**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MAY 13, 2024
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 Streator; Clerk of Council – Barbara Brooks

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, APRIL 15, 2024
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, April 15, 2024, 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 22, 2024
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 22, 2024, 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.

ORDINANCE NO. 54-24 – TO AWARD THE PUBLIC BID FOR THE 2024 AVON PAVEMENT MARKING PROGRAM
The Clerk read Ordinance No. 54-24 by title only, entitled:

**AN ORDINANCE TO AWARD THE PUBLIC BID FOR THE
2024 AVON PAVEMENT MARKING PROGRAM
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. 54-24, 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. 54-24, 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.

ORDINANCE NO. 55-24 – TO AMEND AND SUPPLEMENT APPROPRIATIONS
The Clerk read Ordinance No. 55-24 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT
APPROPRIATIONS ORDINANCE NO. 120-23
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. 55-24, 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. 55-24, and the discussion was:

Mr. Presley advised the exhibit is revised to include the appropriation of grant dollars received by the Fire Department through BWC for Personal Protective Equipment. He said Chief Swope mentioned this to him this morning and he prepared this revised version and recommends it be adopted if that was what Council wished to do.

Mrs. Demaline asked if the $15,000 was a full grant that the City would be 100% reimbursed or was it a matching funds grant.

Mr. Presley advised there was a small match, but this amount is the actual grant portion and the Fire Chief would make up the matching portion from his budget already available.

Mrs. Demaline clarified that the City would be receiving the $15,000 back to which Mr. Presley confirmed that to be the case.

Mrs. Demaline asked if anything more was known about the timeline for the grant.

Mr. Streator advised the information was just received that the grant was awarded. He said it is for gloves and hoods through the BWC grant that was applied for approximately 4 months ago.

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>ORDINANCE NO. 56-24 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED ON DETROIT ROAD (REAR LAND OFF CHURCH STREET) IN THE CITY OF AVON, PERMANENT PARCEL NO. 04-00-010-115-013, FROM TRAVIS LEOPOLD</u>
The Clerk read Ordinance No. 56-24 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED ON DETROIT ROAD (REAR LAND OFF CHURCH STREET) IN THE CITY OF AVON, PERMANENT PARCEL NO. 04-00-010-115-013, FROM TRAVIS LEOPOLD 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. 56-24, 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. 56-24, and the discussion was:

Mrs. Demaline advised this purchase was not discussed in the Work Session last week and she was more comfortable passing these kinds of Ordinances when Council has had the opportunity to discuss them in the Work Session. She asked what the City’s intention was for this property as it looks as if the City is acquiring parcels in that area.

Mayor Jensen indicated in addition to this parcel there was one more in this area that the City would like to eventually acquire. He advised this parcel the City has tried to acquire for the last ten years and it is a grassy lot that abuts St. Mary's church and is adjacent to other parcels the City already owns.

Mrs. Demaline advised she knows they have talked about purchasing property in different meetings and it was very likely that they have already discussed this purchase, but she would be more comfortable if they would present it in a Work Session and then subsequently vote at the Regular Meeting.

Mr. Gasior advised City Council generally discusses the purchase of property in Executive Session because they were not certain if an agreement for the purchase will be reached. He said it was possible that this property including the purchase price was discussed in Executive Session on an occasion where she was out of town. Mr. Gasior stated after that the agreement was reached with the seller. He advised there was no mention of it at last week's Work Session because until that seller signs the purchase agreement, the City does not want to disclose to the general public that they were going to be trying to acquire a parcel of land. Mr. Gasior said it was not until late Friday of last week the seller signed the agreement and the reason Council has it in front of them tonight because it was now signed, so the seller cannot change his mind. He advised this legislation allows the Mayor to go forward and sign the agreement to complete the transaction.

Mrs. Demaline said she understands it is a fine line of transparency while not allowing a deal to fall through. She asked what City was looking to do with the property with this acquisition. Mrs. Demaline stated the Mayor indicated they might want to acquire one more parcel in that area, but she asked what they plan to do with the land.

Mayor Jensen advised the City would now own a good portion of that area and if there were any changes that need to be made at that intersection or if the widening of Detroit Road needed to happen that the City now controls those parcels so if they need to push back the gazebo, for instance, they have that area to work with.

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.

<u>RESOLUTION NO. R-19-24 – TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF A FIRE TRAINING FACILITY</u>
The Clerk read Resolution No. R-19-24 by title only, entitled:

A RESOLUTION TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF A FIRE TRAINING FACILITY AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-19-24, 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 Resolution No. R-19-24, 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>REPORTS AND COMMENTS</u>
MAYOR JENSEN advised as most of Council heard earlier that night, the residents along Lakeland Drive were concerned about their storm sewers. He said the City may have to expend some funds to look into that situation. Mayor Jensen indicated they will be working with Mr.

Cummins on that to make sure the necessary improvements were made. He stated he was not sure if a supplemental appropriation would be necessary, but they want to work through that situation and get it corrected. Mayor Jensen believed they could work out a solution without it being too complex, but it may cost some money to do that. He felt the majority of the concerns raised in the Service Committee Meeting earlier that night were related to water issues and flooding even though the residents do not want sidewalks installed on their property. Mayor Jensen advised they would work through the sidewalk issues as that program progresses.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, thanked Mr. Moore and Mrs. Demaline for organizing the Service Committee Meeting earlier tonight and having the residents here and for giving them the opportunity to share their concerns and issues with Council.

MRS. DEMALINE, WARD 1, advised she shares in the same sentiments as Ms. Berges. She appreciates that the Administration was open to talking to and listening to the residents and taking action on their behalf.

Mrs. Demaline advised they spoke last week about the redistricting of the Wards and there was conversation about scheduling a meeting of the Legal Committee of Council. She asked the Chair of the Legal Committee, Mr. McBride, if he had come up with a date for scheduling such a meeting.

Mr. McBride advised he will be working on getting that scheduled. He said he has been slightly remiss as he was going to meet with Mr. Gasior and the Mayor to go over a few items before setting that meeting and then get it scheduled. Mr. McBride stated he would anticipate for that to be in approximately 2 weeks, but he would confirm that with everyone and ask the Clerk to send out a notice.

Mayor Jensen requested that Mr. Cummins attend the initial meeting as well as he has the history and knowledge to help in the discussion.

Mr. McBride agreed.

Mrs. Demaline advised she enjoys working out of OneDrive for accessing Council packets. She asked if it would be possible to have the Planning Commission packets provided to Council in their OneDrive as well. Mrs. Demaline said it would be helpful as she gets a lot of questions about topics that were on an upcoming Planning Commission agenda and instead of emailing each time to ask for the packet, she thought this would be easier.

Ms. Fechter advised they could add Council to the distribution list and she would coordinate that with the Planning Clerk.

MR. McBRIDE, WARD 2, gave kudos to the Service Committee Members. He said these types of meetings were not always easy and he has been through a couple of them during his tenure on City Council.

Mr. McBride indicated there was a huge area being taken up in the parking lot of Home Depot by their mulch and flowers, which is outside of where they are allowed to locate these items for resale. He stated it has been this way every year for the last twenty years. Mr. McBride suggested that Home Depot be cited and that a misdemeanor summons could be issued to implore officers of Home Depot to appear in the Avon Lake Municipal Court to answer charges and that might get their attention.

MR. MOORE, WARD 3, thanked Mrs. Demaline for calling the Service Committee Meeting that was held prior to tonight's Regular Meeting. He said it was important for these residents to come and talk. Mr. Moore stated that while it may have been uncomfortable to hear some of the comments made about the sidewalk program, he felt there was good headway made on fixing some stormwater issues for the residents on Lakeland Drive. He advised it was good to address those issues and have something good come out of that meeting and he thanked everyone else who attended the meeting.

MS. PATTON, AT LARGE, had no comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, reminded everyone that this is Police Memorial Week. He asked everyone to keep our Police Officers in their prayers and Police Officers all around the

Country, especially the Euclid Police Department who are currently going through an unbelievable tragedy this week.

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, had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, thanked all who participated in organizing and working the shred event this past Saturday. He said even with the rain they did a great job for the community. Mr. Streator reminded everyone that this coming Saturday was Beautiful Day, and several volunteer groups would be planting flowers at various City properties and public areas throughout Avon.

AUDIENCE COMMENTS:

There were no comments made from the audience members.

<u>EXECUTIVE SESSION</u>: 7:47 p.m.

A motion was made by Mr. McBride and seconded by Ms. Berges to enter into Executive Session for the purpose of discussing the purchase of an interest in real estate, 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>: 8:18 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to reconvene the Regular Meeting, 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>ADJOURN:</u> 8:19 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 Chair declared the motion passed.

PASSED:_____________________________

SIGNED BY:________________________________

Brian Fischer, President of Council

ATTEST:______________________________

Barbara J. Brooks, Clerk of Council