

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, SEPTEMBER 18, 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. 98-23](#) – GRANTING A SPECIAL USE PERMIT TO LIG LAND, LLC TO ALLOW THEIR TENANT, SHEETZ, INC., TO CONSTRUCT A 6,139 SQ. FT. GAS STATION AND CONVENIENT STORE WITH AN OUTDOOR PATIO TO BE LOCATED AT THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS Planning Referral
To Be Addressed at a Special Meeting Immediately Following this Work Session

Ms. Fechter advised she had nothing new to add to the discussion for this item.

2. [ORDINANCE NO. 99-23](#) – AMENDING SECTION 672.10 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON ENTITLED “FIREWORKS” TO REVISE REGULATIONS REGARDING THE SALE AND POSSESSION OF FIREWORKS Mr. Gasior
To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Gasior advised this legislation is a prohibition on the sale of fireworks. He said it does not involve what is classified as fountain works that are sold around the holidays at Lowe’s or Home Depot as those have strict regulations and are not as dangerous. Mr. Gasior stated this Ordinance will cover fireworks themselves as they know them to be that are dangerous.

3. [ORDINANCE NO. 101-23](#) – TO AUTHORIZE A DEVELOPER’S AGREEMENT AND PERFORMANCE BOND WITH LIG LAND, LLC, FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT THE MIDDLETON CROSSING SITE LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON & NAGEL ROADS Planning Referral
To Be Addressed at a Special Meeting Immediately Following this Work Session

Ms. Fechter advised she believes the City has everything needed for this legislation. She deferred to Mr. Gasior to update Council and confirm he received everything he needs from the agreement.

Mr. Gasior pointed out to Council that Exhibit A-2 to the Developer’s Agreement is a letter agreement between LIG Land, LLC and Avon Nagel. He advised LIG Land, LLC owns the site that is involved here where Sheetz, Inc. is going to be located. Mr. Gasior said Avon Nagel owns the parcel immediately to the south and they both have signed this agreement indicating a willingness to achieve a reciprocal easement agreement at some later date so that vehicular traffic can flow between the two parcels. He stated he believes this is an important addition to the agreement because it is important that the City try to minimize the amount of traffic flowing out onto Nagel Road between the two commercial centers and he thinks it is a great idea for both parties to cooperate. Mr. Gasior advised he was not sure if Mr. Jaram has signed this agreement as his copy does not have his signature.

Mr. Jaram indicated he would be happy to sign as soon as it is passed.

Mr. Fischer asked Mr. Presley if the City has what they need from the developer in the way of deposits.

Mr. Presley advised all required deposits have been received.

4. [ORDINANCE NO. 102-23 – REAPPROPRIATIONS](#) Mr. Presley
To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Presley again reviewed the appropriation amendments attached to the Ordinance for Council and they were also mentioned at a previous Work Session and there were no changes made and no questions asked.

5. [ORDINANCE NO. 103-23 – AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY THROUGH AUCTION WITH INSURANCE AUTO AUCTIONS, INC.](#) Mr. Streator

Mr. Streator advised in working with the Police Chief, they would like to dispose of three of the old police cars through this process with Insurance Auto Auctions who work with our current towing contractor. He said it is similar to GovDeals except the process is a lot smoother with autos in this case. Mr. Streator stated they have had some success in the past and they have three vehicles that we are looking to auction.

6. [RESOLUTION NO. R-28-23 – SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION \(OPWC\) STATE ISSUE ONE FUNDING APPLICATION FOR THE LONG ROAD RESURFACING PROJECT](#) Mr. Cummins
To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Cummins advised as noted in the previous Work Session this is to submit an OPWC application for funding related to the Long Road Resurfacing Project. The application has been submitted and they will know in December whether the application was successful.

7. [RESOLUTION NO. R-29-23 – SUPPORTING THE SUBMISSION OF AN OHIO PUBLIC WORKS COMMISSION \(OPWC\) STATE ISSUE ONE FUNDING APPLICATION FOR THE CHESTER ROAD HEIDER DITCH CULVERT REPLACEMENT PROJECT](#) Mr. Cummins
To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Cummins advised as noted in the previous Work Session this is for the submission of a OPWC funding application. He said next to Petitis Garden Center there is an existing double barrel culvert and they would like to replace that with a larger single span structure. The application has been submitted and they will know in early December if successful.

8. [RESOLUTION NO. R-30-23 – TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT](#) David Blevins, Director, LCSWMD

Mr. Blevins introduced his team of Thomas Patrick, Finance and Grant Writing Specialist, and Brandi Schnell, the Outreach Coordinator. He said the Solid Waste Management Plan is basically the road map for how the district operates. Mr. Blevins advised the District is mandated by State Law, House Bill 592 which was passed in 1988 that said that they need to figure out where the trash is coming from and how it is managed and how the landfills are managed. He stated every few years they have to provide an update to their solid waste plan, so they went with a 10-year plan. Mr. Blevins advised in that plan it says how they will manage the traffic with the trash coming in and out and who is bringing it and what tonnages of plastics, metals, and construction debris are reported quarterly. He said the District is funded through tipping fees at the Lorain County Landfill and that generates \$1.8 million a year and that is how they operate. Mr. Blevins stated six or seven years ago the funds were \$4 per ton and they were bringing in over \$5 million so there have been many cuts made in their budget to make sure they remain solvent. He advised the budget is balanced for ten years and it will be reviewed in three years, but they are asking all the communities to support the District in this plan and to move forward with a yes vote.

9. REPORTS AND COMMENTS

MAYOR JENSEN reminded Council that he has not forgotten about the Safety Committee Meeting to discuss school bus fines. He indicated the Administration would try to put something together soon so the committee would have what they need to discuss that topic.

Mayor Jensen advised he wanted to let Council know that they are looking at hiring a part-time person for the maintenance of City buildings. He said with all the buildings the City now owns such as the YMCA, Crusher Stadium, park bathrooms, Cahoon House, Jameson House, the Police and Fire Stations. Utilities, Streets, City Hall buildings, Traxler House, Lions Club Community Center, Avon Isle and the Senior Center we need someone responsible under the direction of Mr. Streator to help maintain all the buildings and ongoing projects. Mayor Jensen stated everyone is calling Mr. Streator trying get everything taken care of and with everything else Mr. Streator is responsible for it is almost impossible.

Mayor Jensen advised for next year's budget they were also looking at hiring a program director to help out the Recreation Coordinator with all the different programs going on. He said also regarding the pool management, when Mr. Fattlar, the Aquatic Facility Coordinator, started his employment with Avon, he promised that he would stay for three years and that was over eight years ago. Mayor Jensen stated they know that at some point, Mr. Fattlar will be retiring, and the City is looking to hire someone as a Program Director/Pool Management and have Mr. Fattlar work with that person this year and possibly next year. He advised he will present something to Council formally when they go through the 2024 budget meetings. Mayor Jensen said they were looking at bringing someone on now, part-time to finish out the year and then move that person to a full-time position if Council agrees.

Mr. Streator added that as Mayor Jensen said, the City is amassing a large number of City owned properties and they need some help in overseeing the day-to-day operations and maintenance of those properties. He advised they were trying to forecast some of the future needs of those facilities as well so they will be better prepared.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 requested an updated Organizational Chart of the City in preparation for budget season. She advised it would be helpful to understand how the City is staffed and the total number of employees broken down by full-time employees and departments. Mrs. Demaline asked if that was something that could be included for the upcoming budget meeting.

Mayor Jensen advised the HR Coordinator, Diane Szlempa, is putting that together. He said he would like for Mrs. Demaline to get together with Ms. Szlempa to see if she is putting it in the form and to the extent that Mrs. Demaline is asking for.

MRS. HOLTZMEIER, AT LARGE advised she would be absent for the Work Session on Monday, October 2, 2023.

Mrs. Holtzmeier advised the Administration and Council were now aware that the 2024 Budget planning session is scheduled for Saturday, November 11, 2023, at 8:00 a.m. She asked Mr. Presley, in anticipation of that meeting, if he could make sure that Council has the documents that would be reviewed for that meeting no less than a week before, which would be no later than by the end of business on November 3, 2023.

Mr. Presley answered certainly.

MR. MCBRIDE, WARD 2 advised he has one follow-up this evening and that is the house on Caroline Drive with the nasty pool in the backyard and he understands the County Health Department came out and sprayed or treated the pool. He said he received a call and an email from two different residents requesting an update about what was being done to clean the property. Mr. McBride stated it appears to be a rental property and now the grass is getting high. Mr. McBride felt perhaps they need to look at the City's Property Maintenance Code again to see about enforcing the tenants or the landlords to comply and take care of their property as it was an eyesore in the neighborhood right now.

MR. MOORE, WARD 3 asked if the owner of the property on Riegelsberger Road fixed what they

needed to fix because he saw someone almost get hit by a motor vehicle coming off the sidewalk onto Riegelsberger Road to get back to the other side. He said they really need to get that sidewalk reinstalled.

Mr. Streator advised as a matter of fact they were working on that today when he was in that area looking at the Riegelsberger property that the City owns.

Mr. Moore said again, for the record it needs to be done right away; it has been long enough.

Mr. Moore advised also on Garden Drive, the sidewalks there are two to three inches raised and residents are calling him about that saying they cannot walk on the sidewalks in that area because it is dangerous, and he felt that needed to be addressed. He said it seemed to him that sidewalks located within his ward were going the other way so if they could get that fixed that would be great.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE mentioned that Council all received the email from the Assistant Clerk of Council, Mrs. Hayden, that she is officially retiring in the early part of 2024. He said they were going to have to start looking at hiring a new person for that position so they should watch for that on their calendars. Mr. Fischer said he wanted to thank Mrs. Hayden for all her years of service with the City of Avon.

Mayor Jensen advised Mrs. Hayden will not be retiring until the end of February 2024 but he would like Council along with the Administration to do something special for her such as recognize her at a meeting. He stated in looking back at her years with the City, she has been with us for 25 years and has been a part-time employee that entire time and has never asked to be more than a part-time employee. Mayor Jensen advised Council may not realize it, but a part-time employee receives little to no benefits. He said up until recently when some PTO for part-time employees was established, Mrs. Hayden never received any paid time off when she was off for holidays or if she took a vacation and never received more than her straight hourly wage when she worked extra hours. He stated Mrs. Hayden has been a very loyal employee and he felt it would be nice if they could recognize her formally. He indicated it is rare to see an employee give so much and take so little. Mayor Jensen advised Mrs. Hayden has loved working here and he would like to plan something special with Council's cooperation.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MS. FECHTER, PLANNING COORDINATOR/ECONOMIC DEVELOPMENT advised this past Saturday was the Superhero Day. She said it was a beautiful day, bright and sunny and all the colors for the event which started off by walking through a big colorful balloon arch and it was just a special day. Ms. Fechter thanked Sheri Seroka, and Paula Pitasky for helping her put it together. She stated she also wanted to thank her assistant Susan Pintz as well as Carrie and Johnnie from the Parks Department. Ms. Fechter said it is all about having the right people in place that do not get rattled when something does not go as planned because no one in the crowd knew and every child had a smile. She thanked City Council for allowing them to put that event on every year.

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

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

AUDIENCE:

Ronald Slusarski of 4327 S. Fall Lake Drive said he grew up in a culture where a good leader praised his sailors in public and reprimanded them in private. He stated in keeping with that Naval tradition, he would like to commend the City Engineer because Mr. Slusarski had an issue and presented it to him and the Engineer got

back to him in a very timely manner and very detailed. Mr. Slusarski advised he would like to thank the City Engineer publicly for that.

Mr. Slusarski advised there was an animated meeting last Monday night concerning storm water and that is still his issue. He said there is a situation where the City was keeping ahead of the game and appears to be proactive and instituted in 2012 an annual inspection for storm water retention ponds. Mr. Slusarski stated he has his current inspection report in his hand and it was completed on July 16, 2023 by a certified storm water specialist. He advised there are a number of deficiencies noted on the inspection report and the report has been submitted to the City in a timely manner as they want it received back to the City by August 1st and that was done. Mr. Slusarski said now this report goes out to the residents and the HOA President says he inspected the pond and everything looks fine to him and there is going to be no action taken. He stated here is the disconnect: the City has an Ordinance that requires an inspection, but they have an HOA that does not comply. Mr. Slusarski asked where they go from here because that is where he is at a dead end. He said he has had the storm water specialist out a couple of times and he looked at the pond and that specialist has the report, but what do the homeowners do when the HOA says they are not going to do anything, and they are not spending the money. Mr. Slusarski advised this all ties back to the storm in August 2023 and there are some very concerned homeowners and when a storm water retention pond does not work properly and is below capacity that they are going to have a problem and they have neighbors that are concerned. He said he has been designated as the point man on this issue and he was asking how to push this further because it does not look like the HOA is going to do anything at this point, yet he has a copy of the report that says that the emergency spillway needs attention, the outlet has sediment and these are detrimental things to the operation of the storm water retention pond. Something needs to be done and if the City would direct him, he would get it done.

Mr. Cummins advised, as Mr. Slusarski noted, he did get back with him today and let Mr. Slusarski know that he is collecting some information from the Building Department as they keep those records and those are the employees that go out and look at the basins once reports are filed. He said he will get with the Building Department and collect all of the appropriate records and get some historical records that Mr. Slusarski asked about and then Mr. Cummins said he would work with the Administration to chart a path forward.

Mayor Jensen suggested Mr. Slusarski meet with the Law Director, Mr. Gasior, and look into repercussions for the HOA not following through with their responsibilities. He advised since the last storm, the City has been looking at the different Homeowners Associations throughout the City and who is responsible for some of these maintenance items. He said they are also looking at what teeth the City has to go after those entities if they are not keeping up with their responsibilities. Mayor Jensen stated addressing some of those issues was going to be challenging and he believes they will need to have more discussions with Mr. Gasior.

Mr. Gasior advised he would work with Mr. Cummins once they identify exactly what needs to be corrected or remediated and then they will follow up with probably a letter to the HOA. He said he really needs to view the HOA documents that are recorded in most of these subdivisions. Mr. Gasior stated they would probably start with that action and proceed from there. He advised he could not say which direction the City will go without having reviewed the HOA documents initially, but most of these documents say that if the HOA does not comply with the City's request that the City can go onto the property and do the repairs that are required and assess the HOA. Mr. Gasior said they were probably dealing with the same type of language in Mr. Slusarski's HOA agreement and if that is the case, they will send out the letters.

Mayor Jensen asked Mr. Gasior what if the HOA does not follow through or has disbanded.

Mr. Gasior said they would cross that bridge when they get to it. He stated if the HOA has been disbanded there may be an opportunity for the City to assess all the residents who live in the subdivision. Mr. Gasior advised he has to do some research into that to see where the City would stand. He said it becomes like a public improvement to some degree, that retention basin, and the City would have to go in and make the repairs and try to assess the property owners in a fair and equitable manner. Mr. Gasior stated certainly they would not just assess the property owners who abut the retention basin as they would want to assess all the property owners that benefit from that basin. He advised those are all very thorny legal questions that he did not want to bore them with tonight.

10. ADJOURN: 7:57 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