

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, DECEMBER 16, 2024
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 8:19 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; 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

ABSENT:

3rd Ward – Anthony Moore

ADDITIONS/DELETIONS

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to amend the agenda with the addition of item #11a) – Ordinance No. 127-24 “Authorizing the Hiring of the Law Firm of Dooley, Gembala, McLaughlin & Pecora as Special Counsel to the City of Avon for All Matters Pertinent to the December 11, 2024 Taxpayer Demand Letter Presented to the City Seeking to Recover and then Enjoin Certain Payments Into the Ohio Public Employee Retirement System”, 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.

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”; 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 FINANCE COMMITTEE OF COUNCIL HELD SATURDAY,
NOVEMBER 16, 2024**

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Finance Committee of Council held Saturday, November 16, 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.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, DECEMBER 2, 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, December 2, 2024, and to approve said minutes as published, 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.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, DECEMBER 9, 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, December 9, 2024, and to approve said minutes as published, 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.

ORDINANCE NO. 119-24 – TO AMEND ORDINANCE NO. 98-92 ADOPTING CHANGES TO THE MASTER PLAN FOR THE CITY OF AVON

The Clerk read Ordinance No. 119-24 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 98-92 ADOPTING
CHANGES TO THE MASTER PLAN FOR THE CITY OF AVON**

The Chair declared this to be the second of three readings of Ordinance No. 119-24.
A Public Hearing will be held on Monday, January 13, 2025 at 7:20 p.m.

ORDINANCE NO. 120-24 – 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 13.2836 ACRE PARCEL OF LAND LOCATED BETWEEN AVON ROAD AND MIDDLETON ROAD, PERMANENT PARCEL NO. 10-04-00-027-101-204 FROM R-1 SINGLE-FAMILY RESIDENTIAL TO R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

The Clerk read Ordinance No. 120-24 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 13.2836 ACRE PARCEL OF
LAND LOCATED BETWEEN AVON ROAD AND MIDDLETON ROAD,
PERMANENT PARCEL NO. 10-04-00-027-101-204 FROM R-1 SINGLE-FAMILY
RESIDENTIAL TO R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

The Chair declared this to be the second of three readings of Ordinance No. 120-24
A Public Hearing will be held on Monday, January 13, 2025 at 7:25 p.m.

ORDINANCE NO. 125-24 – TO AMEND SECTION 210.01(f) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE FEES IN THE PLANNING AND ZONING CODE

The Clerk read Ordinance No. 125-24 by title only, entitled:

AN ORDINANCE TO AMEND SECTION 210.01(f) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE FEES IN THE PLANNING AND ZONING CODE 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. 125-24, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 125-24, 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.

ORDINANCE NO. 126-24 – TO AMEND AND SUPPLEMENT APPROPRIATIONS

The Clerk read Ordinance No. 126-24 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. 126-24, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 126-24, 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. 127-24 – AUTHORIZING THE HIRING OF THE LAW FIRM OF DOOLEY, GEMBALA, MCLAUGHLIN & PECORA AS SPECIAL COUNSEL TO THE CITY OF AVON FOR ALL MATTERS PERTINENT TO THE DECEMBER 11, 2024 TAXPAYER DEMAND LETTER PRESENTED TO THE CITY SEEKING TO RECOVER AND THEN

ENJOIN CERTAIN PAYMENTS INTO THE OHIO PUBLIC EMPLOYEE RETIREMENT SYSTEM

The Clerk read Ordinance No. 127-24 by title only, entitled:

AN ORDINANCE AUTHORIZING THE HIRING OF THE LAW FIRM OF DOOLEY, GEMBALA, MCLAUGHLIN & PECORA AS SPECIAL COUNSEL TO THE CITY OF AVON FOR ALL MATTERS PERTINENT TO THE DECEMBER 11, 2024 TAXPAYER DEMAND LETTER PRESENTED TO THE CITY SEEKING TO RECOVER AND THEN ENJOIN CERTAIN PAYMENTS INTO THE OHIO PUBLIC EMPLOYEE RETIREMENT SYSTEM AND DECLARING AN EMERGENCY

The Chair declared this to be the first of three readings of Ordinance No. 127-24.

DISCUSSION OF CONSIDERING AN EARLIER START TIME TO THE JANUARY 13, 2025 REGULAR MEETING OF COUNCIL

Mr. Gasior advised it has been pointed out to him that Mayor Jensen and Council President Fischer would like to schedule a time in January for the Mayor and Council to congratulate the High School Football Team on their recent State Championship.

It should be noted that Council Chambers is not large enough to hold the entire football team, their coaches and their parents and the thought was to conduct such a presentation at the Avon High School Performing Arts Center.

Mayor Jensen advised they hoped to present on Monday, January 13, 2025, at 8:00 p.m.

Mr. Gasior suggested the Regular Meeting of Council for that night might need to be rescheduled to an earlier start time such as 7:00 p.m. versus the 7:30 p.m. normal start time to give Council a chance to conduct business and then go over to the High School in a timely manner.

The Clerk reminded the Law Director that there are public hearings scheduled for 7:20 pm and 7:25 pm that night prior to the start of the meeting that have been advertised.

Discussion included having to reschedule the January 13th Regular Meeting start time. It was also discussed that a Special Meeting on January 6th after the Work Session could be scheduled to pass legislation so that there would be a lighter agenda for the January 13th Regular Meeting and hopefully still arrive for the presentation at the High School in a timely fashion.

It was noted that rescheduling those public hearings was not practical as notice has to be given to the newspaper 30 days prior to the public hearings.

Mayor Jensen and Mr. Fischer noted that it would be discussed between them and that the Law Director coordinating with the Clerk over the next couple of weeks and a decision would be made. It was suggested that Council be prepared for the meeting time to be modified for the January 13, 2025 Regular Meeting of Council to allow for this special presentation.

Ms. Berges pointed out there was no guarantee that the public hearings would not take longer than 5 minutes each if people are present at that meeting wishing to comment on those items.

ADJOURN: 8:28 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: 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 Chairman declared the motion passed.

PASSED:_____

SIGNED BY:_____
Brian Fischer, President of Council

ATTEST:_____
Barbara J. Brooks, Clerk of Council