

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

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

1. [ORDINANCE NO. 121-22](#) – TO AMEND CHAPTER 1040 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON FOR THE PURPOSE OF UPDATING THE WATER CODE AND ADJUSTING CERTAIN RATES AND FEES Brian Bruce, Superintendent of Utilities

Mr. Bruce advised most of the amendments to this Section of the Code are clean-up issues as there is some obsolete information such as the references to quarterly billing and he wanted to ensure that what is in this Chapter of the Code matches with the actual operations in the Utilities Department. He noted they are proposing updating the rates for connection and disconnection of water service from \$20 to \$30 as the lesser amount dates back to 2009 and that update was passed in July of 2022 and was not updated in the Codified Ordinances. Mr. Bruce stated they are also requesting a minor change to hydrant connection fees from \$50 to \$100 for contractors.

Mr. Gasior advised there are the automatic updates every July to the rates when the Cleveland Construction Cost Index comes out, so they are just updating the Code to the last July. He said some of the other changes dealt with cleaning up the language to the current position performing the duties such as those areas that mentioned the Service Director and they are asking for it to be updated to the Superintendent of Utilities.

Mr. Radcliffe inquired about the reasoning behind removing Section 1040.09 “Establishment of a Water, Sanitary Sewer and Storm Water Utility Account”.

Mr. Bruce advised there were two separate Sections that talk about accounts of water, sewer or storm water. He said Section 1040.02 “Liability of Owners and Lessees; Delinquency; Remedies of City” states that the owner of the property is ultimately responsible for anything that happens on their property; water, sewer or otherwise. Mr. Bruce said but in Section 1040.09 it was stated that only an owner of record could create the utilities account, but they found that to be very difficult as most owners want their renters to take care of signing up for service and that is how the Utilities Department operates. He stated as soon as a tenant is late on a utilities bill, the owner is immediately copied on that late bill and as of the last four to five years the Utilities Department has continued with a steady shut-off for non-payment procedure and they are generally left with under five delinquent accounts each month and have not run into a lot of issues with that process.

Mr. Radcliffe asked if he is correct in saying that the renters create the account, but the owners are also on the account.

Mr. Bruce advised that is correct; the owners are copied any time the account becomes delinquent.

Mr. McBride advised that is essentially a guarantor as the City had issues in the past with how that was handled, and the City wanted to make sure it was the property owner who is ultimately responsible because if the bill is not paid it is placed on the tax duplicate for collection, so the owner needs to be on the account.

Mr. Bruce agreed and said he believes Section 1040.02 was updated in 2019 and it really lays out that whole procedure and the responsibility of the property owner of what will happen if the tenant and/or the property owner does not pay those delinquent utilities bills.

Mr. McBride inquired as to how long has the \$20 turn-on/off fee been in place.

Mr. Bruce advised that fee has been \$20 since 2009.

Mr. McBride indicated that is probably longer than it should be to have an adjustment made. He asked if the \$30 amount is enough.

Mr. Bruce believed it is and said even though there are other nearby municipalities that have a higher fee, he felt it covers their efforts.

Mr. Fischer inquired as to where the meter change-out program stood.

Mr. Bruce advised there are under 100 left to change out. He said they have a wrap-up substantial completion call this afternoon and the contractor is down to two employees on site. Mr. Bruce stated the contractors will be done with what they are able to do by the end of this week and the Utilities Department will continue working toward completion. He advised of the 100 left there were 78 that would be completed by the contractor by the end of tomorrow. Mr. Bruce explained those 78 were on the outside of the house and the contractor has been waiting on the brackets to arrive and one employee can change-out 50 in a day leaving a couple dozen left to complete.

Mr. Bruce noted that the fee for backflow was updated two years ago in answer to a question from Mr. McBride.

2. [ORDINANCE NO. 122-22](#) – TO AMEND CHAPTER 1042 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON FOR THE PURPOSE OF UPDATING THE SANITARY SEWER CODE AND ADJUSTING RATES AND FEES

Mr. Bruce

Mr. Bruce advised this legislation is similar to the previous one where they are requesting updates be made to outdated information and matching it to the way the Utilities Department operates. He said on page 2 there is an application fee for a sanitary sewer permit and it has been \$10 and they are proposing to change it to a \$20 fee similar to the changes proposed in the water and it has been quite some time that it has been at that \$10 mark. Mr. Bruce stated the next few pages of this Chapter mostly deal with definitions or some wording changes to be consistent. He advised a couple of proposed changes at the bottom of page 4 (11A) and (11B) were changes to the Sanitary Sewer Fund No. 2 and Sanitary Sewer Replacement and Depreciation Fund No. 406. Mr. Bruce explained those are not new funds, but they are just putting the actual Fund No. in the legislation. He said that currently all sewer tap fees go into that account and at the end of the year, the Finance Director must transfer 86.7% into the Sanitary Sewer Replacement and Depreciation Fund. Mr. Bruce stated this proposed change is that at the time of payment 20% will go into the Sanitary Sewer Fund and 80% will go into the Replacement and Depreciation Fund. He advised that was something that Mr. Logan marked up for these proposed changes earlier this year. Mr. Bruce said, if approved, beginning in January they will no longer have to worry about moving those funds; it would happen at the time the tap is paid.

Mr. Bruce stated on page 6 there is quite a bit of language struck out. He said Avon used to collect the tap fee for North Ridgeville and then send the funds to North Ridgeville. Mr. Bruce advised Avon no longer does that as the parties have to pay North Ridgeville directly and bring Avon a copy of the receipt. He clarified that Avon still collects Avon Lake's sanitary sewer trunk fees, but he has been in discussions with them about the possibility of having Avon Lake collect their fees directly. Mr. Bruce noted that Avon Lake's fees are based on a per square feet or acre charge so there is some figuring required. He advised he has always sent the plans to Avon Lake to get that number and while he could certainly figure it out, he would rather not be the one and he is pushing Avon Lake to go the route of North Ridgeville and anyone in that service area would have to go to Avon Lake and find out their fee and pay it directly to Avon Lake and bring Avon the receipt and pay their Avon fee and move forward. So, that may be a change they are looking at implementing in the future.

Mr. Bruce advised on page 7, it was updating the current price with the tap fees and on page 8 they have an inspection fee for sanitary laterals. That fee is currently \$120.00 and that fee has been in place since 1995 and they are proposing changing that to \$190.00. He stated there is a breakdown in the current Ordinance of how that fee was established, which was 6 hours at \$20 an hour. A lot of the inspections now are new subdivisions and not as much older infrastructure or change overs, so they dropped it to 5 hours, but the average rate comes out to around \$190.00 for the Department hourly rate, which is roughly \$38/hr.

Mr. McBride asked if that rate is adjusted every year or every other year based on the wage structure. Mr. Bruce advised fees in general are another thing on his list to do, large tap fees being one of them as those have been the same since 2016. He said they would be evaluating that next year.

Mr. McBride said the fees could be based on size and he suggested that should be a consideration when discussing changes.

Mr. Bruce said on page 10, Section (j) was being struck through and the remainder would be "relettered". He stated the current Section (j) is being removed because the Utilities Department is now able to bill to the day so there is no reason to prorate the billing. Mr. Bruce advised the new Section (j) cleans up the late charge language as it used to state 30 days, but it is really the date of the next billing when those late fees are applied so they simply inserted that language.

Mr. Bruce advised on page 23 of the Exhibit in the Penalty section, they are proposing increasing the fine from \$100 to \$150, which matches the Ohio Revised Code for a minor misdemeanor.

Mr. Radcliffe inquired regarding future growth and development, with part of the City sewer going to North Ridgeville and part going to Avon Lake, if there was any reason that any of that geographical boundary would change that the City will need to address eventually should one side of town become more populated than the other.

Mr. Bruce advised, no, that boundary is regulated by NOACA and it is very unlikely to change unless there would be a significant need, but both of those municipalities have sufficient capacity for the area that they are covering.

Mr. Cummins advised it should not and the reason those boundaries are set and regulated is so that those entities know what is coming to them potentially and to plan accordingly to have capacity. He said there could be a desire to change something in the future as there is a mechanism and a process to do that, but he does not believe it is likely. Mr. Cummins stated both North Ridgeville and Avon Lake would have to agree to any change.

3. [ORDINANCE NO. 123-22](#) – TO AWARD A BID FOR THE SR 83 GROUND STORAGE WATER TANK REPAINTING PROJECT Mr. Cummins

Mr. Cummins advised bids were opened on Thursday, October 27<sup>th</sup> at City Hall for a project to repaint the ground storage tank along State Route 83 north of Schneider Court. He said the City received eight bids and the low bidder was Seven Brothers Painting Inc. out of Shelby Township, Michigan. The estimated cost of the project is \$300,000.00 and the low bid came in at \$194,100.00. The project bid specifications were put together by the engineering company of GRW Engineering out of Lexington, Kentucky. GRW reviewed the bids and is familiar with the low bid contractor and recommended that they be considered the lowest and best bid.

Mr. McBride advised he was somewhat cautious that the low bidder came in at 35% lower than the engineer's estimate.

Mr. Cummins advised almost half of the bidders were less than \$250,000.00. GRW Engineering does a good amount of work in this area of tank maintenance and the like. He said he thinks there was some concern, as with a lot of bids recently, about material supplies and the like and this was bid early to try and avoid some of those issues to try and get this project on the low bidders' calendars. Mr. Cummins stated it looks like some of the concerns came out to be unfounded and doing the bidding early leads to a lower general bid.

Mr. Fischer inquired when the work would begin if this legislation were approved.

Mr. Cummins advised this work would not happen until the springtime when the weather turns, mid-April or the beginning of May.

4. [ORDINANCE NO. 124-22](#) – REAPPROPRIATIONS Mr. Presley

Mr. Presley explained the reappropriations as follows:

Special Revenue Funds

Recreation Fund No. 249

Increase Misc. Contract Services \$7,500 to allow for purchases utilizing the Recycle Grant Funds for 2022. Total Recycle Grant money totals \$25,000. The remaining \$2,500 is included in the Recycling Fund.

\*Park Operating Fund 250

Increase budget for Land \$21,000 for option payments due in 2022

\*Living Tree Memorial Fund 253

Increase by \$2,500 to allow for the purchase of 10 trees and pavers.

Aquatic Facility Fund No. 255

Increase appropriations \$4,500.00 for Part-Time wages as the original budget is exhausted and there are still additional hours to be worked in 2022.

Total Special Revenue Fund Re-appropriations \$35,500.00

Capital Projects Funds

Capital Improvement Water Fund 303

Budget \$210,000 for Water Storage Tank Project which will take place in early 2023, but contract is to be awarded in 2022.

Total Re-appropriations All Funds \$245,500.00

\*added to original memo

Mr. McBride inquired if he knew when they would have a look back at the Aquatic Center revenue versus expenditures.

Mr. Presley advised he could prepare something and get it out to Council once the pool account is fully closed for 2022.

Mr. McBride indicated he would like a rough look at how much the City is subsidizing the pool. He said he knows that pools typically are not revenue generators.

5. [ORDINANCE NO. 125-22 – AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE\(S\) TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO AMEND THE JANUARY 1, 2022 THROUGH DECEMBER 31, 2024 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF AVON AND THE AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES \(“AFSCME” or “UNION”\)](#)

Mayor Jensen

Mayor Jensen advised as most of them remember they have been trying to go through the job descriptions and make updates as necessary. He said they realized last year that the City was paying lifeguards a lower wage than what the City was paying unskilled laborers in our Parks, so they corrected that issue. Mayor Jensen said in looking through the job descriptions there was a part under the unskilled laborers in the Utilities Department and in the Streets Department where they were all paid the same wage scale, but when they looked at unskilled laborers as far as clerks in various Departments, they were not being paid at the same wage scale. He stated the Administration thought it was fair to correct that inequity as the clerks were being paid at a different rate than any other unskilled laborers and he felt it was important to treat everyone the same. Mayor Jensen advised even though these positions are considered unskilled, any one of them can assist residents and answer questions. He stated some may ask why this was not done in the next contract negotiation, but when they find something

that is not fair, they like to correct it as soon as they can because it is the right thing to do. Mayor Jensen said the new assigned rate would be effective January 1, 2023, and asked Council for their support in approving this legislation.

Mr. McBride suggested this should also include an increase if these employees are due an increase.

Mayor Jensen advised it brings them current and there are different step classes based on their hire date, but the base rate is the same.

## 6. REPORTS AND COMMENTS

MAYOR JENSEN asked Mr. Cummins when we would be going out to bid for street improvements for next year.

Mr. Cummins advised they have a slate of projects that they will be asking for authorization to bid in upcoming meetings so they could be bidding in the January 2023 timeframe. He said they have Just Imagine Drive, Main Street, potentially Williams Court and Chester Road on the list. Mr. Cummins stated his plan is to come to Council with the authorization to bid later this month or in early December.

Mayor Jensen advised Main Street is one that he continues to receive phone calls about asking when it will be resurfaced and anyone who lives in that area is well aware of the condition of that road.

Mr. Cummins said what they learned last year with Main Street being left off the list was that it was not big enough to entice a contractor that has the capability to pave at night to do the project. He stated the plan going into this year is to do the work during the day and have a maintenance of traffic plan to accommodate it and he felt that would generate more interest in bidding the project.

Mayor Jensen asked Mr. Cummins if he would have ready for the next Work Session the sidewalk improvements for 2023.

Mr. Cummins said yes.

Mayor Jensen advised they are still hoping to get the blacktopping completed on Moon Road before it gets too cold and finish up that project.

Mayor Jensen advised the City is working with Mr. Debottis regarding his property on Detroit Road and they are hopeful to reach an agreement regarding his sidewalks.

Mayor Jensen advised the Tree Commission held a successful Arbor Day celebration and he would let Mr. Moore elaborate more on that item.

### COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 was absent.

MRS. HOLTZMEIER, AT LARGE advised it was good to see that pay equity legislation come through and to recognize that if it exists that it should be corrected. She inquired if there were any other areas or positions in the City that might need to be adjusted similarly.

Mayor Jensen advised he believes that was the only glaring issue they found. He said there are other things they look at to make sure they are being fair to the employees. Mayor Jensen stated a 3% increase for the bargaining unit employees will be forthcoming, noting there is still one bargaining unit that is currently being negotiated and he felt everyone was in a good place right now.

Mrs. Holtzmeier reminded everyone that next Saturday, November 19<sup>th</sup> at 8:00 am in Council Chambers would be the Finance Committee Meeting to discuss the 2023 budget. She asked that anyone unable to make the meeting to please let her or Mr. Presley know.

MR. MCBRIDE, WARD 2 advised the new Hunter International building was well underway and the design looks good and hopefully they would be in the new building and operational with an increased employee base with high salaries and increased income taxes because of that.

Mr. McBride said also he wanted to step back and say what a wonderful addition Bendix is to the City of Avon. He stated the ribbon cutting/grand opening was a great event, but he heard from Mayor Jensen that their parking lot was full today at 5:00 pm and that is a nice problem to have and hopefully that continues for a very long time.

Mr. McBride advised the other thing that he is noticing is that a new subdivision being is installed off Schwartz Road to the north (Stone Wheel Estates Subdivision) and he did not see any street widening for a dedicated turn lane. He said it would be nice to have a turn lane, even if traffic counts may not necessarily justify a turn lane, because if a motorist is turning it backs up traffic. During certain times of day, certain days of the week it is a real issue. Mr. McBride stated the Palmer Village Subdivision is the big horseshoe off Detroit Road by Providence Church and if a motorist heading west on Detroit Road is trying to turn left on a busy Saturday it backs traffic up considerably. He advised he felt the City should never be in a position where it allows a car to turn left into a subdivision, without a stacking lane for at least three vehicles. Mr. McBride said if you are heading east on Detroit at old Center Road and you need to turn left into the CVS or the drycleaner, that turn lane is so small and while that is a different issue, he felt the Planning Commission really should be looking at that. He stated if Council needs to pass an Ordinance because these turn lanes would not be justified based on traffic numbers then they need to consider doing that.

Mr. McBride mentioned that if people have not driven by the almost completed remodeled library on Colorado Avenue, that building is really starting to take shape and looks very nice and thinks it is going to be a great addition to the City as well as the Ward Dental office on Detroit Road near Clifton Way.

MR. MOORE, WARD 3 advised the Tree Commission's first annual Arbor Day celebration was held this past Saturday, November 5<sup>th</sup> and it was a smashing success. He thanked everyone who attended the event and said there was great weather and a good turnout. Mr. Moore indicated that the Tree Commission worked hard putting that event together and there were a lot of prize giveaways and he felt everyone had a good time.

Mr. Moore asked Mr. Cummins if Riegelsberger Road was going to be on the street improvement list in the near future.

Mr. Cummins advised no; they have not put that road on the plan for next year that he is aware of.

Mr. Moore suggested they keep that road in mind as he felt it was looking a little rickety.

Mr. Cummins said the Autumn Grove Subdivision has submitted their final plans so he felt it is possible that subdivision would be under construction in 2023. He stated certainly part of Autumn Grove's project is installing a new storm sewer down Riegelsberger Road toward the actual French Creek. Mr. Cummins advised he would recommend they wait until that work is complete before doing any type of repaving, but they could look into it for the following year.

MR. RADCLIFFE, WARD 4 inquired how the leaf pickup schedule was going this season as the leaves fell pretty fast and he was curious how the program was going overall.

Mayor Jensen advised the City crews struggled the first week because there were so many leaves, but they were able to finish the first round last Thursday. Mayor Jensen stated the second round through the City is going a lot smoother as there were more initial piles of leaves at the curb during round one. He advised the City has received some calls, but more so regarding branch pickup so they are working to get the branch chipper truck out in the rotation by the end of this week. Mayor Jensen said overall the City crews have done a great job and they have worked some overtime in the evening hours, but that should be leveling out and he believes they are in good shape at this point. He added that Mr. Loeser, Superintendent of Streets, has some new equipment that makes the job a lot easier, and they can pick up a lot more leaves than they were able to in the past. Mayor Jensen thanked the residents for their patience as the crews were working hard to get the job done.

Mr. Fischer inquired if the leaf collection process worked the same as the branch collection where the crews drive a pattern throughout the City.

Mayor Jensen advised the leaf pickup is constant and they start on the west and east side of the City and move toward the middle to SR 83 and then start the route over again. He said if a resident calls to say their address was missed, the crews would make sure to get their leaves picked up. He said leaf collection would continue as long as weather permits and there were still leaves to collect.

MR. WITHERSPOON, AT LARGE congratulated Mr. Moore and the Tree Commission members for a great Arbor Day celebration. He said they did a fantastic job on the event and the official City tree was planted and it was a great event for the kids. Mr. Witherspoon stated the turnout was fantastic and there were a lot of kids having a great time. He advised it is not an easy thing to do, to plan an event such as that and it took a lot of effort and he commended all involved for a job well done.

MR. FISCHER, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR advised the Arbor Day event was great. It was great to see all the kids enjoying the events such as the tree related scavenger hunt and the tree themed book chosen by the library for Storybook Trail. She indicated that all those who worked on planning the event did a good job and she was looking forward to the City being designated as a Tree City USA.

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR advised Avon’s Tree Lighting Festival would be held on Saturday, December 3, 2022. He said they were putting the final touches on the plans for that event, and he encouraged everyone to attend.

AUDIENCE:

Pat Jankowski of 1409 Hollow Wood Lane asked Mr. Moore how long he has been serving on City Council.

Mr. Moore said this is his fifth year.

Ms. Jankowski said when he ran for his first term, she asked him why he was interested in serving on Council. She stated his response to her was sidewalks. Ms. Jankowski advised Mr. Moore had a big concern about the sidewalks. She asked him how he feels about where the City is now regarding sidewalks five years later.

Mr. Moore advised he would like to see more sidewalks. He said Covid slowed the process down with getting sidewalks installed. Mr. Moore stated he hopes they are working a little more efficiently going forward, but he would love to see the City go faster with the sidewalk program.

Ms. Jankowski said that topic was one of his primary concerns when he first ran for office. She stated she had never heard that before from anyone and she thought that was pretty good and to see it coming to fruition she commended him. Ms. Jankowski added the Tree Commission, and the Tree City designation was good, but she felt the sidewalk issue was even better. She thanked him for his time.

7. ADJOURN: 8:11 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