PUBLIC HEARING
AVON CITY COUNCIL
APRIL 14, 2025

7:25 P.M. – ORDINANCE NO. 18-25 - 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

President Fischer opened the Public Hearing for Ordinance No. 18-25 at 7:25 p.m.

Robert Crissinger of 2337 Pendleton Court, Avon, indicated he has previously spoken to many on City Council, and with the City Administration and he thanked them for giving him a chance to be heard. He stated he assumed the letters he has sent are already a part of the record and he indicated that he did not feel it was necessary to read that letter into the record, but he wanted to reiterate some of the main points. Mr. Crissinger said the residents already voted on this request previously and they voted no, and the Planning Commission has given a negative recommendation and he felt it is in the best interest of all of them to uphold what the residents and the Planning Commission already voted on and that is to continue with the negative recommendation for allowing this request to move any further. He stated nothing has changed since this request was last on the ballot noting that the applicant was still seeking a C-4 zoning designation and he knows why, and he was sure that Council and City Officials know why as well, reiterating that nothing has changed. Mr. Crissinger said the residents have spoken and nothing has changed. He stated that is why he and some of his neighbors were all here tonight and he felt it should be a "slam dunk" decision. Mr. Crissinger said some of the core values listed in the City Code that he has read in detail and discussed with his neighbors over the last few months are: that this rezoning request will negatively impact property values, and will negatively impact the character of the community especially in that area and especially by Holy Trinity Church, which is very near and dear to a lot of our hearts. He continued by saying it will not help orderly growth and uniform development. It will encroach on established neighborhoods as he and his neighbors have all just built homes in the nearby vicinity. Mr. Crissinger stated hearing that someone wants to move from an R-1 to a C-4 zoning district he felt does not help the best interest of the residents especially those in his neighborhood (West Wickham Subdivision). He said it is common knowledge that there will be a greater strain from an infrastructure standpoint and a safety standpoint. Mr. Crissinger stated anyone driving close to that area around rush hour knows exactly what he is saying as that area becomes a parking lot from Detroit Road to the highway on Nagel Road. He said it is already extremely hard and challenging and frustrating to travel there any time around rush hour, or any time on the weekends and he felt something like this would further compound that situation as the infrastructure is not in place for that. Mr. Crissinger reiterated that nothing has changed for the recommendation to a C-4 district. He said from a public safety standpoint he shared a personal story in his letter about his daughter who almost died and it took an ambulance almost 8-10 minutes to get to his house because of the amount of traffic that Avon currently has and he felt adding more businesses makes that drive longer and maybe he would not have been able to revive his daughter and this would be a completely different story. Mr. Crissinger recapped by saying it will negatively impact property values, it will negatively impact the character of the communities, and it will not help them establish orderly growth and uniform development, and it is a strain on our current infrastructure and there will be a further strain on our future infrastructure and the same of public safety. He said that is why they, the residents who already voted no, and successfully denied this rezoning request would like to see that vote upheld.

Mr. Fischer asked if anyone else wished to make a comment.
There being no more comments, the Public Hearing was closed at 7:32 p.m.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF AVON, OHIO, HELD MONDAY, APRIL 14, 2025 IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING AT 7:33 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 Streator; Clerk of Council – Barbara Brooks

CORRESPONDENCE
The Clerk reported that she received 2 requests from the Ohio Division of Liquor Control:

- A new D5I permit request for Cameo Avon, LLC located at 1945 Recreation Lane, Avon

- A Transfer of Ownership for D5, D6 permit class from H1 AWR LLC, DBA Avon's Wine Room Unit 1 located at 35840 Chester Road to Fizz & Bubbles, LLC, DBA Avon's Wine Room Unit 1, at that same location

There were no comments and no requests for a hearing from Council.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MARCH 17, 2025
A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Work Session of Council held Monday, March 17, 2025, 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 SERVICE COMMITTEE OF COUNCIL HELD MONDAY, MARCH 24, 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 24, 2025, 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 24, 2025

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, March 24, 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.

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 third of three readings of Ordinance No. 18-25.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 18-25, and the discussion was: Ms. Fechter advised she had no new comments to make regarding this agenda item.

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

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

Dan Hopkins, of DJH Developers, LLC located at 3494 Parkview Drive, Avon, interjected that he was here to talk about this request.

Mr. Fischer advised he had his chance during the Public Hearing for this Ordinance.

Mr. Hopkins said he was told to wait until the residents were done and then he would have a chance to explain after that.

Mr. Fischer advised he asked if anyone else had any comments and he did not come forward.

Mr. Hopkins said he thought that Mr. Fischer was talking to the general public and not him.

Mr. Fischer said that he is the general public to Mr. Hopkins.

Mr. Hopkins clarified that he is the developer.

Mr. Fischer said to Mr. Hopkins that he is a part of the general public. He added that when he asked if anyone else would like to comment that he did not stand up.

Mr. Hopkins said he was told that he could come up after the others were done speaking. He stated that he did not know that Council was voting on this item already.

Mr. Fischer advised him that he needed to keep himself informed. He asked if anyone else wished to comment and he looked at Mr. Hopkins specifically and he did not come forward. Mr. Fischer stated this is a voting night and it is not time for comments before Council votes.

Mr. Hopkins said he did not get a chance to present to Council.

Mr. Fischer asked Mr. Hopkins why he did not come forward during the Public Hearing.

Mr. Hopkins answered that he did not know that was the proper time.

Mr. Fischer asked why he did not think that was the time.

Mr. Hopkins said he moved from the back of the room to front, and Mayor Jensen said that when the residents were done speaking that he could come up. He stated that he thought he would be asked to come up.

Mr. Fischer said we held a Public Hearing, and he did not come up to the podium, so he does not know what to tell him.

Mr. Hopkins said in the past he has always been asked to come up and talk about what they were about to vote on.
Mr. Fischer asked why he did not come up during the Public Hearing.

Mr. Hopkins said in the past he was asked to come up and explain the development before the vote. He said that is how it has always been done in the past.

Mr. Fischer said he does not know what to tell him because the item has been voted down and they were going to move on to the next agenda item.

Mr. Hopkins said he did not think that was fair to his client or to him as they have put a lot of time and effort into this, and he has yet to talk to the Council.

Mr. Fischer firmly stated that they held a Public Hearing, and a member of the community came up and spoke and after that he asked if anyone else wished to comment and he looked at Mr. Hopkins specifically and he did not stand up and he thought that he must not have anything to say. Mr. Fischer said he waited, and Mr. Hopkins did not come up.

Mr. Hopkins stated he came here to speak, and he did not know that was the proper time. He said he was sorry that he did not know.

Mr. Fischer advised there have been three Work Sessions on this Ordinance and Mr. Hopkins never said anything during any of those Work Sessions. He said this has been on our agenda for months.

Mr. Hopkins said it has been on his agenda for a long time too. He said he did not know that the vote was going to be to vote it down.

Mr. Fischer queried that he did not know that it was going to be voted on tonight.

Mr. Hopkins said he did know it was going to be voted on tonight, but he did not know that was the vote they would be taking right then and there.

Mr. Fischer stated he did not know what to tell him.

Mr. Hopkins said he met with Mayor Jensen and the Law Director after the Planning Commission meeting, and they came up with some ideas and he has not heard back on those as he wants to present those ideas to Council.

Mr. Fischer said I am sorry, we are moving on, Council has voted.

Mr. Hopkins advised he would like the record to reflect that he did not get a chance to properly represent his position.

<u>ORDINANCE NO. 23-25 – GRANTING A SPECIAL USE PERMIT TO BASP, LLC, TO AUTHORIZE THEIR TENANT, DUNKIN DONUTS, TO CONSTRUCT A 1,682 SQ. FT. DONUT AND COFFEE SHOP WITH A DRIVE-THRU TO BE LOCATED AT 1200 CENTER ROAD, PPN 04-00-016-101-070</u>
The Clerk read Ordinance No.23-25 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO BASP, LLC, TO AUTHORIZE THEIR TENANT, DUNKIN DONUTS, TO CONSTRUCT A 1,682 SQ. FT. DONUT AND COFFEE SHOP WITH A DRIVE-THRU TO BE LOCATED AT 1200 CENTER ROAD, PPN 04-00-016-101-070 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. 23-25, 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. Moore to adopt Ordinance No. 23-25, and the discussion was:

Mr. McBride commented that where this Dunkin Donuts is going to be located, he believes it is going to be an issue with traffic. He said people do not have common sense and he felt traffic was going to be backed up into the street with people trying to make a left-hand turn onto the property and that is going to be an issue. Mr. McBride stated that he would be voting in favor of it, but he felt it is not well thought out.

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. 24-25 – AUTHORIZING AN AMENDMENT TO THE LOCAL PUBLIC AGENCY AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO CONSTRUCT THE STATE ROUTE 83 & STATE ROUTE 254 INTERSECTION IMPROVEMENT PROJECT, KNOWN AS PID 111283 LOR SR 0254 05.66

The Clerk read Ordinance No. 24-25 by title only, entitled:

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE LOCAL PUBLIC AGENCY AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO CONSTRUCT THE STATE ROUTE 83 & STATE ROUTE 254 INTERSECTION IMPROVEMENT PROJECT, KNOWN AS PID 111283 LOR SR 0254 05.66 AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 24-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 24-25, 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.

ORDINANCE NO. 25-25 – TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 109-24

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

AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 109-24 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. 25-25, 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.

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

Mr. Presley advised there were two revisions to the Exhibit to this Ordinance. He said one was to increase the City Hall Storage Facility Repair/Maintenance by $40,000 for a new roof, HVAC and insulation as the total exceeds the original budget. Mr. Presley stated they budgeted $100,000, thinking that they would be able to do some spot repairs on the roof, but it turns out that they would be better served replacing the entire roof. He advised on page 2 of the Exhibit to increase the Parks Operating Fund for Machinery/Equipment by $30,000 for bleachers at the Middle School in conjunction with the Board of Education and the Athletic Boosters.

Mayor Jensen advised regarding the additional funds for the bleachers, they discussed previously trying to move bleachers at Schwartz Road Park to Veterans Memorial Park and in order to do that they first need to move the Youth Football League to the Middle School. He said this is a three-way split between the Boosters, the Schools and the City. Mayor Jensen said the plan is to install another soccer field at Schwartz Road Park and these bleachers would provide some seating at the Middle School, noting they are smaller bleachers that will be permanently placed and would hold a couple hundred people to eliminate people from standing along the field. He stated they will need to discuss adding a restroom at the Middle School soon.

Mrs. Demaline said she was glad to hear the City is partnering with the Schools with this effort for field usage and added that she felt the addition of restrooms needed to be a priority. She stated she is there often for sporting events and other schools are coming in and it is competitive, and they were happy to have that opportunity, but she indicated a porta potty was not sufficient and they have to get restrooms installed. Mrs. Demaline asked if there is a plan or a timeline for restrooms at the Middle School field.

Mayor Jensen advised he hoped to have something in front of Council around summertime. He said they are currently building a restroom at Eagle Point Park that was nearing completion. Mayor Jensen indicated he would like to have a firm cost before he presents something to Council and he said the Schools would be partnering with the City, but he hopes to have something to Council before fall.

Mrs. Demaline asked if they were indicating the total cost of the bleachers is $90,000 with $30,000 being the added amount to be appropriated.

Mayor Jensen said he believes there is some infrastructure work and $75,000 for the bleachers and another $15,000 that is needed for foundation and concrete work.

Mrs. Demaline asked about the location of the City Hall Storage Facility.

Mayor Jensen explained that is the barn located on the French Creek property. He said they have already begun storing equipment to make room at the various City buildings and they would be adding a solid roof, so no rain was coming in and that is a priority.

Ms. Patton asked when the City was considering installing restrooms inside the parks or at the Middle School field, if there would be a larger single-use restroom for families who have young children or for families with adults with special needs. She asked if that was something that could be considered for the future.

Mayor Jensen advised there is a handicap accessible restroom at Every Child's Playground, which they are finding out is not big enough for an adult with special needs as far as a changing table is concerned. He said there are changing tables in one oversized restroom stall, but added the City is looking at a model to see if there is a way to install a changing table for an adult with special needs. Mayor Jensen stated they looked at retrofitting the existing changing table, but that was not feasible but added that in moving forward they are looking at ways to accommodate those needs. He noted there are some challenges with the size requirements, because there is a huge difference in size for an adult use changing table.

Ms. Patton said she felt that was very important and it would be great for mothers or mothers of an adult with special needs to have that space to accommodate a wheelchair, a changing table as a single-use restroom. She stated she wanted to make that suggestion.

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.

<u>ORDINANCE NO. 26-25 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GPD GROUP TO PERFORM ENGINEERING SERVICES FOR THE CHESTER ROAD RESURFACING PROJECT ALSO KNOWN AS THE LOR MR 4313-0.33 (PID 120604) PROJECT</u>

The Clerk read Ordinance No. 26-25 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN

AGREEMENT WITH GPD GROUP TO PERFORM ENGINEERING SERVICES FOR THE CHESTER ROAD RESURFACING PROJECT ALSO KNOWN AS THE LOR MR 4313-0.33 (PID 120604) PROJECT 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. 26-25, 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. Moore to adopt Ordinance No. 26-25, 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.

ORDINANCE NO. 27-25 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH O.R. COLAN ASSOCIATES, LLC AND WITH BOWMAN APPRAISAL SERVICES, INC. TO PERFORM RIGHT-OF-WAY ACQUISITION RELATED SERVICES FOR THE STATE ROUTE 83 SIDEWALK (LOR 83-16.76, PID 119934)
The Clerk read Ordinance No. 27-25 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH O.R. COLAN ASSOCIATES LLC AND WITH BOWMAN APPRAISAL SERVICES, INC. TO PERFORM RIGHT-OF-WAY ACQUISITION RELATED SERVICES FOR THE STATE ROUTE 83 SIDEWALK (LOR 83-16.76, PID 119934) 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. 27-25, 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.

The discussion was: Mr. Cummins apologized and asked that this Ordinance be given a first reading. He said he had some discussions with ODOT, and they have sent the LPA (the Local Public Agency) Agreement for this project and would prefer that those two pieces of legislation get passed together. Mr. Cummins advised he would have the LPA Agreement as a separate Ordinance for the next Work Session and then consideration for approval on April 28, 2025. He requested this Ordinance be for a first reading then subsequently for passage on April 28, 2025.

Mr. Gasior pointed out that since the motion to suspend the rules and act had already passed, he would feel more comfortable if Council were to reconsider the motion to suspend the rules in light of Mr. Cummins comments as opposed to the Chair just declaring this first reading of Ordinance No. 27-25. He advised that it would be clearer, and he believes everyone would agree that there should not have been suspension of the rules tonight based on the comments made by the City

Engineer. Mr. Gasior asked if the Chairman was agreeable to ask for a motion to reconsider the suspension of the rules.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to reconsider the suspension of rules for Ordinance No. 27-25, 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.

The Chair declared this to be the first of three readings of Ordinance No. 27-25.

<u>ORDINANCE NO. 28-25 – AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S)</u>
The Clerk read Ordinance No. 28-25 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S) 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. 28-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 28-25, 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.

<u>ORDINANCE NO. 29-25 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH K.E. McCARTNEY & ASSOCIATES, INC. TO PERFORM CONSTRUCTION ADMINISTRATION & INSPECTION SERVICES FOR THE STATE ROUTE 254 & STATE ROUTE 83 INTERSECTION IMPROVEMENT PROJECT (LOR 254-05.66, PID 111283)</u>
The Clerk read Ordinance No. 29-25 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH K.E. McCARTNEY & ASSOCIATES, INC. TO PERFORM CONSTRUCTION ADMINISTRATION & INSPECTION SERVICES FOR THE STATE ROUTE 254 & STATE ROUTE 83 INTERSECTION IMPROVEMENT PROJECT (LOR 254-05.66, PID 111283) AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 29-25, 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. Moore to adopt Ordinance No. 29-25, 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.

ORDINANCE NO. 30-25 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH K.E. McCARTNEY & ASSOCIATES, INC. TO PERFORM THIRD-PARTY REVIEW SERVICES FOR THE STATE ROUTE 83 SIDEWALK PROJECT (LOR SR83-16.76, PID 119934)
The Clerk read Ordinance No. 30-25 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH K.E. McCARTNEY & ASSOCIATES, INC. TO PERFORM THIRD-PARTY REVIEW SERVICES FOR THE STATE ROUTE 83 SIDEWALK PROJECT (LOR SR83-16.76, PID 119934)
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. 30-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 30-25, 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.

ORDINANCE NO. 31-25 – TO ACCEPT IMPROVEMENTS CONSTRUCTED BY NCC CONSTRUCTION, LLC FOR THE INSTALLATION OF PUBLIC UTILITIES CONSISTING OF PUBLIC SANITARY SEWER AND ALL APPURTENANCES THERETO
The Clerk read Ordinance No. 31-25 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS CONSTRUCTED BY NCC CONSTRUCTION, LLC FOR THE INSTALLATION OF PUBLIC UTILITIES CONSISTING OF PUBLIC SANITARY SEWER AND ALL APPURTENANCES THERETO
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. 31-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 31-25, 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.

<u>RESOLUTION NO. R-13-25 – DECLARING IT NECESSARY TO CONSTRUCT CONCRETE SIDEWALKS TO COMPLETE THE 2025 SIDEWALK PROGRAM</u>
The Clerk read Resolution No. R-13-25 by title only, entitled:

A RESOLUTION DECLARING IT NECESSARY TO CONSTRUCT CONCRETE SIDEWALKS TO COMPLETE THE 2025 SIDEWALK PROGRAM AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Resolution No. R-13-25, 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. Moore to adopt Resolution No. R-13-25, 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.

<u>RESOLUTION NO. R-14-25 – TO ADVERTISE FOR BIDS FOR THE STATE ROUTE 83 AND STATE ROUTE 254 INTERSECTION IMPROVEMENT PROJECT, LOR SR 0254 05.66, PID 111283</u>
The Clerk read Resolution No. R-12-25 by title only, entitled:

A RESOLUTION TO ADVERTISE FOR BIDS FOR THE STATE ROUTE 83 AND STATE ROUTE 254 INTERSECTION IMPROVEMENT PROJECT, LOR SR 0254 05.66, PID 111283 AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Resolution No. R-14-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-14-25, and the discussion was:

Mr. Cummins advised this Resolution was written subject to obtaining the federal authorization for the project. He said that authorization came about at the end of last week so upon passage of this Resolution, they would go out to bid with this project and advertised next week.

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.

RESOLUTION NO. R-15-25 – TO AUTHORIZE THE MAYOR TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT OF TRANSPORTATION, WINTER CONTRACT FOR ROAD SALT

The Clerk read Resolution No. R-15-25 by title only, entitled:

A RESOLUTION TO AUTHORIZE THE MAYOR TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT OF TRANSPORTATION, WINTER CONTRACT FOR ROAD SALT AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Resolution No. R-15-25, 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.

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to adopt Resolution No. R-15-25, 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.

REPORTS AND COMMENTS

MAYOR JENSEN advised he wanted to address some of Mr. Hopkins’ comments earlier tonight. He said when he asked Mr. Hopkins to wait until the residents made their comments and then his comments could be heard for Ordinance No. 18-25, that meant that Mr. Hopkins would have spoken directly afterward but still during the Public Hearing. Mayor Jensen stated that Mr. Hopkins saying that he thought he would wait until later in the meeting does not make any sense. He advised Mr. Hopkins, also alluded to presenting changes to his plan and this meeting would not have been the place for that. Mayor Jensen said what Mr. Hopkins brought before the Planning Commission, the Commission all agreed it was not the right time to place it on the ballot again and if Mr. Hopkins wanted to make changes to his proposal, it should have gone back before the Planning Commission. He stated for Mr. Hopkins to say that he did not have an opportunity, was not accurate. Mayor Jensen indicated that because he asked Mr. Hopkins to wait until after the residents spoke, it did not mean that he was stopping Mr. Hopkins from speaking. He said it troubles him that Mr. Hopkins thought he would have to wait longer than directly after the residents spoke. Mayor Jensen felt there was a better way for Mr. Hopkins to handle himself and he chose a different route.

Mayor Jensen reported that he met with Mayor Corcoran of North Ridgeville, and they discussed resurfacing Mills Road as a joint project. He said that it will probably not happen this year, but it will likely be next year. He advised they also discussed working together on a roundabout at Mills Road and Nagel Road and that both communities are seeking funding, which would help to facilitate funding. Mayor Jensen said he and Mayor Corcoran both agreed that working together works better. Hw indicated they still have to work a few things out such as the collective agreement, but it may be an opportunity to work together on this road for maintenance and repairs going forward. He said a lot of positive comments were made on both sides and now they need to come up with an agreement that both parties are satisfied with.

Mayor Jensen advised there is going to be some patching and repairs that will be done on Mills Road this year and he will be coming back to Council in the near future with an agreement that would include fair pricing as North Ridgeville can do the work in-house.

Mayor Jensen asked Mr. Gasior about next week's meeting whether it will be held on Monday night or Tuesday night since Easter is this Sunday.

Mr. Gasior advised the meeting will be held on Monday, April 21, 2025.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, thanked Mr. Crissinger and the other residents for coming tonight and being present and sharing their comments and concerns with Council.

MRS. DEMALINE, WARD 1, said regarding the 2025 Sidewalk Program and passing that Resolution tonight, she was pleased with that action. She said it was mentioned in the Service Committee Meeting that they would need about three weeks for a temporary traffic signal at Long Road and Detroit Road and she asked if he had any updates on that situation.

Mayor Jensen advised he did not have any updates yet, but the City Traffic Signal/Electrician, John Riley is working on that so as soon as he gets those figures together, he would provide that information to Council. He noted that it would be a separate project from the sidewalk program.

Mrs. Demaline stated part of the 2024 Sidewalk Program had a small section on the north side of Detroit Road from the Avondale Subdivision to Century Lane. She said now that the City is improving that intersection, she asked if they could get those areas engineered for sidewalks.

Mayor Jensen advised Mr. Cummins is looking at cost estimates for engineering that area and it will be brought back before Council about moving forward.

Mrs. Demaline advised on that same project, a lot of it was to connect to the Middle School and it was discussed about the addition of a crosswalk on the opposite side to get to the Middle School. She asked if the City was moving forward with that or were there ongoing conversations with the School and are engineering being drafted.

Mayor Jensen advised he is meeting with Bill Fishleigh, Avon Schools Director of Operations, and Ben Hodge, Superintendent, tomorrow and they will discuss that possibility further and make sure the School does not have any objections. He said because of the way that traffic goes in and out of the Middle School access drive and a sidewalk would have to be on the south side of the entrance drive.

Mrs. Demaline thanked him for the updates and reports on those items.

MR. MCBRIDE, WARD 2, advised he wanted to get an update on the house on Chester Road where the homeowner has tentatively agreed to tear down the house by a date certain, but he did not know what that date is currently.

Mr. McBride said he also wanted to get a status of the house on Doovys Drive as that yard is a mess and there is a car up on jacks on a corner lot. He stated he was looking for an update on some of those properties.

Mayor Jensen advised Ms. Clements, the Zoning Enforcement Officer, told him that the date certain for the property on Chester Road is June. He added that Ms. Clements had already sent a letter to the property owner of the house on Doovys Drive and that she would be following up with some kind of a forced mandate of when the property has to be cleaned up.

Mr. McBride stated there is a house on the north side of Detroit Road next to the old Conant property and that house has improved somewhat but it is still an issue.

Mr. McBride added that he still has his standing complaint about signs being located in the public right-of-way.

MR. MOORE, WARD 3, said he is still hearing some questions from residents about Issue #3 on the upcoming May ballot so he would like to call a Finance Committee Meeting at 7:00 p.m. on Monday, April 28, 2025, for some question-and-answer time with the residents to better inform themselves of this ballot issue. The other Committee Members confirmed their availability and that they were agreeable to that time and date for a Finance Committee Meeting.

Mr. Moore reported that he would be absent for the May 5, 2025 Work Session.

MS. PATTON, AT LARGE, advised there have been a lot of conversations about the intersection of Detroit Road and Nagel Road, and she has spoken with Mayor Jensen and a few Council Members about Holy Trinity Church/School on the corner. She said as a graduate of Holy Trinity School she felt it is a beautiful structure, and she would like to protect that intersection and what it looks like. Ms. Patton stated she would like Mayor Jensen and City Council to consider some sort of architectural overlay for that area. She noted that other cities have done that kind of overlay and have standards that are higher as to what can be built or placed on surrounding properties, and she would like to investigate that possibility moving forward. Ms. Patton advised she felt it is important that Avon help protect property values by looking at implementing higher standards for buffering when commercial property abuts residential property as she felt they could do better than is currently required.

Ms. Patton said her other comment was about the clothing collection bins where the public can drop off clothing donations. She stated one is located near the Avon Commons area, at Cork & Barrel Wine Bar and it constantly has garbage bags of clothes outside of the bin on the ground. Ms. Patton added there are two collection bins located on Colorado Avenue, Planet Aid at Ray's Auto & Truck Service. She stated that only ten percent of donated clothing get worn again as most of it ends up in landfills. Ms. Patton advised she would much rather people be encouraged to donate to local non-profit organizations or to offer them up on the page, "Buy Nothing Avon" on Facebook. She said she would also like the City to consider prohibiting these collection bins because they are an eyesore and when the bins are full people just pile bags of clothing outside the bin on the ground and it is just not a good look for Avon especially right outside the entrance to Avon Commons.

MR. RADCLIFFE, WARD 4, said he was glad to hear that they will be continuing the conversations with North Ridgeville about Mills Road as that is probably the second most calls he receives after sidewalks. He encouraged Mayor Jensen to continue to work with North Ridgeville and move those projects forward as that was great news.

MR. FISCHER, AT LARGE, thanked the Planning Commission for their negative recommendation of the rezoning request on Nagel Road. He said after the people had spoken with their vote last November, he felt that Council was not onboard with putting something forward just a few months after the residents voted it down.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, apologized for his stutter step on item #13 earlier tonight.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, reported that Dick's Sporting Goods officially opened on Friday, April 11, 2025. She said the City has heard only good things about it. Ms. Fechter stated a small grand opening was held at the last minute, but it was nice to see a lot of Avon residents and it is a beautiful new clean store.

Ms. Fechter reported that the Cleveland Clinic Urgent Care Center opened today on Nagel Road, replacing the former Mercy Health facility located in the shopping plaza next to Levin Furniture.

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

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

AUDIENCE COMMENTS:

Robert Crissinger of 2337 Pendleton Court thanked City Council for all the conversations and the considerations that went into the decision made on Ordinance No. 18-25. He said he and his neighbors are appreciative and feel heard.

<u>EXECUTIVE SESSION:</u> 8:17 p.m.
A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Enter into Executive Session for the Purpose of Discussing the Purchase of Real Estate, and invite Mayor Jensen and Mr. Gasior, Mr. Presley, Mr. Streator and Mr. Cummins 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.

<u>RECONVENE:</u> 8:42 p.m.

A motion was made by Mr. Radcliffe and seconded by Ms. Berges, to Reconvene 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 Chair declared the motion passed.

ADJOURN: 8:43 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 Chairman declared the motion passed.

PASSED:______________________________

SIGNED BY:________________________________
Brian Fischer, President of Council

ATTEST:_______________________________
Barbara J. Brooks, Clerk of Council