have seen this type of legislation required previously. He said Council will most likely have to pass similar resolutions for all the other outstanding projects with the State.

Mr. McBride inquired about the C119X/C120Z in the title of the legislation.

Mr. Cummins advised those are Ohio Public Works Commission internal project numbers.

6. RESOLUTION NO. R-9-25 - TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY KENNETH M. URIG, JR., TO HAVE CERTAIN LAND OWNED BY HIM LOCATED AT 35113 RIEGELSBERGER ROAD, PERMANENT PARCEL NO. 04-00-024-101-098 CONSISTING OF .73 ACRES AND LAND LOCATED ON JAYCOX ROAD, PERMANENT PARCEL NO. 04-00-024-101-029 CONSISTING OF 2.68 ACRES DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT Mr. Gasior

A Public Hearing will be held on Monday, March 10, 2025 at 7:20 p.m.

Mr. Gasior advised that this is the third of four applications that would probably be coming before City Council seeking renewal in 2025. He reminded Council that every five years, a property owner must renew their agricultural designation. Mr. Gasior stated he would be happy to explain Chapter 929 of the Ohio Revised Code if they wanted to give him a call.

Mr. Radcliffe sought clarification and said in looking at the parcel numbers he believes that Mr. Urig owns three parcels: two on Riegelsberger Road and one parcel behind on Jaycox Road. He stated he did not know if all three parcels should be part of this Resolution.

Mr. Gasior advised there are two parcels in the application, with one 2.68 acres and one .73 acre noting that the .73 acre parcel is the one that fronts Riegelsberger Road.

Mr. Radcliffe pointed out that Mr. Urig has two parcels that front on Riegelsberger Road.

Mr. Gasior said only one parcel is listed on the application as being located on Riegelsberger Road.

Mr. Radcliffe agreed and said there are two parcels on Riegelsberger Road owned by Mr. Urig and the address listed in the application does not match the parcel number listed so he was not sure which parcel was seeking the designation.

Mr. Gasior speculated that the address on Riegelsberger Road may not be part of the request for agricultural designation. He said the only two parcels that are being sent to the Auditor are the two parcels listed in the application submitted by Mr. Urig. Mr. Gasior stated he could look into it over the course of the week, but he was only aware of one parcel on Riegelsberger Road and one parcel on Jaycox Road.

Mr. Radcliffe advised the address of 35113 Riegelsberger Road is not the parcel number listed in the Resolution and the application.

Mr. Gasior speculated the address might be where Mr. Urig resides.

Mr. Radcliffe assumed that the parcel where he resides was not being farmed, but the parcel next to his residence and the one behind it were the two parcels seeking agricultural designation. He said the point he was trying to make is that the parcel number for 35113 Riegelsberger Road (Mr. Urig's residence) ends in -094 and the parcel number ending in -098 was listed in the application as being located on Riegelsberger Road but does not have an address. Mr. Radcliffe felt it was a matter of clarifying the Resolution to distinguish which parcels were seeking the designation.

Mr. Gasior advised he would look at the County Auditor's website noting that the County has to approve the agricultural designation as well. He said all that Council is doing is approving it because Avon is the municipality within which the parcel lies. Mr. Gasior stated if there is anything that must be corrected, the County will point it out and send it back to the applicant, such as if he does not have the correct parcel numbers listed or if there are parcel numbers missing from the application. He advised this is a renewal application and is what was submitted five years ago. Mr. Gasior added the County obviously had no issue with the application five years ago but again added that he would look into the situation.

7. RESOLUTION NO. R-10-25 – IN SUPPORT OF STATE ISSUE 2 RENEWAL OF THE STATE CAPITAL IMPROVEMENT PROGRAM ON THE MAY 6, 2025 STATEWIDE BALLOT Mr. Presley

Mayor Jensen advised this issue is one that passed previously and is where OPWC (Ohio Public Works Commission) receives their funding. He said the Lorain County Engineer rates the different applications of funding sought by municipalities and the City of Avon has been the recipient of millions of dollars through these programs over the years. Mayor Jensen stated the widening of the road by the High School entrance, as well as various improvements on Chester Road to name a few. He advised he is being told that if this ballot measure fails, it would not save the taxpayers any money, but the money would go back to the State, and it could be distributed in a different way. Mayor Jensen said the way the funds are distributed now he felt is fair for all the surrounding communities in Lorain County and each municipality can apply for funding. He stated funding is decided based on how the applications are rated by the County Engineer. Mayor Jensen advised that without the renewal of Issue 2 (OPWC) the City of Avon would lose out on millions of dollars and with this, the whole County benefits. He said this is the reason that he is asking the voters to support this issue on the May ballot noting that Avon has been very fortunate.

Mr. Cummins agreed and said in the ten years that he has been the City Engineer for Avon, there has probably been at least ten if not twelve different projects over the years that have come from Issue 2 funding. He advised it has been a wildly popular program, and he speculated that it has been made available for thirty years. Mr. Cummins said it is the one grant program for local municipalities where there is a reasonable chance of consistently being awarded funding. He noted the projects have to be valid projects and they are scored by outsiders, but in general it is a very fair system and is a consistent system and it has been run extremely well. Mr. Cummins added that he feels it would have a very negative impact if this ballot measure were not renewed.

8. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

#### COUNCIL MEMBERS:

MS. BERGES, AT LARGE was absent.

MRS. DEMALINE, WARD 1 advised she was looking forward to discussing the 2025 Sidewalk Program for the upcoming Service Committee Meeting to be held on Monday, March 10, 2025 at 6:45 p.m.

MR. MCBRIDE, WARD 2 reported that he received an email forwarded to him from the Zoning Enforcement Officer, Jill Clements, regarding a resident calling to report junk vehicles on the property behind theirs where the junk vehicles were being stored near the rear property line. He noted there are two or three offenders on that street, and he believes this house is the one he would describe as a pack rat as there are various items in front of the garage and other locations on the property that did not make sense. Mr. McBride said Ms. Clements will be sending out one more notice to the offending property owner giving them 30 days to get it cleaned up, noting that if they do not comply in 30 days they will be cited and ordered by a judge to clear his property. He felt the worst-case scenario would be that the City cleans up the property and places the cost on the property tax duplicate although he understands there are additional steps to be able to do that. Mr. McBride advised when he receives an email from a resident who is being reasonable, it would be nice to get the problem resolved.

MR. MOORE, WARD 3 had no comments.

MS. PATTON, AT LARGE had no comments.

MR. RADCLIFFE, WARD 4 had no comments.

MR. FISCHER, AT LARGE had no comments.

#### DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

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

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR reminded Council that if they have not yet completed their Fraud Risk Assessment Questionnaire for the Auditors to please do so at their earliest convenience. He said if any of them need any assistance with it to please let him know.

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

#### AUDIENCE:

There were no comments made by the audience members.

#### 9. EXECUTIVE SESSION: 7:55 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Purchase of Real Estate and to Discuss Pending Litigation and Invite Mayor Jensen, Mr. Gasior, Mr. Streator, Mr. Presley and Mr. Cummins, and the vote was: Mrs. Demaline, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Ms. Patton, "yes"; Mr. Radcliffe, "yes"; Mr. Fischer, "yes".

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

10. RECONVENE: 8:23 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Reconvene the Work Session of Council, and the vote was: Mr. McBride, "yes"; Mr. Moore, "yes"; Ms. Patton, "yes"; Mr. Radcliffe, "yes"; Mrs. Demaline, "yes"; Mr. Fischer, "yes".

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

11. ADJOURN: 8:24 p.m.

There being no further business, the Work Session of Council was adjourned.

PASSED: \_\_\_\_\_

SIGNED BY: \_\_\_\_\_  
Brian Fischer, Council President

ATTEST: \_\_\_\_\_  
Barbara Brooks, Clerk of Council