

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, MARCH 6, 2023
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; 2nd Ward - Dennis McBride; 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; Finance Director– Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

Council President Fischer called the meeting to order and advised they would be adding item nos. 16a. and 16b. for an Executive Session for the Purpose of Discussing the Purchase of Real Estate.

1. ORDINANCE NO. 35-23 – AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE COOPERATIVE AGREEMENT WITH THE CITY OF NORTH RIDGEVILLE FOR THE CONSTRUCTION OF A TRAFFIC ROUNDABOUT AT THE INTERSECTION OF STONEY RIDGE ROAD, MILLS ROAD, AND AVALON DRIVE Mr. Gasior

Mr. Gasior advised the City previously passed an agreement with North Ridgeville referenced in this legislation as Ordinance No. 83-21. He said apparently North Ridgeville needs to make it absolutely clear to one of the attorney’s representing the property owner that North Ridgeville does in fact have all the authority they need under the law to appropriate land. Mr. Gasior stated that is the reason that North Ridgeville’s Law Director submitted this addendum to Avon to try to make it absolutely clear that North Ridgeville is the leading agency and that they have the authority to appropriate land. He pointed out that there is a parcel of land in Avon that the City of North Ridgeville needs to acquire. Mr. Gasior believes that was part of the issue as North Ridgeville felt that they needed to clarify that North Ridgeville had the authority to appropriate the land that is in Avon and that is all that is being asked of Council here.

Mrs. Demaline asked if what Mr. Gasior was saying was that they are clearing up in an Ordinance format that North Ridgeville would be the sole party responsible for acquiring land. She asked if that was correct.

Mr. Gasior advised yes, and he believes that was in the original agreement.

Mrs. Demaline asked for further clarification that Avon Council was not giving North Ridgeville the authority to acquire land in Avon.

Mr. Gasior advised Avon is saying that North Ridgeville is the lead agency on this construction project, which is referred to as “the peanut”. He said and that North Ridgeville is going to construct this work through their contractor and make the appropriation of land in Avon. Mr. Gasior stated for purposes of this project North Ridgeville’s Law Director, or their designated counsel would have the authority to acquire that land.

Mrs. Demaline advised she wanted to clarify that Avon was not doing this project, but North Ridgeville is the lead agency, and that North Ridgeville is the only agency acquiring land for this project.

Mr. Gasior advised that is correct. He said it is identical to what was done with the SR83 and Mills Road roundabout. Mr. Gasior stated North Ridgeville was the lead agency on that project and there was a parcel of land on the northwest corner that was privately owned that North Ridgeville appropriated because they negotiated a settlement with the property owner. He advised but North Ridgeville acquired the necessary rights to that property as the lead agency. Mr. Gasior said North Ridgeville’s Law Director ran into a problem with the one parcel for this current project and the attorney that represents the property owner questioned something along the lines of North Ridgeville not having the authority per the original agreement. He stated so North

Ridgeville's Law Director wanted to prepare this addendum and make it absolutely clear that North Ridgeville has the authority to appropriate the land.

Mayor Jensen advised the only difference between the SR83 and Mills Road roundabout and this one is that Avon is not participating with North Ridgeville on this project. He said whatever happens to this parcel, the City of Avon is not a party to that, and on the other roundabout project things were split 50/50. Mayor Jensen stated the only thing the City has added on this project is that Avon is requesting sidewalks be installed on the Avon portion and that is what Avon will be responsible for paying, but we wanted to make sure it was clear that this is North Ridgeville's project.

Mr. Cummins said that is correct.

Mrs. Demaline inquired if there was an estimated time for the start of construction.

Mr. Gasior advised he spoke with the North Ridgeville Law Director today and his Council is going to act on this addendum as early as tonight and he told him that Avon Council would not act on it until the 13th of March. He said as soon as this Council acts, then North Ridgeville will refile their appropriation action against that property owner and maybe begin construction shortly thereafter. Mr. Gasior stated under Ohio law the appropriation action can be filed and begin construction. He advised it is called a Quick Take and can be done when there is a road improvement being done and that is the plan. Mr. Gasior said North Ridgeville can negotiate with the property owner afterwards.

Mrs. Demaline advised this North Ridgeville project would obviously have significant impact in Avon. She asked who the point of contact is for the City of Avon that would keep Council apprised of the developments of the construction.

Mr. Cummins advised certainly on the construction and engineering end; he would say that he would be one of the main contacts.

Mrs. Demaline requested that Mr. Cummins keep her informed when projects are about to get started. She said since this project is partly in her ward, she anticipates there would be a lot of questions.

Mr. Cummins said absolutely he could do that.

2. ORDINANCE NO. 36-23 – APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH Mr. Gasior

Mr. Gasior advised Council should all be familiar with this legislation as it comes before them yearly or sometimes twice a year. He said the Codifier incorporates all the legislative changes into the Code where it is necessary to do so. Mr. Gasior stated Exhibit A to the Ordinance gives a breakdown of the Ohio Revised Code sections that were amended by the State Legislature that are mirrored in our Municipal Ordinances.

3. ORDINANCE NO. 37-23 - GRANTING A SPECIAL USE PERMIT TO O.E. MEYER CO. TO INSTALL FOUR (4) ABOVEGROUND STORAGE CONTAINERS FOR HAZARDOUS MATERIALS ON PROPERTY LOCATED AT 929 MOORE ROAD (THE SOUTHEAST CORNER OF AVON COMMERCE PARKWAY AND MOORE ROAD) Planning Referral

Ms. Fechter advised O.E. Meyer came in front of the Planning Commission in February asking to build a 12,000sf building on the southeast corner of Avon Commerce Parkway and Moore Road. She said Council will see in their packet that originally the location of their large propane tank was a little closer to the residence to the south. Ms. Fechter stated O.E. Meyer has since moved the propane tank back 150' from the original proposed location as indicated on their revised drawing. She advised some fencing, and more landscaping was also added for additional buffering. Ms. Fechter said the size of the tanks require a Special Use Permit and the reason they are

in front of Council. She stated the company has worked very closely with Mr. Streator, our Safety/Service Director, as well as our Fire Department and will have to follow all State and Federal regulations. Ms. Fechter advised there were members of the company present tonight if Council has any questions as well as one of the abutting property owners who has indicated he would like to speak to Council.

Mr. Fischer asked if the resident wanted to come forward to address Council.

The resident motioned that he was good and did not wish to speak.

Ms. Fechter advised the Planning Commission outcome was unanimous to recommend that Council consider and approve the Special Use Permit.

4. [ORDINANCE NO. 38-23 - TO AMEND THE PLANNING AND ZONING CODE SECTION 1270.03 SCHEDULE OF PERMITTED USES AND SECTION 1280.05 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NON-RESIDENTIAL DISTRICTS TO REQUIRE A SPECIAL USE PERMIT FOR DRIVE-THRUS IN THE C-4 DISTRICT](#) Planning Referral

The First of Three Readings will be held at a Regular Meeting on Monday, March 13, 2023

A Public Hearing will be held on Monday, April 10, 2023 at 7:20 p.m.

Ms. Fechter advised as they know, there have been a few obstacles with drive-thrus in the past. She said currently in other zoning districts a Special Use Permit is required for a business to have a drive-thru, but in the C-4 district it was a permitted use. Ms. Fechter stated they are now requesting that drive-thrus to be located in a C-4 district require a Special Use Permit as well. She advised this will provide more opportunities to discuss with the applicants the traffic pattern and that they conform to what the City needs and have the ability to bring them back in front of the Planning Commission and City Council if necessary.

Mr. Fischer said he felt this is a wonderful idea.

5. [ORDINANCE NO. 39-23 – TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1228.04, 1230.02 AND 1244.06 TO MAKE PRE-APPLICATION MEETINGS WITH STAFF MANDATORY FOR ALL PROJECTS](#) Planning Referral

The First of Three Readings will be held at a Regular Meeting on Monday, March 13, 2023

A Public Hearing will be held on Monday, April 10, 2023 at 7:25 p.m.

Ms. Fechter advised the Planning Department has found that the projects coming where a pre-application meeting is set up with the Staff and the applicant that there is a lot less back and forth. She said the applicant meets with all the applicable departments and we go over the City requirements and look at their specific site and advise them as to the best place to connect their sanitary and water lines and the like. Ms. Fechter stated these meetings are currently recommended and they would like to make them required whether it is as simple as herself and the Zoning Enforcement Officer meeting to discuss the project or whether it is the full team that includes the Safety/Service Director and the Chief Building Official. She advised they have found this is a better way to get that project going and have the process be smoother as it moves forward.

Mrs. Holtzmeier advised she likes this idea as anything that makes things run smoother in government is always good. She inquired if there are any timeline expectations after that meeting is held for when that next step may or may not be.

Ms. Fechter said it is explained to the applicant at that time that there is a roughly a 30-day window by which they need to submit all their materials prior to the Planning Commission meeting. She advised they are starting to look through some of those requirements as well and later on this summer they will most likely tweak those dates. Ms. Fechter stated there has been an expectation from applicants that if they submit the application that they are automatically on the next Planning Commission agenda; however, they are finding that sometimes the submissions are not a full package, so they are beginning to not accept them if they are not complete; such as they do not have storm water calculations and the like as those take time to review. She advised when the application comes in, the applicant is given the submission deadline for any missing documentation and then move forward.

Mrs. Holtzmeier advised she understands that she is just a party of one when making her comments, but that goes both ways. She said she will always support any indication that says the applicant is not ready to be on the agenda. Mrs. Holtzmeier stated if all of the applicants' materials are not in to the City that was on them and the City reserves the right to continue to request it prior to getting on the agenda because they want it done correctly.

6. ORDINANCE NO. 40-23 – TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER'S AGREEMENT FOR AUTUMN GROVE SUBDIVISION Planning Referral

Ms. Fechter advised Autumn Grove is requesting that Council authorize the Subdivider's Agreement for the twenty single-family homes. She said she spoke with Mr. Presley and confirmed that all of the deposits have been made and the developer would like to move forward in the process.

Mr. Moore asked if this subdivision of twenty homes is scaled down from the original plan.

Mr. Cummins advised yes; he believed the initial plan suggested the number of homes in the upper twenties with homes planned to be built all the way to the eastern end of the property. Now he said the eastern end of the property is reserved for stormwater management and the number of homes was dropped down to twenty.

Mr. Moore inquired if the plan is still for the retention basin to be bigger than it was originally.

Mr. Cummins advised yes; it is for compensatory storage. He said as part of this subdivision they were going to be filling in some 100-year FEMA designated floodplain areas. Mr. Cummins stated for every shovelful of dirt that they want to put in those areas, they have to create two shovelfuls of a void somewhere to offset that and that large basin is the offset of that as it represents over twice the amount of volume of a void than what they are putting in as fill.

Mr. Moore inquired if the developers were still installing the pipe down Riegelsberger Road.

Mr. Cummins advised that is correct. He said there is an existing 24" new pipe that was installed when the bridge was reconstructed several years ago, and it only went a few hundred feet to the west. Mr. Cummins stated in between that point and where the proposed site is located, there was very older pipe that was very uneven and not in the best condition and had problems with drainage and the like. He advised the applicant has agreed to start at the western end of the new pipe that was installed with the bridge and extend that 24" pipe all the way to the subdivision site and that will be the outlet for the compensatory storage as well as provide a much-improved drainage along those frontages all the way to French Creek.

Mr. Moore thanked Mr. Cummins for the clarification. He said he just does not want to see what happened in 2014 again.

Mr. McBride advised given this development will be off Riegelsberger Road, which is almost a main street at this point with how much traffic that street has. He inquired if there is going to be a mandatory left turn lane with sufficient stacking for 1 or 2 cars. Mr. McBride said there needs to be enough stacking because people ought to be able to pull in with a short turn lane, but it seems that many leave their car sticking out in the active lane. He added he would like to see stacking for 4 to 6 cars.

Mr. Cummins advised the project as it is currently proposed does not include any turn lane improvements on Riegelsberger Road. He said the developers did provide a trip generation report that showed the number of cars coming in and out during peak time periods and it was under ODOT requirements to mandate turn lane improvements on Riegelsberger Road. Mr. Cummins stated so as it stands now, he thinks they provided additional right-of-way width for any future improvements along Riegelsberger Road, but they did not include any type of left turn lane improvements on Riegelsberger Road itself.

Mr. McBride advised he would not trust the developer's calculations as multiple times the City in other subdivisions or churches along Detroit Road for example did nothing but back up traffic, whether a Sunday morning or a Tuesday after work. He said if we cannot force that then he felt they need to come up with local calculations that are basically in the City's favor and not worry about ODOT's standards.

Mr. Cummins advised he believes that is something that certainly City Council could consider of setting its own criteria for when turn lanes are to be considered and the like. He said he was just stating that as this project currently sits, a turn lane is not included.

7. ORDINANCE NO. 41-23 – REAPPROPRIATIONS

Mr. Presley

Mr. Presley advised the majority of these items are additions that were discussed during the budget meetings with the departments but did not make it to the final appropriation. He explained the reappropriations as follows:

General Fund No 101

Add Zoning-Furniture & Fixtures of \$2,500 as it was not included in the original budget ordinance.
Add Transfer to Cemetery Fund No. 281 of \$25,000 as it was not included in the original budget ordinance.
Total General Fund Re-Appropriations \$27,500.00

Fire Dept Fund No 200

Increase Vehicle Maintenance \$26,000 for significant unforeseen expenses for 2 vehicles.
Total Fire Department Fund Re-Appropriations \$26,000.00

Park Operating Fund No 250

Increase Infrastructures Improvements by \$60,000 as the current budget is insufficient.
Total Parks Operating Re-Appropriations \$60,000.00

Mr. Presley noted the \$60,000.00 for the Park Operating Fund is to address the installation of railings at the pier in Eagle Point Park to get that completed this year per the email that was sent to Council this morning.

Cemetery Fund No 281

Add Repairs & Maintenance of \$20,000 as it was not included in the original budget ordinance.
Total Cemetery Fund Re-Appropriations \$20,000.00

Mr. Presley noted the \$20,000.00 for the Cemetery Fund is to address the cemetery improvement phase II project.

Stadium Highway Marquee Fund 284

Add \$829,000 to Machinery and Equipment as it was not included in the original budget ordinance.
Total Stadium Highway Marquee Re-Appropriation \$829,000.00

Mr. Presley advised this \$829,000.00 in the Stadium Highway Marquee Fund is to address the marquee replacement, but also the large scoreboard inside the stadium and the associated appurtenances.

SR83 & SR254 Intersection Fund No 415

Increase Improvements by \$1,400.00 as the original budget is insufficient.
Total SR83 & SR 254 Re-Appropriations \$1,400.00

Mr. Presley advised the \$1,400.00 represents engineering as far as construction on that project.

2021 Road Program Fund No 419

Add \$3,456 to the 2021 Road Program Improvements as it was not included in the original budget ordinance.
Total 2021 Road Program Re-Appropriations \$3,456.00

Mr. Presley advised the \$3,456.00 represents engineering inspection.

2022 Road Program Fund No 420

Add \$150,028.09 to Road Improvements as it was not included in the original budget ordinance.
Total 2022 Road Improvements Re-Appropriations \$150,028.09

Mr. Presley advised the \$150,028.09 represents a payment to the State of over \$133,000.00 for the Detroit Road resurfacing that the City has to pay for that in advance of the project and then some additional engineering inspection represents the remainder.

Middleton Road Extension

Add \$2,000 to Engineering as it was not included in the original budget ordinance.
Total Middleton Road Extension Re-Appropriation \$2,000.00

Total Re-Appropriations All Funds \$1,119,384.09

Mr. Fischer asked Chief Swope to address the vehicle maintenance expense of \$26,000.00 in the Fire Department Fund.

Chief Swope advised the Fire Department had two major vehicle repairs that were not budgeted for as they were unforeseen. He said one was the transmission for the second “new” engine that is approximately 11 years old. Chief Swope stated this is the same vehicle that the frame was replaced. He advised last year this vehicle had some transmission issues and attempted to rebuild it for a nominal cost and that obviously did not work. Chief Swope said the vehicle lost all the gears as it was going out for service, and they had to put in a new transmission. He stated they do not make this transmission any longer and Allison Transmission is the only company that installs transmissions in fire trucks and so they have the market on that, and this is an Allison transmission and it had to go out to W.W. Williams who is the manufacturer that works on transmissions and another transmission was installed and it appears to be working fine now. Chief Swope advised the fire truck was sent to Pierce Manufacturing to do a pump test and make sure everything was done correctly, which it was and the fire truck should be back tomorrow. But that was an unexpected cost of nearly \$16,000. He said in addition, the squad that was turned into a dive truck has a Ford specific part with the ABS control system that is the “brains” of the hydraulic controlled unit and Ray’s Auto & Truck Service basically said it is a Ford only part and there are only two Ford dealers north of Columbus that work on Ford 650’s and one is Valley Ford, who said they could get to it in about a month. Chief Swope stated Ganley Ford in Norton said they could get to it in about a week and that was almost a \$9,000 repair on the hub of the braking system on that vehicle. He stated the budget that was put together with Mr. Presley was about the same as last year, but did not encompass these two unexpected, big expenses.

Mr. McBride inquired as to the age of the fire truck.

Chief Swope advised it is eleven years old and most fire trucks last about fifteen years. He said he is not ready to give it up since they have put all this money into it, so he is waiting to see how it does and the reason he wanted it inspected by Pierce Manufacturer and he is hopeful they were not going to have any further problems. Chief Swope stated most fire trucks are 36 months out for a build so they will probably start looking at the end of this year for its replacement.

Mrs. Holtzmeier advised with more than \$1 million up for Council to reappropriate the big portion of that was the \$829,000 to come out of the Highway Marquee Fund. She asked how much more were they going to be seeing in reappropriations that were not included in the original budget?

Mr. Presley advised he does not know; things are going to come up and he hopes that it is nothing as large as this amount. He advised as stated the \$829,000 is for the Marquee, which was discussed but was never placed in the original Ordinance. Mr. Presley said he would hope that as they go on, there would be less of these going forward, but he does not know.

Mayor Jensen advised with the Marquee; the money came in for its purchase through the grant awarded by the Lorain County Commissioners so that money was already set aside until they were ready to spend that money, and they did not want to bring it to Council until they knew exactly what they would be purchasing. He stated

they do not give a lot of room in the budgets for a cushion when something happens, like with the fire truck repairs. Mayor Jensen said it goes along with making sure that Council is always aware if there is extra spending than anticipated. He advised other municipalities may allow a buffer in each of the fund accounts, but they have not done that since he has been Mayor because he wants it to be explained to Council beyond what was allocated. He said similarly in the Park Fund for the railings at the pier; there was grant money that was reimbursed that goes into the General Fund and now they were using another portion of those funds. Mayor Jensen said Mr. Presley may not like bringing so many reappropriations before Council, but he wants anyone that spends more than budgeted to come back to Council and show them why it is necessary so Council will see it more often.

Mrs. Holtzmeier advised fiscally that is a fair explanation, but on the other side of that coin she would like to see it married with a little more foresight and as the Executive he needs to decide what percentage that is, and she can appreciate that. She said but when they hear about purchases that are going to be in the future, she likes hearing this may be coming up and that these things are planned for, but the two go hand in hand. Mrs. Holtzmeier stated this is not a critique, but more of an observation to say that she likes planning.

Mayor Jensen advised one of the things that Mr. Presley does differently is that he does like to make sure that Council sees everything whereas Mr. Logan had money in funds that did not need Council's permission. He felt Council would see more of engineering's expenses come before them for example as previously it was a large amount of money set aside. Mayor Jensen stated Mr. Presley would like Council to see it each time that it is needed.

Mrs. Holtzmeier asked if they could also go over the Cemetery phase II improvements.

Mayor Jensen indicated Center Cemetery, located on the corner of SR 83 and Detroit Road that is municipally maintained, has a lot of headstones that are in disrepair, and some have fallen over. He said each year the City wants to allocate a certain amount of money to have those headstones repaired or replaced. Mayor Jensen advised the first phase is complete and Council may notice some of the improvements on the larger headstones. He said the second phase was not already in the budget and they wanted to bring it before Council as they want to continue with repairs to the headstones. Mayor Jensen stated the larger headstones were repaired in phase I and they hope to get more of the smaller ones repaired/replaced this year which is the phase II part. He advised they will come back to Council if more funds are needed, but they are hoping that over the course of four or five years that work will be completed. Mayor Jensen said he can send pictures to Council of the headstones that were repaired, and also pictures of those that are in poor shape that the City would like to get repaired.

Mrs. Holtzmeier advised those headstones are very old. She asked who has been maintaining the look of the headstones that are located there because they have been cleaned throughout the years and have been maintained well.

Mayor Jensen advised they have not done as much upkeep/repair as they would like as there are so many that are leaning, but they have tried to do the best we can with the funds they have available. He said it was to the point that something had to be done because two headstones were a danger to the public if they had fallen over and at this point, he felt it was managing and maintaining what they can.

Mrs. Holtzmeier said they have been cleaned of a lot of the moss and the look of the wear and tear that a lot of old headstones have that need maintained. She stated it was her oldest son who noticed that the Cemetery had some work done so she wanted to mention that it is getting noticed and it is great work.

Mrs. Demaline asked for clarification that the \$829,000 was coming out of the million dollars awarded Avon from the County to which Mayor Jensen confirmed that it is. She inquired about the \$60,000 for the Park Operating Fund as to what that will be used for.

Mr. Presley reiterated that money is going to be for the pier at Eagle Point Park as far as installing a railing. Mayor Jensen added there was \$40,000 from one grant that helped with the playground equipment at that park and then there was a \$100,000 grant that was for infrastructure and the pier was part of that and the railing is yet to be installed.

Mrs. Demaline advised \$60,000.00 seems like a lot for a railing. Mayor Jensen advised they are making sure they have enough money to cover the cost.

Mr. Radcliffe asked for clarification regarding the 2022 Road Program Fund line item, he questioned if this was a payment that was appropriated last year, but not made until this year or was it an additional payment for this year.

Mr. Presley advised it was appropriated in 2022, but the City received the invoice from the State this month, so it has to be paid before that road is resurfaced. He clarified it was included in the 2022 budget; it just was not paid.

8. [ORDINANCE NO. 42-23 – TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH OES-SCOREBOARDS FOR THE PURCHASE OF A SCOREBOARD MARQUEE SIGN AND APPURTENANCES THERETO FOR THE CITY-OWNED CRUSHER STADIUM](#) Mr. Streator

Mr. Streator advised this goes hand in hand with the re-appropriations as well as the legislation later in tonight's meeting, Resolution No. R-18-23, with the City joining the National Cooperative Purchasing Alliance. He said he has been working with the NCPA through the company OES-Scoreboards to replace the scoreboard at the stadium and the highway marquee sign. Mr. Streator stated there will also be an LED sign which is a video scoreboard and all the added appurtenances for the control room and the operation of it and there will be a video camera and the ability to do a lot more with this new signage. He advised they did some research on the scoreboard itself and looked at different companies and which one was the best and how they arrived at OES-Scoreboards. Mr. Streator said they looked at other companies and this was by far the best option for the City allowing the best product for us. He apologized for the lateness of this legislation but said they would like to get the signs installed prior to the start of the baseball season. Mr. Streator clarified that the cost listed in the legislation was slightly different as they had a meeting late on Friday and will be including a five-year warranty on parts and labor making the contract with OES \$756,773.00. He said as the reappropriations for that money came from the County Commissioners as stated earlier, they did not have the final cost to bring it forward in the November budget discussions.

Mr. McBride asked if the room where the control equipment will be located is going to be temperature regulated 24/7.

Mr. Streator advised yes, it is a part of the press box and they have done some renovations there to create its own control room inside the press box.

Mr. McBride inquired if the room would be temperature regulated; heated/cooled even when the stadium is closed for the season and could not be shut off.

Mr. Streator advised yes, and the previously approved HVAC system project was started today.

9. [RESOLUTION NO. R-13-23 – DECLARING IT NECESSARY TO IMPROVE CHESTER ROAD BY THE CONSTRUCTION AND RECONSTRUCTION OF APPROXIMATELY 475 LINEAL FEET OF CHESTER ROAD TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO](#) Mr. Gasior

Mr. Gasior advised this is the Resolution declaring the necessity for the improvement of Chester Road and there is a voluntary petition attached along with a document called a cognovit surety. He said this is to cover simply the portion of the cost of this project that will be borne by Brady-Cam, the property owner that has development along the private street called American Way. Mr. Gasior stated the property owner elected to go this route as they wanted to do a 20-year assessment and the City is accommodating them by Council passing this Resolution Declaring the Necessity and accepting their voluntary petition and their cognovit guarantee so they can move forward.

Mr. Radcliffe advised this project is located on Chester Road between the two entrances of American Way.

Mr. Cummins said he could provide some background information on the project which is the second phase of the widening of Chester Road heading west from SR 83. He said this project is a little over 1625 feet in length. Mr. Cummins stated it basically starts at the eastern entrance of American Way and extends beyond a couple hundred feet of the western entrance of American Way. He advised there will be a three-lane section with one lane in each direction and a center turn lane. Mr. Cummins said the commitment from Brady-Cam came about due to improvements that they were making within their Avon Pointe Development along American Way and they came to have the need for a lefthand turn lane; like the developer who was doing the Concord Village development a little further to the east as the second phase of Concord Village was in need of a lefthand turn lane. He stated that would have left a gap between those two lefthand turn lanes, so the City put together this project and the bid was before Council previously and it was turned into one project with a continuous center lane that addresses both the lefthand turn needs of both of those developments and widens the gap between the two to a three section as well. Mr. Cummins advised they were successful in getting an Ohio Public Works Commission funding package to help offset some of the cost as well in the form of grant and loan dollars. He said this kind of completes the goal of widening to three lanes heading to the west comprehensively and working with two different developers under two different agreements for them to cover their share to help make that happen.

Mr. McBride commented that he is assuming that the City will continue to improve the road in increments to three lanes westward as available.

Mr. Cummins confirmed that to be correct. He advised he just received word on Friday that the City is in line to get some funding from NOACA for another phase of that roadway. Mr. Cummins said in speaking with the Administration, it may be back before Council with another phase in the coming months, but yes, it is an ongoing goal to continue that widening to three-lanes all the way to SR 611.

10. [RESOLUTION NO. R-14-23](#) – TO ADVERTISE FOR BIDS FOR THE CHESTER ROAD WIDENING PHASE II PROJECT Mr. Cummins

Mr. Cummins advised this is the project that was described in the previous agenda item. He said he is asking for authorization to advertise for public bids by Resolution. Mr. Cummins stated once the bids are received and tallied and evaluated then it will be back before Council to hopefully award a construction contract to get that project moving forward.

Mr. Gasior advised at that time, there will also be an Ordinance to proceed to button-up the voluntary assessment requirements under the Ohio Revised Code.

11. [RESOLUTION NO. R-15-23](#) – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY LESTER L. & MARILYN F. DEMALINE & GINGKO LEAF PROPERTIES, LLC TO HAVE CERTAIN LAND OWNED BY THEM LOCATED ON LONG ROAD, PERMANENT PARCEL NOS. 10-04-00-012-101-078 AND 10-04-00-012-101-082 (RESPECTIVELY), DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT Mr. Gasior

A Public Hearing will be held on Monday, March 13, 2023 at 7:15 p.m.

Mr. Gasior advised these are renewals of the Agricultural District designation and these properties have been under an Agricultural District designation for several years. He noted that every five years, the property owner is required to come before Council to renew that designation and items #11, 12, and 13 are those renewals for those respective properties.

12. [RESOLUTION NO. R-16-23](#) – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY BARBARA DEMALINE TO HAVE CERTAIN LAND OWNED BY HER LOCATED ON DETROIT ROAD, PERMANENT PARCEL NOS. 10-04-00-001-102-008 AND 10-04-00-001-102-064, AND ON STATE ROUTE 83, PERMANENT PARCEL NO. 10-04-00-013-000-194, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT Mr. Gasior

A Public Hearing will be held on Monday, March 13, 2023 at 7:20 p.m.

Mr. Gasior advised again, this is a renewal, and it was last before Council in 2018 to renew that agricultural district designation on those parcels.

13. RESOLUTION NO. R-17-23 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY WILLOWAY PROPERTIES, LLC TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 3540 LONG ROAD, PERMANENT PARCEL NOS. 10-04-00-012-101-087, 10-04-00-002-103-011, AND 10-04-00-001-103-046, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT Mr. Gasior

A Public Hearing will be held on Monday, March 13, 2023 at 7:25 p.m.

Mr. Gasior advised again, this is a renewal. He believed there was still one property owner due for renewal that has yet to submit their application. Mr. Gasior stated these renewal requests have to be sent to the County in the first quarter of the year so, these applications are received between January and the end of March.

14. RESOLUTION NO. R-18-23 - AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF AVON, TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH THE NATIONAL COOPERATIVE PURCHASING ALLIANCE (“NCPA”) Mr. Streator

Mr. Streator advised as he mentioned earlier tonight, this is the cooperative purchasing program that the City would like to join with respect to purchasing the equipment for the scoreboard and the marquee sign. He said also Mr. Presley and Mr. Gasior reviewed the contract for this program.

Mr. Gasior added for clarification that the City needs to join the NCPA and then as a member of the NCPA there are several companies that have already entered into a contract with NCPA to provide a product at a set price. He advised as a member of this cooperative purchasing program, which the City is allowed to become a member of under an Ohio statute, the City is going to purchase the scoreboard through OES.

Mr. Streator confirmed that to be correct.

Mr. Gasior stated they could call it an exemption to competitive bidding. He said if they join one of these cooperative purchasing organizations, they are now entitled to select products that this entity has competitively shopped and provided the best price to their members.

Mrs. Holtzmeier advised this is not our only relationship with a competitive purchasing group.

Mr. Gasior believes the City has joined approximately three or four of them.

Mrs. Holtzmeier inquired if the Statute has a maximum number of co-ops that they were allowed to belong to.

Mr. Gasior advised no, not that he is aware of. He said it is ORC section 948(b)(2).

15. RESOLUTION NO. R-19-23 – TO STRONGLY URGE THE OHIO GOVERNOR AND MEMBERS OF THE OHIO GENERAL ASSEMBLY TO RESTORE THE LOCAL GOVERNMENT FUND TO PRE-RECESSION LEVELS Mr. Gasior

Mr. Gasior advised he came across this in the Ohio Municipal League’s bulletin. He said the OML believes that the State has been a little on the stingy side with respect to the Local Government Fund. Mr. Gasior said back in 2011 the fund was cut in half going from 3.5% to 1.5%. It has been slowly going back up and it was currently at 1.6% and they are proposing around 1.75%. He stated the Ohio Municipal League is asking all its member communities to pass a Resolution in support of a higher distribution under the Local Government Fund and that is essentially what they are asking the State Legislature to do when they finally set that figure.

Mr. Presley advised he would encourage Council to pass this Resolution especially in light of the fact that the Ohio Rainy Day Fund is at its largest level since the Kasich administration. He said it would seem reasonable that they could put the Local Government Fund back to its previously set level under which it was established.

16. REPORTS AND COMMENTS

MAYOR JENSEN advised as Council remembers last year, they appropriated \$300,000 for bathrooms to be constructed at various park locations. He said they tried to go out for bids, which did not come back favorably. Mayor Jensen said he wanted to make Council aware that they have another plan and if that works out then they will ask for a reappropriation to have one of the bathrooms built in-house.

Mayor Jensen advised in discussions with Mr. Jenkins, IT Coordinator, Lit Communities would not be ready to present by the March 13th date. He said they are looking at a follow-up date.

Mr. Gasior advised they were going to try for the March 27th date and Attorney Hannah is only available the second and fourth Monday's. He said he will know more probably by the 13th of March as to how that is coming along. Mr. Gasior stated the City is currently waiting for some documents from Lit Communities, which they expect to receive this week.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 had no comments.

MRS. HOLTZMEIER, AT LARGE advised in our Council packet this week, for the O.E. Meyer Special Use Permit, there were the minutes from the Planning Commission meeting as well as the comments from the public hearing. She said that was really helpful to connect those dots and refer back to what comments were made at that time and to see how that is relative to what has changed or not. Mrs. Holtzmeier requested that to continue with the Planning Commission Referrals as she felt that was good all around.

Ms. Fechter advised they would do their best. She said it can be a timing issue and the turnaround time may be too quick, but they would try.

Mrs. Holtzmeier said that is appreciated; thank you.

MR. MCBRIDE, WARD 2 advised a resident on Moore Road request that the City buy his property because of the four proposed hazardous material tanks that will be located across the street from his home, but that would not really be a public use of government funds. He said he knows the same request was put to O.E. Meyer and they do not need the property, so it was likely not to happen. Mr. McBride stated that property owner could probably sell the property if they are a little creative and likely to make a profit.

Mr. McBride advised moving from Cuyahoga County over 20 years ago, he does not know how Lorain County can make permanent parcel numbers so long. He said Cuyahoga County uses 8 digits and 2 hyphens and when you look at Lorain County it is like someone was drinking apple cider back in the 1700's when they were created.

MR. MOORE, WARD 3 asked what the deadline was to submit the grant application for sidewalks to be installed on SR 83.

Mr. Cummins advised the grant was applied for to install sidewalks along the portion of SR 83 from Kinzel Road northward to fill in the sidewalk gaps on both sides of SR 83. He said it is a Systemic Safety Grant through ODOT.

Mr. Moore inquired if there is a timeline on when we would know if the grant will be awarded.

Mr. Cummins advised his best guestimate would be in the May timeframe.

Mr. Moore thanked Mr. Cummins for the update.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR advised Railroad Brewing will open up their second location this coming Wednesday and had a ribbon cutting ceremony this past Friday. She said Railroad Brewing is very excited and will still be brewing in the current location, but their new location at 820 Center Road will have a full kitchen and they have done a great job decorating and she encouraged Council to stop by and patronize their new location.

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR advised the Fire Department had 262 total incidents and 212 of those were EMS calls for the month of February.

AUDIENCE:

Ram Appana of 2595 Seton Drive thanked Council for giving him the opportunity to speak. He said with respect to yoga for wellbeing, they have confirmed a date on Monday, March 27th. Mr. Appana stated he is looking for some help or guidance in getting an invitation out to all the community members so that they can take advantage of the program. He said it is a free program for the benefit of the community for wellbeing.

Mr. Appana said with respect to SaveSoil as they know they have created a lot of movement for that cause, and it is a continuous journey spreading the witness. He advised March 24th is SaveSoil Day and he requested a Proclamation in hopes of spreading the witness to the whole community. Mr. Appana stated our soil is dying and we have not taken any action. He said they have reached some momentum, but they would like to extend this to all the people as it is a witness program, and he was not seeking funding. Mr. Appana advised they want everybody to understand the importance of soil and that all of our nutrients come from the soil. He said he was more than happy to help with whatever they need, but it is the City Officials who are the leaders in spreading the witness to the communication channels as he only has his own personal social media page with a small network of people.

Mr. Fischer thanked Mr. Appana and said he could contact the Council Clerk to let her know if there was something Council could do specifically for Mr. Appana.

Mr. McBride suggested Mr. Appana speak with the reporter after the meeting to help get the word out to the community.

Mrs. Holtzmeier asked Mr. Appana what time the community yoga event started on March 27th and where was it going to be held.

Mr. Appana advised it begins at 4:30 p.m. on March 27th at the Avon Isle and anyone can attend. He said he is working with Ms. Raicevich, the City Wellness Coordinator.

Mayor Jensen clarified it was part of the City's wellness program for the City employees.

16a. EXECUTIVE SESSION: 8:32 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Purchase of Real Estate and invite Chief Swope, Mr. Streater and Mr. Presley, and the vote was: Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mrs. Demaline, "yes"; Mr. Fischer, "yes".

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

16b. RECONVENE: 9:33 p.m.

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

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

17. ADJOURN: 9:34 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