MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF AVON, OHIO, HELD MONDAY, APRIL 27, 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; Safety Director/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT:
Finance Director – Steve Presley

ADDITIONS/DELETIONS
A motion was made by Mr. Radcliffe and seconded by Ms. Berges to amend the agenda with the addition of item no. 13a, Ordinance No. 48-26, "Imposing a Temporary Moratorium…on Indoor and/or Outdoor Gun Ranges for 180 Days…", for consideration of suspension of rules and adoption, and the discussion was:

Mrs. Demaline questioned whether Council could vote on an Ordinance without 24-hour notice, to which Mr. Gasior confirmed they could add it since it was not a Special Meeting. He noted that Special Meeting agendas cannot be added to once it is less than 24 hours prior to a Special Meeting.

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. Etienne 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 WORK SESSION OF COUNCIL HELD MONDAY, APRIL 6, 2026
A motion was made by Mr. Radcliffe and seconded by Mr. Moore to dispense with the reading of the minutes of the Work Session of Council held Monday, April 6, 2026, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, APRIL 13, 2026

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, April 13, 2026, 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"; Ms. Etienne, "yes"; Mr. Fischer, "yes".

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

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, APRIL 20, 2026

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to dispense with the reading of the minutes of the Special Meeting of Council held Monday, April 20, 2026, 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.

ORDINANCE NO. 34-26 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO DEVELOP PROPERTY WITH R-7 MOTORS, INC.

The Clerk read Ordinance No. 34-26 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO DEVELOP PROPERTY WITH R-7 MOTORS, INC. AND DECLARING AN EMERGENCY

The Chair declared this to be the third of three readings of Ordinance No. 34-26.

A motion was made by Mr. Radcliffe and seconded by Ms. Etienne to adopt Ordinance No. 34-26, 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.

ORDINANCE NO. 41-26 – GRANTING A SPECIAL USE PERMIT FOR PROPERTY OWNED BY SL AVON CENTER FUND, LLC TO ALLOW THEIR TENANT, PREMIER PET OPCO, LLC (dba ACUTEPET URGENT CARE), TO LEASE AND OPERATE A VETERINARY URGENT CARE FACILITY WITHIN AN EXISTING 3,000 SQ. FT. TENANT SPACE LOCATED AT 2100 CENTER ROAD, SUITE G

The Clerk read Ordinance No. 41-26 by title only, entitled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PROPERTY OWNED BY SL AVON CENTER FUND, LLC TO ALLOW THEIR TENANT, PREMIER PET OPCO, LLC (dba ACUTEPET URGENT CARE), TO LEASE AND OPERATE A VETERINARY URGENT CARE FACILITY WITHIN AN EXISTING 3,000 SQ. FT. TENANT SPACE LOCATED AT 2100 CENTER ROAD, SUITE G AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 41-26, 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 Mr. Moore to adopt Ordinance No. 41-26, 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.

ORDINANCE NO. 42-26 – 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 17.7 ACRES OF LAND LOCATED ON THE WEST SIDE OF NAGEL ROAD BETWEEN MIDDLETON & DETROIT ROADS, PERMANENT PARCEL NOS. 04-00-022-102-044, 04-00-022-102-043, 04-00-022-102-039, 04-00-022-102-041, 04-00-022-102-042, 04-00-022-102-047 & 04-00-022-102-048 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT
The Clerk read Ordinance No. 42-26 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 17.7 ACRES OF LAND LOCATED ON THE WEST SIDE OF NAGEL ROAD BETWEEN MIDDLETON & DETROIT ROADS, PERMANENT PARCEL NOS. 04-00-022-102-044, 04-00-022-102-043, 04-00-022-102-039, 04-00-022-102-041, 04-00-022-102-042, 04-00-022-102-047 & 04-00-022-102-048 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT

The Chair declared this to be the first of three readings and announced a Public Hearing for Ordinance No. 42-26 would be held on Tuesday, May 26, 2026 at 7:25 P.M.

ORDINANCE NO. 43-26 – TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS, IN A PRINCIPAL AMOUNT NOT TO EXCEED $3,000,000 FOR THE PURPOSE OF PAYING ADDITIONAL COSTS OF CONSTRUCTING, RECONSTRUCTING, WIDENING, GRADING, DRAINING, PAVING, AND OTHERWISE IMPROVING STATE ROUTES 254 AND 83 IN THE CITY, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS
The Clerk read Ordinance No. 43-26 by title only, entitled:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS, IN A PRINCIPAL AMOUNT NOT TO EXCEED $3,000,000 FOR THE PURPOSE OF PAYING ADDITIONAL COSTS OF CONSTRUCTING, RECONSTRUCTING, WIDENING, GRADING, DRAINING, PAVING, AND OTHERWISE IMPROVING STATE ROUTES 254 AND 83 IN THE CITY, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 43-26, 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. 43-26, 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. 44-26 – TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, IN A PRINCIPAL AMOUNT NOT TO EXCEED $6,550,000 FOR THE PURPOSE OF RETIRING OUTSTANDING BOND ANTICIPATION NOTES ISSUED IN 2025 FOR VARIOUS PURPOSES</u>
The Clerk read Ordinance No. 44-26 by title only, entitled:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, IN A PRINCIPAL AMOUNT NOT TO EXCEED $6,550,000 FOR THE PURPOSE OF RETIRING OUTSTANDING BOND ANTICIPATION NOTES ISSUED IN 2025 FOR VARIOUS PURPOSES 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. 44-26, 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. Etienne to adopt Ordinance No. 44-26, 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.

<u>ORDINANCE NO. 47-26 – DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO A SPOT PAVEMENT REPAIR PROJECT ON THE STATE ROUTE 83 AND NAGEL ROAD INTERCHANGE RAMPS ALONG INTERSTATE ROUTE 90 BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT)</u>
The Clerk read Ordinance No. 47-26 by title only, entitled:

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO A SPOT PAVEMENT REPAIR PROJECT ON THE STATE ROUTE 83 AND NAGEL ROAD INTERCHANGE RAMPS ALONG INTERSTATE ROUTE 90 BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 47-26, 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. Etienne to adopt Ordinance No. 47-26, 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.

ORDINANCE NO. 48-26 – IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, DEVELOPMENT AND/OR CONSTRUCTION OF ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE ESTABLISHMENT OF AN INDOOR AND/OR OUTDOOR GUN RANGES FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY (180) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE IN ORDER TO ALLOW THE CITY ADMINISTRATION, PLANNING COMMISSION AND CITY COUNCIL TIME TO REVIEW APPLICABLE OHIO STATUTES AND REGULATIONS, THE CITY'S MASTER PLAN, ZONING CODES AND ANY CODIFIED ORDINANCES RELATIVE TO SUCH ESTABLISHMENTS
The Clerk read Ordinance No. 48-26 by title only, entitled:

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, DEVELOPMENT AND/OR CONSTRUCTION OF ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE ESTABLISHMENT OF AN INDOOR AND/OR OUTDOOR GUN RANGES FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY (180) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE IN ORDER TO ALLOW THE CITY ADMINISTRATION, PLANNING COMMISSION AND CITY COUNCIL TIME TO REVIEW APPLICABLE OHIO STATUTES AND REGULATIONS, THE CITY'S MASTER PLAN, ZONING CODES AND ANY CODIFIED ORDINANCES RELATIVE TO SUCH ESTABLISHMENTS AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 48-26, and the discussion was:

Mr. Gasior explained that the Administration believed this moratorium was important to pass that evening due to recent interest in gun ranges in the community. He noted that the City's Codified Ordinances needed clarification and review, requiring a 180-day period to examine applicable State statutes, regulations, the City's Master Plan, Zoning Codes, and Codified Ordinances relative to such establishments. If any changes were recommended, they would be brought before the Planning Commission and ultimately to Council. He felt the urgency was critical due to recent immediate interest.

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. 48-26, 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 announced he may ask Council to hold a Special Meeting next week to pass a Developer's Agreement with R-7 Motors. He said the Rafih Group is looking to build a dealership on Chester Road, if they have all their deposits and documentation ready. He noted the dealership must leave their North Olmsted site in 2027, making it imperative to start construction immediately.

The Mayor also announced a tour scheduled for next week at 6:30 PM at the old Village School (new City Hall) to update everyone on progress, with a possible visit to the Jameson House across the street if time allowed. He informed Council that he has invited retired Officer Sullivan to attend the 7:30 meeting to receive recognition and thanks from Council. Mayor Jensen praised Officer Sullivan's long service as the School Resource Officer, noting his positive impact on children in the community through his presence at football games, counseling, and guidance about expectations and life choices that could affect their futures.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, thanked Brian Bruce, the Superintendent of Utilities, and his employees for helping an elderly resident, noting the resident called her to express how they made her day. She also congratulated Inn the Doghouse on their grand opening (Sat. 4/25), calling it "a howling success," which drew laughter from Council.

MRS. DEMALINE, WARD 1, inquired about the status of sidewalk installations from 2025 and earlier years, noting she had not seen progress since the April 15th deadline. Mayor Jensen responded that contact had been made with the contractor and work should begin within the next couple of weeks. If the contractor does not have agreements signed and ready within that timeframe, the City would install the sidewalks themselves. He estimated completion by the end of May.

MS. ETIENNE, WARD 2, had no comments.

MR. MOORE, WARD 3, had no comments.

MS. PATTON, AT LARGE, had no comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, had no comments.

MR. GASIOR, LAW DIRECTOR, provided an update on Mr. Bektas, reporting that he appeared in court the previous week and agreed to remove the arborvitae in front of his house on Kinzel Road before the next court date of May 29th. Mr. Bektas indicated he would consider removing the signage. Mr. Gasior noted that Mr. Bektas faces animal cruelty charges from the (APL) Animal Protection League for his dog and two cats, and depending on how he proceeds with that case, he could lose the right to possess animals. Mr. Gasior expected developments at the May 9th court hearing and hoped to see the arborvitae removed soon.

Mr. Radcliffe encouraged the Administration to continue working with Mr. Bektas, suggesting they reach out to offer support in removing the arborvitae in exchange for cooperation on signs and yard cleanup, as was previously offered.

MR. PRESLEY, FINANCE DIRECTOR, was absent.

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

AUDIENCE COMMENTS:
There were no public comments made from the audience.

<u>EXECUTIVE SESSION:</u> 7:53 P.M.
A motion was made by Mr. Radcliffe and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing Personnel Matters to Consider the Dismissal and/or Discipline of a Public Employee or Official, and to Consider the Hiring of a Public Employee or Official, and to invite the Mayor, Mr. Gasior and Mr. Streator, 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.

Mr. Gasior noted for the record that Ms. Patton would be present for the first part of the Executive Session but would need to be excused for the second part regarding hiring considerations.

Ms. Patton exited the Executive Session at 8:02 P.M.

<u>RECONVENE:</u> 8:16 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: 8:17 P.M.
A motion was made by Mr. Radcliffe and seconded by Ms. Berges 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