

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, APRIL 12, 2021
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:00 P.M.**

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

ABSENT: Service Director – Mike Farmer

Council President Fischer welcomed everyone back and hoped they had a nice Easter and Spring break.

1. [ORDINANCE NO. 27-21 – TO AWARD THE PUBLIC BIDS FOR THE 2021 AVON PAVEMENT MARKING PROGRAM](#) Mr. Cummins

Mr. Cummins advised public bids were opened on March 18, 2021 and they received 4 bids and the low bid was JD Striping & Services, Inc. He believed this company did the work for this program in Avon two years ago and did a nice job. Mr. Cummins said it is their recommendation to move forward with entering a construction contract with them to complete the work.

2. [ORDINANCE NO. 28-21 – AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL \(NOPEC\) 2021 ENERGIZED COMMUNITY GRANT\(S\)](#) Mr. Logan

Mr. Logan advised this is the same authorization Council has given the Administration the last couple of years. He said NOPEC asks that an Ordinance be passed to accept the grant by June and then they have until October to submit for the grant. Mr. Logan stated the grant is at least \$80,000 and it must be used on some sort of energy improvement project. He advised the project has not been decided for these grant funds yet and they were open to suggestions and this is the first step in getting the grant approved.

Mr. Radcliffe asked if this is the third or fourth year for this grant.

Mr. Logan advised it is at least the third year and maybe the fourth. He said one year the grant funds were used for traffic signal improvements and he believes last year some of the funds were used for the flashing speed limit signs on various streets.

3. [ORDINANCE NO. 29-21 – TO AMEND ORDINANCE NO. 38-15 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED SEASONAL CASHIER FOR THE CITY](#) Mayor Jensen

Mayor Jensen advised in talking with the Recreation Coordinator Ms. Harasimchuk, this position, and the one following this one needed a little adjustment to make them competitive to help retain employees.

4. [ORDINANCE NO. 30-21 – TO AMEND ORDINANCE NO. 54-14 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED SEASONAL RECREATION SPECIALIST FOR THE CITY](#) Mayor Jensen

Mrs. Holtzmeier asked regarding the other seasonal roles the City has for the summer if they were being filled.

Mayor Jensen advised there was room in the pay ranges of the other seasonal positions to adjust and these were two positions where there was not that needed room.

Mrs. Holtzmeier inquired if they were finding that the City can get qualified candidates for seasonal positions.

Mayor Jensen said so far. He added they are having to make some adjustments with the lifeguards as certification classes are filled and the City may end up conducting its own certification classes prior to the pool opening to get those new lifeguards certified. Mayor Jensen confirmed the City has people on staff who are qualified to conduct those classes to certify lifeguards. He advised they were still waiting for the official announcement from the County Health Department, but what they are hearing unofficially is that by June 1st all restrictions will be lifted. Mayor Jensen stated until that is official, they do not want to plan too far in advance. He said he would keep Council updated as to any announcements as they move forward. Mayor Jensen advised they have every intention of opening the pool this year and would most likely start to sell season tickets soon.

5. ORDINANCE NO. 31-21 – TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,600,000 BOND ANTICIPATION NOTES OF THE CITY OF AVON, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNERS' PORTION AND THE CITY'S PORTION OF THE COSTS, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, RELATED TO THE IMPROVEMENT OF ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE, AND DETROIT ROAD BETWEEN THE ADDRESSES OF 34008 AND 34901 BY THE CONSTRUCTION OF A SANITARY SEWER, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO Mr. Logan

First of Three Readings at the Regular Meeting Immediately Following this Work Session

Mr. Logan advised this is rolling over the notes from last June which is financing the sanitary sewer project in that area. He said he would like to point out with these notes, unlike the notes they have issued in the past, in Section 3 of the Ordinance there is a sentence that reads; "The Director of Finance may determine whether the Notes will be subject to optional redemption by the City before maturity in the Certificate of Award...". Mr. Logan stated that means that the City has a ninety-day call provision in the legislation so that when these notes are issued in June then any time after ninety days, they City can call these notes back and issue bonds. He advised the point being that the project should finish up by the end of the summer with roughly one-third of this cost being assessed to the 107 property owners as they are all aware. Mr. Logan said at some point, the City will want to bond this out whether it is this year or next year and this call provision allows for that to happen. He advised secondly, with the City's recreation facility notes that come due in September that are around \$6.5 million and depending on interest rates they may consider bonding that out as well on a fixed term. Mr. Logan stated the call provision in these notes gives the City the ability to do that any time after ninety days from the issuance of these notes.

6. ORDINANCE NO. 32-21 – TO AUTHORIZE A DEVELOPER'S AGREEMENT FOR GEIS COMPANIES, LLC Planning Referral

Mr. Gasior advised there is still discussions going on between Geis Companies and Bendix over who will sign the Developer's Agreement. He said he does not believe there is a problem with the terms of the Developer's Agreement, but it was a matter of who is going to execute it. Mr. Gasior stated the way the legislation and attached agreement was on the assumption that Geis Companies was going to execute it and he is going to ask that it be removed from the Regular Meeting agenda and once that issue is resolved between Geis Companies and Bendix it would come back in front of Council. He added that the City is not responsible and is not paying for any portion of the traffic signal, but it is being paid for 100% by either Geis Companies or Bendix and then the Jacobs Group for their contribution for the south side of Chester Road. Mr. Gasior reiterated this is not anything that the City is going to be paying for and he was sure they would have the issue resolved in the next week or so and would bring it back.

Mr. McBride advised in the third Whereas clause of the Ordinance, Geis Companies is listed as the owner of the site.

Mr. Gasior advised it is his understanding that the Lorain County Port Authority owns the property, but he believes Geis Companies owned it for a very short time.

Mr. McBride questioned that the Lorain County Port Authority owns the property where Bendix is located.

Ms. Fechter confirmed that to be correct and advised at this time the Port Authority did the bonding for the project.

Mr. McBride felt that was not typical.

Ms. Fechter agreed and said currently there is some additional financing that was given to them through the County and that the Port Authority owns the building during construction and then there will be a lease term for awhile and then the building will be turned over to Bendix.

Mr. McBride asked if Geis Companies should be listed as the property developer in those two Whereas clauses.

Mr. Gasior advised he would be addressing all those issues when revising the legislation. He said it was not as significant as to who owns the property as much as it is significant of who is going to take the responsibility for posting the Performance Bond, the Maintenance Bond, miscellaneous deposits, and all those things that are required once the traffic signal is installed. Mr. Gasior stated with Geis Companies being the main construction company on the project, it looks as if they will be the ones doing it noting that he will have to make the correction in the Whereas clauses that Geis Companies does not own the property and that they are just the construction manager of the property.

7. RESOLUTION NO. R-5-21 – TO ADVERTISE FOR BIDS FOR THE JAYCOX ROAD-SOUTH PAVEMENT RESURFACING PROJECT Mr. Cummins

Mayor Jensen advised he is asking that Council remove both this Resolution and Resolution No. R-6-21 from the Regular Meeting agenda tonight. He stated in talking with Mr. Logan, it looks like the City income tax collection is ahead of what they originally anticipated. Mayor Jensen said they would like to instead do two different projects than these two with one being a pavement resurfacing project on Chester Road between Jaycox Road and Lear Industrial Parkway. He advised Mr. Cummins has that updated information and they may ask for a Special Meeting to get that passed next week. Mayor Jensen advised the other paving project they would like to do instead is on Nagel Road between the hospital and the railroad tracks going north. He said those two repaving projects look like they may be a little bit low in terms of cost estimates, but if the City can do a couple of more projects this year they would like to, but they want to make sure those prices come in competitively. Mayor Jensen stated typically advertising for bids at this time of year is not as advantageous as if they did it earlier in the year, but they would still like to take a chance to see if there were some companies willing to provide competitive pricing.

Mr. McBride advised he sent Mayor Jensen a note and they have not had a chance to catch up and discuss it, but the section of roadway on Just Imagine Drive from Nagel Road to the eastern terminus, all those concrete joints have issues. He said it has been a request from Shur-Tech the past couple of years to have some improvements done to the road. Mr. McBride stated he did not know if they could ask for an alternate bid for that section of roadway.

Mayor Jensen advised that section probably will not be improved this year, but it was certainly something they could look at with the fall budget. He said he believes Mr. Cummins has done some preparation work on that area already, but the difficult part with that section of roadway is that structurally the road is not bad.

Mr. Moore inquired if there is a way to tie the projects all together to get more of a competitive bid.

Mayor Jensen advised that is what they are looking at trying to do. He said the Jaycox-South project especially, as that project is an estimate of \$1.4 million. Mayor Jensen stated that is a road program in and of itself.

Mr. Moore advised that section of roadway is looking pretty beat up.

Mayor Jensen advised they are looking at doing Jaycox-South for sure next year and then will consider some ancillary roads around that area if the prices are good. He stated Mr. Loeser, the Streets Superintendent, looked at Nagel Road and agreed it is in bad shape. Mayor Jensen indicated they were looking into putting a traffic light at the intersection on Nagel Road where Health Campus Blvd and Lear Industrial Parkway meet if they get the road improvements in as close to the cost estimates somewhere around \$391,000. Mayor Jensen added if they can add several areas such as Chester Road between Jaycox and Lear-Nagel and then Jaycox-North as well as Nagel-North that are within proximity to be resurfaced that possibly they could do them all this year.

Mr. Radcliffe asked if Chester Road from Jaycox Road to Lear-Nagel Road would be able to be widened with a turn lane.

Mayor Jensen advised they are holding off on that because they are still hoping that once the property to the south is developed that widening the road would be at the developer's cost.

Mr. McBride said if he recalls correctly at the last meeting the Mayor indicated he was going to look at Lear Industrial Parkway/Health Campus Blvd. at Nagel Road and whether a traffic light was warranted for those at Primrose School and others to be able to exit onto Nagel Road easier. He advised it would alleviate a lot of the issues and potentially before that section of Chester Road is improved, they may want to consider not allowing a left turn onto Lear Industrial Parkway off of Chester Road to keep the traffic flowing, but that would require a traffic engineering study.

8. [RESOLUTION NO. R-6-21 – TO ADVERTISE FOR BIDS FOR THE JAYCOX ROAD-NORTH PAVEMENT RESURFACING PROJECT](#) Mr. Cummins

Mr. Fischer indicated the discussion on the previous item included this item as well.

9. [RESOLUTION NO. R-7-21 – SUPPORTING THE SUBMISSION OF A MEMBER DESIGNATED PROJECT FUNDING REQUEST RELATED TO THE SURFACE TRANSPORTATION REAUTHORIZATION ACT THROUGH CONGRESSMAN BOB GIBBS OF OHIO'S SEVENTH CONGRESSIONAL DISTRICT FOR THE STATE ROUTE 83 AND STATE ROUTE 254 INTERSECTION IMPROVEMENT PROJECT](#) Mr. Cummins

Mr. Cummins advised the City was approached by Representative Gibbs' office as there is a move afoot to go back to what used to be called earmarked projects that are now called member designated project funding. He said they are looking for communities to provide projects for consideration for that type of funding. Mr. Cummins stated there are some specific requirements that the projects should already be in the ODOT and NOACA funding system and that they would be using those cost estimates as guidance for the funding request. He advised Avon has two projects that fit that bill: Res. No. R-7-21 which is State Route 83 and State Route 254 Intersection Improvement Project, and the other project Res. No. R-8-21 is the French Creek Greenway Phase 1 Project. Mr. Cummins said both of those projects currently have some amount of federal funding, with the intersection project through a safety grant program and the trail project through a Transportation for Livable Communities Initiative (NOACA) grant. He stated both are funded at less than 80% of the total project cost for those federal funding streams. Mr. Cummins advised this would allow the City to ask from our current federal funding level up to a federal funding level of 80% of those costs. He said that is what Res. No. R-7-21 and Res. No. R-8-21 are intended to do by submitting applications to Congressman Gibbs' office to consider those projects for additional federal funding.

Mayor Jensen advised this is to try to get more funding. He said they have not moved forward with any of these projects as Council would have to approve that, but this legislation with Res. No. R-7-21 and R-8-21 is asking for more funding for these projects, then Council will have to pass something at some point to move forward with the engineering.

Mr. Fischer asked what the intersection project will look like.

Mr. Cummins advised the stage one plans for that project have been completed and submitted to ODOT for review. He said they were currently working on stage two plans that are due in September. Mr. Cummins stated this request would total a little over \$1.5 million to get the City from its current safety program funding level up to that 80% maximum federal funding level criteria set in this program.

Mr. Fischer asked if the project would add traffic lanes or widening or just resurfacing.

Mr. Cummins advised it is all those things; it is adding through lanes, new traffic signals, emergency vehicle preemption, resurfacing, widening in certain areas and turn lanes. He said the project stretches all the way from Healthway Drive to just east of Avon Commons. Mr. Cummins stated there would be additional lanes through the congested area, but then merge back to the current section.

Mr. Radcliffe asked when they should expect to hear back from Mr. Gibbs' office.

Mr. Cummins advised he does not have a solid answer for that, but what he has heard in the news that this is something that may come about heading into the summer and fall. He said he does not know whether they would know officially one way or the other sooner than that.

Mr. Jensen advised with this funding they looked at trying to make up some of the costs the City would incur, but this project is moving forward whether the City receives funding or not. He said they may remember in last year's budget that they planned to keep it moving along for the improvement of the SR83 and Detroit Road intersection.

Mr. Butkowski asked if this funding would come directly from the federal government or does it have to get approval through NOACA.

Mr. Cummins advised all federal funds come through NOACA. He said if one of these applications would be successful and be granted and earmarked from a specific funding line and piece of legislation, it would be federal funds; it would flow through NOACA, but then it would be governed by ODOT. Mr. Cummins stated it would follow ODOT's processes and would have to meet ODOT plan criteria, design criteria, etc.

Mr. Butkowski inquired if it was a pass-through with NOACA or does NOACA have to approve it. He advised he knows that NOACA receives federal funding and then NOACA decides how that funding gets distributed. Mr. Butkowski asked because this is a specific application for the City of Avon he wondered if it then goes through NOACA as a pass-through or does it go into NOACA overall.

Mr. Cummins advised to his understanding, for funding streams like this, it goes through NOACA and in a sense it gets voted on by NOACA's Boards and they amend their project listing to reflect this funding, but it is dedicated to this specific project. He said the funds can only be spent on the approved project; it is earmarked for this project.

Mr. Butkowski asked for clarification that it does not hurt us from receiving other NOACA funding.

Mr. Cummins said he does not know how to answer that. He said NOACA seems to have their very specific set of rules and how they would look upon this, he did not know. Mr. Cummins added that he does not believe that it would hurt us, but how they would look at it internally he does not have an answer to that question.

10. [RESOLUTION NO. R-8-21 – SUPPORTING THE SUBMISSION OF A MEMBER DESIGNATED PROJECT FUNDING REQUEST RELATED TO THE SURFACE TRANSPORTATION REAUTHORIZATION ACT THROUGH CONGRESSMAN BOB GIBBS OF OHIO'S SEVENTH CONGRESSIONAL DISTRICT FOR THE FRENCH CREEK GREENWAY PHASE 1 PROJECT](#)

Mr. Cummins

Mayor Jensen stated regarding the French Creek Greenway Phase 1 project, once Mr. Cummins shows Council some of what was prepared regarding that trail and the side of French Creek Road proposed for its location and such as what it is going to look like in front of all those houses, then they could move forward and ask for approval of the next step in the process. He said he sent Council a smaller version of what the path would look like so that they have an idea, but they are looking at a Committee Meeting around the first part of May for residents to see what the trail is going to look like and answer any questions at that time.

Mr. Cummins clarified that from what he is understanding, this type of funding is not only coming from Congressman Gibbs himself, but it seems that Congress-wide they are starting to get a listing of projects available for each of those Congressional districts so they can try to get that level of funding incurred. He indicated these requests are not only for this district, but Avon is in the Seventh Congressional District of which Congressman Gibbs represents.

11. REPORTS AND COMMENTS

MAYOR JENSEN had no further comments.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no further comments.

MRS. HOLTZMEIER, AT LARGE had no further comments.

MR. MCBRIDE, WARD 2 said he wanted to reiterate that a request came in asking for some upgrades to Just Imagine Drive from Nagel Road to the eastern terminus.

Mr. McBride advised across from the old driving range on Chester Road there is a company, Ethos, that looks like they are storing off-road equipment and he did not know whose property all those trucks and equipment is sitting on, but the property is designated as CAUV and that is certainly not a proper use. He said he does not know why that property is there as it has been there for quite a while and he has not heard an explanation as to why it is there. Mr. McBride inquired if the City was receiving any income tax revenue from that operation or were they just using Avon as a convenient place to park their equipment.

Mayor Jensen advised initially they were told it would be a seasonal thing and they have since noticed that it is not seasonal. He said he would have Mr. Schneider, the Zoning Enforcement Officer, go out and inquire again as that three-month seasonal time frame has passed. Mayor Jensen stated sometimes the equipment moves, but most of the times it just sits there.

Mr. McBride agreed and said it is like a storage unit.

MR. MOORE, WARD 3 inquired as to the plans for the sidewalk improvement program this year. He said he knows they were not able to do anything last year but wondered as to the plans for this year.

Mr. Moore advised he and his wife and kids were out for a bike ride recently and he asked the Safety Director if there was a way to raise more awareness about these signs because when they were crossing the crosswalk by Riegelsberger Road on Jaycox Road a motorist blatantly drove right through the lighted crosswalk sign. He said it became even scarier when his family was biking on Jaycox Road and was about to cross over by Saddle Creek and a motorist almost hit his son because she ignored the lighted crosswalk sign. Mr. Moore indicated that while this motorist was driving through the lighted crosswalk her hands were on the steering wheel texting and the car behind this one drove through the crosswalk as well. He stated he wanted to see how they could raise awareness about these lighted crosswalks to remind motorists to pay attention and to watch for pedestrians crossing at these crosswalks. What his family experienced was scary especially since the one driver was texting. Mr. Moore added it was three separate vehicles and two incidences for his family that day and it was upsetting for him to even talk about. He advised it could have been anyone's child and he did not want to see something devastating happen.

Mr. Streater advised they have increased the number of pedestrian crosswalks with the lighted signs in the City and they hoped to install even more of those and raise awareness. He said he would speak with the media and hopefully get some sort of campaign out there.

Mr. Moore felt that would be great and to remind people that they all live here together and they need to watch out for each other.

MR. RADCLIFFE, WARD 4 asked if Mr. Schneider has been able to put together a sidewalk improvement list for this year yet.

Mayor Jensen advised he believes Mr. Schneider has the list prepared and he would get that out this week to Council. He reminded them that if any of the Council Members have a suggestion for an area that needs improved with sidewalks, to let him know and they could be added to the list.

Mr. Radcliffe advised the raising of the bridge sidewalk by Summer Hill Drive and Jaycox Road turned out very nice and he appreciates the improvement for those residents.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE reminded Council that this is the last combined set of meetings. He appreciates Council's patience with adjusting to the schedule. Mr. Fischer advised barring any unforeseen issues they would be back to regular meeting schedules beginning next Monday, April 19th with a Work Session beginning at 7:30 p.m. and the Regular Meeting held the following Monday, April 26th. He said there is light at the end of the tunnel with the pandemic and he again said how much he appreciated everyone adjusting their schedules during this unprecedented time.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER reminded Council that they are heading into construction season and advised over the past week they have scheduled four different pre-construction meetings of various projects. He said the first will be the resurfacing of French Creek Road and Moore Road beginning the week of May 3rd. Mr. Cummins reiterated it is becoming that time of year and there will be more and more of those types of projects coming.

MR. FARMER, SERVICE DIRECTOR was absent.

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

MR. GASIOR, LAW DIRECTOR had no further comments.

MR. LOGAN, FINANCE DIRECTOR had no further comments.

MR. STREATOR, SAFETY DIRECTOR had no further comments.

AUDIENCE:

No comments were made from the audience.

- 12. ADJOURN: 7:33 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