

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE  
CITY OF AVON, OHIO HELD MONDAY, JUNE 5, 2023  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

PRESENT: Council Members: 1<sup>st</sup> Ward – Jennifer Demaline; Council-at-Large – Tammy Holtzmeier; 2<sup>nd</sup> Ward - Dennis McBride; 3<sup>rd</sup> Ward -Tony Moore; 4<sup>th</sup> 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 Streater Clerk of Council – Barbara Brooks

1.     RECOGNITION OF 2023 STATE SWIM CHAMPION ALEX DOWNING Mayor Jensen

Mayor Jensen advised he, along with City Council, wanted to recognize Alex Downing and he congratulated her on behalf of City Council and the City of Avon on winning the State Championship in swimming. He indicated swimming is a lonely sport as you are by yourself and there is not a team to rely on to help win the competition. Mayor Jensen stated he knows her Mom and Dad are very proud of her for what she has accomplished, and he indicated her mom was a swimmer as well and there was friendly competition between the two of them. He advised the City of Avon leadership is proud of her accomplishment and for putting in the work with the long hours of practice to reach this goal.

Mayor Jensen presented Ms. Downing with her own personal sign that read, “Alex Downing – 2023 State Swim Champ – 100 Butterfly”, and group photos with City Council, the Mayor, her parents and brother were taken. Signs with the same inscription will also be added under the “Welcome to Avon” signs at the entrances to the City to commemorate this extraordinary accomplishment.

Applause and congratulations were given all around.

2.     ORDINANCE NO. 74-23 – TO REJECT THE BIDS FOR THE 2023 PAVEMENT MARKING PROGRAM Mr. Cummins

Mr. Cummins advised public bids were opened for this project and only one bid was received. He said that one bid was over the engineer’s estimate cost. Mr. Cummins stated in conversations with the Service Department and the fact that there was a light winter and reduced amount of salt spreading, it was felt that the current pavement markings were in pretty good shape and it was decided to pass on this program for this year and pick it back up next year, hopefully with more bidders and better pricing.

3.     ORDINANCE NO. 75-23 – GRANTING A SPECIAL USE PERMIT FOR PROPERTY OWNED AND OPERATED BY BROTHERS MANAGEMENT COMPANY, LLC, (dba MILLER ROAD SELF STORAGE), LOCATED AT 1220 MILLER ROAD TO CONSTRUCT AND OPERATE A MINI SELF-STORAGE FACILITY Planning Referral

Ms. Fechter advised Michael and Deborah Brunner are requesting a Special Use Permit for the construction and operation of a mini self-storage facility on Miller Road. She said our Code requires they have 200 feet of frontage, and they only have 175 feet of frontage. In April they requested a variance from the BZBA for the 25 feet and now they were in front of Council asking for approval to move forward with the plans for the construction of the storage facilities.

Mrs. Demaline inquired as to how many self-storage facilities were already in Avon.

Ms. Fechter advised there are about four or five facilities.

Mrs. Demaline advised it seems that there has been an uptick in this kind of facility in the City.

Ms. Fechter agreed and said there was one that was recently approved that is under construction on Nagel Road. And the self-storage facility on the west side of SR83 did an expansion. She stated Nagel Road Self Storage was one of the first newer facilities that they have had. Ms. Fechter advised there is also one on Mills Road that just opened up as well.

Mrs. Demaline asked if Miller Road Self Storage was going to have any employees on site.

Ms. Fechter said at first it was thought they would be able to operate without adding an employee but have since decided they are going to have an employee on site. She said there will be hours where the facility is locked at different times.

Mayor Jensen advised he knows the question has come up as far as how many more storage units the City needs. He said with the location of this facility it is going to add value to that property. Mayor Jensen stated they have looked at and talked about how many more of these kinds of facilities does the City need and do they need to look at regulations that may restrict where these facilities can be located. He advised a few inquiries have been made to Ms. Fechter about properties the City would consider prime locations and the inquirer has been discouraged from moving forward, but if it is a location that fits the use then it moves forward. Mayor Jensen indicated that residents are looking for places to put their extra items and there does not seem to be a problem with renting and filling these units, but they certainly are looking at where and how to regulate them in certain areas and some recommendations may come before Council at a future date.

4. [ORDINANCE NO. 76-23 – AMENDING A SPECIAL USE PERMIT GRANTED TO THE AVON LOCAL SCHOOL DISTRICT FOR LIGHTING AT THE FOOTBALL FIELD OF THE AVON MIDDLE SCHOOL](#)  
Planning Referral

Ms. Fechter advised last December the Schools were in front of City Council to discuss working with the City on installing artificial turf at the practice football field at the Middle School. She said the Schools have since decided they would like to add lighting at that field for practices. Ms. Fechter stated they are here asking that their Special Use Permit be amended to add the lighting around the football field and Mr. Fishleigh, a representative from the Schools is present if there are any questions.

Mr. McBride asked if he could assume that the lighting will be only the LED lights that do not throw light onto the adjacent properties.

Bill Fishleigh, Director of Operations for the Avon Local School District of 36600 Detroit Road answered Mr. McBride's question by saying yes, they will be LED lights. He apologized that Mr. Ben Hodge, the School Superintendent, was unable to attend tonight's meeting as he was out on medical leave. Mr. Fishleigh advised the plan that he wants to make sure everyone knows for the record is that since the Planning Commission meeting on May 17<sup>th</sup>, School District officials met with the adjoining neighbors who voiced concerns at the May Planning Commission meeting. He said it was brought up that the Schools were trying to deceive the Planning Commission by saying that this is going to be the plan. At the Planning Commission meeting it was clearly stated that this is a mockup of the proposed lighting to be installed on the remodeled field and that they were currently in the process of installing the artificial turf and this rendering for the lighting is just a model and not approved drawings and it has not been sent out for bid. Mr. Fishleigh stated to further answer Mr. McBride he wanted to clarify that the Schools are still in the phase of setting up those bid specifications, but they are looking at shields and the LED lights to help with the transmission of light beyond the field.

Ms. Fechter advised with the referral from Planning to Council, she included an excerpt of the Planning Commission minutes from the May meeting, although they are not approved as yet, so that Council would have that information.

Mrs. Demaline said she attended the May Planning Commission meeting, so she is familiar with the discussions that took place and what was presented. She asked if Mr. Fishleigh was at the subsequent meeting with the concerned homeowners to which Mr. Fishleigh said he was. Mrs. Demaline asked if Mr. Fishleigh could tell Council a little bit more about what was discussed at that meeting.

Mr. Fishleigh advised the President of the HOA sent out an email to the homeowners asking for their questions and those were sent to Mr. Hodge. An itinerary was made for the meeting and then they went over the questions briefly and then answered additional questions during the meeting. He said what was discussed was:

- Welcome
- Explained they would like to be good neighbors.
- Presentation
  - The consultant working on the bid specs was there to go over the lighting
- Listened to concerns
- Explained the difference between stadium lighting and parking lot lighting
- Explained there would be a basic scoreboard
- Discussed
  - parking and traffic
  - music
  - bleachers
  - the Halsted Lane entrance gate to the school property

Mrs. Demaline advised at the May Planning Commission meeting Mayor Jensen referenced that the City recreation programs would be using the field with the intention of being done by 9:00 p.m. She asked what the time frame was that the Schools would be using the field with lights.

Mr. Fishleigh advised they reviewed the schedule as well. He displayed on the overhead the tentative plans for the 2023 Fall and 2024 Spring before, during and after school weekly schedules for sports that includes Var/JV Football, Var/JV Boys and Girls Soccer, Var/JV Boys and Girls Lacrosse, Var/JV Track, MS Football, MS Track, Youth Football, Youth Soccer, Youth Lacrosse, and CYO Track at this field. He noted that the end times for the Fall turf time before the school year begins were around 6 pm. During the school year for fall sports, they estimated to be done by 8 pm. and he mentioned that football games do not have a set end time and the plan includes double headers. During the 2024 Spring turf time during the school year, the games are tentatively ending around 8 pm. Mr. Fishleigh stated these plans are not finalized, but right now because the Early Learning Center is the only one with lights on the field, the end times were between 9:30 pm and 10:00 pm. With the new field with the new lights, the players would be ending around 8:00 pm. He advised that is the preliminary plan of the intention of this field.

Mrs. Demaline said if she is reading the schematic correctly it looks like the Avon Middle School turf at this time would not be scheduled past 9:00 p.m.

Mr. Fishleigh said actually past 8:00 p.m.

Mrs. Demaline stated she understands this may change, but this is the intention of the Schools.

Mr. Fishleigh said yes, that is the intention. He stated, as they could see these events are all the programs that use the Middle School or ELC fields and going through that list they could see all the football, soccer, lacrosse, and track as these are the events they expect to happen on the turf.

Mr. McBride asked if he could add when sunset or sundown occurs to the schematic just for reference.

Mr. Fishleigh said in springtime they start in late February/early March and sundown could be somewhere around 5 and 6 pm. He stated that in the early part of September sundown could be at 8:30 pm and then by the end of October it occurs around 7:00 pm.

Mr. McBride said he felt it would be a lot more relevant for residents if they understood that the lights were only going to be on for one to maybe two hours.

Mayor Jensen advised in the Planning Commission meeting he believes the concern was also a lot of ancillary items. He felt if the lights work as Mr. Fishleigh indicates and will not be shining over the neighboring properties, most of the neighbors were okay with that, but they had other concerns besides the lights such as parking on

the street and the gate being open. He felt there was not a concern with the lights being on later into the evening as long as they do not shine onto their property, but the fear is that the lights will shine on their property. Mayor Jensen advised because Council is considering amending the Special Use for the addition of the lights, that they may need to make some calls to the Schools if it does not do what they are saying it is going to do and then the City may want to limit the hours they are allowed to have the lights on. He said but if they work as they are proposing then the lights were not really going to affect any of the neighboring properties. Mayor Jensen stated more than the lights, he felt the residents were concerned about the traffic driving through Halsted Lane and the idea of the gate being open so anyone can drive through that area. He said in looking at the proposed rendering in the Exhibit A, there were very few houses that would be able to see the lighting. Mayor Jensen stated the pickle ball courts by the High School have lights until 10 p.m. and there has not been an issue or a complaint other than the sound of the balls being hit back and forth, but people seem appreciative of the improvements that have been made and he is hoping that will be the same for the football field at the Middle School. He said the gate and the parking on Halsted Lane will have to be different discussions, but noted there is plenty of parking at the school if it is used the way it is suggested.

Mr. McBride stated there should not be anyone parking on the street in the subdivision.

Mr. Fishleigh agreed and confirmed there is enough parking at the school. He said he does not know why anyone would park on the street as that made for a long walk.

Mr. Fischer advised if there are two entrances off of Long Road then patrons do not need to be using Halsted Lane to which Mr. Fishleigh agreed.

Mr. Fishleigh said the parking was discussed at the meeting with the homeowners. He stated when there are games at the ELC, they give out diagrams to the opposing teams and the Avon parents explaining where they are to enter the lot and where they are to park for events and they plan on doing the same for the Middle School.

Mrs. Demaline said she was looking at the mockup of where they think the lighting will stop. She asked how that was defined or how did they come up with that.

Mr. Fishleigh advised Musco Lighting, who he is told is the pinnacle of sports lighting, provided the rendering and used their imagining and created the diagram based on the location of the lights using their software program.

Mrs. Demaline asked if the Schools have had an actual light study done.

Mr. Fishleigh stated that is correct. He said the next step for the Schools is to do that they will need to get bid specifications put together, but this mockup was done at no cost by Musco Lighting and then they also provided a budget price. Mr. Fishleigh advised another company provided a diagram similar to the one from Musco Lighting with the same results.

Mrs. Demaline advised to her it looks like what will help buffer some of the light are the trees. She asked if it is the intention of the Schools to keep the trees intact to help shield the light from the residential housing, at least while the leaves are still on the trees.

Mr. Fishleigh answered yes.

Mrs. Demaline said she knows in her household when it is fall and still daylight out, to get her children to bed is a challenge so she could understand where those residents may have some concerns.

Mrs. Holtzmeier advised she was glad that Mr. Fishleigh started out his comments by reiterating that the Schools want to be a good neighbor. She said if we can get neighbors to talk to neighbors in all situations then a lot of things can get accomplished. Mrs. Holtzmeier stated she was glad the Schools met with the HOA and the neighborhood, and she was really interested in hearing more about that dialogue and she asked for more of the details of what was discussed.

Mr. Fishleigh advised Mr. Hodge now wishes he would have had the meeting with the neighborhood residents before the Planning Commission meeting as he believes it would have solved a lot of issues. He said there were five residents of Halsted Lane who were at the Planning Commission meeting and the number went down to four at the meeting with the schools and tonight there were only two residents from Halsted Lane present, so he felt they were being good neighbors and people were trying to trust and understand what the Schools are trying to do. Mr. Fishleigh advised the consultant, Tom Sherman from SES, at the lighting presentation had approximately five slides and the Schools have worked with him on multiple other projects as he works with municipalities and School Districts. He said SES has installed lights in areas that he personally would consider to be more of a residential area and Mr. Sherman talked about that and he talked about shielding. Mr. Fishleigh said he wanted to reiterate that the School Officials were not trying to deceive anyone, but he was trying to say there is a process of how things are done. He said they talked about the scoreboard and its location that it would be facing away from those residents and would be a basic scoreboard. Mr. Fishleigh stated they talked about parking and traffic and there are 295 spots at the school and there is overflow parking to the north, but they do not anticipate that for these sports, but there was talk about multiple sports functions going on at the same time and where those patrons would park. He advised they talked about music and there is no sound system, but they mentioned in the meeting that potentially there would be a portable speaker like at the ELC field and it is commonly used to keep kids of today engaged and moving. Mr. Fishleigh said they talked about bleachers and they have three movable ones on the concrete pad on the west side of field and there are no plans for structured bleachers. Back in 2017 or 2018, the Soccer Academy offered the Avon Schools their outdoor stands, and they looked into it and there are wetlands on the property and the Army Corps of Engineers said the area would have to be mitigated so there is no intention of adding permanent bleachers to the field. He stated the last thing discussed was the Halsted Lane gate as the residents voiced their concerns that anybody and everybody has access to open that gate and they asked if anything could be done to lessen who has access. Mr. Fishleigh explained that the gate is used for transporting to and from during the school day and it is shut down by 5:00 p.m. He said in speaking with Police Chief Fischbach, the number one thing that happens when someone is late is that they cannot open it and then they cause traffic issues. Mr. Fishleigh stated they will continue to communicate when the gate is open and not open.

Mrs. Holtzmeier advised that detail of the discussion from the meeting is excellent. She said the cadence of what the discussion was is helpful because when people talk there is less that is unknown. Mrs. Holtzmeier asked if they went over the sports schedule at that meeting with the residents to which Mr. Fishleigh replied yes.

Mr. Fishleigh said some of the residents are looking for the Schools to say that the lights would be shut off at 9pm every single night and their intentions are not to have the lights on until midnight playing huge games, but their intention is to make it a better experience. He stated at the same time they do not want the youth/middle school or even varsity kids staying out past 9:30 pm on a school night for these sporting events. Mr. Fishleigh advised they still need to move to the next step and will be talking with the City Recreation Coordinator as he believes a lot of the City-run events will be on the weekends. He said the Schools did not want to make a firm promise regarding the time the lights would be going off.

Mr. McBride asked why so many people have gate controllers because to him, it was intended for the buses to go in and out.

Mr. Fishleigh advised the south side of the Middle School is the car rider line and the north side is the bus rider line. He said this year he did not want the buses going down Halsted Lane because that cross traffic between the cars and the buses causes traffic issues and makes it more difficult to get through that area so he tried to route them down Long Road. Mr. Fishleigh stated then the residents on Long Road complained the buses were using Long Road. He said so they limited them. Mr. Fishleigh advised the same gate controllers for the following schools: Heritage, the High School and Middle School are all the same frequency. He said so the answer to why do so many people have controllers is because it is the same for multiple schools. Mr. Fishleigh stated a suggestion was made to have a different clicker and they could, but then people such as himself would have to carry multiple clickers. He advised the other thing that has occurred since the gate is opened using a radio frequency, all people have to do is buy a garage door opener on Amazon and link to that frequency. Mr. Fishleigh said the residents have suggested using a fob system or another something else and that was discussed at the meeting regarding the gate at Halsted Lane and his response was that they would have to install internet at that

location to get the fob system to work and they would have to start regulating that and then it becomes a question of how much money do they want the Schools to put into this situation.

Mr. McBride said his comment would be that he believes there is too much access to the gate entrance. He stated if it is all common access then that probably needs to change. Mr. McBride advised the nice thing about the fob was that they could control who has access although that was easy for him to say as it was the Schools budget and hassle.

Craig Szewczyk of 37134 Halsted Lane advised his big push is the accountability factor. When is the School Board accountable for what they say? Regarding the gate controllers there were a lot of people who commented on one of his own recent Facebook posts regarding Heritage School as the School Board said the same thing to them about the gate controllers that it was for buses and Administrators only and he was told the same that it was for buses and Administrators only. The gates are not being used by buses and Administrators only, but also coaches, teachers, the School Board etc. as everyone has them. The School says one thing and does another. Mr. Szewczyk said they were told there was going to be no lights on this field that it is only going to be a practice field. He stated they had a meeting, and everyone agreed there was going to be no lights and now he is here because there is a request from the Schools to add lights. Again, where is the accountability? Then it was stated in the pre-planning meeting that the lights would only be on until 8:00 p.m. to 9:00 p.m. And then when this was proposed a couple weeks ago the School said 9:00 p.m. for the lights to be on. Then last week at the meeting with the School Board they were told 10:00 p.m. to 10:30 p.m. So, what is it? What time are the lights going to be off? Mr. Szewczyk felt the School was going to have them on as late as they want and without accountability, they were going to do whatever they want.

Mr. Szewczyk asked about the trees which about his backyard, while the trees are there now will they be there next year or two years or five years? Mr. Szewczyk advised he lives right there, and he is being told that for now they are going to be there, but the School has also said the lights were not going to be there and they also said the gate was going to be used for buses and Administrators. He felt the Schools continue to say what they want and then do what they want and that is very frustrating.

Mr. Szewczyk said one of his biggest surprises was the diagram that was presented. The Schools are now saying that the diagram is just a mockup, but they did not say that two weeks ago when it was presented. He said they found out there is no light study and he asked how they can move forward with something this broad that can have this much impact and not have a study done first. Why was there not a study done prior to this so they know exactly what is going on? He stated the Schools have no idea what lights they are going to put up and they have no idea how tall they are going to be although they are guessing around seventy feet high, which is twice as high as what is at the Early Learning Center. Maybe the light will stay within the area proposed in the diagram, who knows? The other issue that those lights bring being on until 10 pm and the main difference between that and the pickle ball courts with the knock knock sound but asked how much noise would be generated by a football game when his house is 150 feet away at 10:00 pm to 10:30 pm. when they were originally told 8:00 or 9:00 pm and now 10:30 pm. He advised he understands that the School is not going to spend a million dollars on a field and not install lights and he knows he cannot stop it. But what is going to stop the Schools from taking out the trees? He said they were told about the bleachers, and it was so expensive to move them, but they spent a million dollars on fake turf. The number obviously does not matter.

Mr. Szewczyk said it is great to hear that the School is going to have these things, but the problem is that they never actually follow through with what they say and there is no accountability and that is a huge problem. He stated he was not herer to stop kids from playing football or whatever the field is going to be used for, but he was here to get accountability for what they are telling us. They cannot continue to say one thing and do another and present this to the City as he felt it does not make sense and it is very frustrating. Mr. Szewczyk advised the light expert admitted to him that they have no idea what the reflection is going to be because there is no light study so he felt they were pushing through approving these lights without knowing the impact of what the lights will do. He said once those trees are taken out he would have to leave and he would lose a lot of value to his home. It is not a good situation for him and his neighbors on that side of the field. Mr. Szewczyk said they are saying today that the trees are not going to go away, but they said that about the lights four years ago. Why can't there be anything in writing? Why can't there be something presented that if this goes past 9:00 pm that such

and such would happen? Why can't they put in writing that the trees are not going to come out? He asked why there was not anything to make the Schools accountable?

Mr. Fischer reminded Mr. Szewczyk that before Council right now was the consideration to pass this as a Special Use for the lighting. He said if the School does not hold up their end of the bargain then they would be back in front of Council and Council could hold them accountable.

Mr. Szewczyk inquired if there is anything that says the lights will definitely be off by 9:00 pm.

Mayor Jensen advised he does not believe they want to do that. He said he felt that Mr. Szewczyk was getting a little carried away with his analysis of this situation. Mayor Jensen stated he is going on his tenth year as Mayor and the Schools have always been a good partner although not perfect. He advised he did not feel they should put that kind of stipulation in the Ordinance if there is no effect on his property regarding the lighting at 10 pm. Mayor Jensen said regarding bleachers, at some point they could install them if things change from the Army Corps of Engineers. He stated for Mr. Szewczyk to say that his property values are going to go down was not realistic as he has lived here 20 years and no property value has ever gone down in Avon. Mayor Jensen said his son lives on Bauerdale Court, which is near the stadium and there is constant noise, lights and the value has continued to go up on those houses. He advised a house on Halsted Lane sold for over \$750,000 just the other day so value is not depreciating because his house is by a school, but it continues to go up because he is by a school. Mayor Jensen said the School has to make decisions for what is best for the taxpayers and all the residents and he reiterated that the value of his house was not going down.

Mr. McBride said to keep in mind that the City can require a buffer so that they could not take all the trees down. He stated typically even though it is a school, and they are permitted in residential districts, it is basically a commercial building. Mr. McBride advised it is a commercial building and it is a non-residential use; an institutional use, so the City can require buffering. He said buffering will give some comfort, but it is almost a false comfort depending on the types of trees, the age of the trees and the like. Mr. McBride stated the lights should probably not be on at 10 p.m. as a general rule.

Mr. Szewczyk stated varsity was going to be using this field. He said his children play hockey and they have practice until 11 p.m. on Tuesdays.

Mr. McBride inquired if there will be soccer tournaments on this field where on a given weekend it would be a more extended use. He advised the bottom line was if the Special Use is violated and the City is receiving constant complaints, the School will be told to fix those lights.

Mr. Szewczyk retorted that they were getting complaints now.

Mr. McBride suggested that the RFQ has a provision that if the lights are hitting the adjacent properties in the winter when the trees are without leaves that those contractors have to come back and take care of the issue to protect the Schools.

Rhonda Schneider of 37132 Halsted Lane said she and her neighbors met with Mr. Hodge and Mr. Fishleigh and a lot of their questions were answered. She stated if there would have been prior communication before it got this far, it would have been extremely helpful, and she feels there would not have been as much hesitancy. Ms. Schneider advised her main concern is the wooded area between her house and the field and Mr. Hodge stated that the Schools are going to be doing a facilities study in January 2024. She said she likes having the School so close to where she lives; it is a neighborhood school and great to have the kids close by and it is going to be a great facility for the children, but we all have to live together. Ms. Schneider stated if there are going to be any major changes to any of the wooded area between her house and the field or by adding another school building in the empty lot, which is a possibility, that all of the aspects of that be taken into consideration such as bus traffic, student usage, if an elementary school is added then elementary students would be using that field; there are a lot of pieces to consider. She advised after the facilities study they would have a better idea of what is going on in Avon then she suggested another community meeting needs to happen to talk about that.

Mr. Fishleigh confirmed the Schools are doing a facilities study. He advised part of the facilities study with the architect is to get community input. Mr. Fishleigh said so community input is one of the aspects as they also ask

parents, students, teachers and it was all about options and looking at different pieces. He stated regarding the light study, it is understanding that the light study is done when the lights are installed so he does not know what light study needs to be done before the lights are installed.

Mr. McBride advised he has dealt with this issue in his profession. He said the engineers in the electrical drawings, before the lights are erected, there is a light study that is included similar to what is being shown from MUSCO tonight. Mr. McBride stated a good light study is very accurate.

Mr. Fishleigh said he wanted to reemphasize that this was a proposal from MUSCO and he has said that many times and he said that at the Planning Commission meeting and he wanted to make sure that was clear.

Mr. Fischer advised he was glad the Schools have always been a good neighbor and are communicating with the residents.

Mr. Cummins advised what Council is looking at (part of the Exhibit A to the Ordinance) is a photometric study and those grid points, if they were to zoom in on those, they would see that each point is associated with a number, which is the foot candle amount at that spot. He said it does not mean that there is going to be light throughout the entire grid rectangle, but they need to look at the grid points to see the numbers associated with them to see where they would actually have light. Mr. Cummins stated many of those grid points as they get further out into the wooded areas might have a value of zero. He advised it is a computer model as Mr. McBride mentioned and the user sets the extent of that rectangle as it can be set very wide with lots of zeros all around or narrower to where the light actually emits. Mr. Cummins advised to get a true sense of where the light ends, they would want to zoom in to read the numbers designated by those points to get an idea of how much light there would be.

5. [ORDINANCE NO. 77-23](#) – GRANTING A SPECIAL USE PERMIT TO ROUTE 83 PROPERTIES, LLC TO ALLOW FOR THE CREATION OF A FLAG LOT ALONG THE WEST SIDE OF CENTER ROAD, PERMANENT PARCEL NOS. 04-00-013-000-586 & 04-00-013-000-588 Planning Referral

Ms. Fechter advised Kevin Urig with Route 83 Properties, LLC has some property on SR 83 and he has been splitting up and cleaning up his parcels. She said he did a lot split with 100 feet of frontage. Ms. Fechter stated this remaining piece is a 60 foot frontage flag lot and our Code requires a Special Use Permit for the flag lot.

6. [ORDINANCE NO. 78-23](#) – TO AMEND THE SPECIAL USE PERMITS FOR THE CITY OF AVON TO REPLACE AND INSTALL A MONUMENT SIGN AT EACH OF THESE PUBLIC FACILITIES: THE AVON FIRE DEPARTMENT LOCATED AT 36185 DETROIT ROAD, THE AVON POLICE DEPARTMENT LOCATED AT 36145 DETROIT ROAD, AND THE U.S. POST OFFICE & AVON AQUATIC CENTER LOCATED IN THE VICINITY OF 36225 DETROIT ROAD Planning Referral

Ms. Fechter advised the City is looking to update some of their signage. She said the Police and Fire Departments will share one sign that will be located in the median area between their entrances. Ms. Fechter stated the Post Office and Aquatic Center will share a sign and replace the existing Post Office signage. She said the Post Office/Aquatic Center sign will have LED capabilities if we need to make any City announcements related to the Pool. Ms. Fechter advised there will also be an LED sign installed east of the Police Station before Key Bank for citywide notifications. She noted that there will also be wayfinding signs directing motorists to the Police and Fire Stations, the Post Office, the Veteran's Memorial and the Aquatic Facility/Every Child's Playground and how to traverse through that area.

Mrs. Demaline advised these are great, nice job. She asked as to the timeline for getting these installed and operational.

Mr. Streator advised the timeline is probably late summer because it takes about 12 weeks to order and receive the LED signs. He said hopefully that process will move much faster than anticipated.

Mrs. Demaline thanked Mr. Streator for working on that project.



Mr. McBride asked if there are plans to add informational LED signage at other City locations such as the Utilities Building on the corner of Detroit Road and Jaycox Road for example.

Mayor Jensen advised they are constantly looking at ways as they change out old signs to improve them with the LED signs.

Mr. Streator advised that would be a prime spot to get information out to the community as well as here at City Hall on the corner of SR 83 and Chester Road and possibly at Northgate as well. He said they were keeping that in mind as they see how this project goes along.

Mr. McBride asked if the signs were going to be internally illuminated. He felt there were a couple signs in the French Creek district that are not internally illuminated that are a disservice to the business.

Mr. Streator advised yes.

7. ORDINANCE NO. 79-23 – AUTHORIZING AN AMENDMENT TO THE FINAL PLAT FOR RED TAIL SUBDIVISION NO. 15 Planning Referral

Ms. Fechter advised this is a housekeeping issue. She said last month at the Planning Commission meeting the Commission voted 5 in favor and 0 against to do a lot split and consolidation. Ms. Fechter stated in 2018 with Ordinance No. 63-18, City Council Accepted the Final Plat and Subdivider's Agreement for Red Tail Subdivision No. 15. She advised what they have now are original lots 586, 587 and 588. The owners of lots 586 and 588 are each going to purchase half of lot 587 and consolidate their lots respectively. Ms. Fechter said for proper filing procedures they were asking City Council to amend the Final Plat to get this recorded as the new final.

8. ORDINANCE NO. 80-23 – REAPPROPRIATIONS Mr. Presley

Mr. Presley explained the reappropriations as follows:

General Fund No 101

Increase Engineering Services by \$100,000 as the original budget is insufficient this year primarily because of additional projects or reviews that were not anticipated during the original budget.

Total General fund Re-Appropriations \$100,000.00

Park Operating Fund No 250

Decrease Infrastructure Improvements by \$30,000 as appropriation was included in wrong fund.

Total Park Operating Fund Re-Appropriations (\$30,000.00)

Avon Isle Rental Fund No 254

Increase Infrastructures by \$30,000 as it was included in the wrong fund for the upgrading of the restrooms and the repair/replacement of the front steps at the Avon Isle.

Total Avon Isle Rental Fund Re-Appropriation \$30,000.00

2023 Road Program Fund No 421

Increase Engineering \$375,000 and Road Program Improvements \$400,000 as the original budgets are insufficient to complete the improvements. They have to appropriate additional funds for the construction oversight inspection. Also, the cost of those projects was higher than when the budget was being created last year and also take into account the contingency on top. All of this money may not be spent, but the appropriation needs to exceed the amount of the contracts that were awarded by Council.

Total 2023 Road Program Fund Re-Appropriations \$775,000.00

Chester Road/American Way Improvements Fund No 486

Increase Chester Road/American Way Capital Projects by \$750,000 as to include the entire cost of the project. The original budget did not take into account portions that are going to be paid for from outside businesses or entities; specifically, the special assessment that one property owner has agreed to pay and the other property owner that will be paying in cash once the project is completed. The City has to pay those funds upfront and be reimbursed by those outside parties. The increase is based on the total contract that was awarded by Council.

Total Chester Road/American Way Re-Appropriations \$750,000.00

Grand Total of all Re-Appropriations \$1,625,000.00

Mrs. Demaline asked what the increase for engineering services by \$100,000 was specifically attributed to.

Mr. Presley advised the primary thing was the way that he does the Purchase Orders as they come in. He said previously when the projects were being done, the invoices would have a Purchase Order at each point and time. Mr. Presley stated instead he is asking for an estimate of the total project and incumbering all of those funds so that later in the year when official invoices are coming up for potential work on a project such as a grant or a new piece of property or a lot split; he is encumbering all of those funds now and not doing them as the invoices come up. He advised it is a little bit of change in the methodology in the Finance Department and it is also a little bit of additional work that CVE is doing that was not anticipated at the beginning of the year.

Mrs. Demaline asked what some of that work is.

Mr. Presley advised some of the properties or potential properties that the City is looking at were not brought up during the budget meetings. He said so that is some work that Mr. Cummins has to do in his firm and some of the additional road widenings and road improvement projects that have to be looked at now in order to get him onto potential grants in two or three years from now. Mr. Presley stated all of that is happening now that is just because of his lack of tenure which is getting him up to speed with all of this.

Mrs. Demaline asked about the \$775,000 for Fund No. 421.

Mr. Presley advised the contracts that ended for the current year road projects came in a little bit higher because of the asphalt prices plus labor costs versus at the time they were budgeted. He said plus the engineering inspection or oversight as those projects go through as he does not believe those were included in the original budget that Council passed back in December.

Mr. McBride advised regarding the Chester Road project that the City was paying for upfront if the City has a legal right to assess those property owners if they do not pay.

Mr. Gasior advised the City is assessing them.

9. RESOLUTION NO. R-24-23 – TO RE-SCHEDULE COUNCIL’S FIRST WORK SESSION IN THE MONTH OF JULY, 2023, CURRENTLY SCHEDULED FOR MONDAY, JULY 3, 2023 TO MONDAY, JULY 10, 2023 Mr. Fischer

Mr. Fischer advised this is one of those items where the dates lined up with the holiday and taking into consideration not only Council’s holiday schedule, but residents as well, with the 3<sup>rd</sup> of July falling on a Monday and the holiday is the following day. Mr. Fischer stated they are proposing for Council’s consideration to move the Work Session to July 10<sup>th</sup> at 6:30 p.m. an hour prior to the Regular Meeting that night at 7:30 p.m. He advised

this schedule is similar to what Council followed during the pandemic with both the Work Session and Regular Meeting were being held on the same night.

## 10. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

### COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 advised Mr. Cummins sent out information about the sidewalks asking for Council's input. She asked him if he could provide an updated map to all of Council on what has been accomplished in the 2023 program so they can refresh and see what they want to look at for 2024. Mrs. Demaline thanked Mr. Cummins for responding and that the information she requested would be forthcoming and she just wanted to let the other members of Council know as sidewalks are quite important.

MRS. HOLTZMEIER, AT LARGE thanked Ms. Fechter for providing the excerpts of the minutes from the Planning Commission meeting within their referrals as that was helpful for their deliberations. She said it is understood these excerpts are not as yet approved minutes, but to be able to read the prior discussions was helpful.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE asked where the current sidewalk program stands, he believes the deadline to install them, May 30, 2023, has just passed. He asked if letters were going out.

Mayor Jensen advised letters have already gone out and the time has now passed. He said unless the property owner has communicated with the City that they were going to install them on their own then the City will be moving forward with installing them and assessing the cost to the property owner. Mayor Jensen stated he spoke with Ms. Clements earlier and she has a few letters from property owners stating they have signed contracts for the work to be completed. He advised the City is lining up contractors to finish those areas that have not been completed or under contract to complete. Mayor Jensen said Avon Road is one of those areas where the bigger part of that project the City will be working on.

Mr. Fischer asked when that would be going out for bid.

Mayor Jensen advised they were still deciding whether it was going to have to go out for bid. He said they were looking at what part of the project the City crews can do and there may be a bid before Council for some of the concrete work, but they are still trying to see if there are ways to lessen the cost for the property owners.

Mr. Fischer asked Mr. Cummins if the guide wires on Avon Road have been adjusted that they discussed previously as he has not noticed any movement on that part of the project. He said he is speaking about the poles that were knocked down on Avon Road and were replaced after the guide wires were originally replaced.

Mr. Cummins advised it was recognized that those guide wires were damaged and a commitment was made to correct that. He said he has not been by that location to see if that has been done yet, but he can check into that.

Mr. Fischer advised he just does not want it to be what holds up the sidewalk project on Avon Road.

Mr. Fischer inquired of Mr. Streator how the bathroom construction project at Northgate Park was progressing.

Mr. Streator advised the bathroom project is coming along. He said they now have it insulated and they were working with the electrical and plumbing so there should be walls up very soon.

Mr. Fischer asked if it would be ready for the summer.

Mr. Streator advised they are hoping to have it operational within a few weeks.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

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

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR advised as of today he has three proposals for our general liability property insurance from three different insurance companies. He said he will be reviewing these proposals for the total package price, but also looking at the deductibles for each of the lines to make sure they are somewhat comparable. Mr. Presley added or if one is outside the realm of reason that is considered for the total package price. He said he would be coming back to Council for a recommendation after his review well before our July 1<sup>st</sup> renewal date.

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

AUDIENCE:

Pat Jankowski of 1409 Hollow Wood Lane commended the City Administration for finishing in a timely fashion the road project on Main Street and Middle Road.

Ms. Jankowski indicated she considers the Starbucks at City Centre a drive-thru fiasco. She said she is worried that the newly approved Starbucks on Nagel Road might turn out to have the same drive-thru issues because it is in such a constricted place.

Ms. Jankowski thanked everyone who attended the Memorial Day parade and service as it was beautiful.

11. ADJOURN: 8:35 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