

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, APRIL 15, 2024
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: Council-at-Large – Mary Berges; 1st Ward – Jennifer Demaline; 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; Mayor – Bryan Jensen; 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

President Fischer called the meeting to order and announced that item #7 – Ord. No. 53-24 – “To Authorize the Mayor to Enter Into a Memorandum of Understanding with Republic Services, Inc...through April 30, 2029” was being removed from the agenda.

1. LIFE SAVING AWARD PRESENTATION FOR TWO PATROL OFFICERS

Chief Fischbach and Mayor Jensen

Mayor Jensen advised in a world where they often see tragedy and there were a lot of sad moments such as a recent loss of one of Avon’s students over the weekend. He said there were other times that the City can celebrate and recognize those people who have gone above and beyond and being in the right place at the right time to have the opportunity to save someone’s life. Mayor Jensen asked Officer Alferio and Officer Dixon to come forward while Chief Fischbach explains their life saving actions and presents them with their award. He congratulated these officers on their life saving actions and said the City was happy to recognize them tonight.

Police Chief Fischbach thanked Mayor Jensen and City Council for allowing them to present this award tonight. He said these two officers were long overdue to receive a lifesaving award through the Avon Police Department Awards Program. Chief Fischbach said also present were their Sergeants, Sgt. Chris Barton, and Sgt. George Ruple who supervise Officer Holly Alferio and Officer Alexis Dixon. He explained that on the night of October 31, 2023, there was increased Police staffing for Halloween. Officer Alferio and Officer Dixon arrived together in a two-officer car when they were directed to a neighborhood for that City’s annual Halloween event. While enroute to their assignment, these officers encountered a motorist requesting help along the side of the road, Detroit Road, in front of Holy Trinity Church. When Officers Alferio and Dixon approached the motorist, they saw that the adult female was holding a two-year old child in her arms and placing her fingers in the child’s mouth attempting to dislodge an item the two-year old was choking on and having difficulty breathing. The adult female stated that the child was choking on an alleged piece of candy and without hesitation Officers Alferio and Dixon immediately took action and secured the child from the mother and began administering the Heimlich Maneuver together. Officer Alferio grabbed the two-year old child placing her in a downward position while Officer Dixon administered back blows to the child as instructed through their CPR training. As a result of their combined efforts, the candy was dislodged successfully from the child’s mouth allowing her to again breathe freely. Chief Fischbach reiterated that when these Officers first made contact with the child, the child was not breathing and was starting to turn blue. The child was seen and evaluated by the Avon Fire Department and no further medical assistance was needed as a direct result of Officers Alferio and Dixon’s actions. Their quick thinking, calm demeanor and actions are great attributes to the Avon Police Department, and they turned a potentially grave situation into a joyous one. Their actions are a credit to themselves and represent the ethos and core values of the Avon Police Department. Chief Fischbach said he was proud and honored to present to Officers Alferio and Dixon these Life Saving Awards tonight.

Applause including a standing ovation from City Council and City Officials was given and pictures were taken.

2. [ORDINANCE NO. 48-24 – TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER’S AGREEMENT FOR FIELDSTONE LANDING SUBDIVISION NO. 2](#) Planning Referral

Ms. Fechter advised this legislation is to authorize the subdivider’s agreement for Fieldstone Landing Subdivision No. 2.

Mr. Presley confirmed all fees have been paid.

Ms. Fechter said the developer is asking City Council to let them move forward with phase 2.

3. [ORDINANCE NO. 49-24 – TO AMEND AND SUPPLEMENT APPROPRIATIONS](#) Mr. Presley

Mr. Presley explained the reason for the name change from reappropriations was that they were supplementing appropriations and that was a more appropriate nomenclature.

Mr. Presley explained the supplemental appropriations as follows:

General Fund No. 101

Increase City Hall budget by \$40,000 for land purchase on Church Street as this was not included in the original budget.

Increase transfer to SR 83 Sidewalk Project by \$125,000 as the original amount is not sufficient.

Total Increase in Fund 101	\$165,000.00
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Mikulic Preserve Fund No. 418

Purchase of land for \$1,200,000 as this was not included in the original budget.

Mr. Presley advised the vast majority of this amount will be reimbursed with the grant the City was notified that they will be receiving from the State.

Total Increase in Fund 418	\$1,200,000.00
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Streetlights Improvement Fund No. 427

Budget purchase of equipment for \$131,000 as this was not included in the original budget.

Mr. Presley said these dollars were coming from NOPEC grants and that the City has available balances that will cover the entire \$131,000.

Total Increase in Fund 427	\$131,000.00
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SR 83 Pedestrian Bridges/Sidewalks No. 473

Increase engineering by \$125,000 as the original budget is not sufficient.

Total Increase in Fund 473	\$125,000.00
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Grand Total of All Supplemental Appropriations	\$1,621,000.00
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Mrs. Demaline asked for an explanation of the State Route 83 Pedestrian Bridges/Sidewalks Project.

Mr. Cummins advised that project is to install sidewalks from Kinzel Road northward to Falcon Crest that the City received a State Systemic Safety Grant for last year. He said they were now into the design process phase of that project.

4. [ORDINANCE NO. 50-24](#) – TO ACCEPT A PORTION OF THE PUBLIC IMPROVEMENTS CONSTRUCTED BY LIG LAND, LLC (WATERLINE) AND ALL APPURTENANCES THERETO AT MIDDLETON CROSSING (1842 NAGEL ROAD) LOCATED AT THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS Mr. Streator

Mr. Streator advised this is the property where Sheetz will be located on Nagel Road. He said the waterline part of the project is complete, and the various departments signed off. Mr. Streator stated the second part of the acceptance process will come once the roadway improvements are completed for the turn lane. He advised those were the public improvements part of this project.

5. [ORDINANCE NO. 51-24](#) – DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO A PAVEMENT MAINTENANCE PROJECT ON INTERSTATE ROUTE 90 (I-90) BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) Mr. Cummins

Mr. Cummins said this legislation is a request from the Ohio Department of Transportation, District 3. He advised ODOT indicated that there were going to be pavement repairs on I-90 that will extend through the vicinity of State Route 611, fully on the interstate, fully at ODOT's cost. Mr. Cummins stated that because the project extends into the corporate limits of Avon, ODOT must seek authorization from the City. He advised City Council has approved many of these in the past as every year ODOT is doing some sort of maintenance and resurfacing and it is the same for 2024.

Mr. Fischer asked if this was a certain section of I-90.

Mr. Cummins advised ODOT stated that the work was starting at the turnpike area and extending to State Route 611.

Mrs. Demaline asked if Mr. Cummins had a timeline on that project.

Mr. Cummins said he does not other than ODOT asked for the authorization to be done as quickly as possible because they indicated the project was on a fast track.

Mrs. Demaline asked if the work was going to be performed on both the eastbound and westbound lanes of I-90.

Mr. Cummins stated ODOT did not indicate whether it was east, west or both.

Mr. Radcliffe asked if this was the same pavement area that ODOT just paved last fall.

Mr. Cummins advised he was not certain of that. He said ODOT noted it as pavement repairs, which means to him that it was probably more sporadic and not a complete resurfacing. He added that he did not know what was repaved recently.

6. [ORDINANCE NO. 52-24](#) – ADOPTING CHAPTER 849 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON PROHIBITING ADULT USE (AKA RECREATIONAL) MARIJUANA AND MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY Mr. Gasior

Mr. Gasior advised as Council recalls, the ballot measure that passed last November to legalize Adult Use Marijuana created Chapter 3780 of the Ohio Revised Code. He said it was his understanding that the regulations were near complete, and that the State will start issuing licenses. Mr. Gasior stated the City was probably going to be asked, through the Planning Department, if the City allows for adult use marijuana facilities to be located within the City. He advised this legislation prohibits that type of retail establishment from being in the City. Mr. Gasior said Chapter 3780 of the Ohio Revised Code specifically gave that Home Rule authority to the municipalities throughout the State. He stated the City of Avon can take advantage of that Home Rule authority by passing Ordinance No. 52-24 and if it was something they would like to think about, it could always be put in a Committee of Council. Mr. Gasior advised Council has the Ordinance in front of them, and it was relatively simple.

Mr. McBride felt it was not necessary to send this agenda item to Committee of Council.

7. ORDINANCE NO. 53-24 – TO AUTHORIZE THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH REPUBLIC SERVICES, INC. FOR THE COLLECTION OF SOLID WASTE, RECYCLABLES, YARD WASTE AND BULK MATERIAL FROM RESIDENTS IN THE CITY OF AVON FOR THE PERIOD MAY 1, 2024 THROUGH APRIL 30, 2029 Mayor Jensen

This item was removed from the agenda.

8. RESOLUTION NO. R-17-24 – AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF AVON, TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH KEYSTONE PURCHASING NETWORK Mr. Presley

Mr. Presley advised this is another Cooperative Purchasing Program that the City would like to utilize. He said Mr. Streator brought it to him and he has reviewed it, and it is a free of charge program for the City to utilize. Mr. Presley stated the company is based in Pennsylvania and Mr. Streator could elaborate on what he would like to purchase.

Mr. Streator advised the company they would like to utilize through the Cooperative Purchasing Program would be Sports Field Specialties and it would be for work at the Stadium. He said there is foul ball netting behind home plate to protect those people in the stands behind home plate. He said the new ownership of the team and the City would like to extend the netting all the way on both the right and left fields. Mr. Streator stated it is a requirement for this netting to be extended the full length in any major league baseball game and it is recommended for the Frontier League in which the Lake Erie Crushers were affiliated. He advised there was an injury at the Avon Stadium last year so they would like to do this project as quickly as possible. Mr. Streator said joining this Cooperative Purchasing Program will help the City facilitate that purchase. He stated he was working with a company now who was going to provide suggestions for the best option to provide a safer environment for the fans.

9. RESOLUTION NO. R-18-24 – TO AUTHORIZE THE MAYOR TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT OF TRANSPORTATION, WINTER CONTRACT FOR ROAD SALT Mr. Streator

Mr. Streator advised this is the annual contract with the State to purchase road salt for next winter. He said there was not a lot of information out there regarding costs yet, but to participate in the program ODOT was requesting that Council pass Resolution No. R-18-24 before May 1st. Mr. Streator apologized for the late notice as he just received it on Thursday afternoon asking for participation for the upcoming season. He stated this is the same action Council does every year and fortunately next year they will probably be buying less salt because the City still has a good supply, and they will be getting even more salt that is already purchased.

Mr. Radcliffe asked if the City was still using the brine on the roads.

Mr. Streator confirmed that they were still using the brine solution, which has cut down on the City's salt consumption over the years.

Mr. Radcliffe added that was another benefit of using the brine to which Mr. Streator agreed.

Mrs. Demaline asked if the City was able to take all 90% of last year's salt amount that the City committed to purchasing.

Mr. Streator advised yes, and they anticipate taking the 90% again for this year.

10. REPORTS AND COMMENTS

MAYOR JENSEN advised NOPEC gives the City grant money every year. He said he would be bringing to Council authorization to add street lighting on Detroit Road and then start adding street lighting to other streets that have been lacking in lighting. Mayor Jensen believed the cost was approximately \$12,000 for Chester Road to finish the lighting for that area and they would use part of the money received from NOPEC. He stated Council has indicated to him that they would like to see more street lighting along the major roads and with Council's permission, the City would like to start implementing that process.

Mrs. Demaline thanked Mayor Jensen. She asked if the supplemental appropriation for \$131,000 for street light improvements was part of this same project.

Mr. Presley said yes and confirmed that it was part of the NOPEC funds that the Mayor was referring to in his comments.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE congratulated Bendix Commercial Vehicle Systems in Avon for winning the Cleveland 2030 District's Green Building Challenge, which was quite an accomplishment. She said that hopefully other new businesses coming into the Cleveland area will look at that and aspire to do more in terms of green building.

Ms. Berges gave her condolences to the family of the 18-year-old who was killed over the weekend in a tragic accident.

MRS. DEMALINE, WARD 1 had no comments.

MR. MCBRIDE, WARD 2 thanked Mayor Jensen and Mr. Cummins for looking at an issue on Chester Road regarding a homeowner. He said he was hopeful that the City would also address issues at another property regarding a homeowner not maintaining their property properly. Mr. McBride stated after more than ten years it would be good to have the one house torn down; either that or fix it so that it was presentable to the neighborhood.

Mr. McBride gave his condolences to the Avon family who lost their high school student over the weekend.

MR. MOORE, WARD 3 extended his condolences to Avon family. He said it was sad to hear of their loss.

MS. PATTON, AT LARGE had no comments.

MR. RADCLIFFE, WARD 4 advised in regard to the additional street lighting along major areas of the City it was wonderful news to hear and he was happy to hear about the addition of streetlights and upgrading existing ones to the new LED lights. He suggested they continue to work on adding flashing lights at crosswalks and intersections. Mr. Radcliffe said it was wonderful to see these safety improvements in the City and he thanked the Mayor and the Administration for continuing to pursue those improvements.

MR. FISCHER, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR expressed her condolences to the Avon family.

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR advised regarding the LED lights that the City entered into an agreement with FirstEnergy two years ago, and when a streetlight is reported as out, they are replaced with the new LED lights. He added that any new streetlights installed in developments all had the LED lights.

Mr. Streator advised as a follow-up to last Monday's Solar Eclipse event that it was a success. He said people experienced a great situation in Avon. Mr. Streator made special mention to the Avon Safety Forces who put a lot of effort into planning for many hours preparing and all the City Departments came together. He stated it was very satisfying from the City Administration point of view how all the employees from the Building

Department on up through the Safety Forces came together last Monday. Mr. Streator advised most of the employees were required to be at work that day and the employees stepped up and did an outstanding job and they were all well prepared. He said there were no issues reported and everything went well that day.

AUDIENCE:

There were no comments from the audience members.

11. ADJOURN: 7:53 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