PUBLIC HEARING
MONDAY, JANUARY 12, 2026

7:25 P.M. – ORDINANCE NO. 112-25 – 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 A 5.09 ACRE PARCEL OF LAND LOCATED ON THE NORTHWEST CORNER OF NAGEL & CHESTER, PPN: 04-00-021-000-264 FROM M-1 GENERAL INDUSTRIAL TO C-4/M-1 GENERAL BUSINESS DISTRICT OVERLAY/GENERAL INDUSTRIAL DISTRICTS

Council President Fischer opened the Public Hearing for Ordinance No. 112-25 at 7:25 p.m.
There being no comments, the Public Hearing was closed at 7:26 p.m.

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 12, 2026 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 – Anne Marie Etienne; 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 Streator; Clerk of Council – Barbara Brooks

CORRESPONDENCE
The Clerk reported that she received a request from the Ohio Division of Liquor Control for a new liquor license (C2, C1, D6) for Avon Fuel LLC located at 39105 Colorado Avenue.

There were no comments and no requests for a hearing were made.

ADDITIONS/DELETIONS
A motion was made by Mrs. Demaline and seconded by Mr. Radcliffe to delete from the agenda item No. 9 – Ordinance No. 112-25 – "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 A 5.09 Acre Parcel Of Land Located On The Northwest Corner Of Nagel & Chester, PPN: 04-00-021-000-264 From M-1 General Industrial To C-4/M-1 General Business District Overlay/General Industrial Districts", and the vote was: Ms. Berges, "yes"; Mrs. Demaline, "yes"; Ms. Etienne, "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. Radcliffe and seconded by Mrs. Demaline to accept the agenda as amended, and the vote was: Mrs. Demaline, "yes"; Ms. Etienne, "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 LEGAL COMMITTEE OF COUNCIL HELD MONDAY, DECEMBER 15, 2025

A motion was made by Mrs. Demaline and seconded by Ms. Berges to dispense with the reading of the minutes of the Legal Committee of Council held Monday, December 15, 2025, and to approve said minutes as published, and the vote was: Ms. Etienne, “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 WORK SESSION OF COUNCIL HELD MONDAY, DECEMBER 15, 2025

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to dispense with the reading of the minutes of the Work Session of Council held Monday, December 15, 2025, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Ms. Patton, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “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, DECEMBER 15, 2025

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, December 15, 2025, and to approve said minutes as published, and the vote was: Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

MINUTES OF THE ORGANIZATIONAL MEETING OF COUNCIL HELD FRIDAY, JANUARY 2, 2026

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to dispense with the reading of the minutes of the Organizational Meeting of Council held Friday, January 2, 2026, and to approve said minutes as published, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “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. 112-25 – 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 A 5.09 ACRE PARCEL OF LAND LOCATED ON THE NORTHWEST CORNER OF NAGEL & CHESTER, PPN: 04-00-021-000-264 FROM M-1 GENERAL INDUSTRIAL TO C-4/M-1 GENERAL BUSINESS DISTRICT OVERLAY/GENERAL INDUSTRIAL DISTRICTS~~

Following the public hearing this item was removed from the agenda

ORDINANCE NO. 1-26 – EXTENDING THE TEMPORARY MORATORIUM ON FUTURE DEVELOPMENT OR CONSTRUCTION OF ANY SHORT-TERM RENTALS, BOARDING HOUSES AND THE LIKE ANYWHERE WITHIN THE CITY OF AVON

The Clerk read Ordinance No. 1-26 by title only, entitled:

AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON FUTURE DEVELOPMENT OR CONSTRUCTION OF ANY SHORT-TERM RENTALS, BOARDING HOUSES, EXTENDED STAYS AND THE LIKE ANYWHERE WITHIN THE CITY OF AVON AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to suspend the rules and act on Ordinance No. 1-26, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “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. Radcliffe and seconded by Ms. Berges to adopt Ordinance No. 1-26, and the discussion was:

Mr. Gasior explained that a change was made to the Ordinance to include "extended stays" language. He clarified that this language was inadvertently removed when Ordinance No. 75-25 was passed which lifted the moratorium on hotels and motels, and they wanted to reinsert it to ensure the moratorium properly covered short-term rentals, boarding houses, and extended stays.

And the vote was: Mrs. Demaline, “yes”; Ms. Etienne, “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. 2-26 – TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1264.07(f) – ADDITIONAL REGULATIONS FOR ATTACHED SINGLE-FAMILY DWELLINGS, 1264.08(e) – ADDITIONAL REGULATIONS FOR MULTI-FAMILY DWELLINGS, AND SECTION 1292.14(c) – IMPROVEMENT AND MAINTENANCE STANDARDS AS THEY RELATE TO ILLUMINATION ON PEDESTRIAN PATHS AND OPEN AREAS

The Clerk read Ordinance No. 2-26 by title only, entitled:

AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1264.07(f) – ADDITIONAL REGULATIONS FOR ATTACHED SINGLE-FAMILY DWELLINGS, 1264.08(e) – ADDITIONAL REGULATIONS FOR MULTI-FAMILY DWELLINGS, AND SECTION 1292.14(c) – IMPROVEMENT AND MAINTENANCE STANDARDS AS THEY RELATE TO ILLUMINATION ON PEDESTRIAN PATHS AND OPEN AREAS

The Chair declared this to be the first of three readings of Ordinance No. 2-26.
A Public Hearing will be held on Monday, February 9, 2026, at 7:25 p.m.

ORDINANCE NO. 3-26 – AUTHORIZING THE MAYOR TO ENTER INTO A MULTI-JURISDICTIONAL AGREEMENT FOR THE EASTERN LORAIN COUNTY EMERGENCY RESPONSE TEAM (“ELCERT”) COMPRISED OF THE CITY OF AVON, CITY OF AVON LAKE, THE CITY OF NORTH RIDGEVILLE AND THE WESTSHORE ENFORCEMENT BUREAU (“WEB”)

The Clerk read Ordinance No. 3-26 by title only.

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MULTI-JURISDICTIONAL AGREEMENT FOR THE EASTERN LORAIN COUNTY EMERGENCY RESPONSE TEAM ("ELCERT") COMPRISED OF THE CITY OF AVON, CITY OF AVON LAKE, THE CITY OF NORTH RIDGEVILLE AND THE WESTSHORE ENFORCEMENT BUREAU ("WEB") AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to suspend the rules and act on Ordinance No. 3-26, and the vote was: Ms. Etienne, "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. Radcliffe and seconded by Ms. Etienne to adopt Ordinance No. 3-26, and the vote was: Mr. Moore, "yes"; Ms. Patton, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mrs. Demaline, "yes"; Ms. Etienne, "yes"; Mr. Fischer, "yes".

The vote was 7 for and 0 against and the Chair declared the motion passed.

<u>ORDINANCE NO. 4-26 – TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1222.02 DEFINITIONS, 1278.03(f)(7), SCHEDULE OF PERMITTED USES, 1280.05(ll) MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NON-RESIDENTIAL DISTRICTS, AND 1280.06(nn) TO REQUIRE A SPECIAL USE PERMIT FOR PET DAYCARES IN THE M-1 DISTRICT</u>
The Clerk read Ordinance No. 4-26 by title only, entitled:

AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1222.02 DEFINITIONS, 1278.03(f)(7), SCHEDULE OF PERMITTED USES, 1280.05(ll) MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NON-RESIDENTIAL DISTRICTS, AND 1280.06(nn) TO REQUIRE A SPECIAL USE PERMIT FOR PET DAYCARES IN THE M-1 DISTRICT

The Chair declared this to be the first of three readings of Ordinance No. 4-26.
A Public Hearing will be held on Monday, February 9, 2026, at 7:20 p.m.

Mr. Gasior noted that the Ordinance was modified earlier that afternoon following discussions with Council Member, Ms. Berges and Planning Coordinator, Ms. Fechter. A new definition for "pet daycare" was added; however, he indicated that further refinement of the Ordinance may be necessary.

A substantive discussion followed regarding the distinction between pet daycare and animal boarding. Mr. Radcliffe questioned whether the intent of the Ordinance was to prohibit overnight boarding. Mr. Gasior explained that the newly added definition of pet daycare was intended to apply only to daytime care, based on his understanding of the applicant's request, though he noted he would need to review the presentation minutes to confirm. Mr. Radcliffe stated that the presentation referred to overnight suites for individual dogs and expressed his belief that the request mirrored the business model used in Brunswick but agreed that review to confirm was prudent.

Mr. Gasior clarified that animal boarding would continue to require a minimum of five acres, and that only pet daycare was being added as a new defined use subject to district regulations. Mr. Radcliffe questioned whether the five-acre requirement for animal boarding was overly restrictive. Mrs. Demaline raised concerns about residents who work overnight or extended shifts, such as hospital employees, who may require pet care services during non-traditional hours.

Mr. Gasior noted that the distinctions between short-term boarding and pet daycare warranted further evaluation. He emphasized the need to define a timeframe for "short term" care and acknowledged that determining appropriate parameters would be complex. He also raised the question of whether overnight stays should be permitted under the pet daycare definition, noting that doing so could overlap with animal boarding. As part of this discussion, he referenced other business models, such as pet stores, where animals may stay overnight without staff present, while also noting that safety considerations might support requiring at least one staff member on site during overnight hours.

Mrs. Demaline emphasized that the Ordinance should not be drafted to accommodate a single applicant but should instead reflect the long-term needs of the City and its residents. The Council agreed that additional deliberation during future Work Sessions was necessary to fully evaluate the zoning implications.

Mr. Gasior further noted that the definitions of both pet daycare and animal boarding were new and would require a review of applicable rules and regulations, including consideration of how the Ordinance would apply to existing buildings. He offered to draft revisions to the Ordinance based on the Council's direction, noting that there was sufficient time to refine the language.

The Council agreed to continue refining the Ordinance during upcoming Work Sessions, with Mr. Gasior preparing draft amendments as directed.

ORDINANCE NO. 5-26 – ESTABLISHING 2026 COMPENSATION FOR THE DIRECTOR OF LAW OF THE CITY OF AVON

The Clerk read Ordinance No. 5-26 by title only, entitled:

AN ORDINANCE ESTABLISHING 2026 COMPENSATION FOR THE DIRECTOR OF LAW OF THE CITY OF AVON AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to suspend the rules and act on Ordinance No. 5-26, and the vote was: Ms. Patton, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mrs. Demaline, "yes"; Ms. Etienne, "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. Radcliffe and seconded by Ms. Berges to adopt Ordinance No. 5-26, and the vote was: Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mrs. Demaline, "yes"; Ms. Etienne, "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.

RESOLUTION NO. R-1-26 – TO ADVERTISE FOR BIDS FOR THE CHESTER ROAD RESURFACING PROJECT ALSO KNOWN AS THE LOR MR 4313-0.33 (PID 120604) PROJECT

The Clerk read Resolution No. R-1-26 by title only, entitled:

A RESOLUTION TO ADVERTISE FOR BIDS FOR THE CHESTER ROAD RESURFACING PROJECT ALSO KNOWN AS THE LOR MR 4313-0.33 (PID 120604) PROJECT AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to suspend the rules and act on Resolution No. R-1-26, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “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. Radcliffe and seconded by Mrs. Demaline to adopt Resolution No. R-1-26, and the vote was: Mrs. Demaline, “yes”; Ms. Etienne, “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.

RESOLUTION NO. R-2-26 – APPOINTING AN AUTHORIZED DESIGNEE OF THE ELECTED OFFICIALS OF THE CITY OF AVON, OHIO, TO ATTEND THE REQUIRED STATE SUNSHINE LAW CERTIFICATION TRAINING

The Clerk read Resolution No. R-2-26 by title only, entitled:

A RESOLUTION APPOINTING AN AUTHORIZED DESIGNEE OF THE ELECTED OFFICIALS OF THE CITY OF AVON, OHIO, TO ATTEND THE REQUIRED STATE SUNSHINE LAW CERTIFICATION TRAINING AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to suspend the rules and act on Resolution No. R-2-26, and the vote was: Ms. Etienne, “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. Radcliffe and seconded by Mr. Moore to adopt Resolution No. R-2-26, and the vote was: Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

REPORTS AND COMMENTS

MAYOR JENSEN requested a combined Finance and Safety Committee meeting on January 20th at 6:30 p.m. to discuss the second Fire Station and lighting for the Little League Fields, addressing both financing and safety aspects of these projects. Council Members confirmed their availability for the meeting.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, had no comments

MRS. DEMALINE, WARD 1, had no comments.

MS. ETIENNE, WARD 2, expressed appreciation for the positive working relationship among her fellow Council Members.

MR. MOORE, WARD 3, had no comments.

MS. PATTON, AT LARGE, thanked Mr. Varga, Arborist and Chair of the Tree Commission, for highlighting the need for accessibility on the Traxler property pathway, as plans for the Traxler Family Arboretum develop emphasizing the importance of ensuring mobility access in future developments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, handed out copies of his appointments to Council of their Committee assignments for a two-year term, from January 1, 2026, through December 31, 2027, and they are incorporated here as follows:

COMMITTEES OF COUNCIL

ECONOMIC DEVELOPMENT	**FINANCE – AUDIT**	**LEGAL**
Chair ANNE MARIE ETIENNE	*Chair* TONY MOORE	*Chair* BRIAN FISCHER
TONY MOORE	MARY BERGES	JENNIFER DEMALINE
SCOTT RADCLIFFE	SCOTT RADCLIFFE	SCOTT RADCLIFFE
PARKS AND RECREATION	**SAFETY**	**SERVICE**
Chair MARY BERGES	*Chair* MICHELLE PATTON	*Chair* JENNIFER DEMALINE
JENNIFER DEMALINE	BRIAN FISCHER	TONY MOORE
MICHELLE PATTON	ANNE MARIE ETIENNE	MARY BERGES

COUNCIL REPRESENTATIVES TO BOARDS AND COMMISSIONS

1. ADA Review Board – Michelle Patton
2. French Creek Development Association – Tony Moore
3. Lorain County Community Alliance – Anne Marie Etienne
4. Lorain County Office on Aging – Jennifer Demaline
5. Senior Citizens' Advisory Commission – Repealed by Ord. No. 108-15
6. Planning Commission – Scott Radcliffe
7. Tree Commission – Mary Berges

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, announced that Qdoba Mexican restaurant on Detroit Road next to Jersey Mike's was now open, with a grand opening ribbon cutting scheduled for Saturday, January 31st at noon.

MR. GASIOR, LAW DIRECTOR, thanked Council for their vote of confidence in approving his compensation Ordinance.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

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

AUDIENCE COMMENTS:

There were no public comments made from those in the audience.

EXECUTIVE SESSION: 7:56 p.m.

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Threat of Imminent Litigation, invited Mayor Jensen, Mr. Gasior, and Ms. Fechter and the vote was: Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

RECONVENE: 8:32 p.m.

A motion was made by Mr. Radcliffe and seconded by Mrs. Demaline to Reconvene the Regular Meeting of Council, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “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: 8:33 p.m.

A motion was made by Mr. Radcliffe and seconded by Mrs. Demaline to Adjourn the Regular Meeting of Council, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Ms. Etienne, “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