

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, JULY 1, 2024
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: Council-at-Large – Mary Berges; 1st Ward – Jennifer Demaline; 2nd Ward - Dennis McBride; 3rd Ward -Tony Moore; Council-at-Large – Michelle Patton; 4th Ward - Scott Radcliffe; Mayor – Bryan Jensen; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director– Steve Presley; Clerk of Council – Barbara Brooks

ABSENT: Council-at-Large and Council President – Brian Fischer; City Engineer – Ryan Cummins; Safety/Public Service Director – Duane Streator

Council President Pro Tem, Tony Moore, called the Meeting to order.

1. [ORDINANCE NO. 72-24 – ESTABLISHING A TAX BUDGET FOR THE CURRENT EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025](#)

Mr. Presley

Mr. Presley advised this legislation indicates to the County Budget Commission the need to collect 9.95 mills that the City has authorized them to collect, from Avon property owners, the taxes that the City is legally allowed to collect. He said this is step one in the 2025 budget process.

2. [ORDINANCE NO. 73-24 – TO AMEND THE PLANNING AND ZONING CODE SECTION 1270.03 “SCHEDULE OF PERMITTED USES” AND SECTION 1280.05 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NON-RESIDENTIAL DISTRICTS TO REQUIRE A SPECIAL USE PERMIT FOR URGENT CARE CLINICS IN THE C-2 DISTRICT](#)

Planning Referral

The First of Three Readings of Ordinance No. 73-24 will be held on Monday, July 8, 2024

A Public Hearing will be held on Monday, September 9, 2024 at 7:25 p.m.

Ms. Fechter advised the Administration recently noticed that in Avon’s Code, Urgent Care Centers are listed as prohibited in the C-2 French Creek District. She said in discussions with the Administration, it appears that back in 2001 the thought was that these Urgent Care Centers were going be more like a mini hospital and there would be a lot of ambulance visits and the like. Ms. Fechter stated over the years, what they have seen is that these Centers were more like a doctor’s office type setting. She advised they were asking City Council to consider adding Urgent Care Centers as a permitted use in the French Creek C-2 District.

3. [ORDINANCE NO. 74-24 – TO AMEND SECTIONS 1222.02, 1270.03, 1270.08, 1280.05, AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO PROHIBIT CERTAIN USES THEREIN IMMEDIATELY ADJACENT TO OR WITHIN 500 FEET OF DETROIT ROAD](#)

Planning Referral

The First of Three Readings of Ordinance No. 74-24 will be held on Monday, July 8, 2024

A Public Hearing will be held on Monday, September 9, 2024 at 7:20 p.m.

Ms. Fechter advised there has been a lot of conversation around gasoline stations coming to Detroit Road. She said as they take a step back and look at the Detroit Road Preservation in connection with Detroit Road being a Scenic Byway; they are asking City Council to prohibit refueling stations within 500 feet of Detroit Road to preserve that Detroit Road quality.

Mr. McBride asked if that prohibition would include EV (electric vehicle) charging stations.

Mr. Gasior advised Electric Vehicles are defined in this legislation and states it is a prohibited use on any property within 500 feet of Detroit Road. He clarified the Ordinance as written does not allow them as they would be considered refueling. Mr. Gasior said a refueling station was defined to include gasoline, diesel and EV charging stations.

Ms. Fechter clarified that any private locations with an existing EV charging station along Detroit Road would be grandfathered. She indicated that it was not the intent of the Administration to prohibit those.

Mr. Gasior advised he added in Section 1222.02 the definition of an Electric Vehicle Charging Station. He said it is also stated in the Ordinance, “fueling station, gasoline or EV charging station” and they will insert the “#Prohibited on any property adjacent to Detroit Road or within 500 feet of Detroit Road right of way”. Mr. Gasior noted that language would be made consistent throughout the Code. He noticed there was one section where the word, “diesel” was inadvertently omitted in Section 1270.03(e)(7) and said he would make that correction before next week.

Mayor Jensen advised the idea was to get this legislation in place first and then decide if there were some ancillary items that Council may want to consider adding later. He indicated he agrees that a business specifically used for the purpose of refueling should be prohibited as they do not want that look along Detroit Road.

Mr. Gasior advised there was discussion of whether the EV Charging Station was an accessory use under the Code. He indicated they would like to prohibit those businesses where refueling is a principal use. Mr. Gasior noted that a doctor’s office or other small business that has a personal EV Charging Station as a convenience for that business and their patrons; Council may not want to ban that along Detroit Road. He indicated they could decide to address those matters should they arise.

4. ORDINANCE NO. 75-24 – 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 2.58 ACRE PARCEL OF LAND LOCATED ON DETROIT ROAD, NEAR JAYCOX (ACROSS FROM MARTIN’S DELI), PERMANENT PARCEL NO. 10-04-00-022-102-083 FROM R-1 SINGLE-FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD BUSINESS DISTRICT (WASILKO)

Planning Referral

The First of Three Readings of Ordinance No. 75-24 will be held on Monday, July 8, 2024

A Public Hearing will be held on Monday, September 9, 2024 at 7:15 p.m.

Ms. Fechter advised she and other staff have had several meetings with Mr. Wasilko regarding rezoning his parcel. She said on the northeast corner of Jaycox Road and Detroit Road, there is the Charles Scott and Earl Martin development. Ms. Fechter stated the parcel to the east is already zoned for C-1 Neighborhood Business. She advised Mr. Wasilko originally asked to rezone only a portion of his property on Detroit Road. Ms. Fechter said the more they worked with that parcel it was decided that it would be better if Mr. Wasilko asked to rezone the entire parcel giving the needed setback from the residential parcels in the area and providing the necessary buffer to make for a better flow at the site. She stated the Planning Commission asked Mr. Wasilko to contact Mr. Martin to see if there was a way to share the drive to make them further away from Jaycox and Detroit Roads.

Mr. McBride asked if there would be adequate rear yard setbacks for buffering since the parcel backs up to Norton Place.

Ms. Fechter advised there will be, but nothing has been submitted so they do not know when the property would be developed. She said they would look at the different setbacks between the residential and commercial and have the appropriate buffer.

5. ORDINANCE NO. 76-24 – AMENDING CHAPTERS 242, 246 & 256 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO DESIGNATE HOLIDAYS FOR WHICH INTERMITTENT AND PERMANENT PART-TIME EMPLOYEES OF THE CITY OF AVON WILL BE ENTITLED TO PREMIUM PAY

Mayor Jensen

Mayor Jensen advised it came to the Police Chief’s attention that when permanent part-time employees work on the holiday, they were not paid any kind of premium pay for working that holiday. He pointed out there were a couple of employees within the Police Dispatchers where they were paid premium pay for hours worked on a holiday, but the other permanent part-time employees throughout the rest of the City were not paid premium pay when they work on a holiday. Mayor Jensen explained currently if a permanent part-time employee was asked to

work on Christmas Day, they would be paid their straight time hours for hours worked on Christmas Day. He said he felt that if an employee were asked to work on a holiday that they should be compensated accordingly. Mayor Jensen stated all the holidays were reviewed for times that someone might be asked to work on that holiday, and it would be for those instances where the permanent part-time employee was requested to work on a holiday. He advised an example would be the Community Resource Officers (CRO) when they are requested to work on a holiday as typically those were the times that these employees were needed the most because full-time officers with earned time off were not available. Mayor Jensen indicated they looked at other positions in the City where permanent part-time employees might be asked to work on a holiday, where currently they would not receive premium pay. He advised they included the main holidays so that if an employee was asked to come in on a holiday and work that they would be compensated accordingly for doing so.

Mrs. Demaline asked if this legislation was for all non-bargaining employees to which the Mayor confirmed it was.

Mr. Gasior pointed out that the Ordinance states the legislation is effective July 1, 2024, in Section One, so that it will include the July 4, 2024, holiday of this year. He advised if Council wished to remove that and make it effective July 8, 2024, the day of passage, that was up to Council.

Mrs. Demaline advised she was in favor of the effective date being July 1, 2024. She said this is a nice benefit for those employees on core holidays. Mr. Moore and Mr. McBride concurred with Mrs. Demaline.

There was no opposition voiced.

6. [ORDINANCE NO. 77-24 – AUTHORIZING THE EXECUTION OF A LOCAL PUBLIC AGENCY FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION \(ODOT\) TO CONSTRUCT THE STATE ROUTE 83 & STATE ROUTE 254 INTERSECTION IMPROVEMENT PROJECT, PID 111283 LOR SR 0254 05.66](#) Mr. Cummins

Mayor Jensen advised this is the next step in moving the SR83 and SR254 Intersection Project forward. He said Mr. Cummins is absent tonight, but he could be reached if Council had any questions. Mayor Jensen stated the first Council Work Session in August, Mr. Cummins would be laying out the whole scope of the project and provide tentative dates. He advised they would also like to hold a Public Information meeting at some point with display boards of the project so people could see exactly what the project entails. Mayor Jensen said he and Council have been asked over the years when something was going to be done about the traffic on Detroit Road and improvements to the roadway. He stated this project is approximately an \$11 million project and it is important to that area of the City and will make a lot of improvements. Mayor Jensen explained this project began almost five years ago to try to get it to move forward. He advised ODOT is working with the City and the City has received Safety Funding for this project. Mayor Jensen said the project started out around \$7 or \$8 million and costs continue to increase as more time passes. He stated it can be frustrating but there was no way around the costs increasing when the City is waiting on funding and that can take time. Mayor Jensen advised the City received quite a bit of funding and the City of Avon's cost was going to be around \$4 million. He said before Mr. Cummins presents this at the first Work Session in August; he would ask that a Service/Safety Committee of Council be called prior to the Work Session. Mayor Jensen speculated it would take approximately a half an hour to go through the flow chart and see every step of the project and every intersection that will be improved and how they were being improved.

7. REPORTS AND COMMENTS

MAYOR JENSEN advised he will be asking Mr. Cummins to layout a proposed Ward boundary suggestion for consideration so that Council can see, and that issue can be moved forward. He said there will be legislation for Council to consider passing so that it can be sent to the Lorain County Board of Elections.

Mayor Jensen reported that there will be a big fireworks display put on by the City on Wednesday, July 3rd. He said they are hoping for good weather. Mayor Jensen stated it should be an excellent show of fireworks and he invited the community to attend.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE wished everyone a safe and happy 4th of July.

MRS. DEMALINE, WARD 1 said that she was looking forward to the Annual Bike Parade on July 4th at 10:00 am.

Mrs. Demaline reported that the City of Avon is hosting the Little League Baseball All Stars for the 12U Division. She said that starts next week at Veterans Memorial Park. Mrs. Demaline stated it was a big honor to be hosting that tournament in our hometown and Avon should be excited about that.

MR. MCBRIDE, WARD 2 invited everyone to attend the Annual Bike Parade. He said it was always fun to see everyone. He wished everyone an enjoyable 4th of July.

MR. MOORE, WARD 3 wished everyone a safe and happy 4th of July weekend.

MS. PATTON, AT LARGE had no comments.

MR. RADCLIFFE, WARD 4 wished everyone a happy 4th of July and he hoped everyone enjoys the holiday.

MR. FISCHER, AT LARGE was absent.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER was absent.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR wished everyone a happy 4th of July. She reported that the Grand Marshall for the Bike Parade is Shelby Kane. Ms. Fechter stated the City is very excited that Ms. Kane agreed to be the Grand Marshall for the Bike Parade.

MR. GASIOR, LAW DIRECTOR advised he came across this item in the Ohio Municipal League where there was a summation of the budget, House Bill 47, which requires AED to be installed in schools and at recreational facilities. He said it passed the legislature and was being sent to the Governor for signatures. Mr. Gasior stated this is being mandated at the State level and that was something that City Council was concerned about a few months back and it looks like the State took up the cause.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

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

AUDIENCE:

There were no comments from the audience members.

8. EXECUTIVE SESSION: 7:50 p.m.

A motion was made by 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. Berges, "yes"; Mrs. Demaline, "yes"; Mr. McBride, "yes"; Ms. Patton, "yes"; Mr. Radcliffe, "yes"; Mr. Moore, "yes".

The vote was 6 for and 0 against and the Chair declared the motion passed.

9. RECONVENE: 8:04 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Reconvene the Work Session of Council, and the vote was: Mrs. Demaline, "yes"; Mr. McBride, "yes"; Ms. Patton, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mr. Moore, "yes".

The vote was 6 for and 0 against and the Chair declared the motion passed.

10. ADJOURN: 8:05 p.m.
There being no further business, the Work Session of Council was adjourned.

PASSED: _____

SIGNED BY: _____
Anthony Moore, Council President Pro Tem

ATTEST: _____
Barbara Brooks, Clerk of Council