

**AVON CITY COUNCIL
PUBLIC HEARING
MONDAY, APRIL 1, 2024**

7:25 P.M. - 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

President Fischer opened the Public Hearing for Ordinance No. 30-24 at 7:25 p.m. to allow public comment.

Larry Escalante, representing the Avenbury Lakes Homeowners Association Inc. at 2122 Southhampton Lane said for the record, the City Administration was well aware that Avenbury Lakes has a great interest in Middleton Road. He indicated should the extension of Middleton Road be part of the traffic study related to the proposed construction on Nagel Road, the Avenbury Lakes Subdivision would be very interested in making sure should Middleton Road extend through to connect to Jaycox Road and impacts their community that a safety review study be conducted. Mr. Escalante stated for the record, the Avenbury Lakes Subdivision has 520 residents, and their lodge is on the north side of Middleton Road and a lot of social events cause the residents to cross Middleton Road.

Mr. Fischer advised it was years down the road, but the City was going to have to do several traffic studies but, Middleton Road going through to Jaycox Road was in the works.

Mr. Cummins said he agreed that before that project moves on there would be a safety review done. He stated he does not know the status of the scheduling of that project, but it was safe to say that it was several years down the road. Mr. Cummins advised he understood the concern and certainly would think that the City Administration and City Council would want to make sure that it was looked into before the project proceeds.

Mr. Escalante stated there were two intersections of prime concern to the residents of the Avenbury Lakes Subdivision and those were Langford Lane and Middleton Road as well as Montague Avenue and Middleton Road. He said Middleton Road curves and someone standing on the north side waiting to cross onto Montague Avenue cannot be seen at dusk or at night and he felt that was an issue they would want addressed. Mr. Escalante advised he was aware that it was supposed to be several years before it happens, but the residents of Avenbury Lakes were getting the feeling that with the Nagel Road development discussions that it might come sooner so, they wanted to make a statement on the record.

Mr. McBride advised the City will make sure that Avenbury Lakes was protected. He said the fact that the City did not show any forethought as Middleton Road runs through Avenbury Lakes cutting it in half and then making that a main thoroughfare in his estimation was poor planning and he felt it should never have been designed that way. Mr. McBride stated thinking of the intersections and the lack of left turn lanes on the weekends when the traffic backs up and there should be a left turn lane for at least a couple of cars on Detroit Road and a couple other places in the City. He said he has compassion for the residents in Avenbury Lakes.

There being no other comments, the Public Hearing was closed at 7:33 p.m.

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, APRIL 1, 2024
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:33 P.M.**

PRESENT: Council Members: Council-at-Large – Mary Berges; 2nd Ward - Dennis McBride; 3rd Ward - Tony Moore; Council-at-Large – Michelle Patton; 4th Ward - Scott Radcliffe; Council-at-Large and Council President – Brian Fischer; City Engineer – Ryan Cummins; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director– Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT: 1st Ward – Jennifer Demaline; Mayor – Bryan Jensen

1. [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 Planning Referral

The Third of Three Readings of Ordinance No. 30-24 will be
at the Regular Meeting of Council Immediately Following this Work Session

Ms. Fechter said she had nothing new to add regarding this Ordinance.

Mr. Radcliffe asked Mr. Gasior to clarify procedures and requirements for this Ordinance that it will require the electors of the City to vote on making this change and that Council passing this Ordinance was essentially giving the voters that option.

Mr. Gasior advised that is correct. He said the Planning Commission recommended approval and they recommended approval on the assumption that it would go to the voters. Mr. Gasior stated Council can pass the legislation tonight and it will go to the voters. He advised there would be a Resolution prepared over the next few weeks and it will be placed on the ballot in November.

Mr. Radcliffe asked what happens if Council does not pass this legislation.

Mr. Gasior advised the applicant would have several choices and he did not want to speculate on what the applicant may or may not do. He said if Council votes down this legislation, that ends it.

Mr. Fischer advised as he mentioned previously, he felt Council should slow down the development on Nagel Road. He said but he is in favor of sending this decision to the voters as he felt the voters should have a say. Mr. Fischer stated if the voters pass this rezoning there was still a lot of work that needs to be done. He advised there was a lot of infrastructure still needed and he does not anticipate nor want the City to pay for those infrastructure improvements and he would like to see those plans before they would go any further.

Mr. Fischer noted that the rezoning request on the corner of Nagel Road and Detroit Road was removed from the last Planning Commission meeting agenda in March as a location for a proposed gas station. He said that rezoning request would not be placed on the ballot, and he would definitely vote it down.

2. ORDINANCE NO. 40-24 – AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S) Mr. Presley

Mr. Presley advised this is annual item where monies are available through NOPEC for energy saving measures that the City would look to provide. He said they were tentatively looking at LED lighting along Chester Road in some of the darker areas, but that would be brought back to Council. Mr. Presley stated this legislation authorizes the Mayor to enter into the agreement with NOPEC to accept the funds.

3. ORDINANCE NO. 41-24 – TO AMEND A SPECIAL USE PERMIT GRANTED TO CARAVON GOLF COMPANY, LTD (RED TAIL GOLF CLUB) TO INCLUDE CONSTRUCTION OF A 2,560 SQ. FT. MAINTENANCE BUILDING ON CROWN COLONY DRIVE Planning Referral

Ms. Fechter advised the Red Tail Golf Club was asking to install another small storage facility. She said the current storage facility is used for all their golf carts and it is quite full. Ms. Fechter stated with a recent visit to the site, the Fire Department as well as the Chief Building Official asked if they could get some more storage space to separate out some of those golf carts to make a little more space when people need to walk through those buildings. She said the referral was a positive recommendation from the Planning Commission 4 in favor -0 against, with one member absent.

4. ORDINANCE NO. 42-24 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON/AVON FIRE DEPARTMENT FOR CONSTRUCTION AND INSTALLATION OF A 672 SQ. FT. – THREE STORY TRAINING FACILITY LOCATED AT 36185 DETROIT ROAD Planning Referral

Ms. Fechter advised Fire Chief Swope gave a presentation at a previous Council Meeting on the need for a fire training tower. She said Council has a rendering of what that fire training tower will look like behind the fire station, and she was told it will not be visible from Detroit Road. Ms. Fechter stated they still need to amend the Special Use Permit for City property to include the installation of that building.

5. ORDINANCE NO. 43-24 – GRANTING A SPECIAL USE PERMIT TO THE CITY OF AVON FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF A PUBLIC PARK TO BE KNOWN AS THE KIRSCHENBAUM FAMILY MEMORIAL PARK TO INCLUDE WALKING TRAILS, A STORAGE BUILDING, SEATING, FENCING AND RESTROOMS Planning Referral

Ms. Fechter advised in 2022 City Council passed Ordinance No. 120-22 to purchase the 27.5382 acres of property. She said Ordinance No. 38-24 recently passed by Council was to designate the land to be a park owned by the City. Ms. Fechter stated now they are asking that a Special Use Permit be granted to allow the operation of a public park and for it to include walking trails, a storage facility, seating, fencing and restrooms to cover all the needed basics. She said this is going to be a passive park and they were not able to install a road through this property at this time.

6. ORDINANCE NO. 44-24 – GRANTING A SPECIAL USE PERMIT TO THE CITY OF AVON FOR CONSTRUCTION, MAINTENANCE, AND OPERATION OF A PUBLIC PARK, TO WIT: THE TRAXLER FAMILY ARBORETUM TO INCLUDE WALKING TRAILS, SEATING, FENCING AND RESTROOMS Planning Referral

Ms. Fechter advised back in 2021, Ordinance No. 71-21, City Council authorized the purchase of the 37.5 acres. She said Ordinance No. 37-24 recently passed by Council was to designate the property as parkland, but also to add the name Traxler Family Arboretum. Ms. Fechter stated there were a number of people at the Planning Commission meeting in March as they were curious about the parking area and any complaints were listened to and addressed. She advised the legislation in front of Council now, Ordinance No. 44-24, was to operate that public park to include seating, walking trails, fencing and

restrooms. Ms. Fechter said the referral was a positive recommendation from the Planning Commission 4 in favor and 0 against, with one member absent.

7. ORDINANCE NO. 45-24 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON FOR A PUBLIC PARK LOCATED AT 3701 VETERANS MEMORIAL PARKWAY AND KNOWN AS VETERANS MEMORIAL PARK TO INCLUDE ADDITIONAL IMPROVEMENTS Planning Referral

Ms. Fechter advised they are requesting that the Special Use Permit be amended to add a 32' x 24' – 768 sq. ft. storage building. She said this building will be located in the southeast corner of the park directly adjacent to an existing small storage facility. Ms. Fechter stated the referral was a positive recommendation from the Planning Commission 4 in favor – 0 against, with one member absent.

8. ORDINANCE NO. 46-24 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO PROVIDENCE EVANGELICAL FREE CHURCH, INC., (a.k.a. PROVIDENCE CHURCH), TO INCLUDE THE EXPANSION OF THE PARKING LOT IN THE FRONT AND REAR AND AN EMERGENCY EXIT ALONG THE WEST SIDE OF THEIR PROPERTY LOCATED AT 35295 DETROIT ROAD Planning Referral

Mr. Fischer advised many on City Council and in the Administration received some messages over the weekend from residents in the Devonshire Meadows Subdivision. He said these residents were upset that they did not receive notification of this proposed amendment from their Homeowners Association. Mr. Fischer stated he spoke with members of the Planning Commission, and he was informed that the Church has agreed to offer some buffering. He said he would be giving those residents present an opportunity to speak and there was also a representative from the Church present tonight, but first he asked Ms. Fechter to provide an update.

Ms. Fechter advised that the Church presented in front of the Planning Commission in January requesting a recommendation to City Council to amend their Special Use Permit to include the additional parking as well as the emergency access drive. She said the Church was also seeking approval from the Planning Commission for minor modification to do the work on-site. Due to the number of residents that were present at the Planning Commission meeting for the January Public Hearing, the Planning Commission did not act upon it in January or February but brought it back before the Planning Commission for the March meeting. During that time, Denny Abbuhl the Executive Pastor of the Church, worked with the residents directly adjacent to the Church in the Palmer Village Subdivision, as far as what sort of landscape or buffering they would need.

Ms. Fechter stated the residents to the west of the Church did not get notified by their Homeowners Association of the Devonshire Meadows Subdivision until this past week when the work had already begun. She said the Public Hearing notice was sent by the City in January to the HOA, as the City is required to notify property owners that are directly adjacent to the project, which in this case is owned by the HOA, then it is up to the HOA to notify their residents. She said the Planning Commission approved a positive recommendation to City Council to amend their Special Use Permit to include this additional work.

Mr. Fischer advised this is the first time this project is before City Council and while they have researched it this past week, he asked for a representative from the Church to provide an overview of their plans.

Denny Abbuhl, Executive Pastor of Providence Church located at 35295 Detroit Road advised they were essentially doubling the size of the parking in the south lot, which is the back lot. He added they have cleared some additional trees south of that to have some lawn area and green space because the green space that they own, is in the Palmer Village Subdivision and they were losing all of that for stormwater retention, so he clarified that they were clearing more trees in the back than what was required for parking. Pastor Abbuhl said they needed to do that clearing before April 1st for reasons of migratory bats and birds. He advised they were finishing up the stormwater pollution prevention program so they can go about cleaning up the trees that are down.

Mr. Fischer asked Mr. Abbuhl if he could let City Council know their plans regarding buffering, or a way to make it look nice.

Pastor Abbuhl agreed they would like to make it look nice and added that they have a lot of dirt left on site from the original construction of the building back in the early 2000's so they would like to deploy as much of that dirt as possible on landscaping mounds to help break up the view. He further advised they also have a landscaping plan in place for the area where the parking lot will be located, to plant trees, grasses as well as other types of vegetation on top of these mounds.

Ms. Fechter advised for the record, it is true the trees have been cut and were laying on the property. She said they were not allowed to do any cleanup or remove the stumps until the stormwater prevention plan has been approved by engineering and that has not yet been approved. Ms. Fechter stated the trees were down, but before they were allowed to remove them and cleanup, the Church has to get final approvals from the City.

Mr. Fischer opened the floor to public comment from the audience.

Barbara Barron of 2771 Shakespeare Lane advised she lives in the Devonshire Meadows Subdivision, and she is a record title holder of 2771 Shakespeare Lane which was immediately adjacent to Providence Church. The Planning Commission failed to provide her with a notice as required by Codified Ordinance Chapter 1230.06, which states that the notice goes to the individual, not an association. The application failed to provide the Planning Commission with a list of record title holders adjacent to the proposed Special Use as required by Chapter 1230.04(e) of the Code. Due to this, she said she and other property owners were unable to participate in any public meetings. Ms. Barron stated she sent a notice of appeal to Jill Clements, the Zoning Enforcement Officer, today. If the appeal is found to be outside of the required 30-day period, she asked that the delay be excused, and the Right of Appeal would be waived because she did not receive proper notice. Under Chapter 1232.05 – Stay of Proceedings – *an appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer legally certifies to the Board of Zoning and Building Appeals after the notice of appeal has been filed, that by reason of facts stated in the permit, a stay would, in his or her opinion, cause imminent peril of life or property.* Ms. Barron said she is asking City Council to either reject the application at this time, if it has the authority to do so, or in the alternative refer the Special Use Permit application back to the Planning Commission for further study and review so she and others in their group, can exercise their rights. She added that basically the existing character of their area has been changed substantially with the cutting down of the trees. Whatever actions City Council is authorized to take, she asked that they consider the proposed Avon's Code and duties of the Planning Commission, which were designed to promote harmony in the community, between neighbors. She said that purpose fails entirely without notice and the opportunity to participate in a meaningful discussion. Ms. Barron asked that photos she provided to the Clerk prior to the meeting be shown on the overhead. She asked in reference to the pictures being displayed that this was what she would consider wetlands but clarified that the Army Corps of Engineers has the final say on whether they were considered wetlands, and she has reached out to them. She pointed out another photo saying that this was where the emergency egress was going to be built.

Allen Abel of 2934 Shakespeare Lane advised Shakespeare Lane is the main street in the Devonshire Meadows Subdivision and the portion of Shakespeare Lane that runs parallel to the church property is one of the most traveled in their development. He said they have 180 units in the Devonshire Meadows Subdivision, and he would say half the residents travel that road every day. Mr. Abel stated back in December they were involved with the Church a bit with the planning as the Church was interested in the access road that is part of Devonshire Meadows. He indicated the Church was looking at solutions to cut down on their traffic problems. Mr. Abel advised back in December 2023 and January 2024 they were aware of expansion going on. He said he believes in one of the Planning Commission meetings, that road became a non-factor because the Police Department advised the Church that they needed to keep an access road. Mr. Abel stated he remembers thinking that they, residents of Devonshire Meadows, were not too involved in the planning any longer so it became a non-factor. He advised when he hears that the

HOA is notified, he asked them to keep in mind that he is the current HOA President, but any notification probably goes to the Lawrence Management Company so there might have been some communication lag as to how important a meeting was back in January, as they were unaware of that meeting. Mr. Abel said knowing the Church has to expand, they understand, but asked if they could have kept some of the trees up. He said he received a notice two business days prior to these trees coming down and that five acres of trees would be coming down and he was on vacation at the time. Mr. Abel stated he sent a message to the Lawrence Management Company asking them to let the residents of Devonshire Meadows know that this was going to happen. He advised communication was definitely a problem and he never heard anything about the birds and that the trees had to be taken down by a certain time. All he knew was that there were people out there with some heavy-duty equipment changing the landscape dramatically. What had been there for many years, all came down in four days. Mr. Abel said as a volunteer HOA President, he received a lot of messages from a large number of residents that these trees were now down.

Mr. Fischer reminded everyone that they were talking about someone's private property. He said it is the Church's private property and they can do what they want with it as long as they follow the City's Ordinances and Codes and follow proper procedures. Mr. Fischer stated he spoke to a few of the residents in the Devonshire Meadows this past weekend. He advised there are woods behind his own house which someone else owns and while he does not want to see the trees all cut down, he knows that it is coming. Mr. Fischer indicated there was only so much anyone could do to regulate what someone can do on their own property.

Jeff McCarty of 2805 Shakespeare Lane advised in regards to the mounds referenced earlier, he walked through there on the initial cutting of the trees, and they took out acres of trees. He said property lines were marked with pink stakes and there were several trees left randomly about 5-10 feet in from the property line that were not cut down. Mr. McCarty stated it looked to him like the Church was gracious to leave a natural existing buffer, so he was less upset about the scalding of the land as it appeared that those trees were going to remain as did the trees on his property. He advised it was not the greatest thing in the world, but it appeared that they had the courtesy to leave some buffer, but two days later the trees were all gone right to his property line. Mr. McCarty said he was curious to know if they were going to have buffers as he would like more information on that since they were talking about dirt mounds. He asked if they would be landscaped, green, plantings or arborvitae. Mr. McCarty stated that for a lot of commercial properties that abut residential properties, the Planning Commission would require that they place some kind of living barrier there to shield some of the parking lot and baldness of the property from the neighboring properties. He advised that is a huge parking lot that exists on the Church property now, and he only sees one large manhole cover that exists on the rear of the property and with his limited involvement with commercial properties he knows that often retention basins were required and if that manhole was for that whole parking lot he felt it was under suited. Mr. McCarty said he was worried that if they double the size of the parking lot that they would now have a water problem. He said he believes a portion of the property in the Devonshire Meadows Subdivision was designated as wetlands.

Mr. Cummins advised he does not the specifics of the wetland areas on the Devonshire Meadows Subdivision as there very well could have been wetland areas that were there and were permitted when that development was put in and have signage or protection of some sort. He said he knows that there has been a wetland study done of the Church property and that is under review by the Army Corps of Engineers and the EPA and he has not seen the final version of that review as of yet. Mr. Cummins stated the property owner is responsible for protecting those designated areas. He advised if they are in fact wetlands on the Church property and they have been impacted there will be a responsibility to mitigate or restore those. Or if they are not wetland areas then they will receive a clearance. Mr. Cummins confirmed the proper agencies were looking at it.

Mr. McCarty advised regarding the parking lot drainage issue, he was guessing that engineering was up to par on that as it was going to be a lot of paved area and he was wondering where all the water was going to go.

Mr. Cummins advised the water flows from south to north and the current plans of the Church property, which were not yet the final plans, show a drainage system that takes that water to the north which then will go into the new detention basin that is planned to the south side of Detroit Road.

Mr. McCarty asked if all the water was now going to be dumped into Detroit Road.

Mr. Cummins clarified that is where it goes currently, but the Church will have to meet all the City requirements for detention and water quality and all those aspects, but that is where it is currently shown. He said the Church did not choose, at least not yet, to have any type of stormwater management toward the back of the property but have chosen to bring it all to one central spot more toward the north end of the property.

Deidra Hill Brown of 2924 Shakespeare Lane said she spoke with Mayor Jensen, and she spoke with Council Member Moore as well as to the HOA of the Devonshire Meadows Subdivision because Mayor Jensen told her that the HOA was notified in January, and she was going on that assumption, and she was really upset. She said she felt like the residents in the Devonshire Meadows Subdivision were mowed over and that it was covert, and they did not take any of the residents into consideration at all. Ms. Hill Brown stated Mayor Jensen told her that the Church needed the extension on the parking lot because there was a parking problem. She said this past weekend during Easter festivities and services, which are usually a busy time for churches, she drove out of the Devonshire Meadows development and as she passed the Church parking lot during services, she noticed that the front parking was full, and the back parking lot was one-third to halfway full as she drove out onto Detroit Road. Ms. Hill Brown said she was told that the residents on Covington Place and Palmer Lane were complaining of all the churchgoers parking on their streets during services and that has been a big problem. She stated she drove along Detroit Road and glanced over toward Covington Place and the cars were lined all along the street and the same with Palmer Lane. Ms. Hill Brown said she felt that argument did not hold water because that was not a good reason to tear up beautiful woods and she added that it is total mayhem on the church property now. She advised it was now going to be that way for a long time obviously. She felt this was backwards as they should do these things first and then begin the work if everything was lined up correctly. Ms. Hill Brown added she felt it was very poorly planned and it is an eyesore that they were all going to have to look at for a long time. She said when it was fixed the way it is supposed to be, it will never ever be what they once could see looking out their front door.

Mr. Fischer advised he knows that drainage and water issues were one of City Council's biggest concerns in this City. He said the City Engineer knows that Council wants to be informed and on top of drainage issues. Mr. Fischer asked whether the residents felt the view was the most important issue and how important it was for them to not be able to see a parking lot or was drainage their biggest concern. Mr. Fischer asked Pastor Abbuhl to clarify that once the work was complete that these residents would not be staring at a parking lot, and he knows that the Church wants to be a good neighbor.

Pastor Abbuhl advised they do want to be a good neighbor. He said the parking lot plan that they submitted to the City shows the landscaping and there is a mound of earth with grass and vegetation on it in that plan. Pastor Abbuhl stated the parking lot is going to be well landscaped and the privacy is going to be there. He advised the only thing that they have not fully vetted is the green space behind or south of the parking lot as that landscaping plan has not been finalized as it is outside the scope of what is before Council tonight, but he assured everyone that they would have at a minimum a landscaping mound with grass, and they have not made their vegetation plans. Pastor Abbuhl said he talked to Ms. Barron the other day and they discussed collaborating on what the landscaping would look like on and around those mounds.

Mr. Fischer indicated this time of year was difficult because the trees that are standing are bare, so he felt it looks much worse right now.

Mr. Moore advised he received a lot of calls from the residents on Palmer Lane and Covington Place about the parking issues during Church services. He said what concerns him was that the study from the Army Corps of Engineers was not completed yet and he asked why that was not done ahead of time. Mr. Moore stated it is unfortunate there was some miscommunication between the HOA and the residents of the Devonshire Meadows Subdivision. He said in speaking with the Planning Coordinator, Ms. Fechter, back in January he asked about the residents on Shakespeare Lane, and he was told they would be notified. Mr. Moore advised he receives calls all the time about the parking problem on Covington Place from those residents. He said it is becoming a Police, EMS and Fire issue with as many cars as he has witnessed parking on those streets, so he knows something has to be done. Mr. Moore stated he understands it is the Church's property, but as the Ward 3 representative of the City he highly encouraged the Church to go above and beyond to try to accommodate the residents on Shakespeare Lane. He advised he is in a similar situation as his property abuts the Metro Parks property on Kensington Drive and he understands how these residents feel and the City was also trying to work with the Metro Parks regarding buffering for all the residents along Kensington Drive. Mr. Moore said his biggest concern was the potential for flooding and he would really like to know for sure that because those trees were cut down, the affect it might have on the neighboring properties. He added that he understands there was going to be some water initially and that it looks bad right now. Mr. Moore advised he agreed it is the Church's property and they were staying within the City Ordinances and Codes and doing what was required. He said he would ask that the Church go above and beyond what was required so there were not additional problems.

Pastor Abbuhl advised the property that the Church has developed represents about one-third of the total property that the Church owns. He said the parking lot expansion is on the second-third and the wetlands area is on the back third. Pastor Abbuhl stated they had a wetlands study done and the expansion was not anywhere near the wetlands. He added if they should decide to develop the back third, the Army Corps of Engineers would come out and do their job. Pastor Abbuhl advised someone called the EPA and he has been in contact with the EPA Enforcement Officer, and he has walked the property and looked at the Church's drawings and he has closed the case as far as the wetlands were concerned.

Ms. Barron of 2771 Shakespeare Lane advised she spoke with Adam, who received the complaint at the EPA, and he told her that when he came out to the site he could not really walk around too much because the trees were all down. She said the EPA representative said since he could not walk around, he was not sure, and he deferred her to the Army Corps of Engineers. Ms. Barron stated she did not know about anyone else, but she does not want to look at mounds of dirt out her front door. She said she does not want to look at dirt when she looked at woods previously, she would settle for trees. Ms. Barron advised she was told it was too expensive to remove the dirt and that is the reason there is a mound of dirt on the Church property now.

Mr. Radcliffe advised he knows the Church has worked with the residents on Covington Place and Palmer Lane which were to the east of the Church property. He said obviously there was a situation where not everyone was notified in a timely manner that should have been notified. Mr. Radcliffe stated the Church has worked with the residents in the Palmer Lane Subdivision and compromised and he would like to hear from Pastor Abbuhl that they were going to continue to work with these residents on Shakespeare Lane regarding the buffering. He advised he spoke with Dr. Austin Shaw, Senior Pastor of Providence Church, and he was aware of the issues with these neighbors in the Devonshire Meadows Subdivision. Mr. Radcliffe said that Dr. Shaw reassured him that the Church wants to work with these residents on Shakespeare Lane to try to figure out a good way to provide a buffer with landscaping and not a white plastic fence or anything like that. He stated the hope was to try to provide a natural buffer as well as figure out a way if possible, of developing that back third that is still wooded to be used as some type of walking trails. Mr. Radcliffe encouraged Pastor Abbuhl to reaffirm with these neighbors who were present tonight that they were going to try to do those things.

Pastor Abbuhl advised he said he spoke with Ms. Barron about that last Thursday when he gave her the contact information for the EPA. Pastor Abbuhl stated he obviously could not commit to planting one thousand trees, but they want to work with these neighbors. He advised they need to deploy the dirt that

was left there from the original construction and they were trying to deal with that dirt responsibly. Pastor Abbuhl said he was sure they would not make everyone happy, but they want to be good neighbors. He stated the Church would not be using their green space every hour of every day and they hope to connect walking trails on that green space, but also to the woods on the back third of the Church property. Pastor Abbuhl clarified the Church has zero plans for the back third area that is still wooded. He said even the Church's longest term master plan does not include anything about developing the back third of their property and they would like to have walking trails back there and they have talked about that possibility.

Mr. Radcliffe advised he understands it is not the best situation for the neighbors and for the Church to be working through these issues now. He said if the Church decided one day to sell all trees back there, they would have that right and he believes they were not trying to do that, but rather solve some existing issues and help the Church continue to grow, which is a wonderful thing for the community. Mr. Radcliffe asked Pastor Abbuhl that he please try to continue to work with these residents to which Pastor Abbuhl answered, "absolutely".

Mr. McBride asked how many current spaces were in the back parking lot now.

Pastor Abbuhl estimated it to be around 200 parking spaces in the existing back parking lot.

Mr. McBride asked how many parking spaces were being added with the parking lot expansion.

Pastor Abbuhl advised approximately another 200 spaces. He said that would meet all of their needs and then if the building were expanded in the future, they could cannibalize some of the existing parking.

Mr. McBride advised he has seen those who attend the church services at Providence Church parking on the side streets, and while it was legal to do so, it shows a lack of respect for those residents who live on those adjacent streets. He said it would be nice if they would park in the parking lot. Mr. McBride stated that the Planning Commission at the time the Church was built should have required a left turn lane because it backs up traffic when the services have ended. He felt they should have their own traffic signal when church lets out instead of using a police officer to direct traffic. Mr. McBride clarified that this was his personal opinion.

Pastor Abbuhl said he appreciates that and added that with permission many of them now park at Heritage Elementary School and they walk half a mile to avoid parking on the side street. He stated they really only park on that side street because there have not been spaces to park at the Church so he was not sure what else they would do. Pastor Abbuhl clarified that the Church pays for the police officer to be there so they were not encumbering the City in any way.

Mr. McBride said he understood completely, but it still backs up traffic because there is not a proper traffic control device and he knows it was not required by Code, but this is just his feeling on development in general.

Ms. Fechter advised she has been working with the Church since roughly the end of December 2023. She said every time she has called the Church with an issue about the neighbors, the Church has called the resident back within 24 hours. Ms. Fechter stated any time someone has had a problem, the Church has gone above and beyond to address those concerns and they worked very closely with the residents thus far. She said a notice was mailed to P.O. Box 360, Avon, Ohio on January 4, 2024, and she regrets that it was not received, but that is the mailing address on record for the HOA. Ms. Fechter asked that if a different mailing address should be used to please let her know.

Nancy Duray of 2785 Shakespeare Lane advised she has lived here 8 years, and it was her understanding that the existing parking lot is the one that gets flooded a lot. She said the Church told the residents of the Devonshire Meadows Subdivision that there were supposed to be arborvitae type bushes between the existing parking lot and their development. Ms. Duray stated there have been about five or six bushes that

have died and were never replaced. She advised there is always a dirt mound there because they pushed the dirt back when they build the Church and there is a mound. A lot of woodland creatures used to hang out there and they loved it. She knows a man was building a pulpit for that church and cut down one tree for a pulpit. Ms. Duray stated the Church has taken down trees in some of the older wooded area. She advised they are supposed to be stewards of this earth and she feels that the Church ruined this property for them as their neighbors. Ms. Duray said and now they were going to leave all that lying there to remind them of the wonderful woodlands that they lost. She feels that they need to understand what she and her neighbors were going through, and she lives right there and now will not even walk her dog along that street anymore.

Mr. Fischer said he is hoping the residents, the HOA and the Church leadership can discuss their concerns and work things out amongst themselves.

Pastor Abbuhl stated that they were advised if they left a buffer strip of trees that they would just be windfall in the few years. He said they would have left a strip of trees if possible.

Richard Talbott of 2723 Shakespeare Lane said right now there are 200 parking spots and the parking lot lights come on at night around midnight and go off around 6:00 am. He said when the lights were on, it was light daylight back there. Mr. Talbott stated if they had another 200 parking spots and double the amount of parking lot lights, then that whole area was going to be lit up and shining in everyone's houses. He said he would think they need to install better lighting because right now when he opens the windows in his house at night, it was like daylight and with another 200 spots added no one was going to be able to sleep and people were not going to be happy about that.

Pastor Abbuhl advised they have submitted a photometric plan, and they are going to be upgrading all the existing lighting and based on the January 17, 2024, Planning Commission meeting, they took extra precautions in that area. He said they have hired a landscape architect and they have filed those plans with the City. He said they do not want to light up anyone's backyard.

Mr. McBride advised he agrees that if the Church would have left a small strip of trees along the property line, they would have dropped. He said there are other buffering mounds throughout the City and he knows everyone likes to make them really big, but when they are really big and not irrigated properly, things do not live on it very well. Mr. McBride added that maybe with their stormwater detention they would be able to do something with that and then proof the property. He thanked Pastor Abbuhl for answering all the questions tonight and he knows they were dealing with what was left when the building was built and he knows the Church needs the additional parking.

Mr. Moore advised a lot of these folks seemed to be hearing about this after the fact and part of being the Ward 3 Council representative and doing his due diligence was that everyone would be notified. He said they did not hear from the folks on Shakespeare Lane. Mr. Moore stated he heard from the residents on Covington Place, and he heard from the residents on Palmer Lane and he assumed everything was worked out. He felt it would be a good idea for the Church to host a meeting with these residents and he would be happy to attend as well and work together. Mr. Moore said from everything he heard, he felt Pastor Abbuhl was willing to go above and beyond and he sympathizes with what the residents were feeling as well. He stated while a compromise may not be an ideal situation for everyone and until the work was complete the property may be a little bit of an eyesore, but the City was between a rock and a hard place with residents on each side of the Church property. Mr. Moore agreed if a strip of trees were left along the property line that they would have come down in a strong wind.

Susan Goede of 2737 Shakespeare Lane said she would like to know what the City of Avon was doing with congestion when the Church traffic let's out and those attending the service were parking in the parking lot. She stated Devonshire Meadows is south of Detroit Road and there have been times when it has taken her at least 15 minutes to make a right hand turn onto Detroit Road because the cars do not pay attention

to the signs that say to not block the intersection. Ms. Goede felt something needed to be done to help those living in the Devonshire Meadows Subdivision to get out of the area when they need to do so.

Mr. Fischer advised it was mentioned earlier that possibly a turn lane or a traffic signal was needed in that area.

Ms. Goede clarified that this was to turn right and that she was not even trying to cross traffic and turn left. She advised they need something in addition to the one police officer to help with traffic when the church lets out.

Ms. Hill Brown asked what time frame they were looking at as far as planning. She inquired if this was ten years down the road that everything will be completed.

Mr. Fischer asked if she was referring to the parking lot.

Ms. Hill Brown said she was referring to the parking lot and the buffering because right now she felt it looks like a war zone. She stated in her mind, it was probably going to stay that way for awhile and that was so unfair and wrong.

Pastor Abbuhl advised they cannot move forward without approval. He said they have already started getting together the bid packages so they can get started once approved to do so. Pastor Abbuhl stated they were hoping to have it all wrapped up in September 2024, but that was dependent on when they receive approval.

Mr. Moore said he understands it has been a tough situation on the residents of Shakespeare Lane with trying to get out during busy times and the reason there was a right lane installed as a lot of the residents were contacting him because it was only one lane out previously. He asked Mr. Cummins if there was a traffic study done in that area as it was a tough area.

Mr. Cummins advised he believes that is the reason that the Church originally reached out to the Devonshire Meadows development because the idea was to possibly partner with that development to get a traffic light and provide a way out of the Church parking lot through the development and out to the traffic light at Detroit Road. He said the traffic light would be for use by Devonshire Meadows seven days a week, but it could be used by the parishioners on days that they have services. Mr. Cummins stated he did not know the status of that, but the Church decided to do an emergency driveway out and hold the other idea for later. He advised he agrees with the observations stated tonight that it was very difficult at times to get out of that area and maybe that was something that needs to be addressed going forward.

Mr. McCarty said they were talking about congestion on Detroit Road with egress and ingress out of the Church parking lot and it was not his place to decide a business plan for another business, but he suggested they have more than 2 services on Sunday. He stated if they were to have several services then the load could be spread out and it might lessen the parking problem and it would certainly lessen the traffic problem. Mr. McCarty advised the Church has grown so much that perhaps the idea of another service might cut down on the issue by 25% to 30%. He added that would save money on adding another parking lot and possibly relieve the congestion.

9. [ORDINANCE NO. 47-24 – AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED WATER TOWER LEASE WITH CLEVELAND COMMUNICATIONS INC. TO LEASE EQUIPMENT AND SPACE ON THE AVON WATER TOWER LOCATED AT 4859 CENTER ROAD FOR THE PURPOSE OF INSTALLING NECESSARY ANTENNAS AND TO PROVIDE THE NEEDED HARDWARE TO FACILITATE COMMUNICATIONS BETWEEN SAFETY FORCES IN THE CITY OF AVON AND OTHER LOCAL JURISDICTIONS](#) Mr. Streater

Mr. Streator advised this is an amendment to the original agreement that the City entered into with Cleveland Communications about two years ago. He said this is updating the agreement concerning the FCC rules and the licenses held by the City of Avon working with Cleveland Communications, Mr. Gasior and himself to update this agreement to cover all facets going forward.

10. REPORTS AND COMMENTS

MAYOR JENSEN was absent.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE thanked the residents of the Devonshire Meadows Subdivision for coming tonight and sharing their thoughts and concerns. She said some on Council were at the Planning Commission Meetings in January and their meeting in March and they heard concerns from neighboring residents on the east side of the Church. Ms. Berges stated the Church seemed to have addressed those concerns because when the March Planning Commission Meeting took place, those residents who voiced their concerns previously seemed to be very happy with the solutions that the Church provided. She advised it was a surprise to her to find out that there was a whole group of residents that did not know about this work at the Church and were affected in the way that some stated they were tonight. Ms. Berges said she is optimistic that if the Church handles their issues the way they handled the others that maybe there was a way to make it better in the future. She thanked them again for taking the time to share their concerns.

Ms. Berges thanked Mr. Fischer and Mr. Streator and the employees in the Streets, Utilities and Parks Department for orientation for Ms. Patton and herself. She said they were very lucky in Avon to have the employees that Avon has and their dedication and spirit of cooperation in trying to make things better for the residents and going beyond what they need to. Ms. Berges stated it was very nice and she thanked them again for arranging the tour.

MRS. DEMALINE, WARD 1 was absent.

MR. MCBRIDE, WARD 2 advised he too was optimistic that the Church will make what is currently an eyesore, look good. He indicated the Church wants to finish the project in a timely manner but said they have a dilemma because of the Indiana bats. Mr. McBride stated although the Church probably should have waited for the U.S. Army Corps of Engineers to make their final ruling before cutting down the trees, they would lose an entire season of being able to get the work done and those were the deadlines they were trying to beat. He advised he was involved in the construction business a little bit and Indiana bats on a site where there were a lot of trees was a major pain and it can really drive up construction costs significantly because they lose a year. He said he was confident that once the Church receives their approval that they were going to get the job done as quickly as possible.

MR. MOORE, WARD 3 asked the residents to please reach out to him and he too was optimistic that the Church would make things right and work with the residents by doing the best they could to create a natural buffer. He said the City has a great City Arborist and he would be reaching out to him for some ideas and the City Tree Commission is great as he previously served on the Tree Commission. Mr. Moore stated he is very pro trees, and it was unfortunate to see them come down, but he understands it is the Church's property. He asked to be kept in the loop as this project moves forward.

MS. PATTON, AT LARGE thanked the residents for coming out and voicing their concerns and she felt they were all valid concerns. She said her home also backs up to property that one day will be developed so she will most likely be in their shoes at some point. Ms. Patton stated that she is hoping that the Church and the residents can come together and reach a solution where most people are happy with what will be placed there as a buffer.

Ms. Patton thanked President Fischer for giving them a tour of three departments in the City as she enjoyed it and getting to meet and know the great employees of the City.

MR. RADCLIFFE, WARD 4 had no comments.

MR. FISCHER, AT LARGE hoped everyone had a Happy Easter. He also thanked Mr. Streator; the Superintendent of Utilities, Mr. Bruce; the Parks Crew Leader, Mr. Crane; all the ladies at the Recreation Department who gave them the tours of the buildings earlier that day. Mr. Fischer said it was great to interact with the City employees and see all the equipment. He stated City Council does not get to do that as often as the City Administration does so, he wanted to say that he appreciates all the employees and all the hard work they do.

Mr. Fischer wished everyone a Happy Eclipse Day and he wished everyone in the City good luck with handling that event as he was sure he would be given an update.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR had no comments.

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR reported that in March the Fire Department had 286 ambulance calls, which were up about 40 calls from last year. He reported the Fire Department had 63 fire calls, which was up from 46 last year. Mr. Streator said obviously the increase in calls has kept the Fire Department very busy and they were also going through some organizational changes within the Fire Department preparing for the future.

Mr. Streator advised the City was in their final stages of planning for the eclipse to take place on Monday, April 8, 2024. He said with all the Departments, they were as prepared as possible and trying to monitor the amount of people that they anticipate coming through the City that day. Mr. Streator stated he was hopeful it would be a success.

AUDIENCE:

Barbara Barron of 2771 Shakespeare Lane advised the Indiana bats keep down the mosquitoes and they work better than chemicals especially with their wetlands.

11. ADJOURN: 8:44 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