

**MINUTES OF THE CHARTER REVIEW COMMISSION OF THE CITY OF AVON, OHIO
HELD THURSDAY, APRIL 27, 2017, AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF
THE MUNICIPAL BUILDING, LOCATED AT 36080 CHESTER ROAD**

Chairman James Smith called the meeting to order at 7:00 p.m.

ROLL CALL- COMMISSION MEMBERS PRESENT:

Greg Dziak; Pat Jankowski; Jeff Lindsay; Anthony Moore; Marcel Mylen; Vice-Chair, Bruce Klingshirn; Chairman, James Smith; Alternate A, Patricia Ashley; Alternate B, Eugene Rouse

MEMBERS ABSENT:

Mark Principe; Frank Root, Jr.

ALSO PRESENT:

Law Director, John Gasior; Secretary to the Commission, Barbara Brooks; Mayor Jensen and resident Ms. Lois Shinko

MAYOR JENSEN

Mayor Jensen thanked all the Charter Review Commission members for all the time and effort they put into serving in this capacity. He stated that at times, it was painstakingly slow to come to a decision and they were forever memorialized in the permanent record. Mayor Jensen said their service means a lot to the community, but it also means a lot to him as well and he appreciated it very much.

APPROVAL OF MINUTES OF THE THURSDAY, APRIL 13, 2017 CHARTER REVIEW MEETING

A motion was made by Ms. Jankowski, seconded by Mr. Mylen, to approve the minutes of the meeting of the 2017 Charter Review Commission, held Thursday, April 13, 2017, and to adopt said minutes as published, and the vote was unanimous in favor and the motion carried.

MOTION TO APPROVE THE ORDINANCE LANGUAGE TO REPEAL ARTICLE XIII SECTION 9 – DETROIT ROAD PRESERVATION – FROM THE CHARTER

Mr. Gasior advised the Ordinance language states to repeal this section of the Charter and he added a parenthetical explanation in the Ordinance. He indicated it will read in the code that it was REPEALED, if approved by the voters. Mr. Gasior noted that the Board of Elections would review and approve the ballot language, but the idea was to repeal it as he was directed to prepare at the last meeting by the Charter Review Commission.

A motion was made by Mr. Mylen, seconded by Mr. Klingshirn to approve the Ordinance language to repeal Article XIII Section 9 entitled Detroit Road Preservation from the Charter as presented, and the vote was: Mr. Lindsay, “yes”; Mr. Moore, “yes”; Mr. Mylen, “yes”; Mr. Dziak, “yes”; Ms. Jankowski, “yes”; Ms. Ashley, “yes”; Mr. Rouse, “yes”; Mr. Klingshirn, “yes”; Mr. Smith, “yes”.

The vote was 9 in favor and 0 opposed and the Chair declared the motion passed.

Ms. Lois Shinko of Detroit Road in Avon stated she found it hard to believe the action they took to place on the ballot the issue of repealing the Detroit Road Preservation from the Charter and inquired as to whatever happened to the Master Plan. She felt they just winged it and the next meeting they were throwing out a City. Ms. Shinko inquired if they have looked at what is happening in North Olmsted or North Ridgeville and a few other communities. She stated she is not ready for that and she did not believe Avon is ready for that either.

Chairman Smith advised Ms. Shinko that all the vote of the Charter Review Commission does is place it on the ballot for consideration by the voters. He said it has been in the Charter for thirteen years and people will have the chance to decide if it should stay in the Charter.

Ms. Shinko said it has been in the Charter for fourteen years and in one night it was gone. She felt no one knows about their decision and said they have been really quiet about it.

Mr. Lindsay indicated it was not gone from the Charter, but voted to place it on the ballot for the electors to decide if it should be removed from the Charter. He said if it fails at the ballot then it would remain in the Charter.

Mr. Gasior explained that what the Commission has done by their action is simply placed the issue before the voters in November as to whether or not the Detroit Road Preservation should stay in the Charter. He said that is what the voters were going to have to decide in November.

Ms. Shinko stated she liked the improvements with the Chester Road widening project to five lanes. She thanked the City for the trees and she hoped they did not wreck Detroit Road in the historic district. Ms. Shinko felt strong concern for the four - century old homes on Detroit Road and said they would be wiped out.

Mr. Lindsay said the State of Ohio designated that area as a historical byway and he does not believe the State is going to want to change that designation. He indicated the reason the Commission voted to place the issue on the ballot is because they felt there could be some legal actions against the City because of that Charter provision should the State decide to widen State Route 254 beyond three lanes resulting in forced litigation costs.

Mr. Gasior stated that was one of the main reasons to ask the voters to repeal that Charter provision. He said the reason was not to run out and widen Detroit Road, but rather if the State came to the City and said we have to widen that street the City may have ended in a court battle because our Charter would have prevented the City from taking any action to widen that street. Mr. Gasior advised of course it would need to go to Planning Commission and work with the State of Ohio if the State wanted to widen that street. He advised the Charter Review Commission felt with the way that provision in the Charter is worded the City could be incurring unnecessary legal expenses in trying to defend something that probably is indefensible anyway. Mr. Gasior stated it really is not going to change Detroit Road at any time in the near future or he believed not even in the distant future. He said he does not believe the State of Ohio is going to come in after they have designated part of Detroit Road as a historic byway and ask to widen it. Mr. Gasior advised if approved by the voters that provision would no longer be in the Charter and maybe it never should have been placed in the Charter in the first place.

Mr. Lindsay indicated their action does not widen Detroit Road.

Ms. Shinko thanked the Commission for their time.

ADDITIONAL COMMENTS

It was noted the other 2 items the Charter Review Commission voted to change in the Charter are:

- To Repeal Article VII, Section 3 entitled Park and Recreation Commission
- To Amend Article VII, Section 1(b) entitled Boards and Commissions – to clarify the Board of Zoning Appeals jurisdiction from actions decided by City Council.

Ms. Jankowski inquired as to the next step to get these issues on the ballot.

Mr. Gasior advised these Ordinances will be assigned a number and will be presented to City Council most likely on the Work Session set for May 15th. He indicated there was no reason to wait until the deadline to pass them and then send them to the Board of Elections. Mr. Gasior added that City Council would presumably pass the Ordinances at the Regular Meeting on May 22nd and the Clerk would then send them to the Board of Elections. Mr. Gasior noted the Board of Elections would respond back mostly likely sometime in August with the approved ballot language. Mr. Smith concurred it was good to have it to the Board of Elections early in case there were minor rewrites to the ballot language. Mr. Gasior stated Avon voters would see these issues on the ballot in November.

Chairman James Smith thanked all the Charter Review Commission members for their time serving in this capacity as it was appreciated.

ADJOURN: 7:15 p.m.

A motion was made by Mr. Mylen and seconded by Mr. Klingshirn to adjourn the meeting of the Charter Review Commission, and the vote was unanimous in favor.

Respectfully submitted by:

The Clerk of Council
Secretary to the Charter Review Commission
Barbara Brooks