MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF AVON, OHIO, HELD MONDAY, APRIL 28, 2025 IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING AT 7:30 P.M.

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

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

ABSENT:
Finance Director – Steve Presley

CORRESPONDENCE
The Clerk reported that she received a request from the Ohio Division of Liquor Control:

- A TREX transfer from Basil Café Corp located at 3706 Riverside Drive, Upper Arlington, OH to Topgolf USA Av LLC, DBA Topgolf located at 35343 Chester Road, Avon, OH for a D5, D6 permit class

Mr. McBride commented that it was just another liquor permit located in Ward 2.

No requests for a hearing were made by Council.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, APRIL 7, 2025
A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Work Session of Council held Monday, April 7, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, APRIL 14, 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, April 14, 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 SPECIAL MEETING OF COUNCIL HELD MONDAY, APRIL 21, 2025
A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Special Meeting of Council held Monday, April 21, 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. 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

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

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: 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 27-25, 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.

ORDINANCE NO. 32-25 – AUTHORIZING AN AMENDMENT TO THE FINAL PLAT AND SUBDIVIDER’S AGREEMENT FOR RED TAIL SUBDIVISION NO. 17
The Clerk read Ordinance No. 32-25 by title only, entitled:

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE FINAL PLAT AND SUBDIVIDER’S AGREEMENT FOR RED TAIL SUBDIVISION NO. 17 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. 32-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 32-25, and the discussion was:

Mr. Fischer inquired if everything was in order for this Ordinance to be passed.

Ms. Fechter confirmed it was stating that this was a procedural formality so that a new plat can be recorded at the County.

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.

ORDINANCE NO. 34-25 – TO AMEND SECTION 210.01(f) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE A LAND DISTURBANCE PERMIT FEE

The Clerk read Ordinance No. 34-25 by title only, entitled:

AN ORDINANCE TO AMEND SECTION 210.01(f) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE A LAND DISTURBANCE PERMIT FEE 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. 34-25, 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.

A motion was made by Mr. McBride and seconded by Ms. Berges to adopt Ordinance No. 34-25, 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.

ORDINANCE NO. 35-25 – AUTHORIZING THE CREATION OF A LAND DISTURBANCE FEE FUND NO. 280

The Clerk read Ordinance No. 35-25 by title only, entitled:

AN ORDINANCE AUTHORIZING THE CREATION OF A LAND DISTURBANCE FEE FUND NO. 280 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. 35-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 35-25, 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.

<u>ORDINANCE NO. 38-25 – TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 109-24</u>
The Clerk read Ordinance No. 38-25 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. 38-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 38-25, 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.

<u>RESOLUTION NO. R-16-25 – AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A LEASE AGREEMENT WITH THE HUNTINGTON NATIONAL BANK</u>
The Clerk read Resolution No. R-16-25 by title only, entitled:

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A LEASE AGREEMENT WITH THE HUNTINGTON NATIONAL BANK AND DECLARING AN EMERGENCY

The Chair declared this to be the first of three readings of Resolution No. R-16-25.

Mr. Gasior advised he was aware that tonight was not a Work Session, but this item is something that came up during the week. He felt it was not a good idea to vote tonight as there were a couple of things he wanted to discuss with the Finance Director, Mr. Presley, about first. Mr. Gasior stated he would like for Council to consider a Special Meeting next week immediately following the Work Session to consider this legislation and pass it that night. He advised the lease is for a piece of machinery that the Service Department could certainly use, and the uniqueness is that the City is going to lease said equipment. Mr. Gasior said the lease is similar to a lease entered into for the voyager back in 2022 for the Senior Center, which was also with Huntington Bank, but a different branch. He stated he briefly had a chance to review the paperwork and when Mr. Presley is back in the office, they would button everything up. Mr. Gasior advised because of the timelines on this lease, they would like everything completed by the 20th of May so that the payments can begin on June 1st so they would be asking for a Special Meeting to get this passed next Monday night. Mayor Jensen advised the front-end loader was approved by Council in the budget, so this is just a formality. He said when Mr. Logan was the Finance Director, he would bring it to Council once the lease expired and the City purchased the vehicle but Mr. Presley has a different approach with requiring this authorization before the lease is signed.

Mr. Fischer requested the lease be included in Friday's Council packet as that would be helpful.

Ms. Berges asked how long the lease period was for.

Mr. Gasior advised that is why he needs to talk with Mr. Presley when he returns.

REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, had no comments.

MRS. DEMALINE, WARD 1, had no comments.

MR. MCBRIDE, WARD 2, had no comments.

MR. MOORE, WARD 3, reminded everyone that he would be absent for the May 5th Work Session of Council.

MS. PATTON, AT LARGE, had no comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, gave a shout-out to Republic Services for notifying residents by text that the trash collection would be late that day as they were behind schedule. He said he was glad to learn that Republic Services is stepping up their communication with residents.

Mr. Fischer extended his condolences to the Kelly Family in the loss of their 18-year-old son, Jeremiah, saying that his prayers go out to the family. It was noted there would be a Memorial Service for Jeremiah Kelly on Wednesday at 8:00 p.m. at the Avon High School stadium. All are encouraged to attend and show support for the Kelly family.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

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

MR. GASIOR, LAW DIRECTOR, advised currently there is a moratorium on short-term rentals and the State Legislature is considering a bill that if it passes may take away their Home Rule authority for short-term rentals. He wondered if the City should even pursue a change until they know what happens with House Bill 161. Mr. Gasior said he wanted to give Council that update since the moratorium expires at the end of May and he may ask Council to extend that moratorium to wait and see what happens at the State level with HB161.

Mr. Gasior advised Avon Lake Regional Water is seeking an easement on City property along the railroad tracks on the north end of the City as the City owns the property next to ChemTron as well as the Service Department garage property noting that both of those properties extend to the railroad tracks. He said ALRW is asking Avon to grant an easement, and he did not see any issues.

Mr. Gasior said a company called Public Consulting Group reached out to the Fire Department to obtain additional funds from the Federal Government to supplement the amount of money that Avon's Fire Department receives on Medicaid runs. He said he does not feel that entering a contract with this group would hurt from what he has learned. Mr. Gasior stated he would be providing that legislation to Council in the packet for the Work Session, but noted there may be an urgency to this and it might need to be added to the Special Meeting after the Work Session. He said the first year of the contract, the City would not be receiving much money, but the second year they could see approximately $50,000 to $60,000. Mr. Gasior advised for that reason he would like to get it passed to provide the authority for Chief Swope to sign the documents and submit it to Public Consulting Group.

MR. PRESLEY, FINANCE DIRECTOR, was absent.

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

AUDIENCE COMMENTS:

There were no comments from the audience members.

ADJOURN: 7:47 p.m.
A motion was made by Mr. McBride and seconded by Mrs. Demaline to adjourn the Regular Meeting of Council, 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 Chairman declared the motion passed.

PASSED:______________________________

SIGNED BY:________________________________
Brian Fischer, President of Council

ATTEST:_______________________________
Barbara J. Brooks, Clerk of Council