

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MARCH 24, 2025
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:32 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; 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

ADDITIONS/DELETIONS

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to amend the agenda by the addition of item #10a – Ordinance No. 22-25 – “Authorizing the Mayor to Enter Into an Agreement to Purchase Real Estate Located at 32770 Detroit Road in the City of Avon Permanent Parcel No. 04-00-027-101-013 from Mary Beth Rumburg, Michael E. Urig, Susan L. Urig, and Terence J. Urig”, 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 to Mr. McBride and seconded by Mr. Radcliffe to accept the agenda as amended, 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 WORK SESSION OF COUNCIL HELD MONDAY, MARCH 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, March 3, 2025, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

MINUTES OF THE SERVICE COMMITTEE OF COUNCIL HELD MONDAY, MARCH 10, 2025

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Service Committee of Council held Monday, March 10, 2025, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, MARCH 10, 2025

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, March 10, 2025, and to approve said minutes as published, 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.

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. 04-00-022-102-044, 04-00-022-102-043, 04-00-022-102-039, 04-00-022-102-041, 04-00-022-102-042, 04-00-022-102-047 & 04-00-022-102-048 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT

The Clerk read Ordinance No.18-25 by title only, entitled:

**AN ORDINANCE 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. 04-00-022-102-044,
04-00-022-102-043, 04-00-022-102-039, 04-00-022-102-041, 04-00-022-102-042, 04-00-022-
102-047 & 04-00-022-102-048 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
TO C-4 GENERAL BUSINESS DISTRICT**

The Chair declared this to be the second of three readings of Ordinance No. 18-25.

A Public Hearing will be held on Monday, April 14, 2025, at 7:25 p.m.

Ms. Fechter had no new comments to make regarding this agenda item.

ORDINANCE NO. 20-25 – TO AUTHORIZE AN AMENDMENT TO THE FINAL PLAT AND
SUBDIVIDER’S AGREEMENT FOR STONEY ACRES SUBDIVISION BETWEEN THE
CITY OF AVON AND ROUTE 83 PROPERTIES, LLC

The Clerk read Ordinance No. 20-25 by title only, entitled:

**AN ORDINANCE TO AUTHORIZE AN AMENDMENT TO THE FINAL PLAT AND
SUBDIVIDER’S AGREEMENT FOR STONEY ACRES SUBDIVISION BETWEEN
THE CITY OF AVON AND ROUTE 83 PROPERTIES,LLC
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. 20-25, 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 Ordinance No. 20-25, 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. 21-25 – TO ACCEPT IMPROVEMENTS IN STONEY ACRES
SUBDIVISION

The Clerk read Ordinance No.21-25 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS
IN STONEY ACRES SUBDIVISION
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. 21-25, 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. Moore to adopt Ordinance No. 21-25, 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.

ORDINANCE NO. 22-25 – AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT TO PURCHASE REAL ESTATE LOCATED AT 32770 DETROIT ROAD IN

THE CITY OF AVON PERMANENT PARCEL NO. 04-00-027-101-013 FROM MARY RUMBURG, MICHAEL E. URIG, SUSAN L. URIG, AND TERENCE J. URIG

The Clerk read Ordinance No. 22-25 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED AT 32770 DETROIT ROAD IN THE CITY OF AVON PERMANENT PARCEL NO. 04-00-027-101-013 FROM MARY RUMBURG, MICHAEL E. URIG, SUSAN L. URIG, AND TERENCE J. URIG 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. 22-25, and the discussion was:

Mrs. Demaline said before she votes she wanted to ask a procedural question. She stated this legislation was just presented to Council and it has not been discussed in open session, and she asked if they were able to vote on something that was not on the agenda or previously made available.

Mr. Gasior answered yes. He advised discussion by Council was covered under Purchase of Real Estate which is a subject of Executive Session, and this property was discussed last Monday night (March 17, 2025) in Executive Session, and he was bringing forth the legislation tonight.

Mrs. Demaline asked if Council can legally vote on an Ordinance that was not posted and available on the agenda or that the Ordinance was not made available to the public. She advised she is not comfortable voting tonight since this Ordinance was just presented to her moments ago. Mrs. Demaline said she knows it has been discussed in Executive Session, but it has not been discussed in open session, and it was not on the agenda.

Mr. Gasior advised generally, purchase agreements are not discussed in open session because it could “let the cat out of the bag” when trying to negotiate for the purchase of real estate. He said the way it has always been done is to bring the matter to Council in Executive Session with the understanding that if there are no real issues or if there are minor issues, the purchase agreement would come before Council with by Ordinance. Mr. Gasior stated this is similar to Council passing labor agreements as none of the labor contracts were presented in open session, but they are discussed in Executive Session and then the Ordinance is brought forth at the next Regular Meeting. He advised he does not see anything illegal about what is going on, but if she is not comfortable, she could choose not to vote in the affirmative to suspend the rules, noting this is not something that has not been done many times in the past.

And the vote was: Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “no”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 1 against and the Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 22-25, and the discussion was:

Mr. Gasior advised in discussions with Council last Monday night, there was some concern about language in the agreement regarding in perpetuity. He said he went to the four members selling the property and they finally all agreed to eliminate that language from the agreement regarding naming explaining that it was a big issue with one of the property owners who was very reluctant to remove that language and on Sunday night that property owner finally agreed to the change. Mr. Gasior stated he believes there were no other issues, but that was the reason he was not able to bring anything forward until now. He advised he would like for Council to adopt this so that they can close the deal as soon as possible, which he is hoping is done before April 25, 2025. Mr. Gasior said given there is not another Work Session until April 7th and then a Regular Meeting on the 14th, waiting would be cutting things close.

And the vote was: Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “no” and commented that she is in agreement with the purchase of the real estate, but felt she did not have enough time to review the purchase agreement and that is the reason for her no vote; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 1 against and the Chair declared the motion passed.

RESOLUTION NO. R-11-25 – TO ADVERTISE FOR BIDS FOR THE SHAKESPEARE LANE WATER MAIN REPLACEMENT

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

A RESOLUTION TO ADVERTISE FOR BIDS FOR THE SHAKESPEARE LANE WATER MAIN REPLACEMENT AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Resolution No. R-11-25, 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-11-25, 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.

RESOLUTION NO. R-12-25 – 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 CHESTER ROAD WIDENING PHASE II PROJECT, C126Y/C127Y WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO

The Clerk read Resolution No. R-12-25 by title only, entitled:

A RESOLUTION 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 CHESTER ROAD WIDENING PHASE II PROJECT, C126Y/C127Y WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO 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-12-25, 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 Resolution No. R-12-25, 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.

REPORTS AND COMMENTS

MAYOR JENSEN advised he knows there are some residents in the audience who are questioning what took place with the removal of some brush and trees along State Route 83 that abut their rear property lines, but he wanted to clarify the situation so that Council has a better understanding of what took place. He asked Mr. Cummins to explain the project and what it entailed as well as conversations that took place with ODOT.

Mr. Cummins advised this area is part of the State Route 83 and State Route 254 Widening Project. He said as part of that project; they are widening the eastern embankment of State Route 83 north of Detroit Road approximately 8 to 10 feet. Mr. Cummins stated the trees that were along the embankment and at the bottom of the embankment were all within the public right-of-way, the limited access area of the freeway. He noted there is a ditch in that location and the work is staying to the west side of the ditch and taking out the trees to widen the embankment and create another lane, in a sense, along the east side of State Route 83 in that area. Mr. Cummins advised as far as why the work was done in advance of the project, as part of the project they have environmental

covenants to follow including not being able to cut down trees due to the Indiana Bat, which is a protected species, during certain times of the year. He said in advance of the project, before the end of March deadline, clearing was performed along that area so that issue was dealt with. Mr. Cummins stated a number of other trees were also taken down throughout the project area to deal with that as well. He advised letters were sent out to the residents back in 2022 and he received a call from Mr. Wentz and a couple of other property owners as well. Mr. Cummins said he believes he described it then in the same way he is describing it tonight although maybe not to the exact extent, but that there would be clearing along the embankment and the embankment was going to be widened up to ten feet and the work would stay west of the ditch area and would not be impacting any private property. He noted all those things are true. Mr. Cummins stated now that some of that has happened, and because of the time of year that there is no doubt that you can indeed see more of those properties from the roadway than before that clearing happened. He advised the work was absolutely an instrumental, critical part of the project as there was no way to do the project and save those brush areas in order to widen the embankment.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, advised she was very pleased to see that the Chronicle, on March 18, 2025, the Telegram Editorial Board headline read, “Pass Avon Income Tax Increase”. She said the editorial supports the upcoming ballot issue 100 percent, noting that it is well worth it for the residents. Ms. Berges stated the article also said that they wished other communities who had levies on the ballot would put a tax calculator out for the residents to see exactly how much it would cost them. She thought that was a very positive article.

Ms. Berges advised the French Creek Foundation is having their annual Easter Bunny Breakfast and Egg Hunt on Saturday, April 5, 2025, beginning at 9:00 a.m. She reminded everyone that it is a fundraising event that provides hanging planters and plants for the cement pots along Detroit Road in the French Creek District.

MRS. DEMALINE, WARD 1, thanked everyone for their input at the Service Committee Meeting held earlier that night where they discussed the 2025 Sidewalk Program. She said she looks forward to the Resolution of Necessity being on the next Work Session agenda.

MR. MCBRIDE, WARD 2, advised because SR83 is going to be widened by ODOT, when freeways are widened and there are existing residential properties, sound barrier walls are often installed. He said given the elevation differential between SR83 and Center Road, he was not sure how much that would even help. Mr. McBride inquired if something like that was already included in the project or if it would be a separate request.

Mr. Cummins advised it is not included in the project as that is generally along widening of freeway sections and not roadway sections such as this, although it is a busy road there is no doubt, but it is not an interstate roadway.

Mr. McBride asked if ODOT typically makes provisions when they clear away a lot of landscaping materials or trees or the like.

Mr. Cummins advised no, if it is within the public right-of-way then from a legal perspective ODOT has full rights and use of that area and would not be part of an ODOT style project to compensate property owners for what would be happening in the right-of-way.

Mr. McBride asked if Mr. Cummins could find out if there are any exceptions that could be made, perhaps they could press ODOT to do something. He added they could still request ODOT do something.

Mr. Cummins advised this is a City project that is receiving funding through the ODOT Safety Program through an earmark but clarified that it follows ODOT’s guidelines. He said this area of clearing is absolutely needed to make that project happen.

MR. MOORE, WARD 3, although Center Road is not located in Ward 3, he felt he would feel the same way these residents are feeling if this were to occur near his property and he said he was sympathetic to their situation. He agreed with Mr. McBride saying the City should request ODOT do something. Mr. Moore suggested that possibly the Tree Commission could assist in the planting of new trees in that area to perhaps create some sort of natural barrier to help those residents, noting that he would support that kind of assistance.

MS. PATTON, AT LARGE, advised as she was going to different local businesses in Avon, specifically Culver’s and Mitchell’s Ice Cream, she wanted to let everyone know that these two businesses are supporting Avon graduates by also employing those who have intellectual disabilities. She said it is nice to see that local businesses are taking care of our Avon graduates.

MR. RADCLIFFE, WARD 4, agreed with contacting ODOT to request replanting some natural barriers, such as trees, shrubs, bushes, along the area where the widening will be taking place. He felt it should be looked into as to whether those natural barriers could be replaced.

MR. FISCHER, AT LARGE, reminded Council that there was no meeting next week as it was the fifth Monday of the month. The next meeting would be a Work Session of Council to be held on Monday, April 7, 2025.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, reported that a preconstruction meeting would be held this week for the Schwartz Road project. He advised he did not have an exact start date for that project to begin, but he expects that work to begin possibly as soon as the first week of April noting that the construction season is here.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, advised that this Wednesday, March 26th, Jersey Mike's was holding their annual "Day of Giving" where 100% of their profits for that day would be given to a local charity. She said the Avon Jersey Mike's chose Prayers from Maria as the recipient of this year's charity donations. Ms. Fechter invited anyone who has a chance to participate.

MR. GASIOR, LAW DIRECTOR, advised each member of Council and the Administration now have a copy of the new Ward map officially from the Board of Elections.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

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

AUDIENCE COMMENTS:

Clerk's note - Comments from the first two residents below were made during a meeting of the Service Committee of Council held directly before this meeting, but since they were unrelated to the topic in the Service Committee it is more appropriate for them to be located here.

Charles Wentz of 1926 Center Road advised he is following up on a conversation he had with Mr. Cummins. He noted that Mayor Jensen was aware of his concern regarding the widening of the intersection of SR 254/SR 83. Mr. Wentz said the issue started when they received a letter from the City of Avon regarding the widening project for that intersection and the high traffic volume and he agreed that the improvement is much needed. He stated when the letter arrived, he contacted the City about the plans for the project. Mr. Wentz added at that time he asked specifically where the work would be happening along the east side SR 83 behind his backyard. He advised there was greenery in place that blocked him from the visual sights of French Creek Square and the sounds of the traffic on SR 83 and the visual from his backyard. Since the widening will be taking place, they wiped out all of that green space and you can actually see his back porch from SR 83 which could never be seen before. Mr. Wentz advised he has pictures of what it looked like for the past 50 years. His issue with the City is that when he called and specifically asked where the work was going to be located, he was told that it was going to be 10 feet (to the east) from the current road on SR 83. Mr. Wentz felt the clearing of the brush came much further into his backyard, taking away his privacy and diminishing his property value. He understands that there was some miscommunication, but his issue comes from the lack of assistance from the City of Avon to help him rectify the situation. Mr. Wentz said that if he had been informed properly when he first received that letter from the City of Avon, he could have come to a Council Meeting before that clearing occurred. He stated now he is coming afterward trying to play catch up and looking for any assistance from the City, noting that he was told that he needs to go to the State. He indicated he does not generally come to City Council Meetings; he keeps his head down and does what he needs to do in making sure his tax dollars are taken care of by City Council. He added that he needs assistance now to rectify this situation and what has been done to not only his property but his neighbors' properties as well who have all been affected by the brush being removed. Mr. Wentz felt his property was where most of the clearing took place. He stated that is the reason he is asking the City of Avon to assist him and his neighbors by helping them to contact the State if that is where he is supposed to go to get help.

Carolyn Johnson of 1880 Center Road stated she has been a resident of Avon all her life. She stated she came to Council once before regarding the sign, "Stop Here on Red" being added (located on the north side of Detroit Road heading west just before Center Road) as there are three lanes of traffic on Detroit Road to get onto Center Road, she expressed although she felt that effort has failed completely. She stated they thought her neighborhood was such a nice place to live and she owns 1.2 acres, but at 5:00 p.m. traffic is bumper to bumper, blowing horns, swearing, yelling, and since those trees have been cut down the noise is terrible. Ms. Johnson added they have to turn the volume up on their television if the windows are open to be able to hear the television, and her dog barks. She proposed some type of fence be put up to help them as she believes it would help a lot. She noted she has lived here a long time, so she hopes the City can do something to help and she thanked Council for their time.

Aria Celznick of 1910 Center Road said they are dealing with the brush on the hillside being cut down and she appreciated that they briefly addressed it during their comments, and she appreciates that they are thinking about reaching out to ODOT and getting some sort of wall or natural barrier. She stated she wanted to bring her concerns to them tonight as another citizen as it is quite a difference between the vegetation from when it was covered versus when it was not. Ms. Celznick said from their house they can see the highway and State Route 83 and cars zooming past. She stated it previously was not an issue, but now it is. Ms. Celznick advised although Council and the Administration have stated that it is more of a State problem because the clearing work has already been done, she would really appreciate it if City Officials work together with the State to help them who live on Old Center Road.

Don Longenette of 1778 Center Road said he lives at the third house from the dead end on the west side and the entrance ramp to the highway is right at the corner of his neighbor's lot and intersects his lot in the back. He stated he has asked for the last four or five years about getting a sound wall noting that he has lived there for twelve years, and they all know how the traffic has increased over twelve years in Avon. Mr. Longenette said since the trees have been cut down, he can now see the cars that are stopped at the traffic light and when they take off again. He stated he has asked for the sound wall, and he believes it needs to go all the way around onto the entrance ramp to the highway as he can hear the traffic all summer long. Mr. Longenette stated this week while in his backyard, he could see the cars at the light and he could hear the car radios playing and he does not believe a natural sound barrier would be enough to buffer the sound. He stated that he has asked for the last few years for a wall from the State to be installed. Mr. Longenette asked if there was anything they could do to help ask the State for help or money in this situation.

Mayor Jensen advised he has asked the State numerous times to install sound barrier walls, and they have refused.

Mr. Longenette asked why there are sound barrier walls by the UH hospital along that section of I-90.

Mayor Jensen advised ODOT told him that the reason sound barrier walls were installed along the highway by the hospital was because the interstate was widened in that area. He said ODOT refuses to install sound barrier walls if it is a commercial area. Mayor Jensen indicated the City has made numerous requests over the years for sound barrier walls to be installed in specific areas and ODOT has refused, unless it is a new widening project along the interstate. He believes he has reached out to ODOT every year since he has been Mayor and ODOT will not change their stance on the situation.

Mr. Longenette asked if this is not a new widening project.

Mr. Fischer advised it is not along the interstate. He added he tried to get sound barrier walls installed near where he lives when the Nagel Road Interchange was built and entrance and exit ramps were added, and he had no luck noting that he is still working on trying to get that ten years later.

Mr. Cummins advised if he is understanding Mr. Longenette correctly, his home is more towards the north end of that section of Center Road where ODOT did some tree clearing on the bank last year to which Mr. Longenette confirmed that to be true. He said the current project (SR 83 and SR 254 Intersection Improvement Project) stops four houses from Detroit Road at the south end of Center Road on the west side. Mr. Cummins stated there will not be any widening of SR 83 behind Mr. Longenette's house. He advised where the trees/brush have been removed that is the extent of the current project.

Mr. Longenette stated a few have been removed all the way to the corner on the north end of Center Road.

Mr. Cummins advised ODOT did that separately and he does not know why, but it is not a part of this project.

Mr. Longenette said it still would have been nice to have a sound barrier wall located there even before this happened, and he is trying to understand what it would take to get a sound barrier wall installed.

Mayor Jensen added there is no understanding ODOT. He said when the development was installed where Mr. Fischer lives, the development was plotted, but the houses were not built yet and ODOT still refused to install sound barrier walls saying it was already plotted when the improvement to the interstate took place.

Mr. Longenette asked how long the sound barrier wall by the hospital has been in place.

Mayor Jensen advised it has been since the widening of the interstate.

Mr. Longenette said what he is hearing them say is that there is nothing they can do.

Mayor Jensen suggested Mr. Longenette reach out to his State Representative to see if he could push for some action, but every time the City has tried, ODOT has refused.

Mr. McBride advised he is attending a luncheon tomorrow where hopefully State Representatives would be in attendance and he would bring up the subject with them, but he was not sure if that would help at all.

Amy Celznick of 1910 Center Road said she has lived in her house for the last ten years and it is a nice neighborhood. She felt like the residents in her neighborhood tucked in behind CVS are not paid any attention by City Officials, but there are good people that live there. Ms. Celznick stated all they are asking for is a little relief. She asked if the City would help if she and the other neighbors were to plant natural barriers or build a wall themselves as it is their tax dollars that are paying for this road improvement project. Ms. Celznick stated it is unfair, unclear and there is no direction as to how they go forward saying that is not acceptable. She said they live in one of the most premiere spots in town noting that she can walk to Target, Starbucks, Home Depot and more; but without a wall she hears rap music, swearing, horns, engine breaking, she cannot turn left onto Center Road at certain times of the day. Ms. Celznick stated she cannot go in and out of that development without risking her life. She said she has seen so many accidents that the Avon Police do not even respond anymore. Ms. Celznick felt the City should help them out noting there is no stop light at Center Road and Detroit Road and the City has said they will not put a stop light there. She said it is unclear how the lanes are marked so that when pulling out other motorists will pull all the way into one lane and cause an accident because they do not realize someone is turning right onto Detroit Road from Center Road. Ms. Celznick sounded indignant that the area was going to be widened, placing more road into her backyard, yet the City was not willing to do anything about creating a buffer. She said that was not acceptable and asked that the City please help her and her neighbors. Ms. Celznick suggested the City come up with something to help. She asked what she needs to do as she felt like what they were telling her sounded like placation and she would not put up with that. She stated she would be contacting the State, and she would be contacting ODOT as they now had her attention.

Daniel Schreiner of 2323 Pendleton Court said he had a question regarding the proposed rezoning request to change it from residential to C-4 on Nagel Road between Detroit Road and Middleton Road. He stated he lives directly behind that property and wanted to get the correct information about what that next step looks like since this was previously on the ballot for the residents and that issue was voted down to rezone that same property. Mr. Schreiner said now City Council is voting on it again on April 14, 2025. He asked what that means, does it mean Council can just pass it to be rezoned or does it mean that it would still be placed on the ballot for the residents to vote on it again.

Mr. Gasior advised Council is going to act on this legislation (Ordinance No. 18-25) on Monday, April 14, 2025, as the Ordinance will be on third reading that night. He said that night, if Council votes against the rezoning, then that will be the end of it, and it would then be incumbent upon the developer to obtain the requisite number of signatures to place it on the ballot himself. Mr. Gasior clarified that if Council passes Ordinance No. 18-25, then it will automatically go on the ballot. Mr. Gasior added if Council votes no, that is the end of it unless the developer goes through a process called referendum or initiative and places the issue on the ballot themselves.

Mr. Schreiner asked what the developer would have to change in order for Council to vote to agree it should go on the ballot again since it was already voted down. He asked what stops the developer from continually going through this process.

Ms. Fechter advised this request went through Planning Commission and the Planning Commission gave a negative recommendation to City Council. She said Planning Commission's viewpoint was that nothing has changed from the original request, and it was referred to Council, as required, but with a negative recommendation. She added City Council will vote on April 14th with the knowledge that the Planning Commission gave a negative recommendation.

Mayor Jensen confirmed that nothing changed from the original request, but there is nothing stopping the developer from continuing to seek the rezoning. He said at this point; he

believes that Council does not feel compelled to pass the Ordinance and place it on the ballot again as nothing has changed with the request.

Mr. Schreiner said he assumes that eventually something will be at this location, but he believes it is the type of zoning they are requesting that has everyone concerned. He stated his question was what stops the applicant from continuing to seek the rezoning without any changes to the request. Mr. Schreiner advised he appreciates that they answered his questions.

Mayor Jensen speculated that eventually the developer will bring something different before the City and possibly it would be something that everyone can live with.

Mr. Schreiner inquired if that change could take place at the next meeting or right before the vote on the 14th of April.

Mr. Gasior clarified that any change to the request would have to go in front of the Planning Commission to start the process again. He advised after Council acts on April 14th and if Council acts to not rezone the property then he suggested that Mr. Schreiner keep a look out for anything coming before the Planning Commission. Mr. Gasior added any action to place this on the ballot, if Council were to pass the Ordinance, it would have to be at a General Election in November and not any other kind of election.

Mr. Schreiner appreciated them clarifying the issue for him.

EXECUTIVE SESSION: 8:09 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 and/or Sale of Real Estate, and invite Mayor Jensen and Mr. Gasior, 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.

RECONVENE: 8:19 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: 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.

ADJOURN: 8:20 p.m.

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to adjourn the Regular Meeting of Council, 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 Chairman declared the motion passed.

PASSED:_____

SIGNED BY:_____
Brian Fischer, President of Council

ATTEST:_____
Barbara J. Brooks, Clerk of Council