

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

PRESENT: Council Members: 1st Ward – Jennifer Demaline; Council-at-Large – Tammy Holtzmeier; 2nd Ward - Dennis McBride; 3rd Ward -Tony Moore; 4th Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon; Council-at-Large and Council President – Brian Fischer; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director– Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

1. [ORDINANCE NO. 84-23](#) – TO ACCEPT IMPROVEMENTS IN RED TAIL SUBDIVISION NO. 17
The Third of Three Readings will be held at the Regular Meeting on Monday, August 14, 2023

Mr. Gasior advised he understands there may be an email that was sent out from Mr. Restivo about an hour and a half before the start of this meeting, but he has not seen it. He said he would try to look at it during the meeting.

No further comments were made.

2. [ORDINANCE NO. 88-23](#) – APPROVING MODIFICATIONS TO THE SANITARY SEWER MASTER PLAN AND ADOPTING SAID MODIFICATIONS AS REVISIONS TO THE OFFICIAL SANITARY SEWER MASTER PLAN FOR THE CITY OF AVON Planning Referral
The Second of Three Readings will be held at the Regular Meeting on Monday, August 14, 2023
A Public Hearing will be held on Monday, September 11, 2023 at 7:25 p.m.

Ms. Fechter said she had nothing new to report at this time.

3. [ORDINANCE NO. 92-23](#) – AMENDING A SPECIAL USE PERMIT GRANTED TO CHRISTIAN HERITAGE ASSEMBLY OF GOD (aka CHRISTIAN HERITAGE CHURCH), TO INSTALL A 40’ X 64’ OUTDOOR PAVILION LOCATED AT 36465 CHESTER ROAD Planning Referral

Ms. Fechter advised Christian Heritage Church will occasionally have outdoor events such as a picnic or some other gathering and they have no permanent covering. She stated they are asking to build a 40’ x 64’ pavilion and it will be located on the northeast corner of the lot by an existing tree close to the main church structure. Ms. Fechter said the church already has a Special Use Permit, so they are asking that it be amended to include the pavilion.

4. [ORDINANCE NO. 93-23](#) – AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY OF AVON, SECTION 7.3 (TOOLS, SUPPLIES, EQUIPMENT, TELEPHONES, AND CELL PHONES) Mr. Streator

Mr. Streator advised this Ordinance will update our policy regarding City cell phone usage that was instituted back when the City was charged per minute. He said now the City is on a phone plan that has unlimited minutes so the cost that would be passed on to any employee using their phone for personal calls needed to be adjusted and is the reason for the request to update the policy.

Mrs. Demaline asked how often they have employees that owe the City for their City cell phone usage.

Mr. Presley advised the policy as it is currently written requires the employee to review their statement monthly and reimburse the City the ten cents per minute if it is used to make personal calls. He said but the cell phone company does not charge ten cents per minute as that is an antiquated billing policy.

Mrs. Demaline asked if the employee has to review their statement with the Finance Office and sign off each month whether personal charges are incurred or not.

Mr. Streator advised that is correct.

Mrs. Demaline agreed it seems like a cumbersome process. She said the handbook seems to have been from 2008 and she asked if there was an overall update to the personnel policy manual or a new handbook that is being worked on.

Mr. Streator confirmed there is. He said they are working with Ms. Szlempa and they will soon be ready to push out to the employees the new policy manual that has been updated using the Lexipol service. Mr. Streator indicated it is an automated system and by inputting the policies into the system they could then be updated on a regular basis electronically. He stated they would finish getting that put together and send it out to Council.

Mayor Jensen advised what brought this to the Administration's attention was that there is an employee who was having to pay three times more than what it costs the City because they had to calculate every minute of personal time. He also felt the City should reimburse that employee back to the first of the year. Mayor Jensen stated they looked at the policy manual and felt the policy should be updated as it is outdated.

5. ORDINANCE NO. 94-23 – PLACING A TEMPORARY MORATORIUM ON THE FUTURE DEVELOPMENT OR CONSTRUCTION OF ANY HOTEL, MOTEL, EXTENDED STAYS, BOARDING HOUSES OR THE LIKE THROUGH JANUARY 9, 2024 Mr. Gasior

Mr. Gasior advised currently under Avon's Code a hotel or motel is a permitted use in certain districts. He said the definition of a hotel or motel has been the subject of some recent debate regarding a project that was slated to come into the City within the last few months. Mr. Gasior stated fortunately that project is not going to go forward; for whatever reason the developer of that project has decided that they would move on and find another venue. He advised the City is taking this opportunity to ask that Council put a stop temporarily on these hotels, motels and extended stays and look at the definitions in the Code as well as look at whether the uses are permitted, or they are special uses or things of that sort. Mr. Gasior said hopefully by the end of the temporary moratorium of January 9, 2024, they will have Code sections that adequately define each of those uses and place reasonable restrictions upon those uses or reasonable requirements on those uses. He stated that is the purpose behind this legislation. Mr. Gasior advised he appreciates if Council moved forward on it giving him and the Planning Coordinator and the Planning Commission the opportunity to review these issues.

6. ORDINANCE NO. 95-23 – REAPPROPRIATIONS Mr. Presley

General Fund No 101

Increase Tree Commission by \$4,000 for Salaries/Wages and Benefits as the Original Budget is insufficient for the remainder of the year.

Total General Fund Re-Appropriations	\$4,000.00
Grand Total of all Re-Appropriations	\$4,000.00

Mr. Presley advised it appears with the Tree Commission being new last year, the wages budgeted for this year did not cover the entire year. He said this amount will get them through the remainder of 2023 and they will budget appropriately for 2024.

7. ORDINANCE NO. 96-23 – AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY Mr. Presley

Mr. Presley advised the Fire Department has an old ambulance that they are looking to dispose of and there is another public entity who is interested in purchasing it from the City. He said pursuant to the City Charter, the item can be sold to another public entity without going to public bid as long as the amount does not exceed \$10,000 and that is the amount, they are looking to sell this vehicle for.

Mr. Fischer said his question was answered because disposal sounded to him as if the City was just getting rid of it, but it is being sold to which Mr. Presley confirmed again it is being sold.

8. ORDINANCE NO. 97-23 – TO CANCEL THE SPECIAL ASSESSMENTS THAT WERE INCORRECTLY APPLIED TO THE TAX DUPLICATE ON TWO PARCELS OF LAND ABUTTING THE FRENCH CREEK ROAD SANITARY SEWER PROJECT, (PPN #04-00-010-113-039 AND #04-00-010-113-037), AND TO ISSUE A REFUND FOR THE AMOUNTS THAT HAVE BEEN PAID Mr. Presley

Mr. Presley advised two residents have come into City Hall asking why the special assessments were applied to their property tax duplicate when they in fact could show that they had made the cash payment. He said from what he could find, it appears that the Ordinance to certify the special assessments was made prior to the actual cash payment being received and it was a timing issue that was not updated with the County. Mr. Presley stated so the County began collecting those special assessments for these two parcels. He advised they made a refund for one of the parcels and the other will be refunded this week for the four payments that were made. Mr. Presley clarified that the special assessments will be removed from the tax duplicate and will no longer show up on the tax billing in 2024 or any year thereafter.

9. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 requested a Meeting of the Service Committee of Council be scheduled for Monday, August 14, 2023 at 6:30 p.m. to discuss the progress on the 2023 Sidewalk Program and the proposed areas to be improved with the 2024 Sidewalk Program.

Mrs. Demaline said this request for a meeting is in response to Mr. Cummins' email a few weeks back requesting input from Council on the Sidewalk Program for 2024. She stated she was hoping they could also discuss the progress made in 2023 and begin inspecting the plans for 2024. Mrs. Demaline advised they also need to look at essentially how the City is going to fund those sidewalks as there were two different financial models presented on how it could be done going forward.

The Clerk indicated she would be happy to schedule that Committee Meeting.

Mrs. Demaline said recently Council reappropriated \$20,000 for AEDs and she asked Mr. Streater to provide an update on the status of those devices.

Mr. Streater advised they received the AEDs and are now waiting on the cabinets to arrive where the AEDs will be stored and for them to be installed. He said he received an email this afternoon that the cabinets are expected within the next couple of days, and they will work with the contractors to get them installed at the various locations.

Mrs. Demaline asked what the designated locations were.

Mr. Streater advised he believes it is Schwartz Road Park, Veterans Memorial Park, and similar areas where there are ballfields located that have a building that the AED can be attached to because the cabinets are powered to keep the AED temperature regulated.

Mrs. Demaline inquired with those cabinets arriving if there was a timeframe of when they expect those to be installed.

Mr. Streater said not an exact timeframe because they have to get ahold of the electric contractor and schedule the work once the cabinets arrive. He said he should know more by next Monday.

MRS. HOLTZMEIER, AT LARGE asked regarding the Ordinance (96-23) authorizing the disposal of municipal property as to what was involved with the transfer of that property to another municipality. She asked what the City would need to remove from that property.

Mr. Presley said offhand he would say the personal property that may be reusable in the new ambulance such as the cots or any of the medications that should be retained and the like. He stated otherwise the ambulance would transfer over to Grafton.

Mrs. Holtzmeier commented that this is something that is not done very frequently, which she said gives them pause to consider what needs to be done.

Mr. Presley advised he would defer to the Fire Chief to see if the cot and the loading mechanism for the cot could be transferred to the new ambulance or was it already a part of the specifications on the new ambulance. He said certainly the medications would stay and maybe some of the equipment that might be newer that are separate from the actual components of the ambulance.

Mrs. Holtzmeier said she assumes we have a sheet of assets to make certain this vehicle is removed from that list.

Mrs. Holtzmeier advised that Council and the Administration may have heard some news and she wanted to confirm it here that after ten years of public service she will be retiring from her Council duties and is not seeking reelection. She said she plans to finish out her term that ends on December 31, 2023 and they will see her continue to remain engaged and relevant through the end of the year and probably thereafter. Mrs. Holtzmeier stated in ten years she has gained a lot of knowledge and a lot institutional history so she will just be doing that from a bigger perspective. She advised she always wants to continue to be transparent and let people know her plans and anyone interested in running for Council at Large in Avon, petitions are due at the Lorain County Board of Elections this week. Mrs. Holtzmeier commented that she will miss them all on Monday evenings.

Mrs. Holtzmeier reported that as Chair of the Finance Committee of Council, she and the President of Council are going to be reviewing the Council Treasurer's job description. She said it has been some time since they have taken a look at that, and Department Heads have changed, and time has gone by and different accountabilities are necessary. Mrs. Holtzmeier advised they would be looking at that position and will be meeting with the Council Treasurer to have those conversations. She stated if the Finance Committee would like to be involved in that they can expand the scope and have that conversation in a Finance Committee Meeting so she was letting Council know so they could weigh-in. Mrs. Holtzmeier said if there are any changes (and they do not know that there will be any as they are just reviewing as a course of business) but if there are changes suggested it will come back to this body to review as a whole and to discuss.

Mrs. Holtzmeier wished Mayor Jensen a happy birthday.

MR. MCBRIDE, WARD 2 thanked Mrs. Holtzmeier for her ten years of service. He said there are times that the job is easy, but there are trying times as well.

Mr. McBride wished Mayor Jensen a happy birthday.

MR. MOORE, WARD 3 wished Mayor Jensen a happy birthday.

MR. RADCLIFFE, WARD 4 thanked Mrs. Holtzmeier for her service. He said he was surprised to learn of her decision not to seek reelection and noted that she will be missed on this Council.

Mr. Radcliffe wished the Mayor a happy birthday.

MR. WITHERSPOON, AT LARGE wished Mayor Jensen a happy birthday.

Mr. Witherspoon wished Mrs. Holtzmeier good luck in her future endeavors.

MR. FISCHER, AT LARGE asked Mr. Streator how the new bathroom construction at Northgate was coming along, was it open yet.

Mr. Streator advised they would have the final inspection this Wednesday and hoped to be open after that. He said they were waiting on some locks to arrive and those were installed today.

Mr. Fischer asked if they were happy with the project overall.

Mr. Streator said overall it went well. He said they are embarking on the construction of a second one at Every Child's Playground as the footers were formed today and hoped to pour the concrete tomorrow and the building construction will begin soon after.

Mr. Fischer wished Mayor Jensen a happy birthday.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER advised with the mention of the Service Committee Meeting for next week regarding the sidewalks, he is happy to prepare for and attend that meeting and share what progress has been made this year. He felt it would be helpful for that meeting for City Council to provide input in advance of that meeting about areas that they would like to see possibly undertaken for next year. Mr. Cummins

stated to date he has only received one email with specific areas laid out. He advised having that information would help the discussion so he suggested they email him their requests over the next week as that would be very helpful.

Mr. Cummins wished Mayor Jensen a happy birthday.

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

MR. GASIOR, LAW DIRECTOR advised he would be out Tuesday through Sunday of this week, but he was reachable by phone or email.

Mr. Gasior wished Mayor Jensen a happy birthday.

MR. PRESLEY, FINANCE DIRECTOR wished Mayor Jensen a happy birthday.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR reported that in June the rescue calls were 262 and in July 280, which was up about 15 for each month. He said for fire calls there were 62 in June and 83 in July and is relatively the same as last year at this time.

Mr. Streator advised the Street Department has been busy the last couple of weeks with branch pickup after the storm came through and they were still trying to catch up.

Mr. Streator stated the Safety Fair will be September 9, 2023 at the Aquatic Center from 10 am to 2 pm.

AUDIENCE:

There were no public comments made from the audience.

10. EXECUTIVE SESSION 7:55 p.m.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to Enter Into Executive Session for the Purposes of Discussing the Purchase and/or Sale of Real Estate and 2 Pending Litigation Matters, and to invite Mr. Presley, Mr. Cummins, and Mr. Streator in addition to the Mayor and Mr. Gasior and the vote was: Mrs. Demaline, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; and Mr. Fischer, "yes".

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

11. RECONVENE 8:36 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore 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"; and Mr. Fischer, "yes".

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

12. ADJOURN: 8:37 p.m.

There being no further business, the Work Session of Council was adjourned.

PASSED: _____

SIGNED BY: _____

Brian Fischer, Council President

ATTEST: _____

Barbara Brooks, Clerk of Council