

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, JUNE 20, 2022
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: 1st Ward – Jennifer Demaline; Council-at-Large – Tammy Holtzmeier; 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– William Logan; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

The meeting was called to order by Chairman, Council President Brian Fischer.

1. [ORDINANCE NO. 70-22 – ESTABLISHING A TAX BUDGET FOR THE CURRENT EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023](#) Mr. Logan

The Second of Three Readings will be held at the Regular Meeting on Monday, June 27, 2022

Mr. Logan advised he had nothing new to add and he is asking for Council to pass this Ordinance at next week's meeting by emergency. He said it is due at the County offices by July 20th. Mr. Logan said if something comes up before the vote they could make a change, but they have until the fall to finalize the budget.

2. [ORDINANCE NO. 71-22 – TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING THE 12.71 ACRE PARCEL OF LAND LOCATED AT 2295 NAGEL ROAD \(EASTSIDE OF NAGEL ROAD, SOUTH OF MIDDLETON ROAD AND NORTH OF DETROIT ROAD\), PERMANENT PARCEL NO. 10-04-00-027-101-196 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT](#) Planning Referral

The Second of Three Readings will be held at the Regular Meeting on Monday, June 27, 2022

A Public Hearing will be held on Monday, July 11, 2022 at 7:25 p.m.

Ms. Fechter advised she had nothing new to add.

Mr. Gasior reminded Council that the third reading is going to be on July 11th and that the agreement will be finalized by then although he hopes to have it by the Work Session on Tuesday, July 5, 2022. He said that agreement is 90-95% complete, but it does still need to be finalized and the exhibits added and then go forward.

Mr. Gasior advised there will also be a resolution to place the rezoning on the ballot in November assuming that Council passes the rezoning. He said then they will also have to pass that resolution to place the item on the ballot at the same meeting.

3. [ORDINANCE NO. 72-22 – TO AUTHORIZE A FINAL PLAT AND SUBDIVIDER'S AGREEMENT FOR RED TAIL SUBDIVISION NO. 17](#) Planning Referral

To Be Addressed at a Special Meeting Immediately Following this Work Session

Ms. Fechter advised she had nothing new from last week. She said deposits have been made and all comments have been addressed.

Aaron Evenchik, attorney at Hahn Loeser & Parks, LLP of Cleveland said he was there representing H-9, LLC in Hilliard Lakes. He said they have been able to obtain some more information since the last time they were in front of Council and part of that included the stormwater plan. Mr. Evenchik inquired if that current stormwater plan complies with the 2016 update. He stated from what they see in the Planning Commission meeting minutes of May 18, 2022, Mr. Cummins said the stormwater detention was provided in the lakes for the golf course. Mr. Evenchik advised when they reviewed the Henry Ritz Company Comprehensive Stormwater Management Plan,

they did not see any evidence that met the 2016 requirements including one foot of freeboard required to comply with the stormwater Ordinance in section 1050.09(b)(6) of the Avon Codified Ordinances. He asked the City to confirm that indeed is the case. Mr. Evenchik stated one of the reasons they are bringing this issue up is that they want to be treated the same way as Red Tail when it comes to Grande Esplanade or any other development that Mr. Restivo would want to do. He advised if Carnegie Residential Development is being given that flexibility, they would expect the same. Mr. Evenchik said conversely, if H-9, LLC is being held to the letter of the Code they would expect the same for Carnegie Residential Development. He stated when looking at the Henry Ritz Development plan it appears that the stormwater is going to flow directly into the lakes. Mr. Evenchik advised he did not see any onsite retention which is something his client has been told they have to do at Grande Esplanade, and he questions if that is proper. He said when looking at the State of Ohio EPA General Permit Authorization for stormwater discharges, specifically page 19 of 60; it talks about the need to install BMP's best management practices to make sure that any onsite water, which contains sediment or other construction debris is filtered before it goes into the lakes and that is one of their questions as well and he could not see that it was done so that is something he would expect to hear Council discuss with Mr. Cummins. Mr. Evenchik stated they presume if they are going to be held to water quality standards then so should their neighbors.

Mr. Evenchik advised looking at subplot 636 they could see the southern border and they scaled that up to be about 18-feet and he believes that setback should be between 40-50'. He said they still have not seen a copy of any topography map that was submitted. In other words, the setback for that subplot is incorrect because the property to the south is owned by Hilliard Holding Companies and is not part of Red Tail. Mr. Evenchik stated they have not seen any topography map that shows the asphalt piles between their last meeting and today indicating whether the City has gone out and self-investigated those asphalt piles. He advised under City Ordinances Chapter 1051 people are prohibited from dumping soils or solid materials in riparian areas and ditches under 1051.03 are considered water courses and 1501.04 has a 25-foot riparian zone and violation of that under 1051.99 states there are criminal penalties for those actions. Mr. Evenchik said they would like to know how that was addressed to the extent that the topography map was submitted to show that as he felt that would be something that the City would be greatly concerned about as well as having those asphalt piles inside the riparian area. He stated his client's engineering is looking to see the impact of those asphalt piles which runs alongside that ditch where there could be potential flooding of the Hilliard Lakes property.

Mr. McBride advised it looks as if subplot 636 is basically a corner lot. He asked if it is a 10-foot side setback to the adjoining property or what should that be considered rear or side. Mr. McBride said if it is a side setback it has to remain a side with no variance.

Ms. Fechter advised she needs time to look at it a little more closely in relation to the whole subdivision as to how it is laid out as opposed to looking at that section only.

Mr. Gasior asked if the ditch is adjacent to that parcel.

Mr. Cummins advised he believes the Williams Court ditch is to the right of that subplot and there is a minor ditch that is to the south.

Mr. Gasior advised that ditch is an easement to the City.

Mr. Fischer inquired if that is where the 12-foot easement is located.

Mr. Cummins advised no, the Williams Court ditch is to the right side; to the east side.

Mr. McBride inquired if anyone knew the status of the asphalt piles.

Mr. Cummins advised in speaking with the engineer for the applicant, they said that they had long time plans to remove that as part of the construction activities. He said it is unclear whether they are within the riparian zone. Mr. Cummins stated the topography of the piles were shown on the topography map for the proposed subdivision, although it was not identified as an asphalt pile per sé, but the topography was there. He advised so it is unclear if the base of those piles is within the riparian zone. Mr. Cummins said with due course the City would not accept

a subdivision that had those piles remaining in place. He stated the proposed grading for the subdivision does not include those piles and to him it is clear that it is the intent for those to go away as part of the phase construction.

Mr. Fischer advised to reiterate, this item is going to be addressed at the Special Meeting immediately following the Work Session, but it is only up for a second reading and no vote.

4. [ORDINANCE NO. 79-22](#) – REAPPROPRIATIONS Mr. Logan

Mr. Logan explained the reappropriations as follows:

General Fund No. 101

Appropriate \$43,859.00 for pedestrian signals at the intersection of Jaycox and Middleton Roads.

Appropriate \$8,660.00 for compensation, Medicare and pension for the Tree Commission members as per Ordinance No. 77-22. Mr. Logan clarified this compensation amount would be for the second half of 2022.

Total General Fund Re-appropriations \$52,519.00

Special Revenue Funds:

Park Operating Fund No. 250

Increase appropriations \$42,000.00 for three solar powered radar speed signs to be installed in City parks.

Total Special Revenue Fund Re-appropriations \$42,000.00

Total Re-appropriations All Funds \$94,519.00

Mayor Jensen advised Mrs. Demaline suggested a radar speed sign be added on Detroit Road and he and Mr. Streater discussed locations for the other two throughout the parks and there is one other location that is a possibility for a speed sign. He said that was all they plan to purchase unless Council would like another location added in some of the other subdivisions.

Mr. Radcliffe asked regarding the pedestrian signals to be added at the intersection of Jaycox Road and Middleton Road if those would be installed after the sidewalks are completed in that area.

Mayor Jensen advised it would be around that time frame or shortly thereafter. He said the concrete has to be installed before they can add the signalization.

Mr. Radcliffe inquired if it would be two pedestrian crossings going across Jaycox Road with one each on the north and south side.

Mayor Jensen said yes.

5. [ORDINANCE NO. 80-22](#) – ACCEPTING THE CYBER LIABILITY INSURANCE PROPOSAL SUBMITTED BY ARTHUR J. GALLAGHER & CO. Mr. Logan
To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Logan advised after discussing more of the cyber liability options with Gallagher & Co. they wanted to present it in a separate Ordinance. He suggested they increase the City's coverages even though there have been no instances and they are not expecting any. Mr. Logan said the City has very good controls in place, but they would like to take the coverage from \$1 million up to \$2 million, increasing the deductible from \$10,000 to \$50,000 and the premium would increase from \$12,211.00 to \$25,928.00 which is approximately double what the City is paying now, but they would also be doubling their coverage and with a higher deductible. He stated the new policy would be with Houston Casualty Company and Gallagher is the agent on the account and he is asking

Council to consider passing this tonight at the Special Meeting so they can get all the new coverages and Ordinances to Gallagher and get everything in place before the end of the month.

6. [ORDINANCE NO. 81-22 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF AMENDING ARTICLE IV, SECTION 12 OF THE AVON CITY CHARTER ENTITLED FORM OF LEGISLATIVE ACTION](#) Mr. Gasior

Mr. Gasior advised as Council knows, the Charter Review Commission met February through April of 2022 and they came up with this proposal to go to the ballot and that is to amend the Charter where it is required to post enacted legislation. He said currently it is required to post the enacted legislation in five physical locations, and it is being requested that the voters amend that requirement to be to post or publish electronically and at City Hall. Mr. Gasior stated if the need arises afterward, Council could by appropriate legislation designate additional methods of places for publication.

7. [ORDINANCE NO. 82-22 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF AMENDING ARTICLE IV, SECTION 1 OF THE AVON CITY CHARTER CONCERNING “THE COUNCIL”](#) Mr. Gasior

Mr. Gasior advised the Charter Review Commission considered the sizes of the four wards and they were well aware of the fact that Ward One is larger than the other three wards. He said this amendment to the Charter was their solution by asking the voters to approve inserting in the language in Article IV, Section 1 a paragraph that states “Council shall consider reapportioning the City’s wards after a decennial United States Census”. Mr. Gasior stated this is something that is not in the Charter and was something that the Commission thought should be in the Charter and he felt it was fairly self-explanatory.

Mr. Fischer advised he completely agrees with the Charter Review Commission and there will be time should this amendment pass in November as the next Ward election is not until 2025. He said he felt it is something that the Legal Committee would need to address. Mr. Fischer suggested that Mr. Logan might be able to come up with some data on the population and where those people live within Avon and how the wards can be restructured to make them more evenly populated.

Mr. McBride advised he would meet with Mr. Logan and look at some data and then they could schedule a Legal Committee Meeting.

Mr. Gasior advised as the Council President pointed out the next election that this would impact is 2025 so there is time as there is no bearing on the At-Large elections. He said but as they all know when they put things off then they could find themselves scrambling in 2024 to put something together for 2025.

Mr. McBride suggested they do it sooner rather than later.

Mr. Radcliffe inquired if there was any time that this must be decided and done before that 2025 election; assuming the incumbents would be running for re-election. He asked if there was a timeframe in which no additional changes could be made. Mr. Radcliffe said he thought there was some rule that you could not have changes two years prior to an election.

Mr. Gasior advised he is not aware of any such requirement. He said obviously they would want to have everything lined up before the petitions would be due. Mr. Gasior stated he would check with the Board of Elections again, but he believes the critical thing is that everything be set up for the Board of Elections to set up their precincts and other requirements well in advance. He advised as far as a drop-dead date by law, he would check into that as he was not aware of one.

8. [ORDINANCE NO. 83-22 - AMENDING SECTION 1244.12\(d\)\(5\)\(A\),\(D\)\(3\) and \(D\)\(4\) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING FINAL PLAT SUBMISSION REQUIREMENTS FOR ADDRESS MAPS](#) Planning Referral
The First of Three Readings will be held at the Regular Meeting on Monday, June 27, 2022

A Public Hearing will be held on Monday, August 8, 2022 at 7:25 p.m.

Ms. Fechter advised this requested change is a bit of housekeeping. She said currently addresses are assigned by Avon's Chief Building Official, Emily Hanson and herself and the City Engineer signs off on those after they are reviewed. Ms. Fechter stated the City Engineer does not have a lot to do with those addresses and she is requesting the City Engineer be removed from those signature lines and the Safety Director be added. She advised in that way, Mr. Streater could speak on behalf of the Police and Fire Departments when looking at those address assignments making sure they are not in conflict with an existing address. Ms. Fechter said this is a positive recommendation from the Planning Commission.

9. [ORDINANCE NO. 84-22](#) – GRANTING A SPECIAL USE PERMIT TO ATTILA NAGY TO ALLOW FOR A LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE EAST SIDE OF 4625 CENTER ROAD, PERMANENT PARCEL NO. 04-00-013-000-563 Planning Referral

Ms. Fechter advised Attila Nagy came in front of the Planning Commission with a 3.7931-acre parcel at 4625 Center Road asking for a lot split to create four parcels. She said one of those four parcels created a flag lot and that flag lot will only have 57 feet of frontage, but it was granted a variance on May 4, 2022. Ms. Fechter stated this is a positive recommendation from the Planning Commission asking for Council's approval for the creation of the residential flag lot.

10. [ORDINANCE NO. 85-22](#) – TO ACCEPT DEDICATION OF PUBLIC RIGHT-OF-WAY AND PERMANENT UTILITY EASEMENTS ALONG DETROIT ROAD AND STATE ROUTE 83 FOR UPCOMING STATE ROUTE 254 AND STATE ROUTE 83 INTERSECTION IMPROVEMENT PROJECT Planning Referral

Ms. Fechter advised in preparation for the upcoming work at State Route 83 and State Route 254, Mr. Cummins and his group put together a plat dedicating property currently owned by the City of Avon to be set up as permanent public right-of-way for this project. She said once they have that in place, then they can proceed to get public right-of-way from the other entities along that path.

Mrs. Demaline inquired if there is an estimated start date for this project.

Mr. Cummins advised they are looking at the Spring of 2024 for the start.

11. [ORDINANCE NO. 86-22](#) – TO AWARD THE BID FOR THE DETROIT ROAD SANITARY SEWER EXTENSION PROJECT Mr. Cummins
To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Cummins advised they were before Council on May 2, 2022 to get authorization to bid this project. He said this will extend sanitary sewer to the new park along Detroit Road for restroom facilities. Mr. Cummins stated also they would extend within Veteran's Park some amount of sanitary sewer and water main to support restroom facilities inside of the park as well. He advised they received three bids; the lowest bid was from Underground Utilities Inc., which is approximately 11% under the engineer's estimate. Mr. Cummins said Underground Utilities has done a number of projects for the City of Avon over the years and has always done a nice job. He stated after reviewing all the bids, it is his recommendation that the bid submitted by Underground Utilities Inc. be considered the lowest and best bid for the project.

Mr. Logan pointed out that in Section 1 of the Ordinance for this project is that the City will be transferring funds from the Fund 401 Capital Improvement Fund, specifically ARPA funds that are in that 401 Fund. He advised a few meetings ago Council passed an Ordinance to allow the City to transfer all of the ARPA funds into that 401 Fund. Mr. Logan said when the City receives its second distribution in the next month or two, that money would also be deposited into this 401 Fund to be used for infrastructure projects such as this one. He stated the idea is that they will be transferring funds from the 401 Fund, specifically ARPA funds, into the City's Fund No. 406, Sanitary Sewer Replacement and Depreciation Fund, which is the fund that will pay for this project and that is all spelled out in Section 1.

12. ORDINANCE NO. 87-22 – TO AWARD A BID FOR THE AVON PARKS 2022 ASPHALT PAVING PROGRAM Mr. Cummins

To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Cummins advised this project was before Council on May 2, 2022 to get authorization to receive public bids. He said the project was set up to have a base bid for daytime work, but after the pool season has ended. Mr. Cummins stated they also put in an alternate for the work to be done at night and occur while the pool season is still in full swing. He advised five bids were received for the base bid and three bids were received for the night work alternate. Mr. Cummins said the two companies that did not bid the alternate is because not all paving companies are set up to support night work operations and he would discuss that issue more in the rejection of the bids for the next agenda item. He stated when they spoke directly to one of the companies that asked if it was acceptable to not bid the alternate, they were told that was allowable. Mr. Cummins advised the other company that bid for the night work came in at a very high price for the alternate because they would basically have to sub out the work. He said after talking with the administration, they believe it would be the most economical and best to proceed with doing the work after the pool season has ended at the beginning of the fall season. Mr. Cummins stated in that regard, Cunningham Paving Company submitted a bid of \$251,481.50 which is approximately 16% under the engineer's estimate and so after reviewing all the bids, the base bids as well as the alternate bids, it is his recommendation that Cunningham Paving Company be considered the lowest and best bid and that the base bid only be accepted.

Mrs. Demaline advised she was pleased to see that they are moving forward on this project, and she agrees with the September timeline. She inquired as to how long the work will take to complete since the pool will be closed and traffic minimal.

Mr. Cummins advised he believes the work would only take a few weeks at most. He said the base, the existing gravel parking lot, is largely in place. Mr. Cummins stated they will have to check that the base is holding up well by doing proof rolls and they might have to do a little bit of surface regrading to make sure everything is flowing properly and that there are no dips, but they can basically go right into the asphalt operation. He advised he is foreseeing a quick couple of weeks type project.

Mrs. Demaline advised Council also approved to go out for bid for the restrooms at that location and she inquired as to the status of those bids.

Mr. Cummins advised it is his understanding that those bids are out for bid right now. He believes the bids are due next week but said there is an architect that is handling all the bidding process. Mr. Cummins stated the restroom bids should be ready for acceptance by Council in July.

Mr. Streater confirmed the bids were scheduled to be opened at noon tomorrow, June 21, 2022.

13. ORDINANCE NO. 88-22 - TO REJECT THE BIDS FOR THE MAIN STREET & MIDDLE ROAD PAVEMENT RESURFACING PROJECT Mr. Cummins

Mr. Cummins advised they also went out to bid to redo the asphalt surface for Main Street and Middle Road which are the streets right outside of City Hall. He said they only received two bids and the lowest of those two bids was approximately 17% over the engineer's estimate. Mr. Cummins stated he contacted a number of companies including the low bidder. He advised these were companies that pulled plans that maybe did not submit bids to see what the issue was. Mr. Cummins said one of the smaller companies just is not suited for nighttime work so it is generally a larger company that will do that. He stated he does not know if that information was not made prevalent enough to get the larger companies involved. Mr. Cummins advised it is not a huge project and that is a little bit of a deterrent, but when they decide to rebid for this work, they could make more of an effort to bring that upfront and try to get it in the hands of companies that are prepared and have those capabilities to do that kind of night work. He said as far as the low bidder's cost being over the engineer's estimate, that company said that the current asphalt prices are shifting so they felt they needed to have some amount of cushion in the bid price to absorb what they see as future fluctuations. Mr. Cummins explained that generally as a City, they do not set up the bids to account for fluctuations in costs either up or down. He stated

generally the projects are quick happening and there really is not enough time involved to make that worthwhile to do. Mr. Cummins advised that is something else that the City will have to consider when they go to re-bid as to whether they put those kinds of protections in place for the contractor so that if asphalt prices go up, they would be able to offset some of those costs. He said similarly if asphalt prices went down, the City would receive a credit potentially. Mr. Cummins stated in talking with the Administration, the idea is to rebid this project toward the end of the year and see if things have settled down and try to have some good end of the year pricing. He advised the plans and specifications are all prepared and they can re-bid whenever Council sees fit.

Mayor Jensen advised also with this project that when they originally decided to do this project that the base was already a problem. He said they want to be careful when going out for a rebid that once they get into fall, they would have some of the same issues when it was paved the first time. Mayor Jensen stated Mr. Loeser, Superintendent of Streets, has some concerns with the roadway base being so thin that if it were ground down and had to be driven on over the winter that it would become even worse. He advised so they are looking at two things; working at night or closing portions of that road while keeping the businesses open and other ways to adjust to keep the costs lower. Mayor Jensen said originally their intent was to go back out for bid, but they do not believe there is enough time to secure getting the work done before the weather changes and they did not want to take that risk. He felt if they start in the spring of next year, that should give them plenty of time to get the work done. Mayor Jensen stated it is disappointing that the bid prices came in so high, but they want to make sure that we get the job done right so the road will hold up longer.

14. ORDINANCE NO. 89-22 – AMENDING CHAPTER 1064 TO ADD SECTION 1064.012 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE RULES FOR THE DOG PARK AT VETERANS MEMORIAL PARK Mr. Streator

Mr. Streator advised in preparation for the opening of the dog park at Veterans Memorial Park, they needed to have the rules added into the Codified Ordinances. He said that Ms. Harasimchuk, the Recreation Coordinator, has worked very hard at putting these rules together by researching the dog park rules in several communities. Mr. Streator stated they then sent them over to Mr. Gasior’s office for his review and these are the rules that they settled on for the dog park.

Mr. Fischer asked if the hours for the dog park were going to be set separately as he did not see those in this Ordinance.

Mr. Streator advised the hours for the dog park are going to be the same as the park hours.

Mr. McBride asked what the fine is for violations such as those who do not pick up after their dogs.

Mr. Gasior advised the way in which the Ordinance is drafted, there is a reference to 1064.99, which is the penalty section, and that penalty section states a violation would be a minor misdemeanor for a first offense and then the penalty enhances with subsequent offenses. He said the Ordinance also calls for expulsion from the park so there are a few sanctions in the legislation.

Mr. McBride advised he would like to see enhanced fines for those who do not clean up after their dog. He said it is a City park and the City employees should not have to clean up after them. Mr. McBride stated he does not have a problem with implementing a \$500 fine for someone who is too lazy to clean after their dog. He advised people should not bring a dog into a public dog park and not clean up after it.

Mr. Gasior advised he can appreciate what Mr. McBride is saying, but suggested Council allow this legislation to go forward and see whether they have a major problem that needs to be addressed with more severe penalties such as what was mentioned. He said he feels that until they get started with the dog park, generally they are going to be warning people if there are problems and if the problems persist then Council could discuss enhancing penalties.

Mrs. Demaline advised on rule number four where it states, “only two dogs per person allowed” she suggested it state “no more than two dogs per person allowed” to clarify.

Mr. Radcliffe inquired if there was any change needed for the police to help. He said as this park opens up and people start to become familiar with these rules, he thought it might be necessary to have the K-9 police, who are trained as handlers, help with interactions. Mr. Radcliffe stated he does not know what might be needed to open a dog park.

Mr. Streator advised they would obviously have signage at the dog park and he believes there will be a lot of voluntary compliance and people tend to police these types of things themselves. He said in talking with the Police Chief, there will be more of a presence in the beginning.

Mrs. Demaline inquired if there is an estimated opening date for the dog park.

Mr. Streator advised not as yet as they were still working on the fence. He indicated he did not want to speculate and then have that date fall through. Mr. Streator stated they would keep Council apprised of the opening date once it is known. He felt the Parks and Recreation Department would have a ceremonial grand opening of sorts.

15. ORDINANCE NO. 90-22 – DESIGNATING PARK LANDS LOCATED ON THE FORMER KURTZ BROTHERS NURSERY AS EAGLE POINT PARK Mr. Gasior

Mr. Gasior advised this is a housekeeping item. He said back in February it was announced that the name of this park would be Eagle Point Park as a result of a contest that was held. Mr. Gasior stated as he was working on the dog park rules he came across legislation from 2000 where Council officially designated Veterans Memorial Park by name which was the former Betzel property. He advised he decided it would be good to formally name the former Kurtz Brothers property as Eagle Point Park by this piece of legislation and it will be codified as such.

16. REPORTS AND COMMENTS

MAYOR JENSEN advised Blue Dog Baseball made their rent payment and also paid \$19,000 on the advertising. He said as Council has previously discussed, they made enough money to take care of those items. Mayor Jensen stated the Administration would try to meet with Mr. Kramig this week or after his return from vacation to go over the plans to keep everything working smoothly between the City and Blue Dog Baseball.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 had no comments.

MRS. HOLTZMEIER, AT LARGE had no comments.

MR. MCBRIDE, WARD 2 inquired if the Zoning Enforcement Officer could go out next weekend as there are several "Going Out of Business Sale" signs in the public right of way. He felt they should be imposing fines on these violators as they were not Avon businesses advertising a sale.

Mr. McBride advised additionally there are proverbial home improvement stores that use their parking lot as a seasonal sales lot. He said he would like to work on an Ordinance for next year that creates a mechanism to cite violators. Mr. McBride stated there are local mom and pop stores who follow the rules and yet these bigger national stores do not. He suggested it could be discussed in a future Legal Committee.

Mayor Jensen advised Mr. Streator has been trying to work with those businesses to try to alleviate some of those issues. He said these businesses sell a lot of mulch at a relatively low price, but agreed it needed to be done in a way that was safe and that probably should be discussed. Mayor Jensen stated these home improvement stores are big businesses in Avon and he felt the City should see what could be done to help them while they should not take advantage. He advised these businesses have been great partners with the City and there are ways to allow certain activities and he was hopeful they could work together and make everyone happy.

Mr. McBride felt building an adequately sized enclosure to handle all of that would be a solution.

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 had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR thanked those who were able to come out to the Cahoon House last Thursday when a small reception was held for those who have donated to the house. She advised everyone was very excited to have the opportunity to give new life to items that were in storage for many years. Ms. Fechter said the excitement of these people to see these items on display to share with the community was heartwarming. She thanked Council for allowing the City the opportunity to purchase and renovate that historic house and she felt it would be great for years to come.

MR. GASIOR, LAW DIRECTOR asked the Chairman to call an Executive Session as item No. 16a. tonight for the purpose of discussing pending litigation.

MR. LOGAN, FINANCE DIRECTOR had no comments.

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

AUDIENCE:

Elizabeth Damstra of 4054 Jaycox Road advised she recently served on the Charter Review Commission for those two items that Council would be voting to place on the ballot. She indicated she enjoyed her time spent serving in that capacity.

Ms. Damstra stated she was there tonight to speak on the farm animal moratorium issue as she has been keeping up on it by reading the newspaper articles on this topic and some comments were published in the Westlife News. Ms. Damstra advised she lives on just shy of 3 acres and they own 11 chickens although that number sometimes fluctuates. She said she wanted to provide her thoughts as to what it is like to raise chickens before Council puts any changes in the legislation. Ms. Damstra stated chickens are the only farm animal that her family owns currently on their property in Avon, but they do also grow and harvest a lot of things for food on their property. She advised she read that maybe in a residential area these types of activities should not be allowed, and she would like to respectfully disagree. Ms. Damstra agreed a chicken farm was not necessary in residential areas but said in an economy where the price of food has become very high, she believes they would hate to discourage anyone from being able to provide for themselves. She said chickens are easy to care for and children can learn a lot and they do not make a lot of noise although roosters were a different issue, but hens alone do not make much noise. Ms. Damstra stated she believes they are seeing even in bigger urban cities that they have begun to bring those things back in for those same reasons and to be able to provide your own food is important. She agreed there should be some regulations, but to change it altogether or to say no way because it is too small, she felt was unreasonable. Ms. Damstra advised even the inner City of Cleveland will allow people to have 6 chickens on their very small lots; that includes rabbits, as some people will harvest rabbits for food for themselves. She said she wanted to bring a perspective from someone who has raised chickens for a long time and explain that chickens are not a nuisance animal, and she does not have a huge chicken farm. Ms. Damstra stated chicken manure can be used very well for your gardens for free fertilizer. She advised when people can learn to provide for themselves with what they have available that might be a bonus especially on the heels of the pandemic or something of that nature. Ms. Damstra asked Council to take that into consideration when changing the laws that Avon has on something very small like rabbits or chickens or something that a family could use to provide for themselves at a much cheaper rate than buying an organic item from the store.

Mr. Fischer thanked Ms. Damstra for coming in tonight and he felt this issue would come in front of the Legal Committee and he appreciated her providing her input and perspective as Council tries to figure out this issue.

Mr. McBride advised he appreciates Ms. Damstra's comments. He said he does not have an issue with someone who owns 3 acres and has some chickens. Mr. McBride stated he would have a problem with someone having a chicken coop in a residential subdivision. He advised the last thing he would want to see when in his backyard is animal feces, a car stored, a truck stored, a camper stored, a rabbit hutch or a chicken coop. Mr. McBride said it was all about protecting property values. He stated he lives in a subdivision where there are a lot of restrictions. Mr. McBride advised he grew up in a nice area of Cleveland and people still tried to do dumb things. He indicated if someone can afford a boat, they can store it properly offsite. Mr. McBride said when Council meets in Committee on this issue, he felt it would be nice of Ms. Damstra to attend and provide some input.

Ms. Damstra thanked Mr. McBride for the invitation. She felt Mr. McBride was looking at it from the negative side of the issue but said if he were to talk to someone or look at a chicken coop, he might think it looks lovely. Ms. Damstra advised she agrees there should be regulations but to say that we are so high above society that we cannot provide food for ourselves she felt that would be a shame. She invited Council to stop by any time to see her property.

16a. EXECUTIVE SESSION: 8:25 p.m.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to Enter Into Executive Session for the Purpose of Discussing Pending Litigation, 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.

16b. RECONVENE: 8:40 p.m.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier 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.

17. ADJOURN: 8:41 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