MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE CITY OF AVON, OHIO HELD MONDAY, FEBRUARY 17, 2025 IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING AT 7:30 P.M.

PRESENT: Council Members: Council-at-Large – Mary Berges; 1st Ward – Jennifer Demaline; 2nd Ward - Dennis McBride; 3rd Ward -Tony Moore; 4th Ward - Scott Radcliffe; Council-at-Large – Michelle Patton; 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

Council President Brian Fischer called the meeting to order.

1. DISCUSSION OF RESOLUTION NO. R-7-25 - TERMINATING COLLECTION OF THE 2.0 MILL POLICE OPERATING LEVY, THE .50 MILL POLICE EQUIPMENT LEVY AND THE .50 MILL FIRE EQUIPMENT LEVY EFFECTIVE JANUARY 1, 2026, SHOULD THE .20% INCOME TAX INCREASE FOR FUTURE FUNDING OF THE POLICE/FIRE DEPARTMENTS PASS ON MAY 6, 2025 (ISSUE NO. 3) Mayor Jensen/Mr. Presley

Mayor Jensen advised as they discussed previously, if the ballot issue for the income tax increase passes, they will be removing these three levies from the property tax duplicates. He said by passing this Resolution, it memorializes it for the voters and property owners of Avon to see that the City is making good on their promises. Mayor Jensen stated some residents have expressed concerns that if the income tax increase passes that there was nothing requiring Council to terminate those property tax levies. He indicated this is one way to show Avon residents that they intend to follow through and this is one way to reassure the residents that the City is serious. Mayor Jensen noted that Mr. Gasior did a good job in preparing the Resolution explaining that these property tax levies will no longer be collected if the income tax increase passes. He advised there is still another year of collection on these property tax levies and if Council were to just let it run its course, that would be another full year of collection, and he does not want to do that. Mayor Jensen said typically the property tax levies would be on the November 2025 ballot seeking renewal or replacement. He indicated that memorializing it by passing this Resolution was a way to reassure the residents that they will keep their word.

Mrs. Demaline thanked Mayor Jensen for asking that the Resolution be prepared and presented as she was pleased to see it on the agenda. She advised in preparation for the upcoming Finance Committee Meeting next week, she asked if they could provide some more talking points about Police and Fire services. Mrs. Demaline said for example, the number of runs year to year and calls for services and that kind of thing. She stated she knows there was a one-page explanation of the proposed ballot issue that was then shared on social media, but as they continue to get questions, she felt it would be great to give the residents more facts and hard numbers.

Mr. Moore advised he has a slide presentation for the upcoming Finance Committee Meeting with one page devoted to the Police Department and one page for the Fire Department that outlines those facts. He noted that both Chiefs would be present for that committee meeting as well to elaborate on the subject.

Mrs. Demaline thanked Mr. Moore for the update.

2. ORDINANCE NO. 6-25 – AMENDING SECTION 1262.08(c) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING MINIMUM YARD REQUIREMENTS FOR ACCESSORY STRUCTURES Planning Referral

A Public Hearing will be held for Ordinance No. 6-25 at 7:25 p.m. on Monday, February 24, 2025.

The third of three readings of Ordinance No. 6-25 will be held on Monday, February 24, 2025.

Ms. Fechter apologized for her absence last week and pointed out that she provided to Council from Ms. Clements a three-page outline of the current code and the proposed changes with the hopes they can better visualize what is being requested.

3. ORDINANCE NO. 10-25 – TO AMEND THE PLANNING AND ZONING CODE SECTION 1280.06(ee)(1) "SUPPLEMENTAL REGULATIONS FOR CERTAIN USES" TO ALLOW RESTAURANTS WITH NO INDOOR SEATING IN THE C-3 AND C-4 ZONING DISTRICT, SOUTH OF I-90 Planning Referral

The second of three readings of Ordinance No. 10-25 will be held on Monday, February 24, 2025.
A Public Hearing will be held for Ordinance No. 10-25 at 7:25 p.m. on Monday, March 10, 2025.

Ms. Fechter advised she has spoken with the applicant as well as the applicant's representatives to let them know that while they are a very nice company and the City would love to have them in Avon, she does not believe that the Administrative Staff was looking to recommend a Code change to allow them to be located south of I-90. She said the applicants are aware and understand the importance of having the three readings as a formality, but that it was unlikely Council would be in favor of changing the Code.

Mr. McBride advised those kinds of businesses are reducing their footprint and reducing their costs and ultimately it brings down the property tax value of that property, even if it is located north of I-90. He said the City may not receive a lot of the property tax money, but he felt this is hurting the schools in many ways. Mr. McBride stated it would be nice if the City could require that all commercial businesses and every structure be built with premium materials which would ultimately benefit the schools, but he understood that was not realistic.

Mayor Jensen advised he and some other Administrative Staff had a productive meeting with Council Member Ms. Patton where they talked about whether the City wants to change some of the required standards including materials used. He indicated they would continue to work on the suggestions brought about from that meeting and hopefully bring something forward to Council through Planning Commission first to request changing some of those things. Mayor Jensen said he agrees with Mr. McBride if businesses are making it cheaper then what keeps the value of the property. He stated he felt they have been very good as a community to try to bring the standards up for Avon and that they do not want to lower their standards. Mayor Jensen advised he has noticed that 7Brew in Sheffield Village appears to be doing well, but it could lower the property value in certain areas of Avon and that is the one thing he felt they wanted to stay away from. He said changes to materials used and having an architectural review process throughout the City and not just in the French Creek District he felt would help. Mayor Jensen noted that the Jacobs Group has their own Architectural Review process, but the City does not have that throughout the City and he felt that was something that is going to be important to regulate moving forward.

Mr. McBride advised he believed the Auditor's website indicates if premium materials are used and it is reflected in the structural rating average noting that the higher the rating, obviously the more of a taxable value that is assigned to that property.

4. ORDINANCE NO. 12-25 – TO ACCEPT THE TENTATIVE AGREEMENT REACHED IN THE MATTER OF THE CITY OF AVON AND TEAMSTERS, LOCAL 52 (BUILDING INSPECTORS) (SERB CASE NUMBER 2024-MED-11-1340) Mr. Gasior

To be Discussed in Executive Session Toward the End of this Work Session
And Addressed at a Special Meeting Immediately Following this Work Session

Mr. Gasior advised this topic will be covered in the Executive Session.

5. ORDINANCE NO. 13-25 - TO ACCEPT IMPROVEMENTS IN FIELDSTONE LANDING SUBDIVISON NO. 2 Mr. Streator

Mr. Streator advised this is the second phase of Fieldstone Landing, which is located on the north side of Schwartz Road. He said everything was complete when they did the walk through except that the electric company was still out there working, and he hoped that would be finished this week and he would present that information to Council next week noting that the routing sheet was provided to the Clerk.

6. ORDINANCE NO. 14-25 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO PROVIDENCE EVANGELICAL FREE CHURCH, INC., (a.k.a. PROVIDENCE CHURCH), TO INCLUDE A 13,000 SQ. FT. GYMNASIUM/CLASSROOM ADDITION AT THEIR FACILITY LOCATED AT 35295 DETROIT ROAD Planning Referral

Ms. Fechter advised Providence Church is requesting to add some classrooms and a gymnasium with a 13,000 square foot addition to their current 27,336 square foot facility for a total of 40,351 square feet. She said the applicants have gone in front of the Planning Commission with their request and all comments have been addressed and are now seeking Council approval to amend their Special Use Permit to include the addition.

Mr. Fischer asked if any residents came before the Planning Commission regarding this request.

Ms. Fechter advised she does not believe so. She added that Pastor Abbuhl from the Church was present if Council had any specific questions about the addition.

Note - A clarification was made by Ms. Fechter regarding this topic during “Reports and Comments” time at the end of the meeting.

7. ORDINANCE NO. 15-25 – TO AWARD A BID FOR THE SCHWARTZ ROAD WEST RESURFACING PROJECT Mr. Cummins

Mr. Cummins advised on January 6th they held a public bid opening at City Hall and received eight bids with the apparent low bidder being Specialized Construction, Inc. noting that this company worked on projects for the City last year and did a nice job. He said Specialized Construction’s bid came in at just over 23% below the engineers’ estimate, so the City received a good price early in the season. Mr. Cummins stated the bid was reviewed and he would recommend that it be considered the lowest and best bid for the project.

Mr. Fischer asked about the projects that Specialized Construction did for the City in the past.

Mr. Cummins advised Specialized Construction, Inc. did two projects for the City in 2024; Schwartz Road from Nagel Road to Westlake city limits and Long Road.

Mr. Fischer advised everyone seemed pleased with how the 2024 Schwartz Road project turned out.

Mrs. Demaline advised when this project was brought up last, it was mentioned that construction would go forward, but the road would not close, rather it would be traffic controlled.

Mr. Cummins confirmed that to be correct. He said during the day the project would have flaggers and the like where/when needed.

Mrs. Demaline advised they were nice and early in the season with receiving these bids and she asked if they knew when the work would begin.

Mr. Cummins speculated that he would imagine they would get started around mid-April as that is generally when the weather turns. He said after the project is officially awarded, they have contracts to get executed, materials to be secured, and paperwork reviewed which generally takes a month to six weeks before they can get started.

Mrs. Demaline advised previously she mentioned that she had concerns about the soccer season and the volume of cars in and out of Schwartz Road Park, and she asked for confirmation that the work would only be taking place normal business hours during the work week.

Mr. Cummins confirmed and noted that unless they ask for special permission, which would have to be granted by Mr. Streator, to work on the weekends.

Mrs. Demaline thanked Mr. Cummins.

8. ORDINANCE NO. 16-25 – TO AMEND AND SUPPLEMENT APPROPRIATIONS Mr. Presley

Mr. Presley advised there were three supplemental appropriations as follows:

Capital Improvement Fund No. 401
Increase Buildings by $65,000 for the Eagle Point Restrooms as this was not included in the Original Budget.

Increase Purchase of Land by $270,000 for the purchase of the Urig property as this was not included in the Original Budget.

Total Change in Fund 401 $335,000.00

Mikulic Preserve Fund No. 418
Increase Purchase of Land by $1,200,000.00 as this was not included in the Original Budget.

Total Change in Fund 418 $1,200,000.00

Grand Total of All Supplemental Appropriations $1.535,000.00

Mr. Presley advised that the City would be reimbursed around $810,000 from the State of Ohio of the $1.2 million spent on the purchase of the Mikulic property.

Mrs. Demaline asked for a refresher on the Mikulic property.

Mayor Jensen advised the property is off Stoney Ridge Road near Mills Road at the city limits to North Ridgeville. He said it is near the main force line that feeds the water tower and goes back to the Camelot Estates. Mayor Jensen stated that the Mikulic family is happy that the City will be using that property as a preserve, and it is approximately 30 acres, and the City is happy to keep another piece of property from being developed.

Mrs. Demaline asked for clarification that the grant from the State of Ohio was the reimbursement amount that Mr. Presley mentioned. She asked as to the status of the Mikulic property, if the City has fully acquired that property.

Mayor Jensen advised that is the reason for the supplemental appropriations so that the City can fully acquire that property. He said everything necessary has been done and he felt it should be finalized within the next month and should be in the City's name at that point.

Mrs. Demaline asked about the plans for the property once it is fully acquired.

Mayor Jensen advised at this point; they are just looking at placing some walking trails on the property noting that there are three houses along that area of Stoney Ridge Road where the property is located. He indicated the City is looking to install a parking area in between the existing houses to park vehicles and access the trails. Mayor Jensen said they were not sure at this point if they would connect the trails to the Camelot Subdivision. He advised he would like to get some advice from the Police Chief to decide the safest way to connect the proposed trails to different areas. Mayor Jensen noted that Willoway Nurseries also abuts the Mikulic property. He stated it can only be a passive park noting there could be no sports fields or even Frisbee disc golf located on this property.

Mrs. Demaline thanked Mayor Jensen for the refresher on that property.

Mr. Fischer asked Mr. Streator about the status of the restrooms at Eagle Point Park with the $65,000 from the Capital Improvement Fund No. 401.

Mr. Steator advised last year they budgeted for the restrooms and started constructing them late in the year and the monies did not carry over from last year. He said they are about a third of the way constructed when there was nicer weather a couple weeks ago. Mr. Streator stated most of it is under roof now and they hope to get more work done inside to get the walls constructed and the rest of the construction should go fairly quickly.

Mr. Fischer asked if there was an expectation of when those restrooms will be completed.

Mr. Streator advised depending on the weather, he would estimate sometime in April.

Mr. McBride said he is assuming they plan to install lighting for the evenings and infrared cameras.

Mr. Streator confirmed that there would be electricity, and they budgeted for an increase in cameras.

Mr. Cummins advised regarding the grant for the Mikulic property that the grant is in the amount of $800,000 and is through the Clean Ohio Green Space Conservation Program that is administered by the Ohio Public Works Commission and the grant was awarded in 2024 and is a reimbursement grant.

9. RESOLUTION NO. R-6-25 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY WILLIAM M. HRICOVEC, TRUSTEE, AND ABBY L. HRICOVEC, TRUSTEE TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 3570 STONEY RIDGE ROAD, PERMANENT PARCEL NO. 10-04-00-011-107-225 CONSISTING OF 10.33 ACRES AND LAND LOCATED AT 37114 HALSTED LANE, PERMANENT PARCEL NO. 10-04-00-011-107-177 CONSISTING OF 1.35 ACRES DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT Mr. Gasior

A Public Hearing will be held for Resolution No. R-6-25 at 7:20 p.m. on Monday, February 24, 2025

The first of three readings of Resolution No. R-6-25 will be on Monday, February 24, 2025

Mr. Gasior advised these kinds of requests are renewals that take place every five years and the property owner is required to submit to the municipality first and then it goes back to the County once the City has approved it then the County will continue that Agricultural District designation on the property. He said if Council has any specific questions about these renewals, to give him a call and he would be happy to explain further.

10. REPORTS AND COMMENTS

MAYOR JENSEN advised there was a snow event on Sunday morning, February 16th. He said there are about 20 Streets and Parks Department employees that help with clearing snow and 18 of them were out in two separate shifts working to clear the snow on Sunday into Monday. Mayor Jensen stated they were able to keep most of the roads clear and did some additional cleanup today. He noted these employees worked about 12 hours shifts and he felt that 18 employees working overtime on the weekend was an excellent turnout noting that there were 2 Utilities Department employees who also worked to help during the snowstorm. Mayor Jensen believes they utilized every truck possible, and he is told that there is still plenty of salt even though they have used quite a bit and there is another snowstorm predicted. He reminded everyone that the City crews used to only salt the main areas and intersections, and the side streets were only plowed and not salted and now they salt all the roads as they plow noting that initially the focus is to clear the main thoroughfares and then focus on the side streets. Mayor Jensen said the crew did a great job and he appreciates the hard work and the City is fortunate to have the employees that we do who want to help our residents.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE thanked the Streets, Parks and Utilities Department employees for taking such good care of our City and helping the residents to stay safe.

MRS. DEMALINE, WARD 1 inquired if Mr. Gasior had follow-up information from the Lorain County Board of Elections Board Meeting that was held last week regarding the updates to the ward map and precinct/voting locations.

Mr. Gasior advised he did not have any new information on that yet. He said the Board of Elections was to have their meeting last Thursday and those decisions were made, and he surmised that the Lorain County Board of Elections will eventually be sending out mailers to the residents. Mr. Gasior stated he could try to find out a little bit more information and provide Council with an update next week. He advised he was told that the Board of Elections would adopt the map and then eventually send out a postcard to notify the residents of their polling places in their precincts and their ward. He added he would see what additional information he could find out.

Mayor Jensen advised he spoke with the Board of Elections recently and he noted that they are focused on the May Primary/Special Election. He said everything should be finalized and approved regarding the new ward boundaries and it was now getting that information out to the voters. Mayor Jensen agreed that someone looking to run for a ward Council seat in the upcoming election, they may have to contact the Board of Elections to confirm their ward noting that the Board of Elections may not have an answer for that question right away as the Board of Elections is focused on the May Primary and not the November General Election at this point.

MR. MCBRIDE, WARD 2 said the Service Department did a great job clearing the snow and he commented that Sunday mornings are a tough time finding employees willing to work overtime. He stated it was a good thing that so many were willing to come out and plow the streets on a Sunday. Mr. McBride asked Mr. Streator to pass along his thanks and gratitude.

MR. MOORE, WARD 3 reminded everyone that the discussion for the income tax ballot issue would be held at the Finance Committee Meeting next week on Monday, February 24, 2025 at 6:30 p.m. He said there still seems to be a lot of people who are concerned about what it is and how it will affect them, and he invited all those interested to attend. Mr. Moore advised there would be plenty of time to answer any questions and to become informed on the issue.

Mr. Moore advised regarding the upcoming discussion on the proposed sidewalk improvement areas noting that he and Mrs. Demaline have been collaborating on the State Route 83 area. He said he also mentioned looking at the east side of State Route 83 hoping to get sidewalks installed connecting to South Park in the Highland Park Subdivision sooner rather than later. Mr. Moore stated he was anticipating potential changes to what State Route 83 will look like after the intersection improvement project. He asked Mr. Cummins if the 2025 plan includes any of those areas.

Mr. Cummins advised he has added those areas to the list for 2025 for Council to consider. He said he would get that finalized and sent over to Mayor Jensen and get it distributed, and a decision can be made about what Council wants to proceed with as far as sidewalk improvements.

Mr. Moore thanked Mr. Cummins, noting that he appreciates his efforts.

MS. PATTON, AT LARGE, thanked Mayor Jensen and Ms. Fechter for meeting with her this afternoon to discuss the sign plan and architectural review processes. She felt the meeting went well and a lot of ideas were bounced around and she was excited to move forward with those ideas.

MR. RADCLIFFE, WARD 4 said he appreciates all those who worked hard plowing the snow to clear the roadways.

MR. FISCHER, AT LARGE asked if the City was confident there was enough salt left in the supply with at least a month left of winter.

Mr. Streator advised the City received the amount ordered and they have approximately 3,000 tons on hand currently.

Mr. Fischer asked how much salt was typically used during/after a snowstorm.

Mr. Streator advised he was guessing around 600-700 tons of salt. He felt the City was in good shape.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR, clarified that there was one resident that came to the Planning Commission meeting regarding the proposed addition for Providence Church (Ord. No. 14-25). She said the resident is a relatively new resident who lives at the far end of Covington Place who told the Commission that while she thought the proposed addition was beautiful and that she was happy for the church, but she came to meeting to find out when future development would be behind her backyard. Ms. Fechter stated there are no current plans in front of the City for any expansion to go that far back, but she wanted to clarify that one resident did attend the meeting.

Ms. Fechter advised the Metro Parks are moving forward with the former Bob-O-Links property and have purchased the property at 4488 Jaycox Road. She said the Metro Parks asked for permission from the Landmarks Preservation Commission to have the property removed from the list of historical landmarks with the intent of demolishing the current house and that has been granted noting that the house would most likely be leveled this week or next. Ms. Fechter advised the Metro Parks will be on the next Planning Commission agenda requesting to amend their Special Use Permit to include a parking lot and trailhead in case any residents contact a member of Council.

MR. GASIOR, LAW DIRECTOR advised Top Golf is coming to Avon as they all know, and informed Council that Top Golf wants to do a TREX transfer of a liquor license. He said they may recall a previous TREX transfer request from others, one of which was Pinspiration on Detroit Road. Mr. Gasior stated these are transfers that are usually made when a significant economic investment in the community is being made. He advised it is obvious that with Top Golf, the facility qualifies for that description as he believes Top Golf will be somewhere around $25 million with more than 100 employees. He said with that in mind, if there are no objections, Mayor Jensen will execute the TREX transfer application and send it back to the parties that are handling it out of Tampa, Florida on behalf of Top Golf.

Mr. Gasior advised that Mr. McBride pointed out to him that he found the maps on the Lorain County Board of Elections website, and he noted that the Board of Elections have already identified the new ward boundaries, and he believes the precincts, and it was now a matter of the Board of Elections getting the letters out to the voters and that should be relatively soon. He said the notices will provide information on where they vote in May. He noted that he would still double check to see if he could find out more information on it.

Mrs. Demaline asked if the City website would be updated with the new maps as well.

Mr. Gasior advised Mr. Cummins was the one who produced the shape file.

Mr. Cummins said once the precinct boundaries come back to the City from the County, that information could be added to create an updated ward map showing the updated precincts.

MR. PRESLEY, FINANCE DIRECTOR, made no comments.

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

AUDIENCE:

There were no comments made by the audience members.

11. <u>EXECUTIVE SESSION:</u> 8:03 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Enter Into Executive Session for the Purpose of Discussing a Collective Bargaining Agreement and to Discuss the Purchase of Real Estate and invite Mayor Jensen, Mr. Gasior and Mr. Streator, and the vote was: Ms. Berges, “yes”; Mrs. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

12. <u>RECONVENE:</u> 8:22 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. Demaline, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Ms. Patton, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”.

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

13. <u>ADJOURN:</u> 8:23 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