

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE  
CITY OF AVON, OHIO HELD MONDAY, MARCH 2, 2020  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

**PRESENT:** Council Members: 1<sup>st</sup> Ward – Bob Butkowski; 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

1. [ORDINANCE NO. 25-20](#) – REAPPROPRIATIONS

Mr. Logan

Mr. Logan explained the re-appropriations as follows:

Capital Project Funds

2019 Road Program Fund No. 409 (Nagel Road Widening)

Increase appropriations \$160,636.83 for the OPWC share of this project. OPWC has made its payments directly to the contractor. This amount will be recorded as revenue in the fund too, as part of the OPWC Grant/Loan for this project. The City was awarded \$250,000.00 grant and \$250,000.00 loan funds from OPWC.

Detroit/Nagel Road Intersection Fund No. 404

Reduce appropriations (\$481,280.00) for preliminary design engineering expenses that will not be spent this year.

2020 Road Program Fund No. 410

Increase appropriations \$962,560.00 as per the attached schedule for the 2020 road program projects listed.

Mr. Logan noted the French Creek Road pavement project is the entire length of French Creek Road and the budget needed to be increased. He said they have also added the pavement resurfacing for Doovy's, Julia and Miriam in these additional funds for the road program.

Detroit Road/SR 83 Intersection Fund No. 415

Reduce appropriations (\$481,280.00) for preliminary design engineering expenses that will not be spent this year.

Chester Road/American Way Improvements Fund No. 486

Increase appropriations \$61,737.74 for the OPWC share of this project. OPWC has made its payments directly to the contractor. This amount will be recorded as revenue in the fund too, as part of the OPWC Grant/Loan for this project. The City was awarded \$250,000.00 grant and \$250,000.00 loan funds from OPWC.

Total Capital Project Funds Re-appropriations \$222,374.57

Total Re-appropriations all funds \$222,374.57

2. [ORDINANCE NO. 26-20](#) - APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED

CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH

Mr. Gasior

Mr. Gasior advised this is the semi-annual update of the Ordinances through the Codifier, American Legal Publishing. He said he was still looking at a couple of things as there was an issue with a traffic offense code. Mr. Gasior stated the State made some changes in the Traffic Code and in talking with Sgt. Ruppel, it is thought that the State may have inadvertently eliminated the offense regarding expired plates. He indicated they were still looking into the situation and he hoped to have it resolved by next Monday when City Council votes. The section of Avon's Code that is problematic is 436.09. Mr. Gasior indicated otherwise everything else is okay and is related to Ordinances this Council passed that changed the Codified Ordinance section as being adopted.

3. ORDINANCE NO. 27-20 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LORAIN COUNTY PUBLIC HEALTH (LCPH) TO PROVIDE CERTAIN PHASE II STORMWATER SERVICES IN THE CITY Mr. Cummins

Mr. Cummins advised this is a continuation of an agreement that the City entered a couple of years ago. He said as part of the Phase II program, they inspect outfalls where various storm sewer pipes come out into public waterways such as creeks and the like. Mr. Cummins stated if there is something they see at the time of that inspection, an odor or a flow; when there should not be a flow, they investigate to track it down. He said if they need testing as part of that investigation, this agreement would allow them to call upon Lorain County Public Health to come take those samples and do those tests and provide the results. Mr. Cummins advised the current agreement expired at the end of 2019 and this agreement will take them through the end of 2020.

4. ORDINANCE NO. 28-20 – ADOPTING THE JANUARY 14, 2020 REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY Planning Commission Referral  
First of Three Readings on Monday, March 9, 2020  
A Public Hearing will be held at 7:25 p.m. on Monday, April 13, 2020

Mr. Cummins advised in 2019 there was a major overhaul of the standards and changed the organization, formatting issues and the like. Since that time, he along with the Utilities Department and Service Department are consistently looking to make corrections and additions to these standards as warranted. In the time since those updates were passed in August of 2019, there have been some issues come up that have been identified. He said they have put together a listing of those revisions and have marked the current standard and Council was provided a copy of the revised redline version. Mr. Cummins stated now that the format has been established and they have standardized things it will be very easy to track what the proposed revisions are going forward.

5. ORDINANCE NO. 29-20 – TO AMEND SECTIONS 1222.02, 1278.03, 1280.05 AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY TO INCLUDE GARDEN CENTER ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE M-1 GENERAL INDUSTRIAL AND M-2 LIGHT INDUSTRIAL DISTRICTS Planning Commission Referral  
First of Three Readings on Monday, March 9, 2020  
A Public Hearing will be held at 7:20 p.m. on Monday, April 13, 2020

Ms. Fechter advised they are asking Council to consider looking at the M-1 zoning for permitted uses. She said a garden center came before the Planning Commission wanting to locate on the corner of Jaycox Road and Mills Road. Ms. Fechter stated what they have asked for is to rezone the property to commercial. She said many on Council are aware of all the uses available in commercial districts. Ms. Fechter advised they looked at possibly allowing garden centers in the M-1 district. She stated she was working with Mr. Gasior and they were seeking input from City Council. They currently are considering it as a Special Use to have some control over how they set up their operations. Ms. Fechter indicated they are considering requiring a three-acre minimum with a 300-foot frontage so a typical buildable lot could not claim this special use. She invited Council to let her know of any additional restrictions they would like to be considered as requirements.

Mr. Gasior advised the key pieces in Exhibit A are the two definitions that would be created and add "Garden Center" to Section 1278.03. He said things get a little more difficult when they start looking at 1280.05 where they would be deciding that minimum lot requirement and they are suggesting a minimum three-acre lot and a minimum of 300' of frontage, which is a little different from the rest of that district's requirements. The district usually requires, except a hospital, a one-acre and 150' of frontage. Mr. Gasior stated in 1280.06 would be the Special Use stipulations for a garden center. He felt the key is the outdoor storage/outdoor display because the City has regulations governing both and Section 1278 has its own regulation governing that type of activity in an industrial district. Mr. Gasior advised they would be making sure to tighten the restrictions on that outdoor display/outdoor storage. He recommended Council look at it and that their input is welcome and said they may see something that the Administration missed.

Mr. Radcliffe asked regarding the parcel being considered with regulating 300' of frontage if it has to be continuous feet of frontage as the one side would be split.

Ms. Fechter clarified it would be the frontage on Mills Road, whatever is considered the front of the parcel.

Mr. Radcliffe asked regarding the intersection if it would be helpful to try to keep the main entrance, for any boxed trucks or vehicles going in, farther east from that intersection.

Ms. Fechter answered yes. She advised they have also asked them to do a traffic study before they submit a plan to the City because that is a very busy intersection and the City does not want to be bringing in more traffic to exacerbate what is going on in that area already. Ms. Fechter said they have advised the applicant to look at the land and to get the traffic study done and present their findings to the Planning Commission and then the Commission will determine what needs to happen from that point. She stated best case scenario might be a turn lane or worst case they might be looking at adding a traffic signal.

Mayor Jensen said another nice thing about a Special Use Permit is that the City can add restrictions as they see fit.

Mr. Radcliffe advised that for the other road located off Jaycox Road, Fairway Drive, they would not want to impact those residents negatively with vehicles turning in and out at that location.

Mayor Jensen advised that is one reason they want to have those other options to ask them to move or change some things with the Special Use. He felt it would be hard to restrict some things, but this will allow some flexibility.

Mr. McBride said the issue of where that entrance should be located, particularly when it is on a corner, impacts the traffic flow of those driving through the intersection and creates problems with motorists trying to exit. He stated they may want to look at outside rack storage systems as he felt some big box stores look like an abomination. Mr. McBride felt if they are going to be allowed in an enclosed area then items do not get stored outside of the enclosure. He said stacking mulch in parking spaces was not acceptable.

Mr. Butkowski asked with regards to the traffic study if they could also make sure they are including the Jaycox Road intersection at Mills Road from the North Ridgeville section because making a left turn onto Mills Road toward SR 83 already is a heavy traffic area. He felt that should be taken into consideration because that impacts a lot of people from Avon that are travelling back into the City from that direction. Mr. Butkowski advised the City already has garden centers within the City and Pettiti's is in an M-1 District and he asked if Pettiti's is under a Special Use for their current operation.

Ms. Fechter believes Pettiti's is on a property that has an overlay so they are a C-4/M-1, but she will double check that information.

Mr. Butkowski said the Landmark Lawn and Garden Supply, down the street from this proposed location is a C-4/M-1 overlay, but Pettiti's property is showing an M-1 district only.

Mr. Gasior said that might be the case. He stated he is going to have to go back and look at that file because he is not absolutely sure as it has been 10-12 years since Pettiti's took it over from that gaming/party center that used to be located.

Mr. Butkowski said he is asking from a consistency perspective and something to consider as he looks at the zoning map. He stated if they are going to do it, they should be consistent and tie up some potential loose ends.

Ms. Fechter advised they did not start Special Use Permits until 2001 so any existing businesses prior to that, when they come to the City with any kind of expansion or other changes, are required to go through the process to get a Special Use Permit because now it is a requirement.

Mayor Jensen said it is interesting that Mr. Butkowski asks because the former Planning Coordinator came into his office recently to argue against the City approving this and it will be interesting to learn what was previously approved for Pettiti's.

- 5a. ORDINANCE NO. 30-20 – REPEALING ORDINANCE NO. 127-19 WHICH AUTHORIZED THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT 2251 CENTER ROAD, PERMANENT PARCEL NO. 04-00-015-110-281 Mr. Gasior

Mr. Gasior advised late last year the City was attempting to make a purchase from this property owner before the property would be lost in a foreclosure. He said the City could never reach an agreement with the property owner and although City Council authorized the Mayor in Ordinance No. 127-19 to enter into that purchase agreement, the terms never worked out to the City's advantage and the agreement was never signed. Mr. Gasior stated the property went into foreclosure and there is no need for the City to sign an agreement as it is a moot point. He said for housekeeping purposes he would like to formally repeal Ordinance No. 127-19.

6. RESOLUTION NO. R-9-20 – TO ADVERTISE FOR BIDS FOR THE ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE AND DETROIT ROAD SANITARY SEWER IMPROVEMENT, PHASE 2 PROJECT Mr. Cummins

Mr. Cummins advised the property acquisition firm, O.R. Colan, has completed most of the appraisals and is starting to make offers to those property owners so that process is moving forward. He said with the anticipation of that coming to completion, they wanted to get the public bid process going and have those bids in hand. Mr. Cummins stated the bid package will be set up so that those bids can be held for ninety days after the bid opening. He said subject to this being approved next week, the bids will go out for a tentative bid opening date of April 9<sup>th</sup> and that will take them into the beginning of July to have a bid awarded although he hopes it happens sooner than that date. Mr. Cummins advised they would do everything they could to keep it moving along as quickly as possible, but this is the first step in doing that project.

Mayor Jensen advised the bids for the French Creek project were not as favorable as they hoped, and they are trying to seek bids for this project earlier in the season to hopefully get more favorable bid results. He knows there are a lot of anxious residents in this project area, although there are some who are afraid of how they are going to pay for it, but many are ready for this improvement to happen. Mayor Jensen stated he went through the neighborhood with some people and they could not believe people were living under those conditions. He indicated he has been pushing Mr. Cummins to move this project forward because they are hopeful the bids will be more favorable the earlier they can get them advertised.

- 6a. RESOLUTION NO. R-10-20 – APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD FOR THE IMPROVEMENTS TO ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE, AND DETROIT ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 6,100-FOOT SANITARY

SEWER SYSTEM ALONG DETROIT ROAD BETWEEN ADDRESSSS 34008 AND 34901, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

Mr. Gasior

Mr. Gasior advised considering they brought forward the Resolution to advertise for bids for Elizabeth Avenue, Joseph Street. Puth Drive and Detroit Road, he wanted to get this Resolution before Council as well. He said the Assessment Equalization Board met the last week of January and the first week of February to hear the 19 property owners that came forward to address their concerns about their pending assessment. The Equalization Board voted in each case to deny any relief. He said he will be preparing the report which will be Exhibit A to this Resolution and Council can then adopt that report. Mr. Gasior stated once adopted, it will be one more hurdle in this process behind them and they can continue to move forward as Mr. Cummins and Mayor Jensen indicated to try to get shovels in the ground come July if not earlier. He said the biggest hurdle they face could be the acquisition of property rights and they were working toward that in the next week or so. Mr. Gasior advised accepting this report is a formality as there was no relief granted to any of the homeowners. He said there did not appear to be any issue with any of them either and he does not believe anyone is going to come to City Council claiming they were treated unfairly and demand relief. Mr. Gasior felt the process was straightforward and everyone accepted the fact that they were going to be assessed. He said some of the questions raised dealt with the surcharge and such, but that was not the forum to raise that issue.

7. REPORTS AND COMMENTS

MAYOR JENSEN advised with the reports of the Corona Virus moving throughout the different states he is hoping this week he would have an email out to City Council as to what the City's plan of action is regarding having a hospital right here in the City and other medical facilities. He said they are reaching out to the medical facilities to talk about what their plan will be regarding test kits and the like. Mayor Jensen stated they are also working with Lorain County Health Department who is putting out notices to communities on a regular basis. He said as more information becomes available, he will make sure that Council is updated, and they can get the information out to their constituents. Mayor Jensen felt they are starting to see a snowball effect through the country and fears could be heightened in this community because we have a hospital and people may be coming here from out of the area. He advised they will also be discussing the protocol for Avon's Police and Fire Departments responding to calls. He said the fear is often the unknown and they were working to get some of the known information out to everyone.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MRS. HOLTZMEIER, AT LARGE had no comments.

MR. MCBRIDE, WARD 2 stated regarding illegal signs posted in the right of way, he believes the City could cite the offenders and they may want to start doing that. He felt they should take pictures before removing the signs for evidence.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 advised he would be absent next week March 9<sup>th</sup>.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE asked the Legal Committee to check their schedules to see what works for setting up a meeting sometime this month to discuss the parking issues brought to his attention.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER advised a letter was distributed to City Council via email that was sent by regular mail to the French Creek residents that includes an exhibit map of the upcoming Briar Lakes Pump Station Abandonment Project, which is the sanitary improvement along French Creek Road. He said he was available if there were any questions. Mr. Cummins stated there may be some staging and some work off of the street the week of March 9<sup>th</sup>; they would actually start construction and have the detour in place on Monday, March 16<sup>th</sup>.

Mr. Cummins advised he would be absent next week March 9<sup>th</sup>. He stated if they have any questions or concerns on any of the agenda items in his department, they should feel free to call him or send him an email and he would try to reach out in advance of next Monday's meeting.

MR. FARMER, SERVICE DIRECTOR had no comments.

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

MR. GASIOR, LAW DIRECTOR had no comments.

MR. LOGAN, FINANCE DIRECTOR advised they had a conference call with a representative from Moody's on Thursday afternoon February 27<sup>th</sup>. He said they were on their way to getting a rating by the end of this week and to issuing a tremendous amount of advance refunded bonds. Mr. Logan said with the interest rates where they are now, they are looking at an overall savings to the City of \$4.5 million. He stated the net present value was about \$3.8 million and they may do all of it or they may hold out the 2011 Series since they will be eligible to be refunded on September 1, 2020, which is 90 days ahead of that call date of December 2020.. Mr. Logan said the other issues 2012A Series, 2012B Series, 2013 Series and 2014 Series have a call date of December 2021. He said he recently read that Ohio had \$38 billion of refunded debt issued in the month of February and only one state, Texas, had more than that amount issued so everyone is "pulling the trigger" on these and they are realizing these much lower interest rates are saving a ton of money for these communities that have that kind of debt. Mr. Logan said they are looking at doing the same thing because if we can reduce our debt service by \$4 million over the next twenty years, that is great. He advised he would keep Council updated.

Mrs. Holtzmeier advised as they are looking to get a new rating or perhaps the same one, she felt it is always a good time to reach out to his peers in neighboring communities to see where their rating stands. She said the last time they looked at neighboring cities they found some interesting information to help put some things into context.

Mr. Logan stated he will ask for a new update on Ohio cities and most certainly the ones that Moody's rates. He said Moody's has more cities in Ohio than the other two rating agencies.

AUDIENCE:

There were no comments from the audience.

8. ADJOURN: 8:03 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