

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JULY 8, 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 Streater; Clerk of Council – Barbara Brooks

ADDITIONS/DELETIONS

A motion was made by Mr. McBride and seconded by Mr. Moore to amend the agenda by the addition of item #13a for an Executive Session for the Purpose of Discussing a Personnel Matter; 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 accept the agenda as amended; 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 WORK SESSION OF COUNCIL HELD MONDAY, JUNE 17, 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 17, 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.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JUNE 24, 2024

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, June 24, 2024, 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.

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

The Clerk read Ordinance No. 72-24 by title only, entitled:

**AN ORDINANCE ESTABLISHING A TAX BUDGET FOR THE CURRENT
EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO,
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025
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. 72-24, 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. 72-24, 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. 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

The Clerk read Ordinance No. 73-24 by title only, entitled:

**AN ORDINANCE 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**

The Chair declared this to be the first of three readings of Ordinance No. 73-24.

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

Ms. Fechter added that on June 19, 2024, the Planning Commission voted 5 in favor and 0 against to recommend moving it forward to City Council that this change be considered.

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

The Clerk read Ordinance No. 74-24 by title only, entitled:

**AN ORDINANCE 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**

The Chair declared this to be the first of three readings of Ordinance No. 74-24.

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

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)

The Clerk read Ordinance No. 75-24 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 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)**

The Chair declared this to be the first of three readings of Ordinance No. 75-24.

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

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

The Clerk read Ordinance No. 76-24 by title only, entitled:

**AN ORDINANCE 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
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. 76-24, 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 Ms. Berges to adopt Ordinance No. 76-24, 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. 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 AND STATE ROUTE 254 INTERSECTION IMPROVEMENT PROJECT, PID 111283
LOR SR 0254 05.66

The Clerk read Ordinance No. 77-24 by title only, entitled:

**AN ORDINANCE 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 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. Moore to suspend the rules and act on Ordinance No. 77-24, 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. 77-24, and the discussion was:

Mr. Cummins advised that in further conversations with the Ohio Department of Transportation (ODOT), they indicated that they would be submitting an updated version of Exhibit A that formally shows the Congressional Earmark the City received with the help of Congressman Latta and Senator Brown. He said it was mentioned in the Ordinance and ODOT is going to reflect that in the agreement as well. Mr. Cummins stated this updated version of Exhibit A will not change any of the provisions, but it will just show that the Congressional Earmark funds will be put toward construction dollars. He asked that when that new version comes from ODOT, he would like that to be the version that gets executed and signed.

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 that Mr. Cummins has the information to prepare a new set of Ward boundaries and would be working on preparing a new map for Council to consider adopting.

Mayor Jensen invited City Council at 7:00 p.m. on Monday, August 5, 2024, for Mr. Cummins to go over the scope of the project named in Ordinance No. 77-24 for the SR83 and SR254 Intersection Improvement Project. He felt it was not necessary to call a Council Committee Meeting because there was no decision that needed to be made as Council acted tonight by passing that Ordinance. Mayor Jensen advised he would like all of Council to see exactly what that road improvement was going to look like. He said there would be poster boards available with the details of the project, and they could also put it up on the screens as well to show each section of the project and exactly what is going to happen during this project so that Council is aware when they receive questions from residents once the construction starts exactly what will happen and the time frame involved in each of the areas of the project.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, reported that the Annual Bike Parade on July 4th was very well attended despite the humidity and heat. She said it was great to see so many people turn out for that event.

Ms. Berges invited Council and the community to the Heritage Square Gazebo on Thursday, July 18, 2024, at 6:00 p.m. to attend a brief ceremony celebrating 25 years. She said they may have seen the banner advertising the event. Ms. Berges stated it has been great for the Recreation Department along with Anne Marie Shinko-Brown to use the gazebo for so many events. She advised this year, they not only had concerts planned every month, but they were also going to have a Beach Blanket Bingo event as well as Talent Shows to be held over several weeks. Ms. Berges said it was very nice to see the City use that gazebo for community events.

MRS. DEMALINE, WARD 1, agreed it was another great Bike Parade held in Avon on July 4th and she thanked all those involved in organizing that event. She added that the City sponsored fireworks on July 3rd at the Crusher Stadium were great as well and she thanked everyone responsible.

Mrs. Demaline asked Mr. Cummins if he could provide an update to Council on where they are with the engineering on the 2024 Sidewalk Program as well as any loose ends from the 2023 Sidewalk Program at Council's first meeting in August. Mr. Cummins answered he would be happy to do that.

MR. McBRIDE, WARD 2, said while he does not need an answer right away, he would like to know what it would take to install sidewalks on the bridges at SR83 and Jaycox Road and Nagel Road. He stated he does not remember if there is a raised sidewalk on the bridge on Nagel Road, but he knows there is nothing on Jaycox Road and he was aware that the bridge deck was not very wide. Mr. McBride asked if those improvements could be put in the queue for some time in the foreseeable future. He advised he sees pedestrians walking these areas in the summer as well as the winter and has forgotten to mention it previously.

Mr. Cummins advised the sidewalks over French Creek along State Route 83 are part of the upcoming SR83 sidewalk project that the City received a grant for, and they were in the midst of designing those crossings now. He said earlier this year they also looked into getting sidewalks on the second side of Nagel Road over Schwartz Creek and they had hoped to add that onto the Schwartz Road project; however, the contractor, and the dollars did not line up. Mr. Cummins stated they have those plans put together and that could possibly be a future stand-alone project, or it could be added into a project for next year. He advised they were constantly looking at trying to work through those pinch points throughout the City.

Mr. McBride said that is good to know, but he was specifically referring to the bridges over Interstate 90 as that is where he has seen people walking and that was not a good thing.

Mr. Cummins stated that issue has been brought up to ODOT a couple times in the past, but unfortunately most of those bridges are in relatively good shape and until they need to be redone, whether for condition or capacity, ODOT is not jumping at the opportunity to make that upgrade. He advised they have made that point with ODOT and will continue to do so. Mr. McBride thanked Mr. Cummins.

Mr. McBride reported that the Bike Parade was great, and he thanked all those in the City who put the work in to make that happen although he speculated that it was probably Mayor Jensen behind the scenes making a lot of it happen. He thanked them for the Fairy Princesses at the event as well.

MR. MOORE, WARD 3, had no comments.

MS. PATTON, AT LARGE, advised she is very much looking forward to the Talent Show at the Gazebo as she felt that it is going to be great to see.

Ms. Patton thanked everyone who helped make the Avon Bike Parade a success. She said it was a lot of fun even though it was hot outside. Ms. Patton advised once again Avon honored someone who happens to have special needs and her name is Shelby Kane. Ms. Patton advised additionally, Shelby Kane's mom, Robin Kane, is trying to start up a business called, "I'm Possible Games" and wants to employ people with special needs and she is looking for a space in Avon to start up her business and if someone had any insight into a location to contact Robin Kane.

Ms. Patton continued about the Bike Parade saying this is the third time that someone with special needs got to be the Grand Marshall of the Bike Parade. Ms. Patton stated she was not sure who was making those decisions, as the other two individuals with special needs chosen to be Grand Marshall in past years were Brianna Springer and Jack McBride, who is Council Member, Mr. McBride's son. She said the parade is another example of how incredible and caring the City of Avon has been to families who have special needs loved ones in their homes. Ms. Patton praised Mayor Jensen saying that with his guidance and his personal example these families in Avon are so grateful for his leadership. She added from Mayor Jensen's implementation of Every Child's Playground and his support of adding a flat surface at that playground, to the special time with Santa at the Police Station during the Tree Lighting Event or just a simple greeting to a child with special needs; whether he was at the Crushers Stadium or at Heinen's Mayor Jensen is a wonderful example of what it means to be a great human being. Ms. Patton said those actions do not go unnoticed. She advised she was also excited, but not surprised to learn that even though the City is not having the Superheroes to Kids event this year, that they are continuing with some sort of summer tradition at Every Child's Playground with a Christmas in July event on July 20th with all kinds of activities including an ice cream truck, a petting zoo and a lunch and more for individuals with special needs.

Ms. Patton thanked Ms. Fechter who has been very welcoming and encouraging to Empowered Community Services and she was personally excited that facility was being built on Chester Road to serve many adults with special needs, who need day programs and outings and the like.

Ms. Patton thanked Mayor Jensen from all the families with special needs people in their lives.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, reminded everyone that the next time Council meets will be for the Work Session on Monday, August 5, 2024.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, thanked Council for allowing the 4th of July Bike Parade and Shelby Kane's day was made. She said Ms. Kane felt like a very special person and kept asking Mayor Jensen, "Why do you think I am special?", which was a very sweet thing. Ms. Fechter stated she was glad the City has the ability to do these kinds of things.

Ms. Fechter advised the flyer in front of Council is for the Santa Summer Celebration event. She said as they are aware each September, the City would host a Superheroes to Kids event with the Superheroes to Ohio group and while that will no longer be taking place, the City felt it was important to continue to do something they felt was important. Ms. Fechter stated lots of nominations are done at Christmas time for someone to ride with Santa based on adversities a child may be going through in their life. She advised the City decided to have a part in including many children facing difficulties and not just one child by providing them an opportunity with Santa. She advised the French Creek Foundation started the event last year and the City is partnering with them for this year to make the event even better. Ms. Fechter said the event is scheduled for 10:00 a.m. to 1:00 p.m. on July 20th and there will be a petting zoo, carnival games, face painting, food catered by Red Robin and more. She stated the goal that day is to make sure that everyone there has a smile on their face and enjoys their day. Ms. Fechter thanked City Council for allowing them to continue to provide these events.

MR. GASIOR, LAW DIRECTOR, hoped everyone enjoyed the rest of July and he noted there was a 5th Monday in July this year and he would see them in August.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, had no comments.

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

EXECUTIVE SESSION: 7:53 p.m.

A motion was made Mr. McBride and seconded by Mr. Moore to Enter into Executive Session for the Purpose of Discussing a Personnel Matter to Consider the Promotion of a Public Employee or Official, inviting Mayor Jensen and Mr. Streator, 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: 8:06 p.m.

A motion was made Mr. McBride and seconded by Mr. Moore 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: 8:07 p.m.

A motion was made by Mr. McBride and seconded by Mrs. Demaline 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