MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF AVON, OHIO, HELD TUESDAY, OCTOBER 15, 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; Council-at-Large Michelle Patton; 4th Ward – Scott Radcliffe; Council-at-Large and Council President – Brian Fischer; Mayor - Bryan Jensen; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT:
3rd Ward – Anthony Moore; City Engineer – Ryan Cummins; Finance Director – Steve Presley

CORRESPONDENCE
The Clerk reported that she received a request from the Ohio Division of Liquor Control for a Transfer of Ownership (TRFO) from 7 Eleven Inc., DBA 7 Eleven 36742, to Capl. Retail LLC, DBA Joes Kwik Marts 268 located at 39105 Colorado Avenue, Avon for C1, C2 and D6 permit classes.

There were no comments and no requests for a hearing.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, SEPTEMBER 16, 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, September 16, 2024, and to approve said minutes as published, and the vote was: Ms. Berges, "yes"; Mrs. Demaline, "yes"; Mr. McBride, "yes"; Ms. Patton, "yes"; Mr. Radcliffe, "yes"; Mr. Fischer, "yes".

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

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, SEPTEMBER 23, 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, September 23, 2024, and to approve said minutes as published, and the vote was: Mrs. Demaline, "yes"; Mr. McBride, "yes"; Ms. Patton, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mr. Fischer, "yes".

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

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, OCTOBER 7, 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, October 7, 2024, and to approve said minutes as published, and the vote was: Mr. McBride, "yes"; Ms. Patton, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mrs. Demaline, "yes"; Mr. Fischer, "yes".

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

MAYORAL APPOINTMENT OF OLIVIA PAJAK AS A STUDENT MEMBER TO THE AVON TREE COMMISSION
Mayor Jensen announced his appointment of Olivia Pajak as a Student Member to the Avon Tree Commission as a non-voting, non-paid member for a two-year term expiring December 31, 2026, per Ordinance No. 66-24. This appointment was recommended to the Mayor by the Avon Tree Commission at their meeting held on Wednesday, October 9, 2024.

This appointment does not require the concurrence of the legislative authority.

Mayor Jensen advised from talking with members of the Tree Commission and reviewing Ms. Pajak's application himself, everyone is excited to have her be a part of the Tree Commission, and she came with glowing reviews. He said Ms. Pajak's desire to be a part of what is going on in the Community is admirable and he thanked her for volunteering and wanting to serve and they look forward to having her be a part of the Tree Commission.

Mr. Gasior administered the Oath of Office to Ms. Pajak.
There was a time of photos with family members and congratulations were given.

Mayor Jensen asked Ms. Pajak to tell Council a little about herself and what her plans are for the future and why she wanted to be on the Tree Commission.

Olivia Pajak of 3178 Napa Boulevard, Avon, said she is a junior at Avon High School and is in Track and Cross Country and she is very involved in a lot of the school clubs such as Key Club, Leo Club and the Book Club. Ms. Pajak stated she wants to be on the Tree Commission because her life has been very involved with the outdoors, nature, and sustainability. She advised she has traveled to a lot of national parks throughout her life and that has taught her a lot about living a life that can help further the environment and protect it. Ms. Pajak said she plans to go into the field of Environmental Sciences to help further that idea. She stated she wants to study Environmental Science at OSU, and she wants to pursue something that will help the environment. Ms. Pajak advised it has always been her goal to one day be a National Park Ranger and she felt being on the Tree Commission would be a good start to helping her pursue that on a more local level.

Mayor Jensen thanked her and advised when looking through all the applications of those who applied for this position, they all had good reasons for wanting to serve on the Tree Commission, but he felt Ms. Pajak stood out. He said they were glad to have her aboard and stated if anyone on Council or in the City Administration could do something to help her, they would be more than happy to help. Mayor Jensen stated he and Council would be more than happy to provide a reference for her college applications if she should need it.

ORDINANCE NO. 82-24 – TO AMEND SECTION 206.02 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON DELINEATING WARD BOUNDARIES
The Clerk read Ordinance No. 82-24 by title only, entitled:

AN ORDINANCE TO AMEND SECTION 206.02 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON DELINEATING WARD BOUNDARIES

The Chair declared this to be the third of three readings of Ordinance No. 82-24.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 82-24, and the vote was: Ms. Patton, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mrs. Demaline, "yes"; Mr. McBride, "yes"; Mr. Fischer, "yes".

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

ORDINANCE NO. 90-24 – APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC OPT-IN GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN OPT-IN GAS AGGREGATION PROGRAM AS A NOPEC MEMBER
The Clerk read Ordinance No. 90-24 by title only, entitled:

AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC OPT-IN GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN OPT-IN GAS AGGREGATION PROGRAM AS A NOPEC MEMBER

The Chair declared this to be the first of three readings of Ordinance No. 90-24.

Public Hearings conducted by NOPEC will be held on Thursday, October 17, 2024, at 3:00 p.m. and Monday, October 21, 2024, at 6:30 p.m. The Public Hearings will be held in the Council Chamber of City Hall located at 36080 Chester Road, Avon, Ohio.

ORDINANCE NO. 91-24 – AUTHORIZING ALL ACTIONS NECESSARY TO ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT TO SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY THROUGH NOPEC AS A NOPEC MEMBER
The Clerk read Ordinance No. 91-24 by title only, entitled:

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT TO SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY THROUGH NOPEC AS A NOPEC MEMBER

The Chair declared this to be the first of three readings of Ordinance No. 91-24.

ORDINANCE NO. 92-24 – TO AMEND A SPECIAL USE PERMIT GRANTED TO CARAVON GOLF COMPANY, LTD (RED TAIL GOLF CLUB) TO INCLUDE INSTALLATION OF A SHORT GAME PRACTICE GREEN ON A PARCEL OF LAND LEASED FROM GEORGIA PROPERTIES (PP# 04-00-025-000-484) AND LOCATED ON THE EAST SIDE OF NAGEL ROAD
The Clerk read Ordinance No. 92-24 by title only, entitled:

AN ORDINANCE TO AMEND A SPECIAL USE PERMIT GRANTED TO CARAVON GOLF COMPANY, LTD (RED TAIL GOLF CLUB) TO INCLUDE INSTALLATION OF A SHORT GAME PRACTICE GREEN ON A PARCEL OF LAND LEASED FROM GEORGIA PROPERTIES (PP# 04-00-025-000-484) AND LOCATED ON THE EAST SIDE OF NAGEL ROAD AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mrs. Demaline to suspend the rules and act on Ordinance No. 92-24, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 92-24, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 94-24 – TO AMEND AND SUPPLEMENT APPROPRIATIONS
The Clerk read Ordinance No. 94-24 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. 94-24, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 94-24, and the vote was: Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 96-24 – TO AUTHORIZE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE CITY OF AVON AND ISOMER GROUP, INC.
The Clerk read Ordinance No. 96-24 by title only, entitled:

AN ORDINANCE TO AUTHORIZE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN

**THE CITY OF AVON AND ISOMER GROUP, INC.
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. 96-24, and the vote was: Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 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. 96-24, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Fischer, “yes”.

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

REPORTS AND COMMENTS

MAYOR JENSEN advised there was another successful “Not So Spooky Halloween” event this past Saturday, October 12, 2024. He said there were approximately 400 families in attendance with their children. Mayor Jensen stated there is a lot of hard work that goes into this event under the direction of Ms. Harasimchuk. He advised there were quite a few volunteers helping and there were a lot of businesses/vendors at the event. Mayor Jensen said a lot of people do not see all the work that goes on behind the scenes, but there is a lot of work that goes on to host a one-day event. He stated other than a short burst of rain, everyone he talked to enjoyed it. Mayor Jensen advised they all should be proud of all the work that goes into our Parks and Recreation Department.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, congratulated Ms. Olivia Pajak on her appointment. She said there were four other applicants who applied for the position. Ms. Berges stated it is unfortunate that more than one could not be selected, as they were all excellent candidates, and she hoped they would still attend the Tree Commission meetings and get involved even though they were not on the Commission.

MRS. DEMALINE, WARD 1, had no comments.

MR. McBRIDE, WARD 2, had no comments.

MR. MOORE, WARD 3, was absent.

MS. PATTON, AT LARGE, had no comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, congratulated Ms. Olivia Pajak on her appointment to the Tree Commission. He thanked her for volunteering to serve on the Tree Commission. Mr. Fischer commented that he has known the Pajak family since he was a child, and they are a great family. He advised Olivia’s mom, Betsy Pajak, oversees the Avon Girl Scouts and the family is very involved in the Community, and he believes selecting Olivia for this role was a great choice.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, was absent.

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, advised it is the time of year when the leaves begin to fall, and City Council may get some calls inquiring when the City was going to begin picking them up curbside. He said it is dependent upon the weather, but they will put information on the City website and social media platforms when they begin collection and try to keep the community updated. Mr. Streator noted there is not a firm date for starting, but it is typically the last week in October.

AUDIENCE COMMENTS:

Fadi Boumitri, Chief Executive Officer of Ascension BioMedical, LLC and a resident of Broadview Heights, said he wanted to take this opportunity to thank Council for allowing him a couple of minutes to speak. He stated he emailed some informational materials to the Clerk of Council as well as to Council Member Ms. Patton asking that they share it with all of City Council. Mr. Boumitri advised the materials were regarding the City of Avon and the potential to put a medical and adult use marijuana dispensary here in Avon. He suggested they should feel free to reach out to him with any questions as he is offering himself as a resource for those as both someone who practiced law in Northeast Ohio for over a dozen years and as someone who has been part of the medical program since its beginning in Ohio. Mr. Boumitri stated some of the most important things in the documents he provided was that:

1) It would increase tax revenue significantly to the City.
2) It would not increase the amount of marijuana that is smoked in the City. Anyone that wants access to marijuana in Avon already has access. It would only increase the access to clean and tested marijuana.
3) It would not increase the amount of crime in Avon. Rather it would decrease the amount of crime based specifically on the fact that people would not have to reach out to a drug dealer to receive their medicine or something they were choosing to partake in as an adult. The fact that they would not have to reach out to a drug dealer would mean they would never be upsold to something harder as that was something very important to him personally.

Mr. Boumitri advised the presentations that he sent would show them what the average dispensary in Ohio looks like. He said they are not what they might think of in some other states, where these licenses are given out to anyone who applies. Mr. Boumitri stated licenses are very limited in Ohio and they are larger, upstanding businesses and he has been a part of the program since the beginning in Ohio. He advised left the practice of law for this program as it has personal meaning to him. Mr. Boumitri said if anyone is entertaining the idea of allowing that into the City of Avon, he would love to be a resource to the City and to the Members of Council to answer any questions and give them any information. He stated there is a lot of information that may or may not be true, but more importantly is missing. Mr. Boumitri advised cities have been asking for more information and he is happy to provide that information.

<u>EXECUTIVE SESSION</u>: 7:50 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 and/or Sale of Real Estate inviting Mayor Jensen, Mr. Gasior, and Ms. Fechter, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

<u>RECONVENE:</u> 8:11 p.m.
A motion was made Mr. McBride and seconded by Mr. Radcliffe to Reconvene the Regular Meeting of Council, and the vote was: Mrs. Demaline, “yes”; Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

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

<u>ADJOURN:</u> 8:12 p.m.
A motion was made by Mr. McBride and seconded by Ms. Berges to adjourn the Regular Meeting of Council, and the vote was: Mr. McBride, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. Fischer, “yes”.

The vote was 6 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