

**AVON CITY COUNCIL
MONDAY, JUNE 24, 2024
PUBLIC HEARING**

The Chair opened the Public Hearing for Ordinance No. 59-24 at 7:25 p.m.

7:25 P.M. – ORDINANCE NO. 59-24 – AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING THE NORTHERN 13.6414 ACRES OF LAND LOCATED AT 34440 DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-162 FROM R-1 SINGLE-FAMILY RESIDENTIAL C-4 GENERAL BUSINESS DISTRICT

There being no comments, the Public Hearing for Ordinance No. 59-24 was closed at 7:26 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JUNE 24, 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

CORRESPONDENCE

Mayor Jensen reported that a letter to City Council was sent out from his office by email. The letter was from Fire Chief Swope who explained that he reached out to several entities who have been involved with the building of fire stations or fire training facilities where Infinity Construction has been the contractor for their project. He advised based on the positive recommendations given in the letter, he would recommend that City Council vote to approve the bid award per Ordinance No. 68-24.

MINUTES OF THE MEETING OF THE LEGAL COMMITTEE OF COUNCIL HELD MONDAY, JUNE 3, 2024

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Meeting of the Legal Committee of Council held Monday, June 3, 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 WORK SESSION OF COUNCIL HELD MONDAY, JUNE 3, 2024

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, June 3, 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.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JUNE 10, 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, June 10, 2024, 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. 59-24 – TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING THE NORTHERN 13.6414 ACRES OF LAND LOCATED AT 34440 DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-162 FROM R-1 SINGLE-FAMILY RESIDENTIAL TO C-4 GENERAL BUSINESS DISTRICT

The Clerk read Ordinance No. 59-24 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED
JANUARY 15, 1969, COMMONLY KNOWN AS THE ZONING ORDINANCE
OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING THE
NORTHERN 13.6414 ACRES OF LAND LOCATED AT 34440
DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-162 FROM R-1
SINGLE-FAMILY RESIDENTIAL TO C-4 GENERAL BUSINESS DISTRICT**

The Chair declared this to be the third of three readings of Ordinance No. 59-24.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 59-24, 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. 66-24 – AMENDING SECTIONS 277.02(a) & (b) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON RELATIVE TO TREE COMMISSION “MEMBERSHIP AND COMPENSATION”

The Clerk read Ordinance No. 66-24 by title only, entitled:

**AN ORDINANCE AMENDING SECTIONS 277.02(a) & (b) OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON RELATIVE TO
TREE COMMISSION “MEMBERSHIP AND COMPENSATION”
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. 66-24, 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. Radcliffe to adopt Ordinance No. 66-24, and the discussion was:

Mr. Gasior advised the Ordinance was written to clarify that the student member of the Tree Commission must be a high school student at a minimum age of 16, for a two-year term, and would be non-compensated.

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. 67-24 – EXTENDING THE TEMPORARY MORATORIUM ON THE FUTURE DEVELOPMENT OR CONSTRUCTION OF ANY HOTEL, MOTEL, EXTENDED STAYS, BOARDING HOUSES OR THE LIKE WITHIN THE CITY OF AVON

The Clerk read Ordinance No. 67-24 by title only, entitled:

**AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM
ON THE FUTURE DEVELOPMENT OR CONSTRUCTION OF ANY
HOTEL, MOTEL, EXTENDED STAYS, BOARDING HOUSES
OR THE LIKE WITHIN THE CITY OF AVON
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. 67-24, 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. Radcliffe to adopt Ordinance No. 67-24, 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. 68-24 – TO AWARD THE PUBLIC BID FOR THE DESIGN AND CONSTRUCTION OF A FIRE TRAINING TOWER

The Clerk read Ordinance No. 68-24 by title only, entitled:

**AN ORDINANCE TO AWARD THE PUBLIC BID FOR THE DESIGN
AND CONSTRUCTION OF A FIRE TRAINING TOWER
AND DECLARING AN EMERGENCY**

President Fischer invited Fire Chief Swope to come to the podium and provide an explanation of the one bid received.

Chief Swope advised last week the one concern he heard was that there was only one bid received for this project. He said the City had no intention of only receiving one bid and he noted there was another potential bidder at the pre-bid meeting and there were a lot of subcontractors requesting the bid documents, but in the end only one company bid on the project. Chief Swope stated they looked further into the company that provided the bid, Infinity Construction Co., Inc., based on the concerns voiced by Mr. McBride at last week’s Work Session of Council. He advised as he noted in his letter to Mayor Jensen, there were some buildings that this company has done in the City, and he reached out to other Fire Chiefs in the area to see who has worked with this contractor on past projects. Chief Swope said North Ridgeville Fire Station #1, Infinity Construction was awarded the bid for that project and there were only good reviews for this company from the North Ridgeville Fire Chief, which was a fairly new project. He stated he contacted some colleagues at Tri-C that built a public training facility that is very impressive and cost millions of dollars over the last several years. In addition, the director at the time indicated he had a good working relationship with this company. Chief Swope advised he reached out to the current director and there were only minor wear and tear issues noted. He said those positive references gave him more confidence in accepting this company as a single bidder. He stated the City initially tried to extend the bid by ten days to try to attract more bidders, but those he made inquiries about regarding this company were satisfied with the work performed and he could only hope for the same.

Mr. Fischer thanked Chief Swope and said he appreciated him doing the extra research.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 68-24, 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 Ms. Berges to adopt Ordinance No. 68-24, 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. 69-24 – TO ACCEPT DEDICATION OF PUBLIC RIGHT-OF-WAY AND PERMANENT UTILITY EASEMENTS ALONG DETROIT ROAD AND STATE ROUTE 83 FOR UPCOMING STATE ROUTE 254 AND STATE ROUTE 83 INTERSECTION IMPROVEMENT PROJECT

The Clerk read Ordinance No. 69-24 by title only, entitled:

**AN ORDINANCE TO ACCEPT DEDICATION OF PUBLIC RIGHT-OF-WAY AND
PERMANENT UTILITY EASEMENTS ALONG DETROIT ROAD AND STATE
ROUTE 83 FOR UPCOMING STATE ROUTE 254 AND STATE ROUTE 83
INTERSECTION IMPROVEMENT PROJECT
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. 69-24, 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. Radcliffe and seconded by Ms. Berges to adopt Ordinance No. 69-24, 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. 70-24 – ACCEPTING THE INSURANCE PROPOSAL SUBMITTED BY
OSWALD COMPANIES**

The Clerk read Ordinance No. 70-24 by title only, entitled:

**AN ORDINANCE ACCEPTING THE INSURANCE
PROPOSAL SUBMITTED BY OSWALD COMPANIES
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. 70-24, 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. Radcliffe to adopt Ordinance No. 70-24, and the discussion was: Mr. Presley reminded Council that this cost includes increasing the cyber liability policy to a \$3 million limit as discussed at last week’s Work Session.

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. 71-24 – TO AMEND AND SUPPLEMENT APPROPRIATIONS

The Clerk read Ordinance No. 71-24 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. 71-24, 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. Radcliffe to adopt Ordinance No. 71-24, 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.

REPORTS AND COMMENTS

MAYOR JENSEN advised the City has received quite a few questions from residents asking for advice about trees on their property. He said Council was well aware of the issue with Providence Church and the surrounding neighbors when the church took down some trees. Mayor Jensen said also in the Fieldstone Landings Subdivision they were adding another phase next to Stone Wheel Street and residents were concerned about the trees that were being taken down. He stated Mr. Varga, City Arborist, when contacted by a resident does not provide consulting services to them without having to charge them for his services. Mayor Jensen advised he would like to bring something before Council that would allow the residents to call the City and get information where they would not be charged. He said some other communities allow the City Arborist to answer residents' questions without charging the residents for that information. Mayor Jensen advised he does not feel that the Arborist should provide design work, but to be able to answer questions and look at a few trees and provide some guidance he felt was reasonable. He suggested Council could set a small budget for this year and add it as a full budget item next year. Mayor Jensen stated he was not sure the person chosen would be Mr. Varga and he asked Council for direction on how they wish to proceed. He advised it would make things much easier for those in the Administration that if there is a problem with a tree that it would be a nice service the City could provide the residents instead of charging them. Mayor Jensen noted that he gave Mr. Varga the okay to meet with the Providence Church and the Homeowners Association at Devonshire Meadows to come up with a satisfactory buffer. He said Mr. Streater could confirm that the City keeps receiving bills from Mr. Varga and there needs to be some sort of stop gap, but also discuss if it should be Mr. Varga for this position or another Arborist. Mayor Jensen asked Mr. Gasior if it is a conflict of interest since Mr. Varga serves on the Tree Commission.

Mr. Gasior advised they can look at it and consider appropriating funds for Mr. Varga to go out when a resident calls and then he would have to submit an itemized bill for his work and his hourly rate. He said he felt it would be good for Council to approve that use of funds. Mr. Gasior stated he did not believe it would be a conflict because Mr. Varga is a non-voting member of the Tree Commission and was not a paid member to his knowledge.

Mayor Jensen advised he would meet with Mr. Varga and get something in front of Council for their consideration.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, had no comments.

MRS. DEMALINE, WARD 1, said as a follow-up to Mayor Jensen's comments, she felt it would be helpful to have a better understanding of Mr. Varga's responsibilities or if he is an employee of the City or not as she was not well versed in the relationship. She asked if that information could be provided before the meeting where they would be discussing the matter. Mrs. Demaline stated if Mr. Varga is not a City employee, she felt it would be very beneficial for Council to consider having an Arborist on staff.

MR. McBRIDE, WARD 2, agreed with Mrs. Demaline and said it would be a good service for the City to have an Arborist available for the residents whether on a per diem basis or set a budget for a part-time salary. He said he would not be in favor of paying mileage as Avon is not that big, but he did not want to be cheap either. Mr. McBride stated initially there might be a flurry of residents calling for an Arborist to come look at situations regarding trees on their property.

Mr. McBride thanked Chief Swope for the extra due diligence and while it would have been great to have more bids received, they have to move forward with what they were given.

MR. MOORE, WARD 3, thanked Chief Swope for doing the extra leg work and he felt it was good for the Fire Department to get that project started.

MS. PATTON, AT LARGE, had no comments.

MR. RADCLIFFE, WARD 4, said regarding Mr. Varga, that was the only Commission he could think of where when residents call to ask questions when looking for advice that they would be told they would have to pay for their services, or the City invoiced. He agreed Council definitely needs more information to see how that translates to the other Commissions or groups where residents ask questions and were not being billed for doing so. Mr. Radcliffe advised there needs to be a better understanding of what is taking place to figure out a solution.

Mr. Radcliffe stated he recently had a resident ask him about the two flags in Council Chambers as to when they were last cleaned or serviced or brightened up a little bit. He asked if someone could take a look at that and see what could be done.

MR. FISCHER, AT LARGE, reminded Council that he would be out for the meeting to be held on Monday, July 1, 2024, and he is leaving them in the competent hands of Mr. Moore, as Council President Pro Tem, who will be filling in as Chairman.

Mr. Fischer asked Council to please let him, and the Clerk know of any known absences from meetings during the summer months.

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, was absent.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, reported that he would look at the flags in the Council Chambers first thing tomorrow and see what needs to be done.

AUDIENCE COMMENTS: There were no comments from the audience members.

EXECUTIVE SESSION: 7:52 p.m.

A motion was made Mr. McBride and seconded by Mr. Radcliffe to Enter into Executive Session for the purpose of discussing the purchase of 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.

RECONVENE: 8:09 p.m.

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

ADJOURN: 8:10 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