

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE  
CITY OF AVON, OHIO HELD TUESDAY, JANUARY 21, 2020  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

**PRESENT:** Council Members: Council-at-Large – Brian Fischer; 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; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Service Director – Mike Farmer; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

**ABSENT:** 1<sup>st</sup> Ward – Bob Butkowski

1. PRESENTATION REGARDING ESTABLISHING A TREE PRESERVATION AND MANAGEMENT PLAN WITHIN THE CITY Mr. Rick Varga, Arborist

Mayor Jensen advised City Council discussed earlier trying to preserve some of the trees in the area and looking at the whole gamut of tree management plan. He said he asked Mr. Varga to speak again on this topic and it may go to Committee at some point, but he wanted Mr. Varga to first give a brief overview of what he would like to see the City adopt.

Mr. Varga, Certified Arborist in the State of Ohio, advised what they are trying to present is a tree preservation and management plan for the City of Avon. He said many of the surrounding cities such as Olmsted Falls, Westlake and Rocky River already have plans in place to preserve trees. In this way, construction companies cannot just come in and clear lots. They were all aware of areas such as the corner of Jaycox Road and Mills Road where there are no more trees when just two or three months ago that area was all trees. Mr. Varga stated there is a lot to having a tree preservation plan from the practical standpoint that trees are very important in our lives for many reasons. He said what they really want to concentrate on and start thinking about is how they are going to try to save some of our trees in the City of Avon because that can lead to a lot of other aspects as far as the City being designated as a Tree City USA. That designation helps the City in many ways throughout the State and the whole country. Mr. Varga detailed his proposed plan, which is a combination of the City of Westlake, Rocky River and Olmsted Falls.

Mr. Gasior advised the model legislation from Olmsted Falls looks as if it was prepared several years ago as some sections are from 1997 and 2006. He asked Mr. Varga if he knew of any legal challenges for this kind of plan in Olmsted Falls.

Mr. Varga answered not to his knowledge. He added that part of the program he was involved in was with DiBenedetto Builders trying to establish residential homes at Clifton and Columbia Roads and it still has not taken off, so he was not sure what happened in that instance. Mr. Varga stated he identified all the trees at that location for buffer zones.

Mr. Gasior explained that he was curious because that section 1218.02 in the Olmsted Falls code penalizes the removing of trees having a 5” caliper grade without obtaining a permit and he wondered if there was any litigation due to that change.

Mr. McBride advised reading through all the codes for cities with tree management, he did not see where it regulated planting new trees so that the mature drippage would not be over the neighbor’s property.

Mr. Varga said they try to recommend the type of trees and where they are going to be placed and to know what the canopy is going to be like in the next ten years. The yard aspect is that if property owners are going to be planting trees, they want enough trees to establish some type of canopy over the next ten years. He explained

if 5,000 trees are removed and only 2 are planted in their place that is only about a 3% canopy for the City. According to State laws anything that encroaches on another property can be trimmed to the boundary line. Mr. Varga stated there is an amendment to a law in Ohio that says you cannot completely trim a tree to the property line if it is going to cause a detriment to or compromise the integrity of that tree. The whole idea behind having a tree plan in place is to make sure the trees are plotted properly, the proper species according to the proper environment and according to the proper canopy and these need to be taught to whoever will be overseeing this plan. He said he has an extensive tree list because all trees are not adaptable to every site. Trees can be used to create a screen, a sound barrier, drainage and certain trees would be adaptable, and others would be a detriment and they needed to be aware of all the different aspects.

Mr. Witherspoon advised this Council and Administration are all proponents of trees, but unfortunately, they have to deal with the legal end of it as well. He felt it was a matter of whether the property owner has a right on their property to remove trees if they so choose. Mr. Witherspoon stated that while Mr. Varga has not run into this issue yet, he felt it was inevitable that someone would call to task the fact it is their land and equipment that they could do with as they so choose. He said the first thing builders do in Avon is strip the trees out in order to build the maximum number of homes possible. Mr. Witherspoon felt that what they would be dealing with as a Council down the road, were legal matters and they had to keep that in mind.

Mr. Varga stated he worked on a project in Rocky River about 10-15 years ago and they had to make sure a certain number of trees were kept and they had to all be marked and the information taken back to City Council to show them what trees were being saved and included the diameter and the species of the trees for approval by Rocky River City Council on private land. He said the developer still had to abide by the rules of City Council and he is a living testimonial in that case.

Mr. Moore asked if any of the Ordinances from the other communities mention when developers come in and take out trees that they would replant trees as part of the development plan.

Mr. Varga said yes, and they want to make sure that the kind of trees planted are going to be appropriate for that area. He felt they should start moving forward with some aspect of a preservation and management plan for the residents of Avon. Mr. Varga stated a lot of people call him asking what is going on when large amounts of trees are removed from an area. He felt it was advantageous for the City to go forward and implement something to show they were working on it. Mr. Varga advised grants are available to communities designated as Tree City USA. He knew Rocky River received a \$50,000 grant from Tree City USA to plant trees. He said that is just one of the many things that segues into what can be done as a City and they want to work together with the developers to see what trees can be saved and the City will be better for it.

Mayor Jensen asked if the grant monies mentioned would provide improvements to the parks with regards to trees.

Mr. Varga said absolutely, and he included information in their handout about becoming a Tree City and the benefits were not only ecological aspects.

Mr. McBride said in order to do this the right way moving forward he felt the approved plat, the topography, should designate where they can plant certain species of trees. He stated it very well may be that the builder who is charging someone \$300,000 to \$500,000 for a house should plant the trees and do it the right way. Mr. McBride felt it would be another layer to the selection process with the home buyer like choosing flooring materials and paint colors.

Mayor Jensen felt it would be similar to deciding the trees for the curb lawns. He advised there might be some initial pushback, but then it would just become part of what needs to be done in the developments.

Mr. McBride felt there should be requirements whether they are residential or commercial and said the site plan would be approved based on meeting those requirements for trees.

Mr. Varga advised to keep in mind that the hope is to work with developers to see what trees can be saved and as a result they may not have to plant as many trees.

Mr. McBride said he did not want to keep a tree at the end of its life cycle because he did not want to spend money to take that tree down in the next five to ten years.

Mr. Varga agreed that would all be part of the consideration process. He said that was the reason they identify the species of the tree and the age of the tree as it was all important and each tree has its own longevity and that was all a part of the evaluation process.

Mr. Fischer asked if Mr. Varga felt it was better to work with the developer during the planning stages versus passing an Ordinance.

Mr. Varga said they have done it both ways and that is what needs to be discussed.

Mayor Jensen believed they were still going to want an Ordinance to back it up.

Mr. Moore asked the typical cost of planting a tree.

Mr. Varga said usually the cost is in correlation of the diameter of the trunk. In general terms, it was \$250 for 2" diameter, \$350 for 3" diameter. He stated it also depends on the species of tree. Mr. Varga mentioned they would also have to consider the lot size as to the number of trees that would be appropriate. He said when this topic is discussed further, they will have to consider the canopy and there is software that they use for cities that shows the canopy of trees that are here now. Mr. Varga mentioned the canopy today is a vast difference from what was here ten years ago.

Mrs. Holtzmeier advised she was glad they were talking about trees, but felt it was not too far to jog to look at landscaping and beautification. She said there are two different areas whether it was residential or commercial and there are different expectations and specifications and uses of land. Mrs. Holtzmeier stated when it comes to all of Avon's commercial build that is going in, especially Avon's retail build, when looking at the plans sometimes the landscape plan seems a little light and generally it was a matter of funds. She said if it is not required to install something that will last or will not get so large as to obscure a sign or get in the way of a good line of sight of an entrance then the developer will not do it. Mrs. Holtzmeier asked Mr. Varga if he had any experience on the retail front for providing some guidelines.

Mr. Varga said absolutely, that he has years of experience. He stated he recently helped the City of Cleveland Heights with some of their projects and he went over the plans with their engineer a couple of times.

Mrs. Holtzmeier stated her biggest angst is without some minimum specifications as to the diameter or other size requirements of plantings, a lot of times they end up with something that does not last more than one or two seasons and then are not replaced.

Mr. Varga agreed and said that is what they want to be aware of because soil conditions and plant species are all different. He said they need to be aware of where they are planted and how they are planted. The City of Cleveland's arborist, when they have a project such as this, goes out and watches the crews plant trees to make sure it is done properly.

Mr. McBride felt it needed to be done in both residential and commercial areas. He said he has seen private projects where things are just hurried in and the trees are not doing well. In that instance he stated samples should be sent to Ohio State and when the analysis comes back, they investigate the landscape architect and determine if there was negligence. Mr. McBride said he has seen cases where a parking lot area was never removed but covered over with soil.

Mr. Varga recommends proper officials be on-site to inspect certain aspects of the development and there were a lot of variables.

Mayor Jensen indicated he would be in contact with Mr. Varga once a committee meeting was set to discuss this further.

2. [ORDINANCE NO. 5-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \\$4,020,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING RECREATIONAL FACILITIES IMPROVEMENT GENERAL OBLIGATION \(LIMITED TAX\) BONDS, SERIES 2011 \(YMCA PROJECT\), DATED MAY 10, 2011](#) Mr. Logan  
Second of Three Readings at a Special Meeting Immediately Following this Work Session
3. [ORDINANCE NO. 6-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \\$8,345,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION \(LIMITED TAX\) BONDS, SERIES 2012A, DATED JUNE 28, 2012](#) Mr. Logan  
Second of Three Readings at the Special Meeting Immediately Following this Work Session
4. [ORDINANCE NO. 7-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \\$8,900,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION \(LIMITED TAX\) BONDS, SERIES 2012B, DATED JULY 18, 2012](#) Mr. Logan  
Second of Three Readings at the Special Meeting Immediately Following this Work Session
5. [ORDINANCE NO. 8-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \\$12,875,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION \(LIMITED TAX\) BONDS, SERIES 2013, DATED JUNE 26, 2013](#) Mr. Logan  
Second of Three Readings at the Special Meeting Immediately Following this Work Session
6. [ORDINANCE NO. 9-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \\$5,135,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING NAGEL ROAD INTERCHANGE GENERAL OBLIGATION BONDS \(LIMITED TAX\), SERIES 2014, DATED JUNE 18, 2014](#) Mr. Logan  
Second of Three Readings at the Special Meeting Immediately Following this Work Session

Mr. Logan advised he appreciated Council considering the second reading tonight at the Special Meeting and the third reading and adoption would hopefully be next week at the Regular Meeting to allow them to go forward with the refunding of these bonds. He said the bond counsel, Squire Patton Boggs, was in the process of putting the official statement together and in the process of contacting Moody's and getting a rating meeting scheduled. Mr. Logan stated the interest rates are remaining steady and it looks very favorable to do this refunding and generate savings in excess of \$2 million.

7. [ORDINANCE NO. 12-20 – TO AWARD THE PUBLIC BID TO CONSTRUCT BUILDING ENVELOPE AND HVAC IMPROVEMENTS AT THE AVON POLICE STATION](#) Mr. Cummins

Mr. Cummins advised the bid opening was held on January 10<sup>th</sup> and they received five bids with the low bidder being Crown Commercial Construction. The bids were reviewed by Clark & Post Architects. Ron Cocco from Clark & Post is present tonight if Council has any specific questions about the bids. He said Mr. Cocco found that Crown Commercial Construction was the lowest and best bid received and recommends that a contract be awarded to undertake this work.

8. RESOLUTION NO. R-1-20 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY THOMAS I. AND MELANIE M. HRICOVEC, TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 4431 STONEY RIDGE ROAD, PERMANENT PARCEL NO. 10-04-00-012-103-079, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 21.5 ACRES Mr. Fischer

A Public Hearing will be held on Monday, January 27, 2020 at 7:25 p.m.

- 8a. ORDINANCE NO. 13-20 – TO AWARD THE BID FOR THE DESIGN, PERMITTING, PROVISION & INSTALLATION OF A FIRE TRAINING FACILITY Mr. Cummins

Mr. Cummins advised on January 9<sup>th</sup> bids were opened for the re-bid for the fire training tower installation behind the Fire Station on Detroit Road. With the re-bid, they received three bids with the lowest being from American Fire Training Systems, Inc. The bids were reviewed, and American Fire Training Systems was found to be the lowest and best. He stated it is his recommendation that City Council proceed with awarding the construction contract to American Fire Training Systems for this installation.

Mrs. Holtzmeier asked with the new bid, if the days to complete were still the same at 210.

Mr. Cummins believed so and said this is the company that had been working with the Fire Department in planning for this project and to his knowledge it was in the 200-day range for completion.

- 8b. ORDINANCE NO. 14-20 -DETERMINING TO PROCEED WITH CITY IMPROVEMENTS, NAMELY, (1) FRENCH CREEK ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD AND (2) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO Mr. Gasior

Mr. Gasior advised this is the next step in the process of going forward with the sanitary sewer project on French Creek Road. He said they have gone out to bid and the Ordinance he did not include tonight was the actual award of the bid as it all happened relatively fast on Friday and over the weekend. Mr. Gasior explained next Monday night in addition to the Ordinance to proceed here, he would have the Ordinance to award the bid.

Mr. Cummins believed they received six bids on the re-bid. They received a bid that is very competitive and the difference between the lowest bid and the second lowest bid was just over \$1,000. The bid was within the range that it can be awarded and is from a very reputable company that has done work in Avon previously. He said the low bidder, Fabrizi Trucking & Paving Company, Inc., did part of the Chester Road project adjacent to Walmart. The review of the bid is being finalized now, but Mr. Cummins said at this point, he has no reason to think they would not be in a position to award that bid.

Mr. Gasior thanked Mr. Cummins for the update and said they prepared the Ordinance to proceed, which is a statutory requirement. He said he should have included the Ordinance to award the bid, but it would be sent out to Council prior to next Monday when they would be asked to act. Mr. Gasior stated with regards to the bid, it is in that fifteen percent range, but it might go over the fifteen percent. He advised there may be a Public Hearing prior to the start of the meeting next Monday to fulfill the requirements of the statute and they would give notice of that Public Hearing this week. Under the statute the notice is required to be published 48 hours prior. Mr. Gasior stated this will be a big step toward getting that sewer installation started.

Mayor Jensen asked Mr. Cummins when the road paving project in connection with this sewer project would go out for bids.

Mr. Cummins stated now that they have an acceptable bid and an estimated time frame, they have the basics for the paving bid already put together, they just need to insert the dates to correspond when that project is

projected to be finished. He said he could easily be back asking for authorization to bid as early as the first meeting in February.

8c. RESOLUTION NO. R-2-20 – DISSOLVING THE ASSESSMENT EQUALIZATION BOARD CREATED SEPTEMBER 9, 2019 BY RESOLUTION NO. R-25-19 TO HEAR OBJECTIONS RELATIVE TO THE IMPROVEMENTS OF (1) FRENCH CREEK ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD AND (2) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

Mr. Gasior

Mr. Gasior advised this is a housekeeping item as there was an unusual circumstance. He said the Clerk formally received one objection in writing to the assessment and the Assessment Equalization Board had to be created to handle that one objection. As soon as the hearing was set and the notice was sent out to the one objector, they came in and formally withdrew their objection. Mr. Gasior stated he wanted the records at City Hall to clearly indicate that the Equalization Board was established, there was an objection, that objection was withdrawn and now he was asking Council to formally dissolve the Equalization Board. In that way, for future reference it can be seen that the Equalization Board was created, but they will also see that it was dissolved. He added also for future reference when an Equalization Board meets what happens at the end of that process is the Equalization Board prepares a recommendation to City Council on how to address each objection and then Council will approve or disapprove of the recommendation of the Equalization Board by Ordinance. Mr. Gasior clarified in this case, the one objection was withdrawn, and the Board technically sat out there and he wanted to clean up the record. He mentioned it is unusual to have one objection and then have it withdrawn.

9. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 was absent.

MRS. HOLTZMEIER, AT LARGE asked for a brief update on the City's Bike Master Plan.

Ms. Fechter advised there is a meeting scheduled for this Thursday evening with the schools to finalize some details. It would then come before Planning Commission hopefully in February for recommendation to City Council. She said what they are working on right now is finalizing the plan to apply to NOACA. It is going to be a constantly changing document, but she said they need to get something established now to get it in place so that as developments come in, if there is a piece of that path within that development, they can get it taken care of. Ms. Fechter stated she understands there are still a lot of questions about the different areas and how the City is going to accomplish those and there is still time to work on that plan.

Mrs. Holtzmeier advised they are getting a lot of questions from residents about those areas.

Ms. Fechter stated they have had a lot of conversations about a possible Parks and Recreation Committee Meeting to discuss exactly what City Council wants to see and how it would be incorporated into the plan and how they would move forward.

Mrs. Holtzmeier asked if there would be an update to the plan to communicate. She said originally, they had a preliminary version.

Mr. Cummins advised they have a final version that the NOACA Administration has signed off on and that is the version that will be submitted to Planning Commission. Over time, if it changes, then there would be revisions to it as it moves along. Mr. Cummins added the plan would need to come through Council for approval and the City will be looking for guidance as to whether that will be a Parks & Rec Committee Meeting or just submission and Council's consideration.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MR. FARMER, SERVICE DIRECTOR had no comments.

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

MR. GASIOR, LAW DIRECTOR thanked Mr. Farmer and the Street Department for cleaning the snow off the streets.

MR. LOGAN, FINANCE DIRECTOR advised they sold the water notes last Wednesday to a company called Federated, who bought them last year; they were basically rolling over the notes. He said the City received a 1.10% yield on these notes and that is the lowest rate that the underwriter can remember on a note in Ohio since September 2017. Mr. Logan stated they will be issuing some new notes once we are closer to the Elizabeth, Joseph, Puth, Detroit project that was placed in the budget, but he would update Council as they get closer to that time.

AUDIENCE: There were no comments from the audience.

- 10. ADJOURN: 8:12 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