

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MAY 12, 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; Finance Director – Steve Presley; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

MINUTES OF THE WORK SESSION 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 Work Session of Council held Monday, April 21, 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 FINANCE COMMITTEE MEETING OF COUNCIL HELD MONDAY, APRIL 28, 2025

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Finance Committee Meeting of Council held Monday, April 28, 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, APRIL 28, 2025

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, April 28, 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.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, MAY 5, 2025

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Special Meeting of Council held Monday, May 5, 2025, and to approve said minutes as published, 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.

DISCUSSION OF RESIDENTIAL TIF'S (TAX INCREMENT FINANCING)

Mr. Gasior advised Council was provided a packet of information regarding this proposed residential TIF. He said the City is considering a residential TIF, which is somewhat unusual as most of the TIF's that the City has passed have been on commercial or industrial property. Mr. Gasior stated the area in question is Nagel Farms Subdivision, which is going to include the area that is a little bit north of that subdivision on the north side of Middleton Road, which will be known as Villas at Nagel Farms. He advised the City is seeking to encompass all that property into a residential TIF and assisting him in this process is Attorney Blake Beachler. Mr. Gasior said Mr. Beachler can answer any questions Council may have, but what he tried to do was provide Council with a sample Ordinance, which will be attached to the letter that will go out to the Lorain County Commissioners as required. He stated there are also five letters that will be sent to the property owners, one of whom is Tom Kuluris and his LLC. Mr. Gasior advised there is a timeline for how the City goes about this process for a residential TIF. He said he wanted to get this discussion in front of Council tonight because there are some serious public notice timelines and they would like to try to get this accomplished as soon as possible because the City wants to be able to take advantage of the incremental increase in the value of that property for many of the projects that are listed in the sample ordinance he provided to Council.

Blake Beachler, Attorney with Calfee, Halter & Griswold, LLP, Cleveland, as well as a resident of Avon on Peach Drive advised he lives just down the way from this subdivision in question. He said Mr. Gasior explained it all very nicely and added that a lot of this is similar to a commercial TIF. Mr. Beachler stated the property owners will not be paying any more taxes and will not be paying any less taxes than they otherwise would have paid. He advised that the incremental increase in the value of the properties is essentially redirected and used to pay for the cost of public infrastructure improvements that directly benefit that area. Mr. Beachler said with new subdivisions coming in and lots of new homes, there will be infrastructure needs around that area, and they do not need to be directly adjacent. He gave an example of a sewer lift station being installed that might be four miles away, as long as it serves the subdivision, noting there is a lot of flexibility with the diverted tax money. Mr. Beachler clarified that anyone buying a home in these subdivisions was not receiving any kind of discount on their home or should not worry about purchasing a home because of this TIF. He stated the biggest difference between a residential TIF and a commercial TIF, some notice provisions such as 45 business day notice to the County Commissioners. Mr. Beachler advised the County has the ability to object and enter into an agreement with the City and then there is a fallback provision where the County could receive 50% of the amount that the County would have otherwise received in years 11 through 30 and that is the key difference between a commercial TIF and a residential TIF. He stated that School Districts are not affected as this TIF will not divert money away from the schools.

Mr. Gasior advised the big difference is the notice to the County and the County's ability to object and that it would take place after the 11th year as these are all 30 year TIF's. He said if the County were to object, then the City would have to go to the fallback position of splitting that tax revenue PILOT (payment in lieu of taxes) noting that if the City had to split that revenue with the County that it would not begin until year eleven.

Mr. Beachler stated the County's portion is not very big regarding property tax as the majority of property taxes go to the schools.

Mr. Gasior advised the main the reason he wanted Mr. Beachler to come before Council was to make Council aware that he is assisting in getting this TIF accomplished and that these letters should be going out tomorrow to the property owners and the County Commissioners. He said Council has copies of what those parties will be receiving to comply with the statute.

Mr. Beachler advised they will come back in front of Council in August for approval for the TIF once all the public notices are out and the public hearing has been held. He said Council will have the final say as to whether this goes forward.

Mr. Gasior concurred and said he wanted Council to all be aware of the information that they would be sending out so that they could handle any questions or direct people to contact him.

Mr. Fischer asked if a residential TIF is something new and if they are not new then why have they not heard of them before now. He said it seems to him that this is a no-brainer.

Mr. Beachler advised residential TIF's have been around, but they are highly technical and very different in some ways. He explained it cannot be an area over 300 acres and the sides cannot be more than two times, essentially a rectangle, as there can be definite unusual provisions with a residential TIF. Mr. Beachler stated residential TIF's are typically designated for blighted areas. He said there is one way that cities like Avon fit into this and that is to get a certified statement from the City Engineer that the public infrastructure serving the area is inadequate noting that residential TIF's are not as prevalent as typical commercial TIF's.

Mayor Jensen advised to give Council a history of why they are here. When the Discount Drug Mart asked for rezoning, it was talked about all the improvements that need to be made on Nagel Road. He said the Administration looked at Middleton Road as there is a section that is very challenging to get a bridge across and what that would require and the amount of money it would take to accomplish that bridge. Mayor Jensen stated that typically the City has not done residential TIF's because the City is not trying to encourage development. He advised the importance of Nagel Road being improved and the intersection at Detroit and Nagel Roads is going to be a huge ask and the City does not have the funding to make that improvement right now. Mayor Jensen said Middleton Road is another one that will require a lot of funding. He added they were also looking at the improvements needed on the corner of Riegelsberger Road and State Route 83 that is going to cost millions of dollars. Mayor Jensen commented that the City may not be able to stop developers but certainly are not wanting to encourage it at this point. He said these areas are challenges for Council as to how the City is going to get the funding for needed improvements and this seems like the perfect opportunity. Mayor Jensen noted that Middleton Road is important to get the improvements over to Jaycox Road and the deciding factor is if they can get a bridge across clarifying that the City was not paying for the roadway improvements for the area that is the developer's responsibility. He emphasized that this action is not to encourage development of more housing but to get access across that area and he believes that residents can understand that. Mayor Jensen advised it is all about how the City can find funding for all these needed improvements noting that the SR83 and SR254 intersection improvement project was over \$10 million project that the City would be using TIF proceeds to help fund. As this area is developed, it will be a way that the City can collect that money for future improvements.

Mr. Fischer asked if there was a dollar amount to go with the increase in value over the next ten to twenty years.

Mr. Beachler advised he has not done any envelope calculations yet noting that it depends on how the Auditor will value the homes that are built. He said it is hard to tell at this point although they could speculate since they already know the number of homes slated to be built and the Nagel Farms website has the sale price estimated for each home.

It was pointed out that Nagel Farms will have 35 single-family homes.

Mr. Gasior advised there are thirty-five units ready to be sold once Nagel Farms subdivision is approved. He said Mr. Kuluris purchased the property a few years ago and there has already been an incremental increase in the value of the property from the time it was purchased from the Nagels, but the City still believes there is a significant incremental increase that will take place as those thirty-five lots get developed into homes noting that it is very much worth the effort to do this and would be for thirty years. Mr. Gasior advised there is also property to the east of that encompassed by this and while they do not know when that will sell but when it does the City will pick up that incremental increase in addition to whatever is developed there assuming it will be housing. He said David Meeks used to do all the City's TIF work in the 2000's to 2015 and the City has TIF'd almost everything that is not residential. Mr. Gasior stated when looking at some of the areas that are being developed residential and some of the areas that can be developed as residential and looking at our infrastructure needs, the Administration made the decision that they have to embark on this path, which is a path they never really considered until recently. He added that Mr. Beachler comes from a long line of attorneys at Calfee, Halter & Griswold LLP that have been involved with the City and he does a very good job for the City as his predecessors did, noting that Mr. Beachler is also a resident of Avon.

Mr. McBride pointed out that there were a couple of minor tweaks needed to the draft letters that would be sent out as early as tomorrow.

Mr. Gasior explained that they would clean up those minor corrections and noted that the Council Clerk would be the one signing and sending out the letters.

Mr. McBride agreed that the City does not want to encourage the issue of residential development, leading to even more traffic in Avon until some other infrastructure improvements can be made.

Mayor Jensen advised that the idea behind the TIF is that certain areas that would be improved are not just for use by the developer. He indicated the City is trying to work on areas they need to improve, but roadways and infrastructure needs for a development is the responsibility of the developer and not for use of TIF money. Mayor Jensen noted adding turn lanes on Detroit Road from Jaycox Road to the Westlake border or Nagel Road or Middleton Road are all areas that Council can look at improving. He reminded Council that a TIF does not adversely affect whoever buys the parcels and no one would be out any money, and it provides a benefit back to the City to do improvements.

Mr. Radcliffe asked why it does not include the area north of Middleton Road.

Mr. Gasior advised it does.

Mr. Radcliffe advised the map does not show that to be the case.

Mr. Gasior clarified part of that area is already TIF'd because it is zoned office/commercial, so it was already covered under a TIF.

Mayor Jensen advised the condos that have already been approved will have to be TIF'd.

Mr. Radcliffe asked for clarification that there would be another residential TIF coming before Council to which Mayor Jensen confirmed and added possibly a third and fourth request as well.

Mr. Gasior advised the R-3 property on the west end of Chester Road is TIF'd and if those are true apartments that get built at that location it would already be covered under the commercial TIF. He said the reason that this TIF is being requested and trying to encompass the Villas at Nagel Farms is because Mr. Kuluris has indicated that those would be owner occupied.

ORDINANCE NO. 40-25 – TO ACCEPT IMPROVEMENTS IN NAGEL FARMS SUBDIVISION

The Clerk read Ordinance No. 40-25 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS
IN NAGEL FARMS SUBDIVISION
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. 40-25, 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. Radcliffe to adopt Ordinance No. 40-25, and the discussion was:

Mrs. Demaline asked if there would be sidewalks added on Detroit Road as a part of this development.

Mr. Streator advised they talked with the developer and the three properties on Detroit Road were separate from this development and it is not clear what the developer is going to do with those properties yet. He said the City will be requiring them to install sidewalks relatively soon on those Detroit Road properties.

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. 41-25 – AUTHORIZING THE MAYOR TO EXECUTE A SIXTY (60') FOOT TEMPORARY CONSTRUCTION EASEMENT AND A THIRTY (30') FOOT PERMANENT EASEMENT TO THE AVON LAKE MUNICIPAL UTILITIES BOARD FOR

THE INSTALLATION OF WATER-RELATED IMPROVEMENTS AND INFRASTRUCTURE TO THE EXISTING REGIONAL WATER SYSTEM

The Clerk read Ordinance No. 41-25 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A SIXTY (60') FOOT TEMPORARY CONSTRUCTION EASEMENT AND A THIRTY (30') FOOT PERMANENT EASEMENT TO THE AVON LAKE MUNICIPAL UTILITIES BOARD FOR THE INSTALLATION OF WATER-RELATED IMPROVEMENTS AND INFRASTRUCTURE TO THE EXISTING REGIONAL WATER SYSTEM 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. 41-25, 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. 41-25, 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.

REPORTS AND COMMENTS

MAYOR JENSEN advised Dave Conley used to be the representative for Avon from the Illuminating Company. He said some changes have been made at the Illuminating Company and Mr. Conley's territory has moved. Mayor Jensen introduced Nick Katsaros and that he would be introducing himself to Council during the audience comments portion of the meeting. He stated there was an issue with a resident last Friday who lost power and Rose, the Mayor's Administrative Assistant, worked with Mr. Katsaros to get the situation resolved.

Mayor Jensen advised they hear in the news of tragedies where children lose their lives, and it often does not seem real, but it really hits home when one of our own is personally affected. He explained that it was Mr. Presley's nephew who lost his life in a tragic high school sports accident in Bay Village. Mayor Jensen expressed his condolences to Mr. Presley and his family, noting that when something like that happens to a family member of someone he works with every day, and knowing the agony that Mr. Presley and his sister are going through is heartbreaking and something they may never understand.

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, expressed his condolences to Mr. Presley and his family.

MS. PATTON, AT LARGE, had no comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, reminded Council that Financial Disclosure Statements were due Thursday, May 15, 2025, for elected officials to file with the Ohio Ethics Commission.

Mr. Fischer expressed his condolences to Mr. Presley and his family.

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, congratulated Council and the City on the passage of Issue 3. He said it is fantastic news and will help ensure the safety forces for the City. Mr. Presley advised the three property tax levies for police and fire will not be included in the 2026 Tax Budget. He noted the 2026 Tax Budget be brought to Council in June for passage and those levies will be omitted and will not be a part of the budget. Mr. Presley added it will instead be replaced by the income tax. He explained nothing further at this point is necessary from Council as their action will be reflected in the passage of the 2026 Tax Budget, which will omit those three levies.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, thanked the voters on behalf of the Safety Forces for supporting Issue 3. He said the Police and Fire Chiefs put a lot of effort into explaining that ballot issue along with Mr. Presley who did an extraordinary amount of work informing the public as well as City Council. Mr. Streator stated they were looking forward to being able to fund those departments long term.

AUDIENCE COMMENTS:

Nick Katsaros of First Energy said he appreciates the introduction earlier tonight. He advised he has been with First Energy for fifteen years and has been in this role for seven years, so he is very familiar with the company and the role. Mr. Katsaros said he handled the rest of Lorain County for those seven years, and he lives close by in Avon Lake and his church is in Avon and his parents live in Avon, so he is very familiar with the area. He stated he wanted to introduce himself to Council so that they have a face to a name when working with Avon's representative from First Energy. Mr. Katsaros advised he looks forward to working with all of them.

Mrs. Demaline thanked Mr. Katsaros for being here and introducing himself. She asked if he could send Council an introductory email with this his contact information for them to reference.

Mr. Katsaros said he would be happy to do that, and he also had business cards he could hand out for anyone who would like one. He stated they could reach out to him any time and he looked forward to working with all of them.

Pat Jankowski of 1409 Hollow Wood Lane inquired if the City was able to get a new Memorandum of Understanding with Republic Services.

Mr. Gasior advised no, that still has not been done. He said the City is still operating under an oral understanding with Republic Services because the MOU expired. Mr. Gasior stated something will need brought to Council over the few months.

Mayor Jensen advised the verbal understanding with Republic Services go through the end of 2026, so they want to get something ironed out going beyond 2026. He said it has been discussed entering a 3–5-year agreement and that is what they are working through right now.

Ms. Jankowski said she remembers there was a lot of money available to the City for a bike path. She asked if those bike paths were ever installed.

Mr. Cummins advised no, they have not. He said they are still working on the plans for a section along French Creek Road and have divided it into two parts as they need to secure a second source of funding through the State Capital Budget. Mr. Cummins stated as such, they have broken it into two sets of plans, and the first phase is currently being wrapped up.

Ms. Jankowski believes that often times the money runs out if it is not spent in time. She asked if that was a concern.

Mr. Cummins said no, he has been in contact with ODOT throughout the process as well as NOACA, which is the first source of funds. He stated NOACA was supportive of breaking the project into two parts to accommodate different timeframes from the second source.

Ms. Jankowski said that somewhere between 10-15 years ago, Mr. McBride expressed his anger about the signs being in the public right of way. She added he also spoke about Home Depot and Lowe's had their merchandise in their parking lots. Ms. Jankowski stated he brings it up at least twice a year and she asked if there has ever been any resolve to those issues.

Mr. McBride advised yes, Lowe's and Home Depot are not supposed to be outside of their footprint.

Ms. Jankowski said she understands all of that but asked if anything has ever been done to fix the situation.

Mr. McBride answered no, they have never been prosecuted. He said they need to be prosecuted. They need to be fined, and no one does it. Mr. McBride stated if he had the authority to go do it, he would do it. He said he would issue a summons to all the corporate officers of both entities, and he would cite them, and he would issue tickets for any sign in the public right of way that was not an official sign that should be in the public right of way. Mr. McBride stated but it is not his call to do that, but trust him he would love to do it.

Ms. Jankowski said she was just curious because nothing gets resolved. She thanked Council for the information and for their time.

Mr. Fischer thanked Ms. Jankowski noting that she is always on point.

EXECUTIVE SESSION: 8:06 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Purchase and/or Sale of Real Estate, 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 Chairman declared the motion passed.

RECONVENE: 8:21 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Reconvene the Regular Meeting of Council, 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 Chairman declared the motion passed.

ADJOURN: 8:22 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. 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 Chairman declared the motion passed.

PASSED: _____

SIGNED BY: _____
Brian Fischer, President of Council

ATTEST: _____
Barbara J. Brooks, Clerk of Council