**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF AVON, OHIO, HELD TUESDAY MAY 27, 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; City Engineer – Ryan Cummins; Law Director – John Gasior; Clerk of Council – Barbara Brooks

ABSENT:
Mayor - Bryan Jensen; Planning and Economic Development Coordinator – Pam Fechter; Finance Director – Steve Presley; Safety/Public Service Director – Duane Streator

CORRESPONDENCE
The Clerk reported that she received a notice from the Ohio Division of Liquor Control for a TREX transfer from Spring Family LLC, DBA Burrito Loco & Patios, located at 2421 Lake Avenue, Ashtabula, OH 44004 to Las Margaritas of Avon, LLC, located at 35015 Detroit Road, Avon, OH 44011 for a D5 permit class

The Clerk confirmed Las Margaritas is taking over the old ZZ's location.

Mr. Gasior confirmed that the right of way acquisition transferred last week to the City.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MAY 5, 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, May 5, 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, MAY 12, 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, May 12 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.

ORDINANCE NO. 42-25 – TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 109-24
The Clerk read Ordinance No. 42-25 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT**

**APPROPRIATIONS ORDINANCE NO. 109-24**
**AND DECLARING AN EMERGENCY**

The Chair declared this to be the first of three readings of Ordinance No. 42-25.

Mr. Fischer advised since the Director of Finance is not available tonight, he is going to declare Ordinance No. 42-25 the first of three readings. He said the reason that he made this item a first reading is that he is anticipating a Special Meeting being called next week at which time he was sure that Mr. Presley would be back and the supplemental appropriations can be addressed at that time.

<u>ORDINANCE NO. 43-25 – TO AWARD A BID FOR THE STATE ROUTE 83 AND STATE ROUTE 254 INTERSECTION IMPROVEMENT PROJECT, PID 111283 LOR SR 0254 05.66</u>
The Clerk read Ordinance No. 43-25 by title only, entitled:

**AN ORDINANCE TO AWARD A BID FOR THE**
**STATE ROUTE 83 AND STATE ROUTE 254 INTERSECTION**
**IMPROVEMENT PROJECT, PID 111283 LOR SR 0254 05.66**
**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. 43-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 43-25, and the discussion was:

Mr. Cummins advised there was a meeting with the contractor earlier today and they are anxious to get going. He said they have identified the project team and he felt it was a very productive meeting and they were ready to move forward.

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>ORDINANCE NO. 44-25 – TO AWARD A BID FOR THE SHAKESPEARE LANE WATER MAIN REPLACEMENT</u>
The Clerk read Ordinance No. 44-25 by title only, entitled:

**AN ORDINANCE TO AWARD A BID FOR THE**
**SHAKESPEARE LANE WATER MAIN REPLACEMENT**
**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. 44-25, 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. Moore to adopt Ordinance No. 44-25, 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.

<u>ORDINANCE NO. 45-25 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE AVON LOCAL SCHOOL DISTRICT TO PURCHASE REAL ESTATE LOCATED AT 36600 DETROIT ROAD (a.k.a. THE AVON VILLAGE SCHOOL), PERMANENT PARCEL NO. 04-00-010-112-026 TO BECOME THE NEW LOCATION FOR AVON CITY HALL</u>
The Clerk read Ordinance No. 45-25 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE AVON LOCAL SCHOOL DISTRICT TO PURCHASE REAL ESTATE LOCATED AT 36600 DETROIT ROAD (a.k.a. THE AVON VILLAGE SCHOOL), PERMANENT PARCEL NO. 04-00-010-112-026 TO BECOME THE NEW LOCATION FOR AVON CITY HALL AND DECLARING AN EMERGENCY**

The Chair declared this to be the first of three readings of Ordinance No. 45-25.

<u>ORDINANCE NO. 46-25 – EXTENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, SPECIAL USE AND/OR BUILDING PERMIT APPROVALS FOR THE ESTABLISHMENT, DEVELOPMENT AND CONSTRUCTION OF CAR WASHES AND SELF STORAGE FACILITIES WITHIN THE CITY OF AVON</u>
The Clerk read Ordinance No. 46-25 by title only, entitled:

**AN ORDINANCE EXENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, SPECIAL USE AND/OR BUILDING PERMIT APPROVALS FOR THE ESTABLISHMENT, DEVELOPMENT AND CONSTRUCTION OF CAR WASHES AND SELF STORAGE FACILITIES WITHIN THE CITY OF AVON AND DECLARING AN EMERGENCY**

Mr. Gasior advised it may have been his mistake that the agenda listed this legislation as the first of three readings. He respectfully asked if Council would consider entertaining a motion to suspend the rules and act on Ordinance No. 46-25 tonight. Mr. Gasior said he believes the current moratorium expires on May 28, 2025, and he wanted to get this legislation in front of Council before that moratorium expired.

Mr. Fischer asked Mr. Gasior to elaborate on why Council is being asked to extend the moratorium.

Mr. Gasior advised they would like to extend the temporary moratorium for the future development or construction of car washes and storage facilities. He said it was discussed at the last Planning

Commission Meeting. Mr. Gasior stated he has a map that Mr. Cummins put together that he is hoping to present to the Planning Commission when they meet in June and possibly get the Codified Ordinances amended to address the issue. He advised most of these kinds of facilities right now are situated very close to I-90, just to the south or north of I-90. Mr. Gasior said that while he is not certain about the numbers, there are around seven or eight such facilities in Avon currently. He stated with that additional information he felt they may be able to address something in the Code by way of zoning. Mr. Gasior advised he anticipates coming to Council with an amendment sometime around the latter part of June or by the first Work Session in July. He said with the summer recess there would be a second reading in August, and the third reading would come after Labor Day and that is the reason for the additional time. Mr. Gasior stated he was not anticipating anyone to file an application, and perhaps it could be passed next week if there is a Special Meeting, but he felt it would be better to suspend the rules tonight and act on this legislation.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 46-25, 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. Radcliffe to adopt Ordinance No. 46-25, 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 was absent

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, advised the Memorial Day parade yesterday was very nicely done and the ceremony at the Veterans Memorial was moving, as always. She felt it is a wonderful way to commemorate and honor those who have died while serving to preserve our Country and democracy.

MRS. DEMALINE, WARD 1, had no comments.

MR. MCBRIDE, WARD 2, advised he had several issues, but in lieu of making comments he would send Mayor Jensen an email.

Mr. McBride said that he had a concern for Mr. Cummins to look at regarding a standing water issue with two properties on Stoney Ridge Road. He stated there was no place for the water to go except onto these properties.

MR. MOORE, WARD 3, had no comments.

MS. PATTON, AT LARGE, thanked Ms. Clements for planning a wonderful Memorial Day parade and service. She said it was wonderful to see everyone out honoring our fallen military.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, advised there was a fantastic turnout for the Memorial Day parade. He said he wanted to thank everyone who put that event together.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, advised he had one comment regarding the State Route 83 & State Route 254 project so that Council is aware. He said the company that is handling the construction administration, K. E. McCartney, has been tasked with also populating and maintaining a website for the project that will be linked to the City website. Mr. Cummins stated that now that the bid has been awarded, they would get that website up and running and get it connected noting that it will be a source of information for the traveling public and for City Council and the City Administration.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, was absent.

MR. GASIOR, LAW DIRECTOR, thanked Council for considering passage of Ordinance No. 46-25 to extend the moratorium on car washes and self-storage units.

Mr. Gasior advised on May 9, 2025, he received a notice from the State Attorney General that there is an initiative petition that will be circulated to abolish real estate taxes in Ohio. He said he wanted Council to be aware of that initiative. Mr. Gasior stated it would be an unbelievable financial nightmare for any municipality, village, county, or school district and it received the okay from the Attorney General to be circulated. He said they will have to wait and see if enough signatures are collected to place it on the ballot as an amendment to the Ohio Constitution to abolish taxes on real estate.

MR. PRESLEY, FINANCE DIRECTOR, was absent.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, was absent.

AUDIENCE COMMENTS:

There were no comments from the audience members.

ADJOURN: 7:46 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: 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.

PASSED:______________________________

SIGNED BY:________________________________

Brian Fischer, President of Council

ATTEST:_______________________________

Barbara J. Brooks, Clerk of Council