

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD TUESDAY, JULY 5, 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; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director– William Logan; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT: City Engineer – Ryan Cummins

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

The Chairman announced that they would be adding an Executive Session to the end of the Work Session as Item No. 12a. for the purpose of discussing the purchase/sale of real estate and for the purpose of discussing pending/imminent litigation.

1. **UPDATE ON THE AVON TREE COMMISSION**

Richard Varga, Certified Arborist

Rick Varga of 33676 Reserve Way, Avon advised it was their pleasure to be here tonight to update Council on the Tree Commission activities. He provided a handout that outlined the activities for the upcoming Arbor Day celebration to be held on Saturday, November 5, 2022 in conjunction with trying to be designated as a Tree City USA. Mr. Varga said the Arbor Day activities include walks through the History Walk area by the Aquatic Center and the plan is to number some trees throughout the walk for children to identify and to get them involved in tree recognition and those who identify the trees correctly will receive some sort of prize. He advised John Traxler, who also serves on the Avon Tree Commission, is working with Willoway Nursery and was able to procure 150 small potted trees as giveaways which is more of an established tree than the typical sapling that is often handed out at these kinds of events. Mr. Varga said they would be providing educational information along with the tree that shows the proper way to plant these trees.

Mr. Varga stated they have been working with Clint Gault of the French Creek Foundation and Mr. Gault suggested that on Arbor Day it would be great to plant a Christmas Tree at the Aquatic Center to be used for the Christmas Tree Lighting ceremony. He said that will work hand in hand with everything else that the Tree Commission is doing. Mr. Varga advised they will be coming up with a species of evergreen tree to be planted on Arbor Day in conjunction with the tree lighting ceremony.

Mr. Varga advised the Arbor Day activities would include how to water, mulch and prune trees. He said John Schwartz, who also serves on the Avon Tree Commission, who works for the Soil and Water Conservation is going to be present for Arbor Day to give some talks in that area of expertise to educate people.

Mr. Varga stated they also plan to have food and refreshments available for purchase for the Arbor Day activities. He advised Alex Boccabella, who also serves on the Avon Tree Commission, owns Taylor Rental and will be providing the tents. Mr. Varga said Avon Brewing Company has said they would be donating beer for the beer tent at the Arbor Day festivities. He stated they also plan to have food trucks available as well.

Mr. Varga advised that Matt Smith has contacted the Avon High School band about providing a few members at the event as well as Choir members.

Matthew Smith of 4455 Jaycox Road, Avon advised any musician from the High School is welcome to participate in the Arbor Day activities. He said Matthias Hauck of Avon Brewing Company has graciously donated a keg of beer and a tap for the event. Mr. Smith clarified they would not be selling the beer for a profit, but the goal is that every year they will sell a keg it and give the proceeds to a youth group in Avon. He stated Mr. Varga is working with the Lion's Club youth group known as the Leo Club this summer. He said those club members planted

milkweed at the Cahoon House for the monarch butterflies, so the Leo Club is going to be the first group to receive the beer proceeds. Mr. Smith stated they hope to give to other Avon youth organizations such as Girl Scouts, Boy Scouts, 4-H and the like in the future to support them and in turn they hope to get these young people involved in the Arbor Day festivities.

Mr. Varga advised the Tree Commission has also been working on and put together with the Parks and Recreation Department a tree dedication program. He said they have celebration, dedication, and memorial options available for designating these trees and they already have some people contacting them asking for trees to be planted at Schwartz Park, Veterans Park and Northgate Park so they put together a more specific tree list. Mr. Varga stated they are also working on updating the tree recommendations that were in the Ordinance to be more specific because he receives calls from residents asking to plant trees on their tree lawn, but they are unsure as to what kind to plant. He advised they are making these recommendations so that people plant the right tree for their specific space and location to avoid future issues.

Mr. Smith advised the Native Plant Society of Northeastern Ohio works a lot with wildflowers. He said he and Mr. Varga have identified all the wildflowers in the wooded area at the History Walk by the pool and they would like to enhance that area. Mr. Smith stated he would be applying for a Native Plant Grant through this organization and the form will be available this month and is due by the end of September so he would be working on that grant application to try to procure some funding for wildflower seeds and the like. He indicated he would like to do the same at Veterans Park and Schwartz Road Park as well to enhance what is already in place.

Mr. Varga advised he and Mr. Moore attended the Tree City USA Awards for Northeast Ohio in Richland and they met the Urban Foresters. He said unfortunately the Urban Forester for Lorain County was retiring soon, but they should be able to work well with the new Urban Forester and she is very familiar with Avon. Mr. Varga stated they hoped to work together to get the Tree City USA designation for Avon.

Mr. Varga advised when they were at the Tree Awards, there was an individual there talking about monarch butterfly way stations. He inquired about butterfly way stations and all the requirements to officially become a butterfly way station were explained to him. Mr. Varga said the Cahoon House property meets the requirements to be considered for designation of a butterfly weigh station because it has milkweed, water (French Creek) and trees and they applied for this designation. He stated there would be a sign on the Cahoon House property for people to learn about the migration of the monarch butterfly and what these insects perform, and it is amazing. Mr. Vargo noted the educational aspect for plant life as well as the historical element of the house on that property. He said they are hopeful to be granted that designation soon and the plaque would be added to the Cahoon House property.

Mr. Varga advised they also have been working on coming up with a designated tree for the City of Avon that Council would eventually approve. He said there is a hybrid tree called *Cercis canadensis* "Hearts of Gold" noted for its purple flowers and gold leaves, which are Avon's colors, and it is a tree native to this area.

Mr. Varga said the Tree Commission has also been working on a page for the City website to provide information on trees and the Tree Commission. He advised Mary Berges has been doing a fabulous job getting that information compiled and on that designated page of the City of Avon website.

Mr. Varga advised he is also working with the Recreation Coordinator to begin creating YouTube videos providing educational information on tree planting and pruning and the like. He said those videos would be added to the Tree Commission page of the City website. Mr. Varga added that there is the possibility for some revenue to be generated depending on the number of views of these YouTube videos.

Mr. Smith said that Mr. Varga and John Traxler, another Tree Commission member, will be the stars of these videos.

Mr. Vargo stated he has been working with Amy of the Lorain County Metroparks and the Miller Road Nature Preserve in collaboration with the Arbor Day events they have planned. He advised they have been talking to the Urban Foresters about Avon hosting a Tree Academy for Tree City USA cities to come together and they are hoping to be able to do that in 2023.

Mr. Varga advised AT&T has a program where they plant one tree for every bat broken during a game as part of their "Break a Bat, Plant a Tree" program. He said he spoke with AT&T about the program being initiated at the Crusher's stadium and they are on board. Mr. Varga stated he picked out species of trees they would like used which are mostly trees with purple leaves in keeping with the purple for the Crushers team.

Mr. Varga stated the Tree Commission has also been working with the Avon Garden Club and he would be giving talk at the March Garden Club meeting. He said they have been communicating with the French Creek Foundation and the Avon Library as well as the Metroparks to get everyone involved in Avon to bring everyone together when these events are held. Mr. Varga advised he hoped to have all these groups involved for Arbor Day and their main focus would be education and getting the children involved.

Mr. Fischer thanked Mr. Varga and Mr. Smith and the other Tree Commission Members including our own Council Member, Tony Moore. He said Council is more than appreciative for all that the Tree Commission has done for the City of Avon.

Mr. Moore indicated when they first started talking about creating a Tree Commission, he never imagined how much they would get accomplished in such a short time. He thanked the Tree Commission members who were present for coming tonight and he thanked the whole Commission for all their work. Mr. Moore said everyone on the commission has put in a lot of extra hours and he really appreciates that, and it is really exciting to see their ideas take off and come to life.

Mr. McBride advised he was dubious when Mr. Moore was initially urging Council to get the Tree City USA designation. He said they have done a great job, and this is turning out to be much bigger than anything he anticipated, and he encouraged them to keep up the good work. Mr. McBride stated it is the right thing to do and is going to benefit the City in the long run.

Mr. Varga advised the Tree Commission will also be looking at adding stricter regulations to the Ordinance regarding buffer zones when new commercial areas will be butting up against residential areas. He said they really need to start thinking about the impact these kinds of areas might have on existing residential areas. Mr. Varga suggested the City should consider requiring a buffer zone of trees so that developers are not just clearing everything away when they develop property. He said they have that all put together and it was just a matter of everyone looking at it and agreeing to the terms.

Mr. McBride said it would be good if they can convince retail developers to add a small grove of trees in their parking lots. He stated it should be more than just an island of a few trees as he felt that might help alleviate the heat issue.

Mr. Varga advised trees were here long before they were here, and the trees were still going to be here long after they are gone. He added but if the trees were gone then we would be gone as well.

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

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

The Third of Three Readings will be held on Monday, July 11, 2022

Mr. Gasior advised we are at the point where they are close to finalizing the agreement and setting the ground rules for the rezoning of this property. He said we are calling it a Development Agreement very similar to what was done with Concord Village for phase 3. Mr. Gasior stated there are just a couple of tweaks still needed to an exhibit, which is the layout of the site. He believes they are close to being done as there were a couple of recent minor changes made that were accepted by Drug Mart. He advised he should be able to share that information of the final document with everyone this week some time.

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

The Third of Three Readings will be held on Monday, July 11, 2022

Mr. Gasior advised as they all know, some objections have been raised by Mr. Restivo and his legal counsel over the last three or four weeks to approval of the final plat and subdivider agreement for Red Tail #17. He said much of those concern stormwater calculations. Mr. Gasior stated Mr. Cummins is out of town this week, but he has had extensive meetings with the City’s outside counsel that is assisting the City in this case as the City is the subject of pending litigation, which he would discuss with Council later. He advised he could not say whether this legislation will be going forward next Monday because it is a fluid situation, but it is on the agenda tonight and the City is still reviewing the objections that were raised by Mr. Restivo, his engineer, and his legal counsel. Mr. Gasior said he would update Council probably later this week and if the item is on the agenda for Monday night, then they should be prepared to vote and if it is not on the agenda then they will know that there are other issues that need to be addressed and that the Administration is addressing them for Red Tail #17.

Aaron Evenchik, Attorney on behalf of Pete Restivo, advised Mr. Gasior properly summarized this issue. He said Mr. Restivo, in some of his letters, has made public record requests to the extent of the stormwater calculations submitted to the City and they would like to see a copy of those documents. Mr. Evenchik stated they are not trying to do this to be a pain, but they are doing it because Mr. Restivo owns land to the south and has rights of land to the east and if stormwater is not properly managed it could have a negative impact on our land. He advised they would like to get copies of those documents prior to the next public meeting where it is discussed so that they are able to come prepared with comments.

Mr. Gasior advised he indicated earlier that Mr. Cummins is out of town all this week. He said it is his understanding that Mr. Cummins has provided some of those records if not all of them, but he will be able to check with Mr. Cummins as early as tomorrow and he will ask him as to the status of that request. Mr. Gasior stated if Mr. Cummins has not fulfilled that request, it is unlikely that Mr. Evenchik or his client would see them before the end of the week. He said he will speak to the City’s outside counsel, Mr. O’Toole or Mr. Dooley and someone will get back to Mr. Evenchik.

4. [ORDINANCE NO. 83-22 – TO AMEND SECTION 1244.12\(d\)\(5\)\(D\)\(3\) and \(D\)\(4\) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING FINAL PLAT SUBMISSION REQUIREMENTS FOR ADDRESS MAPS](#) Planning Referral

The Second of Three Readings will be held at the Regular Meeting on Monday, July 11, 2022

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

Ms. Fechter advised this is a housekeeping issue to update current practices.

5. [ORDINANCE NO. 91-22 – TO ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY GEIS AT CHESTER, LLC IN THE VICINITY OF 35500 CHESTER ROAD](#) Mr. Streator

Mr. Streator advised this is accepting the public improvements, specifically the traffic light in front of Bendix Corporation. He said it is completed and has been approved by most of the Department Heads, although they are still waiting on the bonds to be submitted to the Finance Department, but they hoped to get those this week so that this legislation can be passed next Monday night.

6. [ORDINANCE NO. 92-22 – AMENDING §256.98 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE THE CLASSIFICATION SPECIFICATION FOR THE POSITION OF FINANCE DIRECTOR](#) Mayor Jensen

Mayor Jensen advised any time that an employee leaves a position, or they have an opportunity to upgrade the classification specification they try to do that. He said with the impending retirement of Mr. Logan they look at those specifications and make it more in line with the Charter. Mr. Gasior and Mr. Logan were both part of that review and he believes it is a little bit clearer for anyone coming into this position.

Mr. Logan agreed and advised the position description, which is a lot more descriptive, was rewritten behind the Class Spec. He said they took that position description and used it for the advertisement currently out there for

this position on several different governmental websites and it needed to be updated. Mr. Logan added that at the Work Session in August he would have the Assistant Finance Director position Class Spec before Council with some changes as well to update that position description.

Mrs. Demaline inquired if each time a Class Spec is updated if Clemans Nelson & Associates performs that work on behalf of the City. She asked if we own the Class Spec and can make our own changes in-house.

Mayor Jensen advised we can still make our own changes; Clemans Nelson & Associates does it on behalf of the City, but the City owns the information when completed.

Mrs. Demaline advised that is something that she would love to see the City start doing in-house. She said to have these job descriptions completed by an outside agency is a lot. Mrs. Demaline inquired under qualifications if they wanted to consider any municipal or governmental experience.

Mayor Jensen advised although they look for that background in candidates as one of the top standards, they did not want to discourage candidates who do not have governmental experience and Mr. Logan is a prime example.

Mr. Logan confirmed he had zero governmental experience when he came to work for the City.

Mrs. Demaline advised she recommends that it is a preferred qualification.

Mayor Jensen advised in regard to Clemans Nelson & Associates, that he and Mr. Logan have worked extensively with their firm, and they are great about advising the City on matters that could become problematic. He said he does not believe that the City has an employee in-house that has enough expertise at this point that he would feel comfortable with them writing these Class Specs. Mayor Jensen stated the City puts a lot of it together and provides that information to Clemans Nelson & Associates and they review it to make sure nothing is out of line.

Mr. Logan advised that the position description does not require Council approval to change, although certain changes that might be made to a position description could affect the Class Spec. He said that is where Clemans Nelson & Associates knows if it should or not and he agreed they help to ensure the City stays above board. Mr. Logan felt the position description is a lot more descriptive and a lot easier to read than our Class Specs are.

Mrs. Demaline inquired as to the purpose of the Class Spec and a position description.

Mr. Logan advised he would say that in the 14+ years that he has been employed here that each employee should be familiar with and should receive a copy of the position description when they are hired. He said that employee then understands what their job entails.

Mr. Gasior advised the Class Specification covers a general group of employees that fall under an individual position description. He said such as there is a Class Spec for clerical but it may be broken down to a clerical position in finance or utilities where it becomes more job specific, but the general overview is the Class Spec for the position.

Mr. Logan agreed and said this Class Spec is more general and the position description is a lot more specific to the actual job the person is going to fill. He advised he personally prefers looking at the position description.

Mr. Gasior added that Clemans Nelson & Associates has been working for the City going back as far as the late 1980's. He advised Mayor Smith was elected in the early 1990's and he continued on with Clemans Nelson & Associates. Mr. Gasior pointed out that Sandy Conley was a long-time employee with Clemans Nelson & Associates, and she recently retired and was around Avon for 30-35 years. He advised the City has never embarked upon these types of labor issues as Clemans Nelson & Associates negotiated labor contracts for the City and are very familiar with the City's labor unions and when it came to drafting a Class Spec or a position description, they were very knowledgeable of the union contracts, the job descriptions and not wanting to cause a problem with the union agreements as there can be problems in that area. Mr. Gasior said he has never been involved in the labor negotiations on behalf of the City, but he knows that Diane Szlempa, the City HR Specialist,

is becoming more and more knowledgeable and perhaps at some point on behalf of the Administration she may eventually be the point person for the City on many of these issues. He stated he believes Ms. Szlempa is becoming familiar enough that she may be able to rewrite these Class Specs and that she is becoming more comfortable with it as well. Mr. Gasior believes the City is using Clemans Nelson less and less, but the point person would probably be Ms. Szlempa.

7. ORDINANCE NO. 93-22 – TO ESTABLISH A RANGE OF COMPENSATION FOR THE POSITION OF FINANCE DIRECTOR FOR THE CITY OF AVON Mayor Jensen

Mayor Jensen advised we have been updating positions to establish a range of pay as these changes come about.

Mr. Gasior advised when Mr. Logan was hired there was no range of pay for the Finance Director position. He said Bob Hamilton, the Finance Director prior to Mr. Logan, was specifically paid the rate Council decided to pay the Finance Director. Mr. Gasior stated after Mr. Logan was hired, he was paid by a specific Ordinance in 2008 and at some point, shortly after that time, the City started to utilize the full-time non-bargaining unit employees list of pay raises each year so there has never been a pay range for the position of Finance Director. He believes that Mayor Jensen wants to create that pay range especially because they do not know what they will be compensating Mr. Logan's replacement. Mr. Gasior advised for 2023 Council will see the list of employees to be given pay raises decided upon and can be increased as long as they are within their designated ranges.

Mrs. Demaline advised she agrees with giving the Administration some discretion based on the qualifications of the candidate. She asked for some elaboration regarding the last sentence in Section One that states, "Any aspect of the compensation package may be negotiated by the Mayor."

Mayor Jensen advised depending on the qualifications of the candidate and the degree of experience they have may warrant some flexibility in that area. He felt they may also need to consider the current economy and as they all know that things are constantly changing. Mayor Jensen stated if the chosen candidate nears or exceeds the high end of the range then they may have to come back to Council to discuss the matter. He said they know what Mr. Logan has accomplished and what his qualifications are, and they will be basing any conditional offer comparing a candidate's qualifications with Mr. Logan.

Mrs. Demaline asked if this allows the Administration the latitude to offer a candidate more vacation time than an entry level employee would receive. She advised at this level, to expect someone to accept a two-week vacation package could be difficult.

Mayor Jensen said he believes it would allow him to do both. He advised if the vacation time off was more important to a prospective candidate than even the wages being offered, he felt it could be adjusted. Mayor Jensen said in the overall employment package they want to make sure they fall within this range.

Mrs. Demaline inquired with the overall package if there were some sort of signing bonus that the total package would not exceed \$135,000.

Mayor Jensen said that is correct.

Mrs. Demaline advised she is in favor of adding language that allows the Mayor to make an attractive package to a prospective candidate.

Mr. Gasior advised that is exactly what he and Mr. Logan discussed to leave that last sentence in Section One of the legislation so that the Mayor could in fact offer a few weeks' vacation for instance to try to make the package a little bit sweeter for someone in the position of Finance Director. He said Avon Mayors have had to deal with that issue in prior hires and thought this time they would make it clear.

Mr. Logan advised similarly in August, in relation to the Assistant Finance Director position, they would like to establish that pay range as well as there is not a formal one in place.

8. RESOLUTION NO. R-22-22 – IN SUPPORT OF AND AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO DEPARTMENT OF NATURAL RESOURCES NATUREWORKS GRANT PROGRAM FOR THE EXPANSION OF EVERY CHILD’S PLAYGROUND AT THE AVON AQUATIC CENTER Mr. Cummins

Mayor Jensen advised Mr. Cummins has always written these applications and since he is out of town tonight he would speak on his behalf. He said there is a piece of playground equipment that they would like to have at Every Child’s Playground and he will ask Ms. Harasimchuk, the Recreation Coordinator, to email the details to Council this week. Mayor Jensen stated it would be a mix of materials for the ground surfaces adding a rubberized material. He advised they are asking for approximately \$300,000 and this equipment will be what he would consider the marquee piece for that playground. Mayor Jensen said that whole area is very popular, but there is not something for the older children and there is no material for a wheelchair to get across or come through that area. He stated there would still be some mulch ground surface areas that would connect to other ground materials to make it easier all the way around. Mayor Jensen advised if the grant is not awarded then they will have to decide as to whether they would move forward with this project.

Mr. Witherspoon advised there have been some concerned parents in the past about latex materials being used for children who have a sensitivity to that substance.

Mayor Jensen advised this material would be very similar to what is used at the fitness court area near this playground. He said the entire surface will not be rubberized and safety is the number one goal and access for wheelchairs.

Mrs. Demaline inquired if there were matching funds required for this grant.

Mayor Jensen indicated the total cost for this project would be \$300,000 and they are anticipating the grant amount to be \$100,000 or more if awarded. He said if the grant is not awarded then he is not sure that they will be able to do the whole project next year. Mayor Jensen advised it helps their chances of being awarded the grant by showing Council’s support of the project.

9. RESOLUTION NO. R-23-22 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF REZONING APPROXIMATELY 12.71 ACRES OF LAND LOCATED AT 2295 NAGEL ROAD (EAST SIDE OF NAGEL ROAD, SOUTH OF MIDDLETON ROAD AND NORTH OF DETROIT ROAD), PERMANENT PARCEL NO. 04-00-027-101-196 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT AT THE NOVEMBER 8, 2022 GENERAL ELECTION PURSUANT TO THE AVON CITY CHARTER, ARTICLE VII, SECTION 2(e) Mr. Gasior

Mr. Gasior advised in the event that Council approves Ordinance No. 71-22 to rezone the property for Drug Mart then Council will also then have to vote to place the issue on the ballot in November. He said obviously if Ordinance No. 71-22 were to be voted down then Resolution No. R-23-22 would be tabled indefinitely.

Mr. McBride asked if there is a map of the proposed rezoning area.

Ms. Fechter advised they are working on it right now to clarify it, but she has an overview area she could show that runs from Middleton Road south.

Mr. Gasior advised the Exhibit A shows the area that is being proposed for rezoning and it was in the packet and is valid. Mr. Gasior stated Exhibit B is not valid and is being changed.

Ms. Fechter advised currently there is a parcel owned by Safos where a QuickBright carwash is under construction on Nagel Road and the proposed rezoning will be just north of that carwash all the way to Middleton Road.

Mr. Gasior advised the small piece to the north of the carwash is the piece that was left at less than an acre and there is a document in the nature of a deed restriction, an affidavit concerning title and it was recorded. He said what that affidavit says is that .80 of an acre parcel is not buildable until it gets consolidated into the parcel to the north and becomes 1 acre and any curb cut would have to be 150’ north from the Safos parcel, but they do

not anticipate that there will be a third curb cut located there because it is going to be consolidated into the other acreage. Mr. Gasior advised as they would see on a newer Exhibit B there are two curb cuts proposed and the agreement calls for the applicant to participate in the cost of the traffic signal. He said there will be one curb cut on the far eastern end of Middleton Road.

Mr. McBride advised they believe no one is going to develop that property for residential. He said the issue he has is that this is moving along quickly to rezone, and they still do not have the details worked out with some of the traffic engineering. Mr. McBride stated he is aware there are certain restrictions where the City cannot dictate a lot of things, but it would be nice to get that finalized and something out that makes sense.

Mr. Gasior advised he would try to go over some of this with Council in the Executive Session because they are getting close to that time and there might be a threat of imminent litigation. He said any time they are dealing with a rezoning issue and try to put together an agreement like this, there is always the possibility that something could go wrong, and he thinks Council should understand the agreement that he intends to go over with them, so that they understand it. Mr. Gasior stated next week if Council has any questions before they vote, the applicant will be here at the next meeting.

Mayor Jensen advised they are all aware that he and Mr. Radcliffe also serve on the Planning Commission. He said if this rezoning passes, there will be challenges that the Planning Commission will have to work out and the reason it is so important to let the voters decide if they want it rezoned. Mayor Jensen stated hopefully if it is approved by the voters for rezoning, the voters realize what the ramifications are of their decision. He said a lot of people do not believe this area would ever be developed for housing, but the challenges for housing are much less than if it were to be commercial and he hopes the voters educate themselves about what they would be agreeing to as he feels it would open up the possibility for the west side of Nagel Road to be rezoned because that side is being looked at also. Mayor Jensen stated the challenge will be if that property is rezoned commercial, what that would do to an already busy road and he and Mr. Radcliffe and Ms. Fechter realize it is going to be a challenge. Mayor Jensen said in the agreement they tried to limit the curb cuts. He stated those who have been here long enough remember that Drug Mart, who owns the property, would like more curb cuts. Mayor Jensen advised once the voters decide they will know the direction to go and will know what the voters want to see.

10. RESOLUTION NO. R-24-22 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF THE RENEWAL OF AN EXISTING 1.90 MILLS TAX LEVY FOR THE PURPOSE OF STREET MAINTENANCE AND REPAIRS AND FOR OTHER PURPOSES SET FORTH IN OHIO REVISED CODE SECTION 5705.19(G) Mr. Logan

Mr. Logan advised a couple of weeks ago City Council passed a Resolution requesting the County Auditor to certify the tax valuation that this 1.90 mills renewal levy would generate. He said they received that tax valuation last week and they would like to proceed with putting this on the ballot in November. Mr. Logan stated it is a renewal levy for the Street Department and there is no tax increase. He advised the current revenue that this levy brings in is a little over \$1.5 million and the Avon Street Department budget is currently about twice that amount at about \$3.2 million per year. Mr. Logan said 1.90 mills is the full millage and it currently collects at about 1.39 mills. He stated the levy first went into effect in 1988 and was renewed every five years. It was replaced in 1998 and back then it was at 2.0 mills. Mr. Logan advised the last time this levy was replaced was in 2008 at 1.90 mills. He said it was renewed in 2013, 2018 and they are looking to renew it again now. Mr. Logan stated the current levy has one more year of collections so this renewal, if passed, would begin collecting in 2024 and go for five years. He reiterated it is not an increase, but simply a renewal of an existing levy. Mr. Logan advised this is the largest voted levy that is in existence other than the continuous police levy, which is 2.0 mills, but really only collects at about .44 effective mills. He said this renewal levy is very important to the Street Department and this money is well used and spent every year and he is in favor of its renewal.

Mr. McBride inquired as to the amount additional funds this renewal levy will bring in.

Mr. Logan advised it will bring in no additional funds because it is no tax increase at all. He said it will continue to collect the \$1,538,000 each year. Mr. Logan explained that when valuations increase the effective millage goes down and a renewal is not intended to bring in additional funds. He stated a replacement levy would be where they would be taking a levy back to full millage or some other sort of set rate. Mr. Logan advised a renewal would be at the current collection, so the effective millage is what changes, but the 1.90 mills is the full millage.

Mr. McBride suggested that they may want to revisit that at some point.

Mayor Jensen advised he and Mr. Logan discussed asking for a renewal for this five-year term and then in five years they could ask for a replacement levy to bring it back up to full millage collection. He felt the City should be okay with seeking the renewal of this levy over the next five years. Mayor Jensen said with the current economic climate he felt the best-case scenario is to seek a renewal. He stated in five years they could prove that the City is using those funds in a way that people could see it is making a difference and a replacement levy would be warranted.

Mr. Radcliffe suggested that maybe before Mr. Logan's tenure is done with the City of Avon, since he knows the history of this levy and when it was last replaced, that Council could be provided a summary of that levy history. He advised if he heard correctly, the Street Department is currently budgeting about \$3 million a year.

Mr. Logan advised the budget in that department is \$3.2 million.

Mr. Radcliffe said this levy will bring in about half of that budget.

Mr. Logan said yes, with this levy but the Street Department has revenue from a couple of other sources.

Mr. Radcliffe stated maybe that is where that history and their revenue sources could be a summary sheet for Council to have to plan. He advised he believes in 2008 when that replacement levy was put in, the value of the levy to the budget was much closer to 100% versus less than 50%.

Mr. Logan agreed and advised the Street Department receives gas tax every month distributed from the State of Ohio through the County and motor vehicle registrations. He said those two revenue sources with this property tax basically generate \$3 million to \$3.2 million per year. Mr. Logan stated as Mayor Jensen mentioned with the current environment, he does not think that they should seek a replacement levy right now. He advised another option since they are a year ahead of the game because a year from now, they could place this levy on the ballot. Mr. Logan said it is always nice to put a levy on ahead of time and if for some reason it were to get voted down, the current levy is still in place for one more year of collections and they could put this same renewal levy on the ballot next year in May or August or in November. He stated they do not have to replace a property tax voted levy at the full millage. Mr. Logan advised in other words, the effective millage currently is about 1.39 mills and Council may decide to replace it at 1.6 mills or 1.5 mills, which is what the library did a couple of years ago when they put their levy out to raise revenue to not only build the expansion happening now, but also to help fund it for the next twenty years. He said those options are all out there, but he has always preferred to get ahead of the game particularly when the Avon Schools, do not have any tax levies on the ballot at the same time.

Mr. McBride advised he felt it is similar to when Council votes to raise the water and sewer rates. He said he does not want the rates to increase, but he understands they need to do it. Mr. McBride stated this levy was at 2.0 mills at one point and now it is at 1.90 mills. He advised he remembers discussions about replacement levies and bringing in more revenue, but the millage would be lower. Mr. McBride said inflation has eroded away that money as they now have more roads and more lane miles and at some point they need to kick it back to where it belongs.

Mr. Logan advised when they put together the budget for the fall, it would be good to look at all the voted levies that are out there and do some simple assumptions. He said the City really only has five voted property tax levies not counting the library.

Mr. McBride advised he knows the Street Department gets some of their revenues from the gas tax but he felt that is going to continue to decrease.

Mr. Logan advised it is up this year.

Mr. McBride advised at some point he felt the tables would turn and they would see that decrease.

Mayor Jensen advised they can always look at this again in 3 to 5 years. He said as they look at all the development on Chester Road and some other areas, he felt they should be careful what they ask the residents to pay or an increase in taxes. Mayor Jensen stated TIF money will be returning to the City and with Bendix opening it will be generating more money. He advised if they go to the taxpayers, it is because they need the money, but he felt at this point they are keeping pace and there are other avenues they can explore when the time is right. Mayor Jensen said he would rather not ask the voters for something they do not need. He stated and this is an off year as the school is not asking for a levy this year and it is just a renewal. Mayor Jensen advised he also wants to residents to realize that the Street Department is spending more for their operating budget than what this levy brings in and if this renewal does not pass then that affects the projects that can be completed on roads. He said Council and the Administration have done a great job with the funds that we have been provided.

Mr. McBride clarified he was not criticizing as the Administration always does a great job, but he wanted to put it out there for future consideration.

Mrs. Holtzmeier advised as this is a renewal levy that the City is looking to continue, they always want to be good stewards of the taxpayer's money; and any time that there is a renewal or a tax or a levy that is being proposed in these Chambers it draws attention as it should. She said she would find it helpful between now and next week to receive some sort of list that shows in the last four years with this current renewal period how the City has been good stewards of that money and what has been done with those monies to help maintain, replace and repair our streets. Mrs. Holtzmeier stated Mr. Cummins often reminds us that our dollar does not go as far today as it did yesterday and certainly will not tomorrow as things are only getting more expensive. She advised as they are looking to renew this amount, she would like to get a brief accounting as to what has been done to maintain and repair and how they have been good stewards.

Mr. Logan advised he is happy to do that. He said this money is all revenue in the 201 Fund, the Street Department Operating Fund. Mr. Logan said that \$3.2 million budget, half of that is basically compensation of wages, benefits, pensions, etc. He stated the rest of that Department, the bigger expenses are the ice melt/road salt that is purchased every year and street repair and maintenance, catch basin repair. Mr. Logan advised it is mainly road repairs and maintenance, tree branch pickup, wood chipping and that kind of thing. He said this levy money has not historically gone to our road program projects, resurfacing projects. Mr. Logan stated this levy money has all gone into the operating fund.

Mrs. Holtzmeier advised she appreciates the explanation. She said where these funds ultimately is going toward services that are being provided to our residents. Mrs. Holtzmeier stated when something happens on her street, she is much more aware of it than when it might happen somewhere else in the City. She advised if she is not on that street every day or driving over that catch basin that needs repaired, she may not be aware of all that is being done. Mrs. Holtzmeier said those kinds of reminders are good to keep things maintained and to keep that department in working order.

Mrs. Demaline advised it is important that they communicate to the residents that this is an upcoming renewal of a tax levy. She inquired how the Administration plans to do that.

Mayor Jensen advised typically since this is a renewal levy there is not a whole that we do. He said Mr. Gasior can confirm that there is not a lot of advertising or promotion that can be done spending taxpayer money to promote a tax levy. Mayor Jensen stated they do try to put the facts out on social media and other areas, but with a renewal levy and because the City has been good stewards of the residents' tax dollars people have a tendency to support the passage of those kinds of things and it is not an increase.

Mrs. Demaline advised if the residents understand the value of what they are voting for and what they are funding with this money they are more likely to approve a renewal. She said she felt it was an important piece of value to figure out a way to properly communicate that to our residents. Mrs. Demaline stated when going to polls to vote and you see this levy on the ballot and you do not understand exactly what that money is going toward then there is more of a tendency to vote against than for. She advised it was discussed when the parks levy was presented, and she felt a successful marketing campaign would have really helped that issue. Mrs. Demaline said if they can properly communicate the positive benefits that come out of this fund, she felt that it would really make it more palatable for the residents.

Mayor Jensen advised they need a community organization that is a non-profit to promote those kinds of issues because any money that is spent has to be documented.

Mr. Gasior advised there are some regulations regarding the City spending taxpayer money to support levies.

Mrs. Demaline advised she believes there is a difference between supporting and informing and she felt it was important to distinguish. She said if we are informing our residents that is different than supporting and she felt that was something they should look at.

Mayor Jensen advised if it costs money to inform, they still have to be careful. He said they try to get information out there, but there will always be someone who says they did not know even though it was out on social media and the newspaper and the website. Mayor Jensen stated they will certainly try to continue to get the word out in any way that they can.

11. RESOLUTION NO. R-25-22 – REQUESTING AUTHORIZATION FOR THE MAYOR, ON BEHALF OF THE CITY OF AVON, TO PARTICIPATE IN THE H-GAC COOPERATIVE PURCHASING PROGRAM

Mr. Streator

Mr. Streator advised this is a purchasing program similar to SourceWell that the City is looking to become part of and participate in. He said specifically the program allows the City to purchase the S.C.B.A.'s air packs for the Fire Department that the City received a grant to purchase. Mr. Streator stated this will help to speed up that process.

12. REPORTS AND COMMENTS

MAYOR JENSEN advised he was absent last week for the announcement of Bruce Klingshirn's passing and there is a BZBA meeting tomorrow night that he will be attending, and Mr. Klingshirn's chair will remain empty, and they will have a moment of silence in his memory. He said Mr. Klingshirn was a well-respected member of the Board of Zoning and Building Appeals and respected within the community as well and he will be missed.

Mayor Jensen advised Avon had a great 4th of July weekend of activities and the fireworks at the stadium was well attended and the City worked well with the Crusher's. He said the Police and Fire Departments did a phenomenal job getting people out safely and protecting the residents.

Mayor Jensen advised he would let Mrs. Holtzmeier elaborate about the Bike Parade, but he felt it was the best one yet. He said it was a really good weekend of events and he thanked all the Departments that worked together to make sure all of those events were a success. Mayor Jensen stated Mr. Streator agrees that everyone worked together like one big family jumping in to help wherever needed and he believes the residents appreciated the events this past weekend.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 had no comments.

MRS. HOLTZMEIER, AT LARGE advised yesterday was the seventh annual Bike Parade and the sentiment that she wants to convey is that this City is exceptional, and it really comes from all levels. She said from a municipality standpoint Avon really has a tremendous amount of support and respect and a spirit of wanting to make things better and having a good experience for all and not all communities have that. Mrs. Holtzmeier stated there is such a great spirit in Avon and here in City Hall that is really mirrored by a good Administration that communicates the support for events. She thanked the Parks & Recreation Department as they are amazing. Our Police and Fire Departments are so reliable and helpful for this event in keeping the participants safe and making sure they enjoy it. She thanked those Council Members who attended and Mayor Jensen. Mrs. Holtzmeier advised they were able to recognize some fantastic people and their contributions to the community, but most importantly people on their day off chose to come together as a community to celebrate America and celebrate Avon and they had a great time. She said she is really thankful that Avon has a governmental structure and Administration and parents and community members of all ages that want to do that. It is a great place to live. Yesterday they were all really thankful for it and thankful that they were able to be safe

as well. Mrs. Holtzmeier stated another successful Bike Parade in the books and they have a good thing going in Avon and let's keep it that way.

MR. MCBRIDE, WARD 2 congratulated the City and Mrs. Holtzmeier on another successful Bike Parade. He agrees that the community coming together is heartwarming. As his son rode his bike along the route there were several people in lawn chairs watching and they have no family participating and yet they are there supporting those who do. He said it is a lot of fun and our Firemen and Policemen and Street Department employees were interacting with the children and very patient and it is great to have City employees like that. Mr. McBride stated it was another successful event.

Mr. McBride advised it is now legal to set off your own fireworks this year and there were some in his neighborhood participating, but the nice thing was that no one was obnoxious about it. He said by 11:00 p.m. things were pretty quiet. Mr. McBride stated Mayor Jensen was at the Bike Parade and a lot of other City personnel and the congregation from Heritage Christian Church must have had 30 members at this event. He advised there is a lot of participation and it was nice to see.

MR. MOORE, WARD 3 reminded Council that he would be out of town next week and will miss the next Council Meeting.

MR. RADCLIFFE, WARD 4 advised while he was not able to be at the Bike Parade this year, he spoke with many who were in attendance, and they all said it was awesome.

MR. WITHERSPOON, AT LARGE advised Mrs. Holtzmeier did a great job as it was a wonderful Bike Parade.

MR. FISCHER, AT LARGE advised tonight they have been discussing specifications for the position of Finance Director and he facetiously said he will be introducing some legislation to say that the current Finance Director cannot retire until Council says that it is okay.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER was absent.

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

MR. GASIOR, LAW DIRECTOR advised the 13th Amendment came to mind when Mr. Fischer mentioned bringing forth that Ordinance during his Council remarks.

Mr. Gasior advised Council passed a Resolution a couple of weeks ago to go out for bids for the construction of the three restroom facilities at the three parks. He said it is his understanding that the bid opening will be on July 7th and they are hoping to get the bids out and tabulated and he would like to bring an Ordinance on Monday to award that bid so that project can get started so we do not have to wait until August.

MR. LOGAN, FINANCE DIRECTOR advised the audit is complete and it went very well. He said Mrs. Holtzmeier has asked for an Exit Conference with the Auditors and they have scheduled next Tuesday, July 12, 2022 at 4:30 p.m. here in Council Chambers. He clarified this is not a public meeting per the Auditors and per the Ohio Revised Code because until the audit is formally released it is not public.

Mr. Logan advised he plans to stay through September. He said he has let Mayor Jensen know he will be available after that date, but his retirement date would be that first Monday in October. Mr. Logan stated beginning the week after next, he plans to start using his vacation time and will be in the office part-time; working three days one week and two days the next week and continue that schedule until his retirement. He advised they are actively looking for good candidates and he is sure they will find some. Mr. Logan said they will keep Council updated on that situation.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR advised he would like to publicly commend all the City employees. He said last week was a busy week for everyone and it is amazing how they all came together for the different events. Mr. Streator stated they have some great employees in every City department.

AUDIENCE:

Mary Khouri of 4400 Lear Nagle Road on behalf of Red Tail Subdivision No. 17 advised Council and the City Administration has a lot of work to do and she apologized for taking a moment to comment. She said she wanted to share with Council that as it relates to Phase 17, their Project Manager, Debbie Reed and their Engineer, Jim Sayler from Reitz Engineering have worked with the City quite extensively. Ms. Khouri stated they have done everything they were asked to do and have accepted the Subdivider's Agreement and have paid all of their deposits and have posted their Letter of Credit as guarantee. She advised they are in active litigation with Mr. Restivo and she would hope that as Council saw in Phase 16, they were derailed for several months. Ms. Khouri said she respectfully requests that if there is anything the City needs, they are available to answer any questions and do whatever is asked of them. She stated if is possible she requests that Red Tail No. 17 stay on the agenda to get their third reading and get their approvals and they would greatly appreciate it.

12a. EXECUTIVE SESSION: 8:48 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/sale of real estate and for the purpose of discussing pending/imminent 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.

12b. RECONVENE: 9:24 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.

13. ADJOURN: 9:25 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