

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD TUESDAY, JANUARY 18, 2022
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: 1st Ward – Jennifer Demaline; Council-at-Large – Tammy Holtzmeier; 3rd Ward -Tony Moore; 4th Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon; Council-at-Large and Council President – Brian Fischer; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT: 2nd Ward - Dennis McBride; Finance Director – William Logan

1. [ORDINANCE NO. 3-22 – 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 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGLE ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY](#) Planning Referral

Second of Three Readings will be held at the Regular Meeting of Council on Monday, January 24, 2022
A Public Hearing will be Held on Monday, February 14, 2022 at 7:25 p.m.

Ms. Fechter advised there was nothing new to add.

2. [ORDINANCE NO. 7-22 – TO ACTIVATE THE ORION CELLULAR ENDPOINT TECHNOLOGY ASSURANCE PLAN AND AMEND THE BADGER METER BEACON AMA MASTER AGREEMENT FOR THE PROVISION OF CELLULAR BASED AUTOMATED WATER METER READING SYSTEM](#) Mr. Cummins

Mr. Cummins advised as discussed in a previous meeting, many parts of the water metering system that the City of Avon has are based on cellular technology. They use a cellular phone signal to communicate between the individual reads at each home with the cloud-based system which tracks the usage and provides that information to the residents and to the City for billing and to ensure there are no water leaks. He said that 3G system and that technology is being sunsetted, and it is his understanding that there was consolidation in the telecommunications industry as one of the largest companies that provided that service was purchased by someone who did not want to provide that service, so that technology will be going away. Mr. Cummins stated that brings the need to replace those communication endpoints at each meter installation. He advised the good thing for the City of Avon is that they did foresee at least the possibility of this technological change when the meter change out program was done back in 2015. Mr. Cummins said part of that contract for that meter change out project included a provision to what would happen in case that technology did become obsolete. He stated that is what was spelled out in the Ordinance before them tonight that basically the City of Avon would default to Badger Meter to replace and provide materials, equipment, and personnel to run a program to replace all those 3G technology items with new 4G LTE based technology items. Mr. Cummins advised at the time the City of Avon agreed that it would in a sense set up a user fee if that was the case. It is based on the consumer price index and started with an initial cost per unit and increased by year. The longer they go, the more it increases with a 5% per year maximum. He said here we are in year six and the City was notified in 2021 that the current technology will be coming to an end and it is incumbent to activate this assurance policy and get these units switched out.

Brian Bruce, Superintendent of Utilities, advised that sums it up. He said Badger Meter contacted the City early in 2021 and originally the sunset was going to have already happened. Mr. Bruce stated at the end of 2021 Badger Meter was able to get some assurance and switch providers that would give one more year. He advised in the end the City either activates this plan or they need to find an all new manufacturer by the end of the year or roughly 9,000 of the 12,000 endpoints will no longer work and they will no longer transmit reads for water usage. Mr. Bruce said activating this plan is really what they need to do and it is the reason that they had a plan in place because there was some foresight that this was a possibility.

Mr. Fischer asked as to the timeframe.

Mr. Bruce advised once the plan is activated he would guess in May or June that they would start and be done by fall and hopefully the meters would all be switched out to the new system.

Mr. Radcliffe asked Mr. Bruce to remind them of what the residents should expect regarding this change over.

Mr. Bruce advised there are a couple of different scenarios; if the resident has a meter pit and the meter is in the front yard then there will not need to be any action or contact made with the resident. He said they would be ironing out all the notification details, but most likely a postcard will be sent letting the residents know that the technicians would be changing out the endpoint that is located outside of the house and the resident did not need to do anything and the water service will stay on. Mr. Bruce stated if the meter is located inside the home, the endpoint could be inside with the meter or it could be outside on the side of the house and those will be determined and put into two different categories and the homes with the endpoints inside would receive a slightly different notification if it is on the side of the house and a technician is walking up to the side of the house, but again, the homeowner would not need to be home in that instance. He advised appointments would be made by phone for those endpoints inside the homes to schedule a time for the change out. The last time, he believed they started as early as 7 am and were working into the evening hours such as 7 or 8 pm. Mr. Bruce said if further special arrangements are necessary, they will make sure they get them taken care of. Those are the three scenarios that a resident might fall into.

Mr. Radcliffe asked for confirmation that businesses or the 3,000 residents where the endpoints do not need to be changed out that there would be no notification or action taken.

Mr. Bruce said that was correct but added that there will be businesses included in this change out program as they were not all residential customers. He advised when they did the meter change out, it was 1" or 3/4" meters and the City did the commercial customers in-house so they were installing the same type of endpoints at the same time as the last change out so there will be commercial applications that will need to be switched out and some are on the side of the building and some are inside.

Mrs. Holtzmeier said for the residents that use the eye on water web service to track their water usage, which is a great thing for people to be able to look at their consumption, she assumes this endpoint change out will be a seamless transition for that area of the program as well.

Mr. Bruce advised yes it will and that no action will be needed by the resident. He said on occasion they see a 24-hour blank on the program which generally backfills the information 24-hours afterward, but otherwise there is no change. Mr. Bruce stated the customer should not even notice and it should be a seamless transition.

Mrs. Demaline advised it was mentioned that there are three different scenarios and she inquired as to how many homes percentage wise have the meter pit versus the meter inside versus the meter inside and the endpoint outside.

Mr. Bruce advised there are a large number of them outside whether it was a meter pit or on the side of the house. He said he can provide the breakdown of the number of meter pits quite easily. Mr. Bruce stated when the meter changeout program happened, they were supposed to move them to the outside if the meter was inside. He advised toward the end of that project they found that was not happening like it should have been and that issue was resolved between the City and Badger Meter. Mr. Bruce said the data on that is not as clear as it should have been so there will come a point once they start this project where they may have City employees scouting out the location of the meters to find out whether they can see it from the road or on the side of the house to determine if an appointment will be necessary to get inside the home. He indicated before calling the property to make an appointment, they want to try to confirm the meter's location to avoid someone having to be home during the changeout if it is not absolutely necessary and the Utilities Department will be spearheading that effort.

Mrs. Demalline asked regarding the ten-year warranty, which was originally going to be replaced in 2025, if the meter is replaced in 2022 if that ten-year warranty would begin from 2022 or was it essentially a thirteen-year warranty set to expire in 2025.

Mr. Bruce confirmed that essentially it is a thirteen-year warranty, which matches the meters as the meters have a twenty-year warranty. He said when they get to that twenty-year mark, they will have had a meter and endpoints warranty for that twenty-years.

Mrs. Demaline advised thirteen years is a long time for technology to stay current and she asked what happens if that technology changes again. She inquired if the City would be in a situation like they are now where they are going to have to face some costs to make those changes.

Mr. Bruce advised yes, a lot of communities are going to be in that situation. He stated right now, Avon is fortunate as Avon has a much better guarantee than what these companies normally provide. Mr. Bruce said if this technology does not last thirteen years then we would be in a similar boat where there would be some investment.

Mrs. Demaline advised technology is great and it simplifies a lot of things, but there is the understanding that it comes at a cost.

3. [ORDINANCE NO. 8-22 - AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF UTILITIES BILLING CLERK 1](#) Mayor Jensen

Mayor Jensen advised Ms. Szlempa is present tonight to go over the changes to some of the classification specifications for these positions. He stated that in the Utilities Department they are changing the supervisor that the employee reports to because Mr. Bruce, the Superintendent of Utilities, is at that facility working directly with these employees. Mayor Jensen noted that currently these employees in the Utilities Department report to the Finance Director.

Diane Szlempa, HR Specialist, advised she is here to answer any questions Council might have regarding these updates. She said most of the City's job descriptions have not been updated since 2005 and it is recommended that position descriptions and classification specifications get reviewed every five years. Ms. Szlempa stated this is going to be a perpetual thing this year as they try to get all the class specs and job descriptions updated so that they are working with those things that are modern day, eliminating such things as typewriters and rolodex technology, which are obsolete. She advised the things that are updated on these class specs are responsibilities that the employees are currently doing that were not on the class specs previously.

Mr. Fischer asked who the current Billing Clerk 1 is and what are their duties.

Ms. Szlempa advised the City has two billing clerks in the Utilities Department and they both have similar job duties such as performing all the utility billing and the receiving of utility payments and those duties related to the backflow prevention compliance and test report notices and recordkeeping. She stated what was added to this class spec for the Utilities Billing Clerk 1 is that this position coordinates and administrates all the processes related to backflow. Ms. Szlempa said the City of Avon does not provide backflow prevention equipment or testing to the residents, but the City has to report to the EPA that they are in compliance to avoid being penalized.

Ms. Szlempa advised these clerks take non-cash utility payments in answer to a question from Mrs. Demaline.

Mrs. Demaline advised she did not see that description of receiving payments and processing payments in the classification specification.

Ms. Szlempa read, "Performs clerical tasks in order to assist with the efficient operation of the office". She said that was updated in the last couple of years.

Mr. Gasior questioned that the Utilities Department does not accept cash payments. Ms. Szlempa responded that they cannot accept cash at that building because it is not bonded.

4. [ORDINANCE NO. 9-22 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF WATER/SEWER LINE MAINTENANCE WORKER](#) Ms. Szlempa

Ms. Szlempa advised these are updates to this position to include duties that are already being performed. She said one of those duties is instead of only possessing a Class B Commercial Driver's License, the City is requiring them to maintain it to be valid. Ms. Szlempa stated for the employee to be able to do their job, they must be able to drive the trucks that require a Class B CDL, so the Administration thought it was important to add that they must make sure it is still valid. Ms. Szlempa stated the City requires these employees to have their OTCO Backflow certification and while the city does not do the backflows, the Administration wants them to know what to look for to know if there is an issue.

5. [ORDINANCE NO. 10-22](#) – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF UTILITIES CREW LEADER Ms. Szlempa

Ms. Szlempa advised the Administration felt that this position should be one that has the most experience and certifications if they are going to be in a crew leader position. She stated there was a small change in who this position reports to, not only to the Superintendent of Utilities but also to the Assistant Superintendent of Utilities. Ms. Szlempa said they also added that the employee needs to have at least five years' experience in the installation, maintenance, and repair of water and sanitary sewer systems, or equivalent. She explained the reason that five years' experience requirement is significant is because it gives the employee time to acquire their Class A CDL and it also gives them time to get their water and sewer distribution licenses as those take some time to get.

Mr. Radcliffe inquired if that requirement limits the City in who they can hire if they were to find someone outside the City who would come into this position directly. He asked if someone outside the City who has five years' experience in this field from another municipality would qualify.

Ms. Szlempa advised it does not prohibit employment of someone from outside the City because the classification specification does not state that those five years' must be within the City of Avon. She said it is just asking for five years of experience.

6. [ORDINANCE NO. 11-22](#) – DECLARING THE INTENTION OF THE CITY OF AVON TO CONSENT TO LIGHTING LUMINAIRE REPLACEMENTS AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF INTERSTATE 90 BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) Mr. Cummins

Mr. Cummins advised the City was notified that ODOT is planning to do some work on the I-90 lighting in 2023 and even though it is fully within the interstate limited access area and only deals with interstate activities because it is within the City of Avon, ODOT has to ask for the City's consent. He said there is no cost anticipated for Avon to contribute as it is strictly an ODOT project.

Mr. Fischer asked if Mr. Cummins knew what kind of work ODOT was planning on doing. Mr. Cummins answered that the only information he has is basically the text in the Ordinance which is what ODOT provided.

7. EXECUTIVE SESSION: 7:55 p.m.
A motion was made by Mr. Moore and seconded by Mr. Radcliffe to Enter Into Executive Session for the Purpose of Discussing the Purchase of Real Estate, and the vote was: Mrs. Demaline, "yes"; Mrs. Holtzmeier, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Fischer, "yes".
The vote was 6 for and 0 against and the Chairman declared the motion passed.

8. RECONVENE: 8:28 p.m.
A motion was made by Mr. Radcliffe and seconded by Mr. Moore to Reconvene the Work Session of Council, and the vote was: Mrs. Holtzmeier, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mrs. Demaline, "yes"; Mr. Fischer, "yes".

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

9. [RESOLUTION NO. R-1-22](#) – SUBMITTING TO THE ELECTORS OF THE CITY, PURSUANT TO ARTICLE IV, SECTION 17 OF THE AVON CITY CHARTER AND CHAPTER 718 OF THE OHIO REVISED CODE, THE QUESTION OF AMENDING SECTIONS 881.01, 881.03, AND 881.04 OF THE

CODIFIED ORDINANCES OF THE CITY TO INCREASE THE CITY'S MUNICIPAL INCOME TAX RATE FROM 1.75% TO 1.9% FOR A PERIOD OF TEN (10) YEARS FOR THE PURPOSES OF PROVIDING FUNDS FOR THE ACQUISITION OF PARKLAND IN THE CITY AND RELATED ACQUISITION COSTS, AND TO AMEND SECTION 881.06 OF THE CODIFIED ORDINANCES OF THE CITY TO INCREASE THE CREDIT FOR MUNICIPAL INCOME TAXES PAID BY RESIDENTS OF THE CITY TO ANOTHER MUNICIPALITY FROM 1.50% TO 1.60% FOR A PERIOD OF TEN (10) YEARS

Mayor Jensen

First of Three Readings at a Special Meeting Immediately Following this Work Session

Mayor Jensen reminded everyone that it is a .15% increase, but with the credit for someone that lives in the City of Avon but works outside the City of Avon they would receive a credit of .10% leaving a total of .05% increase for those residents. He said he has been asked how to get the word out about this ballot issue and the City has a newsletter that is coming out before the May 5th primary and if allowed, they would have an article in the newsletter explaining this issue as well as the what the wording on the ballot will look like to help people understand when they see it at the polls. Mayor Jensen advised he is hoping that a committee will be formed to help get the word out and he has had people approach him saying that they wanted to be a part of the committee. He stated it was mentioned at a previous meeting that this is an opportunity for the residents to make that decision and it was not Council or the Mayor making this decision. Mayor Jensen said the information would be out there and if residents feel strongly in favor of the City purchasing parkland then they would move forward and if they do not then they will continue as they have been doing. He advised what the Avon voters decide will send the message to the City Administration and Council as to how the City proceeds. Mayor Jensen stated they hear from residents all the time in Planning Commission meetings that the developer should be told no and that is not possible unless the City owns the property for parkland. He said the ability to be able to talk with some landowners that the City is interested in purchasing their property for parkland use, if it is priced fair and not get into a bidding war, that helps the City in those matters. Mayor Jensen reminded Council that there would be a first reading tonight at the Special Meeting and Council could decide next week if they want to pass the Resolution.

Mrs. Demaline advised Mr. Logan is not here tonight, but she wanted to publicly thank him for taking time to answer her questions on this issue as he has been very helpful.

Mayor Jensen advised Mr. Logan is attending a basketball game for his granddaughter tonight and is excused.

10. REPORTS AND COMMENTS

MAYOR JENSEN had no further comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 advised State Farm is doing a Neighborhood Assist Grant for \$25,000. She said they are awarding 100 community grants and it is a fairly simple application process that could probably be done in-house. Mrs. Demaline said she felt there were a couple of projects that might qualify for that grant with the expansion of Veteran's Park with the dog park addition and potentially some other things that the City is planning to do. She stated she wanted to mention it because the deadline is coming up on February 16th and one of the nice things about this grant is that there is not an extensive reporting period after the grant is received and she wanted to forward that information to Mayor Jensen.

MRS. HOLTZMEIER, AT LARGE advised she wanted to acknowledge the efforts of the Service Department for getting out and clearing out roads. She said when Mr. Streator mentioned last week that the City's salt supply was good; she thought uh oh Mother Nature heard that and she is ready to prove him right and she believes she did.

Mr. Streator advised the road crews were out from about 7 pm on Sunday and for a 24-hour period they had all of the trucks out on the streets trying to stay ahead of the snowstorm, which was the biggest task and they did an outstanding job.

Mrs. Holtzmeier agreed and asked Mr. Streator to relay many thanks back to the road crews that the residents are appreciative of the ability to get through their community. She felt they all understand the want it now society but said sometimes a little patience equals safer routes to travel. Mrs. Holtzmeier advised that is a lot of hours put in by the road crews and it was well done.

Mr. Streator thanked Mrs. Holtzmeier and said he would pass that along tomorrow.

MR. MCBRIDE, WARD 2 was absent

MR. MOORE, WARD 3 advised he drove home from New York this weekend and when he arrived home, he was amazed at how great Avon's roads were cleared of the snow. He said it was a great job that the road crews did clearing the roads.

Mr. Moore advised Kensington Drive has a streetlight or two that are out. He asked if they could schedule someone to come out and replace the bulb.

Mr. Streator advised he would take a look at that.

Mayor Jensen advised usually the Police are the ones who report the streetlights that are out because they have to go out at night unless Mr. Moore knows the addresses. He clarified that if the addresses are known then they can schedule the bulb replacements.

Mr. Moore advised one address is 3653 Kensington Drive and he thanked them.

MR. RADCLIFFE, WARD 4 advised he would like to echo the great job by the street crews clearing the roads during the snowstorm. He said the residents are very appreciative.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE advised he would also like to echo the sentiments about the road crews as they did a fantastic job.

Mr. Fischer advised he has seen some comments and videos from residents showing people breaking into locked doors of cars in driveways this week.

Mr. Streator advised this morning the Police encountered in Red Tail there was someone on a homeowner's video trying to break into cars. He said the suspects did get into a couple of unlocked vehicles in Vineyard Park. Mr. Streator stated the Police were able to locate a vehicle that failed to stop for the Avon Police Officers and a chase ensued and it became unsafe to continue pursuit on the Interstate. He advised this situation is very similar to the surrounding communities in the Cleveland area who are reporting that they are experiencing people breaking into mainly unlocked vehicles and occasionally they find one with keys in it and they steal the vehicle. Mr. Streator said they try to remind people to lock their vehicles that are in their driveways.

Mayor Jensen advised Mr. Streator, the Police Chief and himself talked this morning that it is appreciated if the first call those affected residents make is to the Police Station and not a post on social media. He said the Police Chief was a little frustrated because sometimes he will see an incident being discussed on social media before it is even called into the Police Station and they like to address it immediately because it is something that is becoming a bigger problem within all the surrounding communities and they are trying to put a stop to it as best they can.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER was excused from the meeting when Council Entered Into Executive Session.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR was excused from the meeting when Council Entered Into Executive Session.

MR. GASIOR, LAW DIRECTOR had no further comments.

MR. LOGAN, FINANCE DIRECTOR was absent.

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

AUDIENCE: There were no comments from the audience.

11. ADJOURN: 8:39 p.m.

There being no further business, the Work Session of Council was adjourned.

PASSED: _____

SIGNED BY: _____

Brian Fischer, Council President

ATTEST: _____

Barbara Brooks, Clerk of Council