

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MARCH 25, 2024
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

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

PRESENT:

Council Members: Council-at-Large Mary Berges; 1st Ward – Jennifer Demaline; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; Council-at-Large Michelle Patton; 4th Ward – Scott Radcliffe; Council-at-Large and Council President – Brian Fischer; Mayor - Bryan Jensen; City Engineer – Ryan Cummins; Law Director – John Gasior; Finance Director – Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT:

Planning and Economic Development Coordinator – Pam Fechter

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MARCH 4, 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, March 4, 2024, 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 MEETING OF THE SERVICE COMMITTEE OF COUNCIL HELD MONDAY, MARCH 11, 2024

A motion was made by Mr. McBride and seconded by Ms. Berges to dispense with the reading of the minutes of the Meeting of the Service Committee of Council held Monday, March 11, 2024, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, MARCH 11, 2024

A motion was made by Mr. McBride and seconded by Mrs. Demaline to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, March 11, 2024, 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 SPECIAL MEETING OF COUNCIL HELD MONDAY, MARCH 18, 2024

A motion was made by Mr. McBride and seconded by Mrs. Demaline to dispense with the reading of the minutes of the Special Meeting of Council held Monday, March 18, 2024, 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.

ORDINANCE NO. 30-24 – 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

The Clerk read Ordinance No. 30-24 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 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

The Chair declares this to be the second of three readings of Ordinance No. 30-24 and a Public Hearing will be held for Ordinance No. 30-24 at 7:25 p.m. on Monday, April 1, 2024

Mrs. Demaline advised at the last meeting, there was some conversation about having an Economic Development Committee meeting centered around the Nagel Road development and she asked the status of scheduling that meeting.

Ms. Patton advised she and Mayor Jensen felt that it was too soon to have an Economic Development Committee meeting and that they still need to collect some information and possibly schedule something a week or two from now.

Mayor Jensen advised something that is an infrastructure discussion was probably more suited for a Safety Committee or a Service Committee meeting. He said he had discussions with Ms. Patton about Economic Development and what that Committee would like to see come to the City of Avon and what incentives could be offered and those types of things. Mayor Jensen stated for discussions related to the infrastructure of that intersection itself they were looking at Safety, Finance and/or Service Committees. He advised he did not feel like that discussion was suited for the Economic Development Committee and he believes Ms. Patton agrees.

Mrs. Demaline asked, as she is the Chair of the Service Committee, if a meeting needed to be called.

Mayor Jensen advised in the past if the Chair would like to meet with the Administration beforehand to go over what needs to be discussed he felt that was a good place to start. He said he was not sure they want to just focus on one intersection but rather look at the City as a whole. Mayor Jensen stated Mr. Cummins has a list of projects that are in process, and he felt that would be a good way to look at the different areas where infrastructure improvements are planned.

ORDINANCE NO. 36-24 – AUTHORIZING AN EXTENSION OF TIME WITHIN WHICH TO COMPLETE CONSTRUCTION OF PUBLIC IMPROVEMENTS IN THE NAGEL FARMS SUBDIVISION

The Clerk read Ordinance No. 36-24 by title only, entitled:

**AN ORDINANCE AUTHORIZING AN EXTENSION OF TIME
WITHIN WHICH TO COMPLETE CONSTRUCTION OF PUBLIC
IMPROVEMENTS IN THE NAGEL FARMS 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. 36-24, 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. Radcliffe to adopt Ordinance No. 36-24, and the discussion was:

Mr. Radcliffe asked the developer, Mr. Kuluris, to give a brief update as to what has been going on and what the plans are going forward.

Tom Kuluris, President and CEO of Liberty Development Company located at 28045 Ranney Parkway, Westlake, advised they have started construction. He said they brought materials onto the site last summer and they just got going when the weather broke. Mr. Kuluris reassured Council that they were fully under construction now.

Mr. Radcliffe asked if everything was moving forward as approved and that it was just a timing issue.

Mr. Kuluris answered nothing has changed with the development. He said it is all timing and even their contract with KMU Excavating did not change.

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. 37-24 – DESIGNATING PARK LANDS LOCATED ON THE FORMER TRAXLER FAMILY LIMITED PARTNERSHIP PROPERTY AS THE “TRAXLER FAMILY ARBORETUM”

The Clerk read Ordinance No. 37-24 by title only, entitled:

**AN ORDINANCE DESIGNATING PARK LANDS LOCATED ON
THE FORMER TRAXLER FAMILY LIMITED PARTNERSHIP
PROPERTY AS THE “TRAXLER FAMILY ARBORETUM”
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. 37-24, 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. Moore to adopt Ordinance No. 37-24, and the discussion was:

Mrs. Demaline asked if the Administration could provide a timeline of when the park will be open to the public and a little bit of what to expect next.

Mayor Jensen advised they were currently in the process of restoring the bridge so that it is usable as part of a walking trail through the property. He said although Mr. Loeser will be retiring in the next couple of months, the goal is to have that bridge completed and a walkway to where the bridge is located near the parking area completed. Mayor Jensen stated they are still going to install an entrance to the property, and it is currently flagged for the location of that entrance. He advised Mr. Loeser, and his crew will need to cut down some trees. He advised some of the grindings from the upcoming road improvement projects will be used to put a roadway in for the park. Mayor Jensen said there is a service road that is on private property and the owners have allowed the City to use it, but they will be installing a drive for the public to enter and there will be a small parking area. He stated they are also looking at some funding opportunities. Mayor Jensen advised they would like to get the initial trail in and then they would be working with some architects to layout what the whole arboretum will look like once complete and then start whittling away a piece at a time to get fully built out over time.

Mrs. Demaline asked if there was a timeline as to when the public would have access to the trail.

Mayor Jensen said he is hoping before July 1, 2024. He stated he would like Council to do a walk-through before its open to the public and there will be some kind of ribbon cutting and official opening. He reported to Council that there was one person at the Planning Commission Meeting that has some concerns about parkgoers peering into their backyards that were once very private.

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. 38-24 – DESIGNATING PARK LANDS LOCATED ON THE FORMER KOOSH ENTERPRISES, LLC & AMY JOHNSON, SUCCESSOR TRUSTEE OF THE AGREEMENT AND DECLARATION OF TRUST, DAVID KIRSCHENBAUM TRUSTEE, PROPERTY AS THE “KIRSCHENBAUM FAMILY MEMORIAL PARK”

The Clerk read Ordinance No. 38-24 by title only, entitled:

AN ORDINANCE DESIGNATING PARK LANDS LOCATED ON THE FORMER KOOSH ENTERPRISES, LLC & AMY JOHNSON, SUCCESSOR TRUSTEE OF THE AGREEMENT AND DECLARATION OF TRUST, DAVID KIRSCHENBAUM TRUSTEE, PROPERTY AS THE “KIRSCHENBAUM FAMILY MEMORIAL PARK” 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. 38-24, 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 Ms. Berges to adopt Ordinance No. 38-24, 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. 39-24 – AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ENCOMPASS MARKETING AS THE CITY’S MARKETING AND COMMUNICATIONS CONSULTANT FOR THE AVON AQUATIC FACILITY

The Clerk read Ordinance No. 39-24 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ENCOMPASS MARKETING AS THE CITY’S MARKETING AND COMMUNICATIONS CONSULTANT FOR THE AVON AQUATIC FACILITY 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. 39-24, 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. Radcliffe to adopt Ordinance No. 39-24, and the discussion was:

Mayor Jensen reported that last year the City received about \$20,000 in revenue from advertising signage at the aquatic facility and Ms. Pitasky already has almost \$45,000 in commitments from talking to businesses. He advised she is well on her way, and he felt they would all be pleased with this working relationship to get the revenue back up to where it once was when the pool first opened. Mayor Jensen said this revenue would hopefully offset some of the pool expenses and possibly help to keep rates from increasing for the residents in subsequent years.

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.

REPORTS AND COMMENTS

MAYOR JENSEN advised he would be absent next week for the Work Session and Regular Meetings of Council to be held on Monday, April 1, 2024.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, had no comments.

MRS. DEMALINE, WARD 1, advised she will also be absent on Monday, April 1, 2024.

MR. McBRIDE, WARD 2, had no comments.

MR. MOORE, WARD 3, had no comments.

MS. PATTON, AT LARGE, thanked Mayor Jensen and Ms. Fechter for meeting with her last Friday afternoon. She said it was exciting to hear the direction that Avon is going. She said she could tell that both Mayor Jensen and Ms. Fechter have a passion for this City and love this City.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, reported that resurfacing work along Schwartz Road east of Nagel Road would begin on Monday, April 1, 2024. He clarified there would be no work on Monday, April 8, 2024, the day of the eclipse. Mr. Cummins advised on Monday, April 15, 2024, the Long Road resurfacing project would be getting underway. He stated both projects were hoping for a July 1, 2024, completion date. Mr. Cummins noted that he does not anticipate any road closures and there would be flaggers during the day so there would be some slow periods, but it will return to two-way traffic each evening. He said letters will be delivered to the abutting residents letting them know about the project and contact information should they have any questions or concerns with the contractor.

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

MR. GASIOR, LAW DIRECTOR, wished everyone a Happy Easter.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, reported that the Eclipse Committee, which includes the Safety Forces and other City work forces, met last week and they feel that they are as prepared as possible for this event. He said if there are any updates those will be posted on the City website. Mr. Streator said he will provide another update next Monday night as they get even closer to the event date. He noted they will be pushing information out to the residents as information becomes available.

AUDIENCE COMMENTS:

There were no comments from the audience members.

ADJOURN: 7:48 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: 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.