

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, APRIL 15, 2019
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

CHAIRMAN, CRAIG WITHERSPOON, CALLED THE MEETING TO ORDER

PRESENT: Council Members: 1st Ward – Bob Butkowski; Council-at-Large – Brian Fischer; 3rd Ward - Tony Moore; 4th Ward — Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Service Director – Mike Farmer; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

ABSENT: Council-at-Large – Tammy Holtzmeier; 2nd Ward - Dennis McBride

The following items were considered in this Work Session:

1. [ORDINANCE NO. 25-19](#) – GRANTING A SPECIAL USE PERMIT TO THE RUFF CARLTON, LLC TO AUTHORIZE THE USE OF ANIMAL BOARDING FOR THE PROPOSED LUXURY DOG HOTEL AND DAYCARE TO BE LOCATED AT 1290 CENTER ROAD Planning Commission Referral

Mr. Gasior advised there has been an ongoing problem with this development with regards to the owner of the property. He said they know that the owner of the property is the Exchangeright Net Leased Portfolio 9 DST (Delaware Statutory Trust). The owners leased the property to Advanced Auto and now Advanced Auto is going to lease to Ruff Carlton, LLC. But, it is not clear that the owner is going to permit that lease. Mr. Gasior stated he has asked for a written statement from the owner that they understand and are aware of what the Ruff Carlton is intending to do with this property. He said the attorney for the Ruff Carlton called him on Friday (4/12) in response to his email explaining that Council may be able to provide him a little more time, but by the Regular Meeting on Monday, May 13, 2019 it would have to be voted down if the City has not received the proper documentation and this attorney understood and accepted that deadline. Mr. Gasior relayed apologies from this attorney to City Council and said they may have an alternative plan if they cannot get the proper ownership consent and he appreciated Council waiting until May 13th to act.

2. [ORDINANCE NO. 32-19](#) – TO AMEND THE SPECIAL USE PERMIT GRANTED TO NICK RAK TO ALLOW HIS TENANT, BAR NOVA, TO CONSTRUCT A NEW STAMPED CONCRETE OUTDOOR PATIO WITH RETAINING WALL AT 36816 DETROIT ROAD Planning Commission Referral

Ms. Fechter advised she is currently working with Mr. Burik of the Architectural Review Board in the French Creek District and Council should be receiving the information in the next day or two. She requested if there is a Special Meeting later this week that this Ordinance be on the Agenda for consideration.

3. [ORDINANCE NO. 34-19](#) - TO AMEND SECTION 1040.02 AND 1040.09 OF THE CODIFIED ORDINANCES TO CLARIFY RESPONSIBILITY FOR WATER, SANITARY SEWER, AND STORM WATER UTILITY ACCOUNTS Mr. Logan

Mr. Logan advised they were holding off on this legislation until it is vetted in committee. He reminded Council this is related to deposits being required for rental properties as discussed previously.

4. [ORDINANCE NO. 35-19](#) – TO AWARD THE BID FOR THE PARKVIEW DRIVE PAVEMENT RESURFACING PROJECT Mr. Cummins

Mr. Cummins advised they opened the public bids on March 28th for this project. He said there were seven bidders and the lowest bidder was Crossroads Asphalt and Recycling, Inc. out of Columbia Station. Mr.

Cummins stated they reviewed the bids and found Crossroads to be the lowest and best bid and recommend awarding the construction contract for this project to them.

Mr. Butkowski asked if Crossroads has done work for Avon in the past or other local municipalities.

Mr. Cummins said they have not performed work here since the time he has been involved with Avon. He advised

Crossroads has done work for him in other municipalities; such as Brunswick, when he was there, and he found they did an acceptable job and did not have any time delays or any budget issues.

5. [ORDINANCE NO. 36-19 – TO AWARD THE BID FOR THE KINZEL ROAD PAVEMENT RESURFACING PROJECT](#) Mr. Cummins

Mr. Cummins advised the public bids for this project were also opened on March 28th and again there were seven bidders. He stated Chagrin Valley Paving Inc. was the low bidder and those bids were reviewed and found to be complete and recommends they be declared the lowest and best bid and the construction contract be awarded to them. Mr. Cummins said he does not believe they have done work in Avon and he has not worked with this company, but they have worked for other communities that Chagrin Valley Engineering was involved with and have found them to be a reputable contractor and they recommend them for this construction project.

It was noted there is no connection between Chagrin Valley Paving, Inc. and Chagrin Valley Engineering, Ltd.

6. [ORDINANCE NO. 37-19 – AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL \(NOPEC\) ENERGIZED COMMUNITY GRANT\(S\)](#) Mr. Logan

Mr. Logan advised this is a formality as NOPEC has awarded the City a grant for this year in the amount of \$84,790.00. He said they have not made the application yet, as they have until October to do so. Mr. Logan stated that NOPEC would like Council to pass this Ordinance which accepts the grant. He said last year Council passed Ordinance No. 20-18, which established the agreement between the City and NOPEC and that agreement is still in place. Mr. Logan stated once the grant is accepted they can go online and submit the application and they can discuss it further, but he believes they want to use these funds toward street lighting for Detroit Road. He said they will not submit the final grant until they are sure of what Council would like to do and if Council would like to have a Finance Committee Meeting to discuss it they certainly could.

7. [ORDINANCE NO. 38-19 – AUTHORIZING THE CITY TO PARTICIPATE WITH THE CITY OF NORTH RIDGEVILLE IN THE PREPARATION OF REVISED ENGINEERING PLANS AND GRANT FUNDING APPLICATIONS FOR THE REPLACEMENT OF THE MILLS ROAD BRIDGE OVER FRENCH CREEK AND APPROPRIATING THE NECESSARY FUNDING](#) Mr. Cummins

Mayor Jensen advised a few months back North Ridgeville took it upon themselves to redesign the bridge that included widening as well as some other changes that the City of Avon did not feel was in the best interest of its residents. He said there were some discussions with North Ridgeville who continued to ask for our support and we responded that we would not support it unless the replacement was basically the same as the original bridge. Mayor Jensen stated they met again with North Ridgeville and North Ridgeville agreed to our terms, but asked that Avon pay for the redesign costs and while we agreed we said that we would not commit to any kind of funding that would be outside of the cost of the bridge to be replaced. He continued by saying that North Ridgeville feels that it will be taken care of with grant money along with the possibility of working together with OPWC for funding to offset any additional costs. Mayor Jensen explained we wanted to make certain that Avon had someone at the table that would help with the redesign such as Mr. Cummins, Avon's Engineer. He felt the cost was small for Avon to have a voice in the project and Mr. Cummins has reviewed the redesign contract to ensure Avon's interests are being met.

Mr. Cummins advised what North Ridgeville is currently proposing is that the span of the structure will be the same although a different type of structure; a three-sided culvert concrete box structure. He said the bridge will be lengthened in the north/south direction to accommodate sidewalks on each side.

Mr. Butkowski asked if North Ridgeville is successful with the grant funding and should it be over and above the cost to do the project if those funds would then come back to Avon.

Mayor Jensen advised that would be a decision brought back to Council to see if the City still wishes to participate, but he felt it was made clear to North Ridgeville officials that the City of Avon is making no commitment. He stated North Ridgeville sent some cost figures over and North Ridgeville also came back and said they were going to reroute traffic onto Nagel Road and Avon officials advised that would not work because North Ridgeville was talking about closing the road completely. Mayor Jensen advised it was also made clear to North Ridgeville that we thought it needed at least one lane open and he believes that is stated in the proposal.

Mr. Cummins confirmed that to be true and advised in the engineering proposal they talk about looking at that scenario, keeping one lane open. He said North Ridgeville wanted to make sure it does not have a negative impact on the operation of the roundabout and he does not see that as being an issue and that is part of the redesign costs in studying the situation for keeping one lane open and making sure it can occur that way.

Mr. Butkowski asked if they were proposing keeping the eastbound lane open.

Mr. Cummins advised it will be two-way traffic maintained with temporary signals on either side. He said having a temporary signal on the west side, if that signal timing is too long there may be a queue of cars back up in to the roundabout and that is what is being studied. Mr. Cummins stated they will have to be conscious of that timing and maybe giving that timing more preference or have some sort of radar detection in the temporary signals and that will all be a part of the design discussions.

Mr. Witherspoon advised with all the projects the City is involved in he feels the least confident with this one with regards to our neighbors to the south. He cautioned those involved to be extremely watchful as to what happens on this project.

Mayor Jensen advised that is the reason they made it very clear that we want Mr. Cummins to be a part of the process. He said they have gone to great lengths to ensure that Avon's wishes were stated in writing and if there is any other funding that is needed it would have to come back to Council for approval and they feel good about that fact. Mayor Jensen stated if the bridge is installed and the cost comes in below the amount already agreed upon and Mr. Cummins is involved in the process all the way through then he feels very comfortable. He said if there is funding needed outside of that then it would have to come back to Council for approval.

Mr. Fischer asked if Avon is involved with the inspection of the construction.

Mr. Cummins advised they would expect to sign off on the plans as they are completed and at least be made aware of the bidding process and look at the contracts before they are awarded, attend the progress meetings and receive copies of the inspection reports. He believes this opens the pathway for Avon to keep an eye on the entire process.

8. REPORTS AND COMMENTS

MAYOR JENSEN advised Mr. Logan will be bringing a reappropriations Ordinance to Council for the Parks Department. He said it was decided that this year instead of hiring another full-time employee with benefits that it would be less expensive to outsource some of the mowing for some of the extra properties. Mayor Jensen stated that Mr. Farmer was putting together some of the figures and it would come before Council at an upcoming meeting.

Mayor Jensen gave his condolences to Mrs. Holtzmeier in the recent loss of her father and he asked people to remember her in their thoughts.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MR. FISCHER, AT LARGE had no comments.

MRS. HOLTZMEIER, AT LARGE was absent.

MR. MCBRIDE, WARD 2 was absent.

MR. MOORE, WARD 3 advised he received an email from a resident that her trash can was cracked and she tried to get a new one delivered. He said the resident does not mind paying for a new one, but she was told there would also be a delivery charge of \$50.

Mayor Jensen stated they would get ahold of Republic Services, but he believes the resident should also not be charged for the trash can or a delivery charge. He asked Mr. Moore to forward that email to his office or to Ms. Brooks and they would look into the situation.

Mr. Fischer advised he has heard complaints from residents about the condition of their carts as well and they are afraid of being charged for a replacement cart.

Mayor Jensen stated that Republic Services is supposed to come and repair any broken parts on a cart or replace it at no charge.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MR. FARMER, SERVICE DIRECTOR had no comments.

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

MR. GASIOR, LAW DIRECTOR had no comments.

MR. LOGAN, FINANCE DIRECTOR advised although two-thirds of the Finance Committee are not present tonight; they do need to schedule a Finance Committee Meeting soon. He suggested a May 6th or May 13th date to discuss a couple of items. Mr. Logan stated the main topic to discuss is the tap fees and how they relate to the French Creek residents as discussed previously and what the City could do to assist those property owners. He said secondly, he would like to have a brief discussion in the Finance Committee Meeting about the City investment policy. Mr. Logan explained he might be coming forward with a minor change to the investment policy. Mr. Logan stated they could also discuss the NOPEC grant briefly in that same Finance Committee Meeting..

AUDIENCE:

Bob Hill of Weston Drive thanked Ms. Fechter for coming and speaking at a recent Lion's Club meeting and bringing them up to date on everything happening in the City. He said there were a lot of good questions asked and she handled herself well and did a good job and they all appreciated it.

9. ADJOURN: 7:50 p.m.
There being no further business the Work Session of Council was adjourned.

PASSED: _____

SIGNED BY: _____
Craig Witherspoon, Council President

ATTEST: _____
Barbara Brooks, Clerk of Council