

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, MARCH 20, 2023
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

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

1. [ORDINANCE NO. 38-23](#) - TO AMEND THE PLANNING AND ZONING CODE SECTION 1270.03 SCHEDULE OF PERMITTED USES AND SECTION 1280.05 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NON-RESIDENTIAL DISTRICTS TO REQUIRE A SPECIAL USE PERMIT FOR DRIVE-THRUS IN THE C-4 DISTRICT Planning Referral

The Second of Three Readings will be held at a Regular Meeting on Monday, March 27, 2023

A Public Hearing will be held on Monday, April 10, 2023 at 7:20 p.m.

Ms. Fechter advised there was nothing new to add for discussion of this item.

2. [ORDINANCE NO. 39-23](#) – TO AMEND THE PLANNING AND ZONING CODE SECTIONS 1228.04, 1230.02 AND 1244.06 TO MAKE PRE-APPLICATION MEETINGS WITH STAFF MANDATORY FOR ALL PROJECTS Planning Referral

The Second of Three Readings will be held at a Regular Meeting on Monday, March 27, 2023

A Public Hearing will be held on Monday, April 10, 2023 at 7:25 p.m.

Ms. Fechter advised there was nothing new to add for discussion of this item.

3. [ORDINANCE NO. 43-23](#) – AMENDING SECTION 210.01(g) AND CHAPTER 1442 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING BUILDING PERMITS AND FEES Mr. Streator

Mr. Streator advised Ms. Hanson, the Chief Building Official, has requested that the fees in Section 210 and Chapter 1442 of the Codified Ordinances be updated along with the fee structure. He said in working with Mr. Gasior in reviewing the history between the 210 Section and the 1442 Chapter, they are very similar, and the Chief Building Official reviewed the fee schedule for surrounding communities to bring our fees in line with these other communities. Mr. Streator stated they would also like to update the wording on some of the fees because they are tied to the Cleveland Construction Cost Index.

Mr. Gasior advised Chapter 1442, which is part of the Building Code, has all the fees listed that the Building Department charges. He said the Codifier, American Legal Publishing, tries to duplicate that in Chapter 210, which is where all the fees for the City are located such as Park Fees, Zoning Fees, Planning Commission and the like. Mr. Gasior stated all they are trying to do here is list those fees from 1442 in 210. He advised there were some things that were a little out of order and that is why these updates were broken down into three separate Ordinances. Mr. Gasior said there is nothing earth shattering, with the main change being this Ordinance No. 43-23 which has the two exhibits attached (Exhibit A and Exhibit B) because they deal primarily with Section 210.01(g). He stated when looking at both of those exhibits, they would see that they now correspond directly with one another. Mr. Gasior stated that with Ordinance Nos. 44-23 and 45-23 there were a couple of outliers. He said Section 210.01(e)(7)(B) deals with Park Development and Maintenance Fees and that was the Section that Ms. Hanson wanted to address. Mr. Gasior advised Section 210.01(f)(4)(C) regarding storm water fees and deposits is the drainage charge for gross acreage. He stated those sections kind of sit out by themselves in different parts of Section 210 and they wanted to address those separately. Mr. Gasior said all they are trying to do is raise the fees and put them in some kind of logical order in Section 210.

Mr. Streator pointed out there was one modification that would be in next week's packet that addresses the drainage ditch/covered ditches to clarify that the material cost is to be paid by the property owner and the City performs the labor. He said currently there is a set fee, but they found that to not be a good situation and he reiterated that the City would do the labor, but the materials cost would be charged to the property owner.

Mr. Radcliffe asked if the fees were going to be removed from one section so that there would not be the duplication of fees in the other section.

Mr. Gasior advised they are leaving the fees in both sections making sure that Section 210 covers everything in Chapter 1442. He said at one time, they wanted to have all the fees in Section 210, but the Building Department likes to use Chapter 1442, so it is safer to include them in both. Mr. Gasior stated if they have to make a change to a Section in Chapter 1442 then they will make the corresponding change in Section 210. He advised one of the other problems they were having was that the Codifier labeled some of these in a way that made it very difficult to understand and confusing. Mr. Gasior indicated he talked with the Codifier, and he believes they are on the same page now. He said this is all to keep things clear and the main goal here was to increase the fees, but when they started to go through the existing Code, they realized they needed to make some changes in Section 210 so that it corresponded with the fees listed in Chapter 1442. Mr. Gasior reiterated the fees will be listed in both areas and would mirror each other and confirmed there should be no difference between them when this is all completed.

Mr. Radcliffe asked regarding Mr. Streator's comment if this is for the covering of roadside ditches for backfilling where the drainage ditches are now and for those installing sidewalks along their frontages and the like.

Mr. Streator advised they have always charged a small fee of \$20. He said they wanted to clarify that the property owner pays for the materials and the City would do the labor to cover the ditch.

Mr. Radcliffe asked if the materials would be the drainage pipe and the dirt to go on top.

Mr. Streator advised it would be the drainage pipe and the stone and the City would take care of the rest.

Mr. Radcliffe asked if that would be detailed in the legislation for this change.

Mr. Streator confirmed it would. He advised the cost for materials would depend on the length of the ditch and the size of the pipe that is being installed. Mr. Streator said they felt that would be the most appropriate way to handle it.

Mr. Radcliffe asked if the City has covered supplying materials in the past as well as the labor and the homeowner just paid the \$20 fee to which Mr. Streator said that is correct.

Mr. Gasior indicated that revision mentioned would be made this week and Council would have it before next week's vote. He pointed out that revision would be made in both exhibits A and B and he reviewed the corresponding sections the revisions would be listed under. Mr. Gasior said he believes they now have it in order for the Chief Building Official and others to know exactly what the charges are going to be.

4. [ORDINANCE NO. 44-23](#) – AMENDING SECTION 210.01(e)(7)(B) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING PARK DEVELOPMENT AND MAINTENANCE FEES

Mr. Streator

Mr. Streator advised this piece of legislation is very similar to the previous Ordinance as they were updating the language and adjusting the rates that follow the Cleveland Construction Cost Index and the Ordinance is reflecting those changes.

Mr. Gasior advised there is no corresponding section as these fees only appear in Section 210.01(e)(7)(B) so that is the only place it is being amended.

Mrs. Demaline stated the amended table where the updated fees are listed does not show an asterisk by the amounts, but there is an asterisk by the statement that the fees are adjusted annually by the Cleveland Construction Cost Index.

Mr. Gasior indicated that he would add the asterisk by each of the updated fees to correspond with the noted sentence that correlates with the asterisk. He stated the Chief Building Official would like for those rates to be adjusted annually by the Cleveland Construction Cost Index so he will make sure the asterisk is beside each one of those rates.

Mrs. Demaline inquired as to when the last time that these fees were increased. She said the amount shown more than doubled in certain areas.

Mr. Streator advised the current rates proposed in the legislation are what is currently being charged by the Building Department.

Mr. Gasior advised the Index is published in July of each year.

Mrs. Demaline inquired if they want the fee for each new dwelling unit to be the same as they do for commercial development or did they want the commercial fees to be a bit higher. She asked if they strictly mirrored each other. Mrs. Demaline said she knows the City is always looking to make it worthwhile to have commercial development in Avon and help fund the other needs that come along with that development.

Mr. Gasior advised this Ordinance probably has not been adjusted in over ten years and that is the reason for the significant increase listed in the fee table. He said as far as where the numbers came from, he would have to get back to her with that answer and let her know how the Chief Building Official arrived at those amounts. Mr. Gasior said perhaps she took a sampling of fees from surrounding communities and came up with the fees based on that data. He stated tying the fees to the Cleveland Construction Cost Index will avoid having to come back to Council each year to update the fees.

Mr. McBride advised that the Chief Building Official may already be using the Cleveland Construction Cost Index to determine the current fee schedule.

Mr. Gasior agreed and suggested that may be the case that by applying the annual rate each year we come to this point, but he would like to double check with the Chief Building Official and find out exactly how she calculated the amounts.

Mrs. Demaline asked Mayor Jensen his thoughts on these rates.

Mayor Jensen advised they have not adjusted them in the Ordinance and the reason they want to tie them to the Cleveland Construction Cost Index. He said if they look at the other rates that tie to that Index, they have not had to worry about going back and updating the fees each year. Mayor Jensen stated they felt this one was a service provided within the Building Department, but as these fees have been so low compared to the amount of work that is put into it that the Chief Building Official came to them asking that they be adjusted. He advised he does not believe they are asking too much, but it is a good idea to compare and see what the commercial development is being charged. Mayor Jensen said in some instances they have tried to keep the commercial rates lower because they may be trying to lure that business to choose Avon, but he felt these fees were not going to hurt any commercial development.

Mrs. Demaline inquired if the adjustment was enough to compensate from where we have been.

Mr. Streator advised in looking at the fee schedule that the commercial fee starts at the same rate as the dwelling unit, but most commercial development is bigger than 2,000 sq. ft. He said that is where they start getting into the calculations based on square footage or a portion thereof prorated.

Mr. Radcliffe advised he felt the flat fee for the basic was fine. He inquired if the last two were one for residential and one for commercial. He said the residential amount would top out at 3500 sq. ft. but a commercial structure

could be 20,000 or 30,000 sq. ft. so the fee would be much higher. Mr. Radcliffe said he is not understanding the difference in the last two columns.

Mr. Streator clarified the (a) and (b) are related to the commercial fees only. He said for a dwelling unit it was a fee of \$1,467.88, but if it is a commercial structure then the size of the structure is considered.

Mrs. Demaline inquired if dwelling unit should be clarified to mean only residential or was that a redundant term. She asked where a multi-family structure would fall into this equation.

Mr. Streator advised the second section states, "each new commercial and other non-residential developments" so that covers everything other than a dwelling unit.

Mr. Gasior advised dwelling unit is defined in the Code as a place where people live. He said that would include single-family, a duplex or a townhouse. Mr. Gasior advised in the 1990's Council felt they could include the non-residential fee at the same base rate and that has carried through all these years. He said he believes the Chief Building Official is trying to clean up some of the language and use the Cleveland Construction Cost Index to avoid the need to come back before Council to increase the fees each year.

Mr. Fischer asked if the fees are adjusted annually by the Cleveland Construction Cost Index, does it have to come back before Council each year.

Mr. Gasior advised when Mr. Logan was the Finance Director, he knows that he collected the data from the Cleveland Construction Cost Index and then he would publish a new rate for everyone and distribute it to the Department Heads and he thought the Clerk was provided that data to technically inform Council of the increase.

Mrs. Demaline asked if this legislation is passed would the rates adjust again in July when the Cleveland Construction Cost Index releases their numbers to which Mr. Gasior answered yes.

Mayor Jensen clarified it does not always mean a change because if the Cleveland Construction Cost Index does not change then fees do not change. He advised he felt it was a good indicator based on inflation costs similar to our Parks fees.

Mr. Gasior advised he believes the CCCI only went down once in twelve years, but the increases have been very small as inflation was not on the rise until recently.

Mrs. Holtzmeier confirmed Mr. Gasior was correct and said that Council did receive a memo from the Finance Director last July talking about the fees tied to the Cleveland Construction Cost Index. She said that has been a continual notification that Council has received each July. She said also the storm water fees are tied to it and Mr. Logan did indicate that the increase last July was 5.88% over the previous year.

5. [ORDINANCE NO. 45-23](#) – AMENDING SECTION 210.01(f)(4)(C) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON DEALING WITH STORM WATER FEES AND DEPOSITS Mr. Streator

Mr. Streator advised this adjusts the storm water fees as just discussed for the developments.

Mr. Gasior speculated that the Codifier never gets the memo that the Finance Director circulates every year updating the fees that are associated with the Cleveland Construction Cost Index. He said so what is in the Code reflects the fee that may have been sent down to the Codifier back as far as 2004. Mr. Gasior stated because that information was not being sent to the Codifier, but just by memo to the Department Heads letting them know of the increases based on the Cleveland Construction Cost Index, the Codifier was not picking up those increases each year so the number being amended is much lower because it could be a number from who knows how far back. He advised but they are bringing the numbers up to date in all of these three Ordinances and they are tied to the Cleveland Construction Cost Index. Mr. Gasior suggested the Clerk of Council could send the memo to the Codifier that is provided to her from the Finance Director each year to reflect the changes in the Code online so that everyone is clear on what the fees are. Mrs. Brooks advised she would be happy to do so.

6. RESOLUTION NO. R-20-23 – TO ADVERTISE FOR BIDS FOR THE 2023 PAVEMENT MARKING PROGRAM Mr. Cummins

Mr. Cummins advised this is our annual program to reapply pavement markings throughout the City. He said this legislation is an authorization to bid. Mr. Cummins stated they would secure public bids and bring them back to Council making a recommendation to potentially award a construction contract for this work.

7. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 advised she read in the Mayor's newsletter that there is a change in the curbside branch chipping pickup service. She asked Mr. Streator if he could elaborate on that program change.

Mr. Streator advised what they were finding out is that the previous system for picking up branches by starting at one end of the City and going through the entire City not knowing who had branches curbside was not a very efficient way of doing it. He said with the change, residents now call into the Service Department (440) 937-5729 and have their address added to a list so a route can be created for our crews to pick up the branches more efficiently.

Mrs. Demaline felt that was fantastic and said it is certainly an improvement in efficiency. She inquired if there was a way to request it online through the City website as she believed the article mentioned that as well.

Mr. Streator advised yes, there is a way. He said they also are working on setting up an online request form on the City website under the Service Department <https://www.cityofavon.com/683/Curbside-Chipping> that sends an email to add the address to the pickup list.

Mrs. Demaline advised that is one of the questions she gets asked most often and she thanked him for assigning a process to be more efficient. She asked Mr. Streator if he could keep Council updated on improvements and updates to processes that would be fantastic.

Mr. Streator said he could definitely do that.

MRS. HOLTZMEIER, AT LARGE had no comments.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 advised he would be absent for the April 3rd Work Session. He advised he was at the corner of Nagel Road and Detroit Road by Drug Mart, and he noticed there were all kinds of temporary signs posted in the right-of-way. Mr. Moore said with the nicer weather it seems there are more of these kinds of signs popping up. He stated it is unsightly to see these signs and suggested more enforcement in that area.

Mr. Streator advised our Community Service Officers at the Police Department have been assisting Ms. Clements, the Zoning Enforcement Officer in this area. He said while citing these companies sounds like a good idea, it would be very time consuming. Mr. Streator stated after a phone call is made to the offending company and the City pulls these signs up that they seem to get the message.

Mr. Moore said it is free advertising for these companies and he suggested they be cited or pay the City for advertising.

Mr. Streator stated they are trying to stay on top of that and usually their signs are disposed of before the company comes to pick them up. He advised it is an ongoing issue and other communities are dealing with similar concerns, but they have put in an effort to get those picked up.

Mr. Moore said he knows they put in an effort, but he still sees people doing it all the time.

Mr. Streator agreed it is very challenging to keep up with.

Mr. McBride suggested the fine be the same as littering; \$500.

MR. RADCLIFFE, WARD 4 advised there is a chance that he may not be here on Monday, April 3rd. He clarified he should be here, but he was flying in to Cleveland that day and wanted to update everyone of the possibility that he could be absent should there happen to be delays.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE agreed that the new way for picking up branches by using an address list was good. He felt there should be more advertising to get the word out to the residents rather than just the newsletter.

Mr. Streator advised they were pleasantly surprised at how many calls they were getting from people adding their address to the pickup list. He noted that if someone has branches on their tree lawn and did not call to add their address to the list, the crews would not just drive on past that address and not pick up their branches.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

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

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

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

AUDIENCE:

There were no comments from the audience.

8. ADJOURN: 8:07 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