MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF AVON, OHIO, HELD MONDAY AUGUST 11, 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; Mayor - Bryan Jensen; City Engineer – Ryan Cummins; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT:
Finance Director – Steve Presley

RECOGNITION OF RANIA BROWN FOR EARNING 1ST PLACE IN THE DISCUS COMPETITION AT THE OHSAA STATE CHAMPIONSHIP FOR THE SECOND CONSECUTIVE YEAR — Mayor Jensen

Mayor Jensen recognized Rania Brown for her achievement. He noted that one year ago they presented her with a placard that she could display in her room recognizing her for her first-place win in the discus competition at the State level, and that he already presented her one for this year's accomplishment when she served as the Grand Marshall of the annual bike parade on July 4, 2025. Mayor Jensen explained that a placard would be displayed at the entrances to the City of Avon denoting her accomplishments. Mayor Jensen, on behalf of City Council and the City of Avon, stated that everyone is very proud of her accomplishments. Rania and her family posed for photos with the Mayor and City Council.

CONTINUTED DISCUSSION OF A PROPOSED LOCATION FOR A SECOND FIRE STATION — Chief Swope

Mayor Jensen introduced Fire Chief Swope, explaining that the Fire Department representatives previously presented to Council regarding potential locations for a second fire station back in 2023. The Mayor emphasized that the Fire Department considered many locations regarding property availability, and he wanted Council to understand the reason the preferred location was chosen. He also mentioned the potential need for a third station in the future but stressed the importance of completing the second station first.

Chief Swope thanked Council for inviting him back and noted that he had shortened last week's presentation, which may have left out some important context about the process of selecting a location for a second fire station, when previously the reason a second fire station was needed was addressed and the process involved. He explained that while population mapping was a useful resource 20 years ago, today they rely on more detailed data.

Chief Swope shared that four years ago when he became Fire Chief, his biggest concern was overlapping calls. At that time, there was about a 36% chance of two calls coming in simultaneously, which meant the station on Detroit Road was often empty. Despite increasing staffing, by July 2025, overlapping calls had reached about 47%, meaning about half the time there were multiple calls occurring simultaneously in the City. He explained that the current station is at capacity and cannot accommodate more personnel. The Avon Fire Department mission statement talks about not only the citizens of Avon, but all visitors to the City whether at a Crushers game off I-90 or heading to Topgolf or Cabelas on Chester Road or any of the hotels in Avon; they want to protect and serve everyone in Avon.

Chief Swope noted that longer response times due to traffic and increased call volume were also factors in determining the need for a second station. He explained that an east side station would take about 33% of the calls off the current station, benefiting residents on the west side of the City as well. While he and Assistant Chief Bruehler both live on the west side, they believe the east side station needs to come first, followed by a third station once infrastructure improvements allow roads like North Long Road or Kenwyn Boulevard to connect to Colorado Avenue to make a third station benefit more of the west side of Avon. He noted that they plan to keep the Detroit Road station staffed to handle the 10% of calls that come in for those west side calls and the rest of the City.

Regarding the proposed Middleton Road-Nagel Road location, Chief Swope explained they examined several alternatives:

- Avon Place had a nice lot but was too far east
- Avon East Elementary School was considered, but most calls go north, not south
- Areas north of the highway were too far north to help the southeast part of the City

The chosen location would save approximately two minutes of response time to areas like the Redtail Subdivision compared to the current station, which would take over 7 minutes, while also providing better traffic flow than directly entering onto major roads like Detroit Road or Nagel Road. In trying to help the most people, Chief Swope felt the Middleton Road-Nagel Road location was the best option.

Assistant Chief Bruehler addressed concerns about nursing home calls, explaining that these facilities represent a significant portion of their call volume, with a 3% annual increase. He clarified that not all calls are for traditional nursing homes, as there are approximately 200 independent living units among their 786 nursing home beds. These residents call 911 just like those in residential areas. Asst. Chief Bruehler said that the completion of the Middleton Road extension to Jaycox Road would provide a crucial link for emergency crews. This would allow them improved access to areas such as Avenbury Lakes, thereby enhancing response efficiency. This strategic road completion means that crews wouldn't have to navigate through major road traffic, thereby reducing response times not only for nursing home residents but for other emergency calls in that vicinity as well. They are trying to mitigate the current problem and looking forward to how they can respond in the future than just with EMS, but with the fire apparatus as well to allow better service to the industrial park areas as well.

In response to Mr. McBride's question about Select Medical, Assistant Chief Bruehler explained that even facilities with doctors and nurses on staff call 911 when a patient's needs exceed their capabilities or parameters. He noted that they regularly meet with these facilities to improve protocols and reduce unnecessary calls.

Mrs. Demaline appreciated knowing more about their processes and they made valid points about access to I-90 and those visiting our City but asked about the timeline for a west side station. Mayor Jensen responded that the focus is on getting the second station operational first and ensuring its efficiency before determining the timeline for a third station. Chief Swope added that proper staffing would be essential for any new station, noting that some cities have stations that are empty or understaffed, which does not serve the greater good.

Council Member Demaline expressed her understanding that this is a multi-year project but wanted confirmation that the Administration would continue to move forward with plans to eventually service the west side with a station as well. Chief Swope affirmed this commitment.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, JULY 7, 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, July 7, 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, JULY 14, 2025
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, July 14, 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. 64-25 – ESTABLISHING THE NAGEL FARMS INCENTIVE DISTRICT AND DECLARING IMPROVMENTS TO CERTAIN PARCELS OF REAL PROPERTY IN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE THE INCENTIVE DISTRICT, REQUIRING THE OWNERS OF THE PARCELS WITHIN THE INCENTIVE DISTRICT TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A NAGEL FARMS MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND RELATED MATTERS
The Clerk read Ordinance No. 64-25 by title only, entitled:

AN ORDINANCE ESTABLISHING THE NAGEL FARMS INCENTIVE DISTRICT AND DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY IN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE THE INCENTIVE DISTRICT, REQUIRING THE OWNERS OF THE PARCELS WITHIN THE INCENTIVE DISTRICT TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A NAGEL FARMS MUNICIPAL

PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND RELATED MATTERS AND DECLARING AN EMERGENCY

The Chair declared this to be the second of three readings of Ordinance No. 64-25.

<u>ORDINANCE NO. 65-25 – TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH CHESTER ROAD PARTNERS, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE VILLAS AT CHESTER COMMONS LOCATED ON THE NORTH SIDE OF CHESTER ROAD JUST EAST OF TIMBERLAKE APARTMENTS</u>
The Clerk read Ordinance No. 65-25 by title only, entitled:

AN ORDINANCE TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH CHESTER ROAD, PARTNERS LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE VILLAS AT CHESTER COMMONS LOCATED ON THE NORTH SIDE OF CHESTER ROAD JUST EAST OF TIMBERLAKE APARTMENTS AND DECLARING AN EMERGENCY

The Chair declared this to be the second of three readings of Ordinance No. 65-25.

Mr. Gasior requested that Council make a motion to amend the Ordinance due to a typo in the original Ordinance. He explained that he had incorrectly referenced Planning Commission's approval dates. He also noted a minor change in the Developer Agreement regarding when sewer work would begin, stating it would not start until October according to the timeline, and he wanted to ensure property rights from Turco and Drug Mart were in place first.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to amend Ordinance No. 65-25, 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. Moore to suspend the rules and act on Ordinance No. 65-25 as amended, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 65-25 as amended, and the discussion was:

Mr. McBride noted that at the last meeting he requested that the Petros Group send Council a high-level schedule addressing concerns about additional traffic on Chester Road. He explained that the schedule showed the amount of work required and indicated that City improvements to Chester Road would likely be completed before even the first building with four units is occupied.

Mr. Cummins, City Engineer, added that the first step for the Chester Road improvements would be acquiring the right-of-way to facilitate construction. He stated that the plans are ready to go, and if funding and other considerations are approved by Council (Ordinance No. 72-25) and the Administration, construction on Chester Road could begin in spring 2026.

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>ORDINANCE NO. 67-25 – ESTABLISHING THE NAGEL VILLAS INCENTIVE DISRICT AND DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY IN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE THE INCENTIVE DISTRICT TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A NAGEL VILLAS MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND RELATED MATTERS</u>
The Clerk read Ordinance No. 67-25 by title only, entitled:

AN ORDINANCE ESTABLISHING THE NAGEL VILLAS INCENTIVE DISTRICT AND DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY IN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVIE THE INCENTIVE DISTRICT TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A NAGEL VILLAS MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND RELATED MATTERS AND DECLARING AN EMERGENCY

The Chair declared this to be the first of three readings of Ordinance No. 67-25.

<u>ORDINANCE NO. 68-25 – GRANTING A SPECIAL USE PERMIT TO PREMIER 1500 NAGEL, LLC TO ALLOW THEIR TENANT, K-1 SPEED, INC. TO OPERATE AN ELECTRIC GO-CART AND AMUSEMENT CENTER BUSINESS LOCATED AT 1500 NAGEL ROAD, (PPN 04-00-021-000-263)</u>
The Clerk read Ordinance No. 68-25 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO PREMIER 1500 NAGEL, LLC TO ALLOW THEIR TENANT, K-1 SPEED, INC. TO OPERATE AN ELECTRIC GO-CART AND AMUSEMENT CENTER BUSINESS LOCATED AT 1500 NAGEL ROAD, (PPN 04-00-021-000-263) 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. 68-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 68-25, and the discussion was:

Ms. Fechter informed Council that after last week's meeting, she discovered that electric go-carts are faster than gas carts, with these units going 30 miles per hour. She noted that an Avon Police Officer contacted her inquiring about protocols for alcohol use and go-cart operation. She provided Council with documentation of K-1 Speed's protocols for monitoring alcohol intake, noting they have not had problems in their 20 years of operation. She added that they were willing to work with the Police Department and mentioned that attendants have master remotes that can stop all cars if necessary.

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.

ORDINANCE NO. 69-25 – GRANTING A SPECIAL USE PERMIT TO BOTSON PROPERTIES, LLC, TO AUTHORIZE THEIR TENANT, JAVA VENTURES V LLC (dba BIGGBY COFFEE STORE #1249), TO OPERATE A COFFEE SHOP WITH INDOOR SEATING AND DRIVE-THRU SERVICE AT 36500 DETROIT ROAD

The Clerk read Ordinance No. 69-25 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO BOTSON PROPERTIES, LLC, TO AUTHORIZE THEIR TENANT, JAVA VENTURES V LLC (dba BIGGBY COFFEE STORE #1249), TO OPERATE A COFFEE SHOP WITH INDOOR SEATING AND DRIVE-THRU SERVICE AT 36500 DETROIT ROAD 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. 69-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 69-25, and the discussion was:

Ms. Fechter reported that she spoke with the property owner regarding comments from last week about installing a buffer. She explained that since they do not have an irrigation system in place, they plan to put up a fence to protect the adjacent residents. They are working with Paradigm Construction, representing Biggby Coffee, to address these concerns. Ms. Fechter noted that they are collaborating with the property owner and Paradigm Construction to coordinate with the Architectural Review Board for the City. This coordination will ensure the approval of the proposed dumpster enclosure, screening, and siding work on the building. The collective aim is to make the enhancements satisfactory and in compliance with City standards for the upcoming project.

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. 70-25 – AMENDING THE SPECIAL USE PERMIT GRANTED TO THE AVON V.F.W. POST NO. 7035 TO ALLOW FOR THE CONSTRUCTION OF A 40’ X 24’ GARAGE (OUTDOOR STORAGE FACILITY) LOCATED AT 36950 MILLS ROAD
The Clerk read Ordinance No. 70-25 by title only, entitled:

AN ORDINANCE AMENDING THE SPECIAL USE PERMIT GRANTED TO THE AVON V.F.W. POST NO. 7035 TO ALLOW FOR THE CONSTRUCITON OF A 40’ X 24’ GARAGE (OUTDOOR STORAGE FACILITY) LOCATED AT 36950 MILLS ROAD 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. 70-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 70-25, 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.

ORDINANCE NO. 71-25 – TO ACCEPT IMPROVEMENTS IN AUTUMN GROVE SUBDIVISION
The Clerk read Ordinance No. 71-25 by title only, entitled:

AN ORDINANCE TO ACCEPT IMPROVEMENTS IN AUTUMN GROVE SUBDIVISION 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. 71-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 71-25, 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.

ORDINANCE NO. 72-25 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH O.R. COLAN ASSOCIATES, LLC TO PERFORM RIGHT-OF-WAY ACQUISITION SERVICES FOR THE CHESTER ROAD WIDENING PHASE 3 & PHASE 5A PROJECTS

The Clerk read Ordinance No. 72-25 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH O.R. COLAN ASSOCIATES, LLC TO PERFORM RIGHT-OF-WAY ACQUISITION SERVICES FOR THE CHESTER ROAD WIDENING PHASE 3 & PHASE 5A PROJECTS 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. 72-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 72-25, 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.

ORDINANCE NO. 73-25 – TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 109-24

The Clerk read Ordinance No. 73-25 by title only, entitled:

AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 109-24 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. 73-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 73-25, 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.

ORDINANCE NO. 74-25 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED DIRECTLY BEHIND 39771 COLORADO AVENUE, (SOUTH OF THE FRENCH CREEK), IN THE CITY OF AVON, PPN

04-00-004-103-016, FROM ARLENE T. GRIFFITH AND COLLEEN A. SHEPHERD, TRUSTEES OF THE ATG TRUST DATED JULY 10, 2025
The Clerk read Ordinance No. 74-25 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED DIRECTLY BEHIND 39771 COLORADO AVENUE, (SOUTH OF THE FRENCH CREEK), IN THE CITY OF AVON, PPN 04-00-004-103-016, FROM ARLENE T. GRIFFITH AND COLLEEN A. SHEPHERD, TRUSTEES OF THE ATG TRUST DATED JULY 10, 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. 74-25, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 74-25, 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.

REPORTS AND COMMENTS

MAYOR JENSEN acknowledged developer, Mr. Garland, in the audience and expressed hope that with the passage of Ordinance No. 71-25, they were in a good position to move forward. He mentioned that the Finance Director may reach out to him about TIFing the property to continue improvements on Jaycox Road, SR83, and Riegelsberger Road. The Mayor looked forward to seeing construction begin in the next couple of months and expressed confidence that quality homes would be built in the Autumn Grove Subdivision.

Mayor Jensen also welcomed three young men in the audience who were attending the meeting for a class project. He explained that tonight’s meeting was a voting session with limited discussion, unlike the Work Session the previous week where items were discussed in more detail. He invited them to approach any of the Council Members or himself after the meeting if they had questions.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, had no comments.

MRS. DEMALINE, WARD 1, had no comments.

MR. MCBRIDE, WARD 2, thanked the Administration for addressing a couple of properties in his Ward that needed attention. He mentioned that for one property, the Law Director had essentially told the property owner to "read them the riot act," instructing them to take care of the property or face further legal action. The other property was a home that had caught fire and burned, making it uninhabitable. They were waiting for a letter to come back unclaimed so they could proceed with cutting the grass to address neighbors' concerns. Mr. McBride expressed hope that this would happen before Labor Day.

MR. MOORE, WARD 3, had no comments.

MS. PATTON, AT LARGE, thanked Ms. Fechter for reaching out to Botson Properties to discuss buffering in the French Creek District as well as the enclosure for dumpsters. She emphasized the importance of enhancing existing Ordinances regarding buffering, sign plans, and Type 5 construction to maintain property values, which benefits the City and its residents. She looked forward to meeting with Mr. Gasior and Mayor Jensen on Wednesday to discuss these matters.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, congratulated Rania Brown and her family again regarding Rania's accomplishments. He expressed that while it was sad to see her graduate, he was confident she would go on to do great things.

Mr. Fischer reminded everyone that the next meeting would be held on Tuesday, September 2, 2025, and that Mr. Moore, President Pro Tem would be chairing the meeting. He invited anyone with concerns in the coming weeks to contact him or Mr. Moore and he wished everyone an enjoyable remainder of August.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, wished everyone a Happy Labor Day.

MR. GASIOR, LAW DIRECTOR, wished everyone a Happy Labor Day. Mr. Gasior reported that regarding a property issue on Kinzel Road, the property owner had been involved in a car accident last week and, as a result, was unable to attend court on the 7th. The court date for the cruelty to animal charge has been rescheduled. Mr. Gasior emphasized that he had communicated with Cindy Rice before the meeting and assured her that he would keep her informed about all ongoing developments related to this issue. Additionally, he mentioned that the property owner was facing violations, and that further legal actions might be pending, highlighting that the Administration is actively addressing the situation to ensure that proper measures are taken.

MR. PRESLEY, FINANCE DIRECTOR, was absent.

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

AUDIENCE COMMENTS:

Mr. Gerald Phillips of 461 Windward Way, Avon Lake addressed Council regarding wetlands in Redtail Subdivision #17. He stated that he had requested building permit records after noticing construction activity in an area where the Army Corps of Engineers and Ohio EPA had identified wetlands since about May. Mr. Phillips noted that building permits were being issued for Redtail Subdivision #17, despite the identification of wetlands in the area by these agencies, and it seemed the City might not have been notified about the issue. He distributed copies of a notice of violation issued by these agencies and expressed concern that Carnegie Management and Mr. Khouri had not notified the City of the problem. He mentioned that purchasers of the property could potentially be held liable and suggested that some residents might become very unhappy due to this oversight. Mr. Phillips also recalled that his client had previously informed Council about the wetlands during the Subdivision approval process but believed that their warnings were dismissed at the time.

Mr. Phillips warned that the City could face potential liability and recommended ceasing the issuance of building permits for the affected area to prevent further complications. He highlighted the irony of his client having to perform extra tasks for a wetland project while other developments, like those managed by Carnegie and the Khouri's, seemingly received different treatment. He criticized the City's Engineer for overlooking the wetlands on walkthroughs of the property.

Responding to these concerns, Mr. Gasior, the Law Director, indicated he would be happy to discuss the allegations further outside the Public Meeting, stressing that the City does not play favorites and is committed to looking into any violations that might exist. He reassured Mr. Phillips that they could discuss the issue in more detail at a later time to ensure they have all records straight and seek resolution.

Pete Restivo of 4061 Nagel Road spoke briefly, expressing his belief that "someone wasn't telling the truth" regarding the situation expressed by Mr. Phillips, suggesting that the issue was "far from over." He implied that this was just the beginning and warned that "bad things come in threes," advising the Khouri's to prepare for what lies ahead. Mr. Restivo voiced his expectation for the City to handle the situation correctly, indicating dissatisfaction with how it was managed previously.

ADJOURN: 8:18 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: 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.

PASSED:______________________________

SIGNED BY:________________________________
Brian Fischer, President of Council

ATTEST: _______________________________
Barbara J. Brooks, Clerk of Council