

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, APRIL 17, 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

1. [ORDINANCE NO. 52-23](#) – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF POLICE CAPTAIN Mr. Streator

Mr. Streator advised our Human Resources Coordinator has been working with Clemans Nelson & Associates to update the City’s class specs for all of our positions. This position, Police Captain, and the one following are the next to be updated.

2. [ORDINANCE NO. 53-23](#) – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF COMMUNITY SERVICE OFFICER Mr. Streator

Mr. Streator advised this is legislation to update the class spec for Community Service Officer within the Police Department. He said they hoped to get all the class specs up to date within a short time frame.

Mr. Gasior advised there is one other position in the Police Department that they found in the course of making these updates and it was the Communications Manager. He said that position was created approximately 5 or 6 years ago, and the prospective officer took another position in Columbus and the position was never officially filled. Mr. Gasior stated then the position of Public Information Officer was created, which has been filled. He advised in talking with Ms. Szlempa, the Human Resources Coordinator, they thought maybe the position of Communications Manager should be eliminated from the Police Department as it most likely will never be filled. Mr. Gasior said they may bring that legislation to eliminate that position to the next Work Session.

3. [ORDINANCE NO. 54-23](#) – AUTHORIZING THE MAYOR TO ENTER INTO A CONCESSIONS AGREEMENT WITH THE BIG SHOW LTD. TO ACT AS THE CITY’S CONCESSIONAIRE FOR THE AVON MUNICIPAL AQUATIC FACILITY Mr. Gasior

Mr. Gasior advised Council is aware that the City has contracted with the Big Show, which is Melissa Nelson’s company, at the Aquatic Center ever since it opened in 2015 which was prior to Ms. Harasimchuk being appointed to the position of Recreation Coordinator. He said in the past there was a concern about this contract being renewed each year with the Big Show and the commitment was made this year to do an RFP, Request for Proposals, and some time was spent putting that together. Mr. Gasior stated in February the RFP’s were sent out by the Recreation Department to various caterers and food truck vendors from a list provided by the Lorain County Health Department as well as a few from western Cuyahoga County that the City felt might be interested in submitting a proposal. He advised the cutoff date to receive these proposals was March 21st and the City received one proposal and it was from the Big Show. Mr. Gasior said they went through all that effort to try to generate interest and ended up with the same entity submitting the only proposal and it is a good proposal. They met with Ms. Nelson and Mr. Presley familiarized himself with the contract and they discussed it and may have made a few changes. The result is similar to what Council has in their packet. He stated since Friday, when this was put into the packet with the Clerk, there have been a couple of minor changes dealing with whether there will be any outside distribution of food products at swim meets. Mr. Gasior advised there are sponsors at swim meets that want to bring in Gatorade or the like and it interferes with the operation of the concession stand so some concessions were made in that area and a few minor concessions that he believes everyone can live with.

Cameras are going to be installed around the concession area and monitor that, but no cameras will be facing the pool area. He said he does not know exactly why there was only one proposal, but he believes some of it has to do with the facility we have as we are very limited in space. When the proposal was sent out a layout of the space was provided, and the Aquatic Center does not have storage or refrigeration units or freezers or things of that sort that would allow someone to store their supplies. Mr. Gasior stated the Big Show really operates from their storeroom to our facility on a day-to-day basis.

Clare Harasimchuk, Avon Recreation Coordinator, advised the amount of space needed to operate a huge concession stand and do burgers and all that is not the kind of concession stand this is able to be. She said it is not ever going to make five course meals or things of that nature. Ms. Harasimchuk speculated that these vendors and catering companies or even these food trucks are not interested in a community pool as that is somewhat of a niche and the proposal was sent out by regular mail to 14 vendors. She said she, Mr. Fattlar and Mr. Presley spent quite a bit of time putting this RFP together to make sure that it was consistent with what they wanted as far as the menus, the percentage of revenue to the City, that the vendor have an outstanding staff; all the requirements the City would want to see in a community pool concessionaire. Ms. Harasimchuk stated when they only received one applicant by the deadline, they really had no other choice available. She advised the Big Show has been a good vendor for the pool all these years and Ms. Nelson has been able to provide a nice service for the community. Ms. Harasimchuk mentioned there were an exhibit (A to G) to the agreement that included the layout of the pool, pricing, menu preferences, and the like.

Mr. Gasior advised the other thing that Council has to consider is that the Big Show hires those who will be working the concessions at the pool. He indicated that is not an easy task as there is a big turn around in this field with hiring mostly minors and it could be a real headache for the City to have to do that. Mr. Gasior said Ms. Nelson does a great job for the City and the City does get something back albeit a small amount despite everything else. He stated Ms. Nelson also does the concessions for some of the Metroparks on the west side as well as the City of Westlake's pool concessions. Mr. Gasior advised the Big Show is geared toward this type of operation with her work force and supply chain and it works well for her and he believes it works for the City.

Ms. Harasimchuk said it seems as if Ms. Nelson employs a lot of Avon students as well, which is good to have, and some even work both for the concessions and the pool or playground days to get a desired number of work hours.

Mr. Gasior advised another reason he asked Ms. Harasimchuk to come tonight was that this is an agreement that the City would like to enter into a contract with the Big Show for three years. They have now gone through the RFP process, and they have explained what that produced and would like to enter into this contract for three years. He said he was happy to answer any questions.

Mr. McBride said he is not surprised that the Big Show was the only one who submitted a proposal. He stated that company has been good to Avon and very reasonable to work with and has even allowed food trucks in the parks in specific instances and has been a great partner for the City. Mr. McBride felt we were getting a good deal for the service that is provided and he said he is good with a three-year agreement.

Mrs. Demaline said at the end of the agreement there is reference to several exhibits, and she asked about those as they were not in the packet. Mr. Gasior apologized and said he mistakenly did not send those to be included in the packet.

Ms. Harasimchuk verbally reviewed the exhibits to the agreement as follows:

- Exhibit A – Hours of Operation – 2023
 - Pool hours and dates for Swim Meets
- Exhibit B – Attendance History
 - Breakdown of last year's daily pass sales
- Exhibit C – Menu List
 - Wish list examples of preferred menu items
- Exhibit D – City of Avon Concessions Equipment List

- What the City does and does not provide as there is limited storage space for concession inventory
- Exhibit E – Pool Party Catering Package
 - Those were brought back in 2022 and they were successful, and they have made a few changes based on what the City would like to see going forward.
- Exhibit F – Concession Revenue Example
 - This was a breakdown of the revenue the concession stand brought in last year.
- Exhibit G – Concession Stand Building Layout
 - This was to help potential vendors wishing to submit an RFP as to what the layout is as far as space and what is provided.

Mr. Gasior noted these exhibits would be provided to the Clerk and she would distribute them to Council.

4. [ORDINANCE NO. 55-23 – AMENDING SECTIONS 1262.03, 1264.03, 1270.03, 1274.03 AND 1278.03 OF THE AVON CODIFIED ORDINANCES AS THEY PERTAIN TO FARMS AND LIVESTOCK IN THE CITY OF AVON](#)

Ms. Fechter/Mr. Gasior

The First of Three Readings of Ordinance No. 55-23 will be held on Monday, April 24, 2023
 A Public Hearing will be held on Monday, May 22, 2023 at 7:05 p.m.

Mr. Gasior advised he wanted to point out that tonight is the Work Session, and this upcoming Wednesday is the Planning Commission Meeting (4/19). The Planning Commission has already seen these Ordinances in March and would be seeing them again on Wednesday and he believes a referral would be made from the Planning Commission to Council in time for the next meeting, which would be the first of three readings of this legislation. He said his plan is to try to finalize these pieces of legislation between now and the third and final reading of these Ordinances. Mr. Gasior stated they are trying to make sure that they can beat the deadline for the end of the moratorium, which he believes is June 30th. With the timeline, if Council should act favorably on these Ordinances at the third of three readings, which would take place on the fourth Monday in May, then we should be set come July 1st. He advised essentially what these Ordinances are saying is that if you own less than 2 acres of land you are not going to be able to have any livestock. Mr. Gasior clarified they were not talking about chickens, but livestock refers to horses, mules, goats and sheep; livestock as it is going to be defined in Section 1222.02 with Ordinance No. 59-23. He stated if you have more than 2 acres it does not matter what zoning district the property is in, it is going to require a Special Use Permit. Mr. Gasior said after all is said and done they are just creating that Special Use designation for parcels for over two acres. If the Planning Commission has any recommendations, they would be adding those to the legislation and can discuss them further at the May 1st Work Session.

Mr. McBride advised he assumes any existing uses are grandfathered whether they meet the 2-acre minimum or not, to which Mr. Gasior confirmed those properties would be grandfathered. Mr. McBride said certainly when you are 1-acre or smaller it becomes much more problematic, but between 1-acre to 2-acres depending on the layout of the property he did not know that there should not be a way to apply for a Special Use and it could be very specific to that parcel or combined parcels. He stated he could envision some property under 2-acres where it would make sense to allow some livestock, but he also understands protecting someone who moves into a residential subdivision and has anywhere from \$100,000 to \$600,000 invested in their property that they would not want to smell manure and other related issues. Mr. McBride advised the devil was in the details and that starts with the Planning Commission.

Mayor Jensen clarified regarding a property being grandfathered that it pertains to those properties in compliance. He said they are finding out that there are some properties that are not in compliance with the current regulations, so they are having to deal with those issues. Mayor Jensen advised someone could not simply state they are grandfathered simply because they have been doing something a certain way if that way is not legal.

Mrs. Holtzmeier inquired if there would be a list or a data base of those that are currently in compliance so that they can be identified.

Mayor Jensen said they have discovered someone who has a horse and does not have 2-acres and has not registered. He stated if a property owner has not registered, and it is discovered the City will address it. Mayor Jensen advised for the most part, these property owners are in compliance, but there have been a few that are not in compliance. He said the Zoning Enforcement Officer, Jill Clements, is working on that issue.

Mrs. Holtzmeier advised as they move forward and practically looking at how this works in operations, residents need to register, and she asked if there was a place that residents could easily do that and then it could be noted for compliance.

Mayor Jensen said they have to apply at the Police Station so the Administration can look through those records and confirm that they have adhered to that requirement.

Mr. Gasior advised with regard to a horse; a horse has to be registered with the City at the Police Station. He believes there is a registration form that will need to be filled out. Mr. Gasior said if the City receives a complaint about someone's horse, the first thing they would do is check to see if the horse has been registered. If the horse has not been registered that would be grounds to issue a citation regardless of whether the party is in compliance with regard to the acreage because even if they have the 2 acres and they are allowed to have the 1 horse, if the horse is not registered that would be a basis to issue a citation. It would not be a serious matter, and chances are there would only be a warning issued to let the person know they need to register. If they own under 2-acres they would be told that the City cannot accept the registration because they cannot have that animal on less than 2-acres. He stated to Mr. McBride's point, that would be brought up at the Planning Commission meeting and see if they want to consider something less than 2-acres. Our minimum lot size is 100' by 150' – 15,000 sf and they could discuss that, but right now it has been set at 2-acres primarily because what they were looking at by way of livestock is a horse, mule, sheep, goats, and the like. Mr. Gasior advised one specific property that was alluded to is a parcel that the City is going to have to address, and it is only 1.2 acres, but that is outside the scope of anything before Council because it is an existing property that appears to be in violation, and they may be applying a nuisance law violation to try to rectify the situation.

Mr. McBride pointed out that even if someone has 20-acres it could still be a nuisance.

Mr. Gasior advised there may be some tweaks in the definitions, but they were not proposing any changes to the nuisance provision.

Mrs. Demaline inquired regarding grandfathering those who have livestock as to how were they going to handle situations where a resident has livestock that is not a horse and therefore does not require a registration.

Mr. Gasior advised the property owners are going to be allowed to continue with their current practices and quite honestly the City does not have the manpower to go out and police and noted they are complaint driven. He said they do not drive around looking for violators but wait for a complaint about someone being in violation and then we go out and inspect and determine whether there is a basis for a citation to be issued. Mr. Gasior stated people who are in possession of a goat or something like and as long as no one complains he does not see where the City is going to be doing anything different under the new law as we do right now, which is nothing. He advised it is when the complaint gets generated that the City is going to look into it and see if they are in compliance and whether a nuisance applies. Mr. Gasior explained if someone purchases animals after this legislation passes and does not have the minimum acreage, they would not be eligible to apply for a Special Use Permit because they do not meet the acreage requirement and they could be cited, and the City would let the courts deal with it.

Mrs. Demaline asked where or how did they come up with the proposal for the 2-acre minimum.

Mr. Gasior advised initially they were looking at a 3-acre minimum, but you need 2-acres for a horse under the City's current law, which has been in effect since 1968, and they decided not to change what has been in place for decades. He said the offending animals are going to be the larger ones such as a horse or a cow and now they were incorporating a little bit larger group of animals into the definition of livestock, whereas it used to just be horse under Chapter 618 and that is going to change to livestock and livestock is going to be defined to include some of these other species of animal.

Mrs. Demaline asked for the process that a resident would through to get a Special Use Permit for the keeping of livestock.

Mr. Gasior advised they would appear at City Hall and go to the Planning Department, and they would complete an application form for a Special Use Permit. He said he believes they were going to try to carve out a special classification for the fees such as \$15 or \$25 for the Special Use Permit and then they would appear in front of the Planning Commission and notices would go out to the adjoining property owners and a public hearing would be in front of the Planning Commission. Mr. Gasior stated if the adjoining property owners attend the Planning Commission meeting and express some interest in having some protection from the property owner that plans to bring in the animals, then the Planning Commission could take that into consideration and make recommendations to Council. He advised the matter would then come before City Council to grant a Special Use Permit and the conditions could be outlined in the Ordinance but 1280.06 will also have conditions spelled out which could be called automatic conditions and anything over and above what will be in 1280.06. Then the Planning Commission could recommend, and City Council could approve additional safeguards within reason. The Ordinance passing the Special Use Permit would be the law as it applies to that parcel.

Mrs. Demaline thanked Mr. Gasior and said she appreciated him explaining the process.

5. [ORDINANCE NO. 56-23 – AMENDING SECTION 1280.04 OF THE AVON CODIFIED ORDINANCES DEALING WITH LOT AND YARD REGULATIONS FOR SPECIAL USES IN RESIDENTIAL DISTRICTS AS APPLIED TO FARMS AND LIVESTOCK](#) Ms. Fechter/Mr. Gasior

The First of Three Readings of Ordinance No. 56-23 will be held on Monday, April 24, 2023
A Public Hearing will be held on Monday, May 22, 2023 at 7:10 p.m.

Mr. Gasior advised Section 1280.04 deals with minimum lot and yard regulations for special uses in residential districts which is R-1, R-2 and R-3. The suggested minimum acreage is 2 acres and the frontages at 150' and the main reference is the 1280.06(b) where they were going to have additional required safeguards.

6. [ORDINANCE NO. 57-23 – AMENDING SECTION 1280.05 OF THE AVON CODIFIED ORDINANCES DEALING WITH LOT AND YARD REGULATIONS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS](#) Ms. Fechter/Mr. Gasior

The First of Three Readings of Ordinance No. 57-23 will be held on Monday, April 24, 2023
A Public Hearing will be held on Monday, May 22, 2023 at 7:15 p.m.

Mr. Gasior advised this Ordinance amends section 1280.05 dealing with the same issue in nonresidential districts, which includes commercial office or industrial. He said Council was probably going to see this in industrial more than any other district as it was going to include commercial farms, commercial farm buildings, commercial riding stables and things of that sort. Mr. Gasior stated he believed the minimums would remain at 5 acres in nonresidential districts. There is a section about raising animals for medical experimentation, furbearing animals for commercial purposes and it was all going to be Special Use regardless of the district. The process for applying for that Special Use would be the same as he outlined earlier in the meeting in answer to Mrs. Demaline's question.

7. [ORDINANCE NO. 58-23 – AMENDING SECTION 1280.06 OF THE AVON CODIFIED ORDINANCES DEALING WITH SUPPLEMENTAL REGULATIONS FOR CERTAIN USES AS APPLIED TO FARMS AND LIVESTOCK](#) Ms. Fechter/Mr. Gasior

The First of Three Readings of Ordinance No. 58-23 will be held on Monday, April 24, 2023
A Public Hearing will be held on Monday, May 22, 2023 at 7:20 p.m.

Mr. Gasior advised this is one of the more important sections that the City would be dealing with as this is where the supplemental regulations are going to be found whether in a residential or nonresidential district. There is going to be some language regarding some things such as setbacks. He said they were really going to have to focus in on this section over the next five weeks because these will be the conditions that Council will be imposing automatically as part of the Special Use and as part of owning a farm in any of those districts as a Special Use. So that is an area that is getting a lot of attention and will continue to get a lot of attention and the City wants to get it right.

Skip Conant of 36500 Mills Road advised he knows this is still under discussion, but there are things in the proposed livestock legislation that need work and he figured he would call Mr. Gasior to discuss it. He asked what makes a commercial farm versus a non-commercial farm.

Mr. Gasior said they are thinking that a commercial farm is a farm where you grow a crop or raise a cow or other livestock and sell it.

Mr. Conant stated a farm by its nature is generally selling. He indicated not very many people have farms where they do not sell their wares.

Mr. Gasior advised they were thinking along the line of a family farm where they grow their tomatoes and you may give the produce to friends and family, but it was not something that they were doing commercially.

Mr. Conant advised he felt they need to include Agricultural Districts and instead of a Special Use when someone has the Agricultural District designation, by their nature ag districts really should not need that Special Use. He said they get the opportunity every five years to renew a property in the Agricultural District.

Mr. Gasior said that is true and he believes the Agricultural District is going to be exempt because by its nature it is governed by a different set of regulations.

Mr. Conant agreed and said that is how it should be, but he does not see that in the Ordinances.

Mr. Gasior advised obviously it is a large area of 5-10 acres.

Mr. Conant said most are 10 acres and if they are under 10 acres it can be a bit of a problem as most agricultural districts are over 10 acres. He stated that it is his feeling that most agricultural districts should be excluded from most of this.

Mr. Gasior advised he believes they have indicated in the legislation that anything over 10 acres is not covered because it would be permitted.

Mr. Conant advised by changing some of these definitions they were changing what someone can do on a farm versus a commercial farm.

Mr. Gasior advised that is why they are trying to be careful, and it has been very difficult because he tweaks one definition thinking he solved the problem, but it creates another problem in another section of the Code, and it is almost like playing whack-a-mole.

Mr. Conant reiterated that he does not think that Agricultural Districts should be exempt out of this legislation because they have a chance every five years to renew that designation.

Mr. Gasior clarified that the Agricultural Districts were really a permitted use when they are ten acres or more.

Mr. Conant stated he would also question some of the land frontages, even the big commercial horse farm on Mills Road that has 70 acres, but they only have 60' of frontage. He said his house on Mills Road, he has 100' of frontage and 8 acres and he would not be able to qualify for this because of his frontage even though in the back he has 600'.

Mr. Gasior suggested that Mr. Conant meet with him, and they can discuss it as they have time, but the sooner the better.

Mr. Conant agreed but mentioned that he asked to be invited to discuss this a year ago when this topic first came to the forefront. He said property owners such as him do have insight. Mr. Conant stated even on the issue of cleaning the horse manure twice a month he felt was a big expense for people who have 1 or 2 horses and less than 10 acres. He asked what if someone wanted to compost such as an organic farmer, Mr. Conant stated they may want to keep their manure to compost it, but the Ordinance says they have to take it off the property.

Mr. Gasior advised that could be a misprint regarding the manure because he thought that said twice a year. He said the main reason they wanted to get this in front of Council is because it requires three readings, and they were coming up against the deadline on the moratorium. Mr. Gasior asked Mr. Conant to call him, and they would get together as soon as they can and discuss it.

Mayor Jensen advised that they have to be careful when talking about commercial when discussing Special Use Permits such as the horse farm behind Mr. Conant. He said let's suppose that someone wanted to start a new commercial farm business in his neighborhood. Mayor Jensen stated someone could come in and say that they have enough acreage, and they could do almost anything they wanted without that Special Use requirement.

Mr. Conant said he understands that, but a good example are his current neighbors as they have horses and they had goats prior, but where the barn is located is in the front of his house and is very close to the neighbors who are closer to Mills Road. He stated under these Ordinances he would have to seek variances even though there were horses and goats on that property for years, but currently they do not have any.

Mayor Jensen advised by applying for a Special Use there would be opportunity for people to voice any concerns and/or preferences about the location of manure or barns or the like. He said most people that have a farm or the acreage would be willing to adjust if it would help their neighbors.

Mr. Conant said another example is his former residence on Detroit Road where there was 130' of frontage and 32 acres; but that property would not qualify because he would not have 150' of frontage.

Mayor Jensen advised they will have to look at that, but the intent is how many acres and the proximity to the neighbors. He said the City has had a lot of success with Special Use Permits to come to an agreement and work together with property owners and their adjoining neighbors.

Mr. Conant reiterated that he felt that exempting the Agricultural Districts is an important part of it.

Mr. McBride advised the cleaning of the manure and getting it off the property twice a month came about from a situation where a property owner let it accumulate and felt the neighbors should just get used to the smell and it was not getting cleaned up, but rather piled up.

8. [ORDINANCE NO. 59-23](#) – AMENDING SECTION 1222.02 OF THE AVON CODIFIED ORDINANCES TO DEFINE TERMS RELATED TO FARMING AND LIVESTOCK Ms. Fechter/Mr. Gasior
The First of Three Readings of Ordinance No. 59-23 will be held on Monday, April 24, 2023
A Public Hearing will be held on Monday, May 22, 2023 at 7:25 p.m.

Mr. Gasior advised in the previous four Ordinances they have used some different terminology and they want to put definitions on that terminology in 1222.02. He said there was nothing earth shattering, but since they are using different terms to outline certain things it is important that there is a definition as to what is meant by that term. For example "coops" and "hutches" are terms that were not previously in the Code, but yet chickens are a permitted use. He said chickens are housed in a coop and there would be a setback on the coop from the adjoining property and they needed to define a coop. Mr. Gasior stated the definitions are piggybacking on what the new laws are calling out.

9. [ORDINANCE NO. 60-23](#) – TO ACCEPT IMPROVEMENTS IN FIELDSTONE LANDING SUBDIVISION NO. 1 Mr. Streator

Mr. Streator advised this is the subdivision located off of Schwartz Road and the City is working with the developer to finish up some items on the punch list. He said he and Mr. Cummins, the Street Superintendent and the Utilities Superintendent are all working together to hopefully have everything ironed out this week to be prepared for the sign-off sheet to be completed before next Monday. If not, he will ask Council for first reading on this Ordinance.

Mr. Gasior asked Mr. Presley if all the financial deposits have been received.

Mr. Presley advised he believes he received a check last Thursday, but he will confirm and let Mr. Streator know.

Mr. Gasior advised the main reason that this Ordinance was on the agenda is because the counsel for the subdivider contacted him said that the deposits were being submitted for over \$180,000 and that electrical power and street lighting was installed. He stated it sounded as if it was a matter of getting through the punch list items so it was added to the agenda. Mr. Gasior confirmed that if everything is not in order by Monday that it will have to wait for another meeting before passage.

10. [ORDINANCE NO. 61-23 – REAPPROPRIATIONS](#)

Mr. Presley

Mr. Presley explained the reappropriations as follows:

Capital Improvement Fund No 401

Budget \$195,000 for Equipment as it was not included in the original budget.

Total Capital Improvement Fund Re-Appropriations	\$195,000.00
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Total Re-Appropriations All Funds	\$195,000.00
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Mr. Presley said these funds are designated for a signage project that Mr. Streator could elaborate on.

Mr. Streator advised this is a project they have been working on this project with Ms. Harasimchuk, the Recreation Coordinator, extensively along with Ms. Clements, the Zoning Enforcement Officer, and in cooperation with our safety forces. He said they are proposing to improve the signage along Detroit Road from the Post Office to the corner at SR 83. Mr. Streator stated there was information provided to Council in their packet depicting the proposed signage. Starting from the west with the Post Office sign, it will be replaced with an electronic LED version that will help with providing information regarding recreational information for the Aquatic Center and it will sit back a bit further from the road than where the current sign sits. Heading toward the east they propose replacing the current Police and Fire signs with one combined sign to be located in the middle of the island between the two stations. It will be a lit sign with a nighttime view as well. It will not be an LED sign with a changeable message, but a static sign. Further east toward the intersection of SR 83 and Detroit Road by the pond between the Police Station and Key Bank they are proposing to install a large LED sign that will allow for a changeable message sign that will be considered the City sign and it will be viewable from different aspects of that intersection with the ability to put information out to the public and eventually landscape around the new sign; currently there are some pine trees and other bushes located there. Mr. Streator advised also enclosed in this proposal will be smaller white directional signs back behind the police and fire stations, the post office and into Every Child's Playground and the aquatic facility. He said with the popularity of Every Child's Playground, they are trying to improve the area with the increase in signages. Mr. Streator noted that part of the cost of these signs is to run underground electric to the lighted and LED signs. Pictures were shown of the proposed signs to all present.

Mr. McBride commented that it looks good.

Mr. Radcliffe asked if the proposed signs for the Post Office and the combined Police and Fire sign was going to be taller than the existing signs.

Mr. Streator advised they should not be any taller than what they are now. He said the combined sign for Police and Fire that will be placed in the center island will help because the current Police Department sign blocks the sidewalk which is a safety issue. Mr. Streator said there is currently a light post in the center island that will be moved and the sign installed.

Mr. Radcliffe inquired as to the visibility of the sign from different angles at the far east side after the Police Station before the intersection of SR 83 and Detroit Road. He said it should be visible heading west on Detroit Road once through the intersection.

Mr. Streator advised in talking with the gentleman from Brady Signs, the sign should be visible going southbound on SR 83 as long as there was not a lot of traffic.

Mr. Radcliffe inquired if that sign would be angled to which Mr. Streator replied that it would be angled a bit for better visibility and it will be two-sided.

Mayor Jensen advised they have been working on this for a long time trying to make sure they choose the right locations and to ensure safety. He commended Mr. Streator for continuing to push this forward because every time he tried there was a change in the design or location or something else. Mayor Jensen felt this signage will be welcomed and the Police Department has been concerned for a long time as their signage could pose a safety concern. He said both police and fire are satisfied with the proposed changes and are excited to see this move forward.

Mrs. Demaline said she felt this is a great project and she thanked those who have been working on it. She asked what other cities have used Brady Signs.

Mr. Streator advised Brady Signs does a lot of work in the Sandusky area and Cedar Point is probably one of their biggest clients. He said Brady Signs also did some work at Amherst recently according to Mr. Brady and Avon City has used them in the past.

Mrs. Demaline advised she has seen times where businesses or cities have had great intentions with an LED display sign and then when it came to fruition it just did not quite view right at night. She said she wonders if they have gone out and looked at a similar product of what the City is purchasing from Brady Signs to see how it reads at night and if it will be appropriate for where they want to install it.

Mr. Streator advised he has not, but he will talk to Mr. Brady and ask to see examples of like signs.

Mrs. Demaline asked if they have spoken to references of other entities who have used Brady Signs so that they have an understanding if it has worked well or where there is room for improvement.

Mr. Streator advised the software in the sign is from a company called Watch Fire and they were the second choice for the signs and scoreboard they were considering for the Crusher stadium, so they have done some research.

Mrs. Demaline asked about the software for the sign if that would be something that could be programmed and operated remotely and not from just one specific computer in the City.

Mr. Streator said from his understanding they will be able to change the message on the LED signs from multiple locations.

Mrs. Demaline inquired as to the timeline for this project.

Mr. Streator advised once the signs are ordered it is about a 12-week lead time to get the signs installed.

Mrs. Demaline asked if Brady Signs does all the installation to which Mr. Streator replied that is correct that Brady Signs does all the installation for this project.

Mayor Jensen advised they also made sure the sign was adjustable for the brightness of the sign if they determine it is too bright or too dim it can be adjusted. He said the City has worked with Brady Signs even before

Mr. Streator was appointed to his current position with the City. Mayor Jensen stated they can advertise for movie nights in the park and other similar events and he felt this would be a welcomed change.

Mr. Streator advised they have also worked with Brady Signs on a bigger project to include all the parks, but that is not quite ready yet. He said the intent is to have uniformity throughout the City and at all the park entrances to improve the signage and the parks are being well used by the community.

11. RESOLUTION NO. R-22-23 – WAIVING CERTAIN FEES FOR THE CONSTRUCTION OF A RESIDENTIAL HOME IN THE RED TAIL SUBDIVISION BEING BUILT BY NORTH STAR BUILDERS & MANCUSO HOMES FOR THE BENEFIT OF THE MAKE-A-WISH FOUNDATION Mr. Streator

Mayor Jensen advised some on Council may remember that a few years back a couple of homes were built in the Red Tail Subdivision for the benefit of St. Jude Childrens Research Hospital. He said similarly it came to his attention that another builder wanted to build a home in the Red Tail Subdivision for the benefit of the Make-A-Wish Foundation asking if the City was willing to once again waive some of the fees as we did for the homes built to benefit St. Jude's. Mayor Jensen said there are representatives here to explain the project and the chosen charity. He stated he felt that anything the City could do to help by waiving some of the fees such as inspections and other internal costs. Mayor Jensen clarified that costs that the City incurs were being asked to be waived but any outside costs such as contractors are not being waived. He advised he spoke with the Chief Building Official and Council was provided a breakdown of the fees to be waived and this is a way to help this charity. Mayor Jensen said many of them know the great job that Make-A-Wish does, and he knows of at least one Avon family where all their expenses were paid to grant a wish to an ill child who wanted to go to Disney World. He stated that family was excited about the gift they were given by Make-A-Wish, and he knows that more than just one family has been helped in Avon.

Ms. Brenda Callahan, Executive Director of the Home Builders Association of Greater Cleveland, thanked Council and Mayor Jensen for allowing them to talk about something that they are very passionate about. She advised they started this three years ago during the pandemic and one of the Past Presidents had a brother that was a "wish kid". Ms. Callahan said imagine all the wishes that were put on hold during that pandemic and all the children with compromised immune conditions who were not able to travel or socialize and Ms. Webb would elaborate on that and Make-A-Wish. She stated from the standpoint of the Home Builders Association of Greater Cleveland they were just so happy to do this and are so proud that literally in three years despite the pandemic, despite the supply issues, despite the labor shortages, buildable lot shortages, they have been able to raise over \$500,000 for Make-A-Wish in these three short years. Ms. Callahan advised North Star Builders and Mancuso Homes will be building the home this year in the Red Tail Subdivision in Avon and she pointed to a rendering of the home. She said the home would be decorated up a bit more for the holiday as they have in the past. Ms. Callahan stated the OKI Make-A-Wish stands for Ohio, Kentucky, Indiana and one reason they felt very fortunate because they are our local chapter, so they are helping kids in our community: Northeast Ohio.

Ms. Kayla Webb, Marketing Director of Development for Make-A-Wish OKI, thanked Council and Mayor Jensen for this opportunity. She said for those who may not know, Make-A-Wish grants life changing wishes for children with critical illnesses. Ms. Webb advised Make-A-Wish OKI is our local Chapter and they are the largest Chapter Nationwide both geographically and based on the number of children served every year. They grant wishes in all 300 counties within those three states and receive referrals from 14 different hospitals. Their reach really is quite large and they do have a regional office here in Northeast Ohio and are working every day with local families to grant wishes to send them to Disney World to make this an incredible experience. This year Make-A-Wish is celebrating its 40th anniversary and next month they will grant their 20,000th wish. She said for them at Make-A-Wish it is so much more than just a fun trip to Disney World. When they say they grant life changing wishes, they truly mean that. Seventy-Four percent of the parents of these children mark the wish as a turning point in the child's response to treatment. These children are often living in a culture of being told "no". No playing outside, no playing sports, no playing with friends and the wish really gives them that opportunity to be told "yes" and gives them something to look forward to. It is so impactful for these families. The statics on mental health increases, the statistics on the impact on the family and the community are truly incredible. Ms. Webb advised Ms. Callahan mentioned that they have raised \$500,000 for Make-A-Wish over the past three years; the average cost of a wish is \$10,000 and that means that through this event over the past three years that fifty local wishes

have been granted. That is fifty children fighting critical illnesses day in and day out and that they are so impacted by this wish that they get to go to Disney World, that they get a puppy that helps them through their illness, that they get to be a zookeeper for a day. She said they really try to encourage the children to think outside of the box and figure out exactly what they want. Ms. Webb advised Covid halted them quite a bit as a lot of the wishes are travel wishes especially in Northeast Ohio and all of those were put on hold for quite some time and they have been slowly bringing them back. Last year they granted 856 wishes through the three states and this year they are on track to grant 1200 wishes. The number is growing as they have 1800 kids waiting for their wishes and a lot of those children have been waiting for 2+ years. As an organization that charges no fees for these wishes to be granted and that really relies on public funding and private support, this is an event and raffle that is so impactful. She said by Council considering this action that is almost half a wish granted with those fees waived so they really appreciate it.

Ms. Callahan advised they have a huge trade shortage that most people are aware of and in Ohio alone they are short 64,000 workers for construction jobs. October is Careers in Construction month so during the time that the home is being built, they bring out students from vocational schools, high schools, and local colleges to see firsthand how a home is built and that has been very good for them. She said they had over 200 kids one day at one of the building sites last year. Ms. Callahan stated they are also very happy that they had a winner this past year, a woman won a \$669,000 home because if they do not reach the set goal, the winner can receive a cash prize. In three short years, they gave away the house this past year.

Mr. Fischer inquired as to the details of the house that is being raffled.

Ms. Callahan said there will be a groundbreaking as soon as the permitting process is final and then they advertise the raffle in November and December and sell tickets beginning around the last two weeks of November and all of December. She stated this is the first year since the pandemic that they will once again have tours of the house and draw attention to the City of Avon in the process.

Mr. McBride inquired as to the location in the Red Tail Subdivision to which Ms. Callahan responded that it would be on Via San Angelo.

Mr. Radcliffe advised he believes it is a lot on the corner of Via San Angelo and St. Joseph Way on the west side of Nagel Road. Mr. Streator confirmed such and said the address will be 33678 Via San Angelo.

Ms. Callahan stated with last year's Make-A-Wish home they drew about 5,000 people through the home at a few hundred people a day. She said the house will be kept open from the first part of December to New Year's Eve. Ms. Callahan distributed the 2022 Make-A-Wish Home for the Holidays guide as an idea and overview of the upcoming project.

12. REPORTS AND COMMENTS

MAYOR JENSEN reported that next week Mr. Gasior would provide an overview of the aggregation program with NOPEC and explain how Avon joined that program by voter approval. He noted that the program is up for renewal, and he indicated the City has been receiving a lot of calls from residents asking questions about whether they should opt-out and what supplier to choose if they opt-out as letters went out from NOPEC to all who are currently in the program. Mayor Jensen said they were also trying to get a representative from NOPEC to come and explain the program. He stated he knows Avon is not the only community in Ohio to have these issues and questions from residents about NOPEC and choosing a supplier for their gas and/or electric. Mayor Jensen advised he knows there have been long wait times when people call NOPEC and he is sympathetic to their frustrations and they would try to answer some of the most commonly asked questions.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 advised she appreciates they will be providing an update on NOPEC as that would be good information to know.

Mrs. Demaline stated since they talked about the pool catering she was wondering what the plan is for our concession stands this summer and she asked who was going to be in charge of those.

Ms. Harasimchuk advised the individual groups will be running their own concessions. Little League has decided to have food trucks at a couple locations and the Soccer League will be doing their own concessions.

Mrs. Demaline asked about concessions at Veterans Memorial Park.

Ms. Harasimchuk said she believes they were going to have a food truck at that location for a certain number of weekends. She said there was talk of some type of food truck or concessionaire of some sort for Little League, but she clarified it is all coordinated through the individual programs.

MRS. HOLTZMEIER, AT LARGE advised while we are talking about NOPEC, she knows the PUCO also offers speakers or a fact sheet to residents to do their apples to apples comparison to help them know there is a choice and a website to look at for reference.

Mrs. Holtzmeier thanked the representatives of the Make-A-Wish Foundation for waiting through the meeting and letting Council know about their efforts here in Avon as it is appreciated.

MR. MCBRIDE, WARD 2 advised the NOPEC discussion is very timely as he has received a couple of calls from some residents literally asking him what he was choosing for his residence. He said he does not know yet what he would be deciding and he knows the rates are higher than he felt they should be, but he wanted to gather some information at a Council Meeting before making a decision. Mr. McBride stated if opting-out is the way to go for most residents then he felt it would be nice to make that a smooth process whether through NOPEC sending out mailers or whatever the case may be.

Mr. McBride thanked the Make-A-Wish Foundation and said it is a great organization. He wished them good luck with this project and felt they would not have any problem selling tickets in Avon as he speculated it would be a sold out event.

MR. MOORE, WARD 3 thanked the representatives from Make-a-Wish for their presentation. It's really cool!

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 reminded Council that they did get started with two paving projects today on Just Imagine Drive and on the Cherry, Pear, Willo, Jennie area. Next week they will be getting the Main Street and Middle Road resurfacing project underway and that area will be closed until early July. He said they have been talking with the businesses in the affected areas and have an alternate plan to get people in and out of the areas accordingly. Mr. Cummins asked motorists to bear with the construction projects and as they get things fixed up.

Mr. McBride asked if Main Street will have the same configuration as it does currently or did they have plans to soften the curb area.

Mr. Cummins advised he does not believe they are changing any of the curb lines at all, but it was just dealing with the pavement stress and the resurfacing.

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

MR. GASIOR, LAW DIRECTOR asked Council if they would be willing to schedule either a Legal or Finance Committee or both for next week, Monday, April 24th prior to the Regular Meeting to discuss Lit Communities and fiber optics. He speculated they would need at least an hour and he suggested a 6:15 pm or 6:30 pm start time. He said they want to provide Council with some information at this meeting and while they are not going to invite Lit Communities to attend, they have information from them that they can share with Council.

Mr. Moore stated he was curious as to why Lit Communities was not going to be present.

Mr. Gasior advised Council should go through the information that they have without them present and then if they go beyond that committee meeting, Lit Communities will be in a pool of other entities that are going

to be asked to respond to an RFP. He said having Lit Communities at this Committee meeting is not appropriate at this stage in the process that they should be in attendance one on one with the City and then later on submitting a request for a proposal along with other entities. Mr. Gasior stated in order to keep the playing field level, they will discuss what needs to be discussed and if it is decided to do an RFP, the RFP will go out to several entities that can possibly provide fiber with Lit Communities being one of them.

Mr. Moore said he thought that Lit Communities performed the study for the City.

Mr. Gasior advised Lit Communities did a little bit of the study for the City.

Mr. Moore said we paid all that money for just a little study.

Mr. Gasior said he believed the City paid approximately \$45,000. He stated they would get into that discussion at the Committee meeting as he was not prepared to delve into it in any great detail tonight and there is a lot of information to share.

Mr. McBride inquired if Council would need to enter into Executive Session for any part of that discussion.

Mr. Gasior advised he does not believe so, but if it arose during the course of the meeting they would go into Executive Session. He said as it sits right now, he did not see any reason to go into Executive Session.

Mrs. Demaline asked if the outside legal counsel would be present next Monday.

Mr. Gasior advised that is primarily why they would like to schedule the meeting for next Monday because he is available, and he would be here. He said they could also spread it out over two Committee meetings and get as much done in an hour as they could and if they need to go beyond that they would finish up on another night.

After a brief discussion as to their availability, all of Council was not available for Monday, April 24th and it was mutually agreed upon to schedule the joint Committee meeting for Monday, May 8th at 6:00 p.m. if the outside legal counsel was available on that date.

Mr. Gasior advised he would confirm with outside legal counsel and then the Clerk could let everyone know and schedule the meeting. He said if they need alternate dates they would be in touch.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

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

AUDIENCE:

Pat Jankowski of 1409 Hollow Wood Lane questioned why the Main Street and Middle Road project was only resurfacing when turning left onto Main Street coming from the west on Chester Road has been a problem for years. She said that motorists constantly hit the curb when making that left turn and she felt it was a joke to only resurface that area and she asked if someone could look at that situation.

Mr. Cummins advised he was happy to discuss that with Ms. Jankowski and listen to her concern and see if there is anything that can be done.

13. EXECUTIVE SESSION: 8:56 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 to invite Finance Director Presley and City Engineer Cummins, 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.

14. RECONVENE: 9:36 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Reconvene the Work Session of Council, 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.

15. ADJOURN: 9:37 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