

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, APRIL 21, 2025
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT:

Council Members: Council-at-Large – Mary Berges; 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; Clerk of Council – Barbara Brooks

ABSENT:

1st Ward – Jennifer Demaline; Safety/Public Service Director – Duane Streater

The Chair called the meeting to order.

1. [ORDINANCE NO. 27-25 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH O.R. COLAN ASSOCIATES, LLC AND WITH BOWMAN APPRAISAL SERVICES, INC. TO PERFORM RIGHT-OF-WAY ACQUISITION RELATED SERVICES FOR THE STATE ROUTE 83 SIDEWALK \(LOR 83-16.76, PID 119934\)](#) Mr. Cummins

The Second of Three Readings of Ordinance No. 27-25 will be held at
the Regular Meeting of Council on Monday, April 28, 2025

Mr. Cummins advised there was nothing new on this matter. He noted there was another Ordinance on tonight's agenda, Ordinance No. 37-25, that will be the precursor needed and the reason he asked for it to be a first reading at the last meeting instead of proceeding with a vote.

2. [ORDINANCE NO. 32-25 – AUTHORIZING AN AMENDMENT TO THE FINAL PLAT AND SUBDIVIDER'S AGREEMENT FOR RED TAIL SUBDIVISION NO. 17](#) Planning Referral

Ms. Fechter advised back in June of 2022, Council passed Ordinance No. 72-22 – “Authorizing the Final Plat and Subdivider's Agreement for Red Tail Subdivision No. 17”. She said tonight they are presenting a request to take two of those sublots, 620 and 621 and combine them for a new subplot 639 for the construction of one single-family home.

3. [ORDINANCE NO. 33-25 – TO APPROVE A CONSTRUCTION CONTRACT CHANGE ORDER FOR THE SCHWARTZ ROAD WEST PAVEMENT RESURFACING PROJECT FOR THE PERFORMANCE OF ASPHALT RESURFACING ON TIMBERVIEW DRIVE AND KELLER DRIVE](#) Mr. Cummins
To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Cummins advised an idea came about to resurface the two noted streets, Timberview Drive and Keller Drive, under the contract for the Schwartz Road West Resurfacing Project. He said the Administration had conversations with the contractor who was willing to hold his unit pricing, which they felt was appropriate. Mr. Cummins stated the reason they would like this legislation acted upon at the Special Meeting tonight is that the planing equipment is still onsite and if they can get this legislation approved this evening, the contractor is lowering his bid unit price for asphalt planing because the equipment will just stay onsite, and he will not have to remobilize. He said it adds customary pavement rehabilitation similar to what is being done on Schwartz Road, but there will be no widening, just a mill and fill of the existing pavement surfaces for these two additional streets.

4. [ORDINANCE NO. 34-25 – TO AMEND SECTION 210.01\(f\) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE A LAND DISTURBANCE PERMIT FEE](#) Mr. Gasior

Mr. Gasior advised this is the first step in the process of creating this land disturbance fee, which would be a \$200 per acre fee for any land disturbance whether for residential, commercial, office or industrial purposes, it did not make any difference. He said any land disturbance will require payment of this fee, \$200 per acre. Mr. Gasior noted that it is a very nominal fee when putting things in perspective and the fee would likely be collected by the Building Department at the time a building permit is applied for. He said as Ms. Berges pointed out to him; they need to nail down the definition of land disturbance. Mr. Gasior stated there are a couple of definitions in the Code currently, in Sections 1050 and 1052. He advised he and Mr. Cummins talked about it this afternoon and those definitions would need addressed and maybe broadened, or they were going to have to include a land disturbance definition separate and apart from those definitions mentioned in those sections. He felt once they have the definition of what will constitute a land disturbance, they will be ready to go forward, and he hopes to have that in the Ordinance next Monday night. Mr. Gasior stated that he believes they are 75% of the way there and he hoped to have it finalized by next week, but if not, Council could declare it a first reading and continue to work on it. He said they ran into a few issues when they started to put in the agricultural use concept, and they would hopefully be ironing those out over the next few days and get Council the final draft for Monday night.

5. ORDINANCE NO. 35-25 – AUTHORIZING THE CREATION OF A LAND DISTURBANCE FEE FUND
NO. _____ Mr. Presley

Mr. Presley advised pursuant to the Auditor of State that if in fact Council passes Ordinance No. 34-25, they will have to establish this Special Revenue Fund, and he will assign a Fund No. to it and when it is passed by Council, he will send it off to the Auditor of State's Office for their final approval. He said it is a requirement of the Auditor of State's Office for the creation of permanent new funds.

Mr. Gasior advised this will assure the residents and businesses in Avon that the fee paid is going to be used specifically for public planting and maintenance of trees and things of that sort. He said it is always about trees on public property and that is where the Special Revenue Fund is going to specifically spell out where that money can be spent. Mr. Gasior clarified these funds would not be utilized for road improvements or things of that sort but would go right into that Special Revenue Fund and be used only for the items specified.

Mr. Fischer recognized that Rick Varga, Arborist and Chair of the Avon Tree Commission, was present tonight and he asked Mr. Varga if these pieces of legislation were pertinent to his work.

Rick Varga of 33676 Reserve Way advised he wanted to reference that the Tree Commission was going to help with the designation of the planting of the trees from the Land Disturbance Fee Fund and recommend the tree species and where they could be planted and utilized to the best of their abilities. He said he wanted to make sure they knew that he and the rest of the Tree Commission would be working with everyone in conjunction with these Ordinances to make sure that the funds were utilized properly.

Mr. Radcliffe read a portion of Section 2 from Ordinance No. 35-25, "...this fund shall be used exclusively toward the planting, maintenance and general care for trees on City owned property, including but not limited to, tree lawns, City buildings, and public parks...". He asked what the City has generally spent so far on maintenance of said trees or were they trying to recover some of those funds from the past two to five years. Mr. Radcliffe asked or were these funds mainly for new tree planting, maintenance, etc. going forward. He inquired of Mayor Jensen where he anticipates going with this Land Disturbance Fee.

Mayor Jensen explained the City does regular maintenance of public trees, but that is all part of what the Service Department has done. He advised he anticipates as they talk about adding to the tree canopy noting that Providence Church took down a bunch of trees on their property for their expansion. Mayor Jensen said these funds will allow the City to plant trees in different areas of the parks and even the tree lawns. He stated what is important about the Tree Commission is that they can make recommendations to City Council of areas where they would like to see tree lawns trees being replaced perhaps on a specific street or in a specific development. Mayor Jensen advised this will allow the City to balance the loss of trees when a development prepares a site for construction and decides where those trees would be best suited as well as the best variety of trees to be used. He felt that residents would be able to see a difference.

Mr. Varga added that in Bentley Park there are probably 40-50 tree lawn trees that have been removed and not replaced. He said that is just one area as a potential for some of these funds.

Mr. Radcliffe said his initial thought and preference, although the decision would come from the Mayor as a recommendation from the Tree Commission, but he would rather see these funds be used for new plantings or new situations that come about rather than for general stuff that the City may have already spent or that has already been budgeted in the General Fund for maintenance of parks and such.

Mayor Jensen advised the City will continue to use General Fund monies for the ongoing maintenance work by the Streets Department. He said this would be above and beyond what is normally spent.

Mr. Radcliffe felt that was a positive step forward.

Mr. Varga said they need to consider all the Bradford Pear trees that are beautifully blooming right now but alluded to them being an invasive species that were not desirable.

Mayor Jensen advised this is a dedicated fund so when the Tree Commission makes a recommendation to City Council it will be based on the funds that are in that Land Disturbance Fee fund account.

6. [ORDINANCE NO. 36-25 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH NAKOTAI, LLC TO PURCHASE REAL PROPERTY, AT THE SOUTHWEST CORNER OF DETROIT ROAD AND JAYCOX ROAD CONSISTING OF PORTIONS OF PERMANENT PARCEL NOS. 04-00-022-103-025 AND 04-00-022-103-038 TOTALING 0.4875 ACRES AND DEDICATING SAME FOR USE AS A PUBLIC HIGHWAY](#) Planning Referral

To Be Addressed at a Special Meeting Immediately Following this Work Session

Ms. Fechter advised the Administration has been working with Keith Zeman, the owner of the property, and as the title of the legislation states it authorizes an agreement to purchase 0.4875 acres of right-of-way for future intersection improvements as well as for the installation of sidewalk along Jaycox Road.

7. [ORDINANCE NO. 37-25 – AUTHORIZING THE EXECUTION OF A LOCAL PUBLIC AGENCY FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO CONSTRUCT THE STATE ROUTE 83 SIDEWALK INSTALLATION PROJECT \(LOR 83 16.76, PID 119934\)](#) Mr. Cummins

To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Cummins advised this LPA agreement is for the State Route 83 Sidewalk Project. He said the City was fortunate enough to get an ODOT Systemic Safety Grant to facilitate that project, which is currently in design and ready to move into acquiring right-of-way that is the other matter before Council (Ordinance No. 27-25) that received first reading last week. Mr. Cummins stated this is a required agreement and the City has entered into this type of agreement on other projects where the City has received federal funds that stipulate the amount of funds attributed to the project as well as the requirements of both ODOT and the City in bringing the project to fruition.

Mr. McBride asked Mr. Cummins to remind him of the project limits.

Mr. Cummins advised it starts at Kinzel Road and goes north past Falcon Crest.

Mr. Moore asked if the work would be on one side of the street and then the other or would they be working on both sides at once.

Mr. Cummins advised the specifications state that the workers will maintain traffic so he believes that they will be working on one side and then the other, but he does not know if they have formally said that as of yet. He said there is bridge work and certainly that will be one side at a time. Mr. Cummins felt it was likely to be on one side and then come back and do the other.

Mr. Moore said that was great to hear as people have waited a long time for that improvement.

7a. ORDINANCE NO. 38-25 – TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 109-24 Mr. Presley

Mr. Presley advised there is one item where the City would like to add additional funds for the 36 streetlights for \$38,255.00 on Nagel Road and Jaycox Road pursuant to what was reported by Mayor Jensen at a recent meeting.

Mr. Radcliffe asked Mayor Jensen if there is a layout of where these streetlights are going to be installed. He said he believes it was mentioned previously about how the area would look a lot different than what is currently in place.

Mayor Jensen advised the City works with the electric company on the photometrics and they are using that standard, and it is similar to what they have on Chester Road. He mentioned the roadway will not be lit like a runway, but it will be brighter than what they are used to seeing in those areas.

8. REPORTS AND COMMENTS

MAYOR JENSEN reminded Council that the reason for the Ordinance to add Timberview Drive and Keller Drive to the resurfacing project for Schwartz Road west is because the weather decimated both of those streets. He advised the City is making sure they do not take away street improvement money that is intended for another area. Mayor Jensen said there are still catch basins that need to be fixed and concrete work that needs to be done so he wanted to assure Council that the City was not taking money away from other planned improvement areas for road work or catch basins to add this asphalt work.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE, had no comments.

MRS. DEMALINE, WARD 1, was absent.

MR. MCBRIDE, WARD 2 advised that he has received some noise complaints recently involving commercial developments and one is a portion of Avon Commons. He said Mayor Jensen and he spoke late last week about revisiting some of the current Ordinances already in place such as no overnight parking for trucks and a few other issues. Mr. McBride stated the new development on Detroit Road in the plaza where Jersey Mike's is located has people sitting in their car in the parking lot blasting rap music to where it can be heard two and three houses away. He said he has received complaints from a couple of his neighbors and that is unacceptable. Mr. McBride stated that same plaza is emptying dumpsters at 5:30 in the morning. He advised he and Mayor Jensen discussed some progressive fines being imposed although it may not be to the property owner, because in some cases the property owner does not have a lot of control over the situation. Mr. McBride felt the delivery company and the driver of the individual vehicle could be fined \$500 to \$1500 or whatever is needed to encourage people to do the right thing. He said in the case of Avon Commons, if a truck shows up early for a delivery, they could wait in the parking lot until the appropriate time and then pull back into the loading dock area. Mr. McBride stated it has become a big issue, and he felt they should not be unreasonable as they of course should exempt snow plowing, but this was something to look at for the future.

Mr. McBride advised the City has these development agreements, and he felt where there is landscape buffering, whether a single-family home or a single business that abuts a residential property, if there was some landscape buffering and the vegetation dying, he felt the City should be able to require them to replace it within six months. He said he did not believe there were any Ordinances that cover that replacement requirement. Mr. McBride stated there was some landscape buffering that abutted Avenbury Lakes, and half a dozen trees died and the lighting from Avon Commons was overflowing into those houses, which should not occur. He felt there should be a way to go back and tell the owner to replant some trees. Mr. McBride advised knowing who is responsible after the developer is done would need to be worked out as it could be ten years later, but he felt they should look at that as well.

MR. MOORE, WARD 3 reminded everyone that there is a Finance Committee Meeting at 7:00 next Monday night on April 28, 2025, to discuss ballot Issue #3. He invited the residents to attend to ask questions and get answers about that proposed income tax increase on the ballot.

MS. PATTON, AT LARGE, had no comments.

MR. RADCLIFFE, WARD 4, had no comments.

MR. FISCHER, AT LARGE, had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

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

MR. GASIOR, LAW DIRECTOR advised regarding Mr. McBride's comments about landscape buffers; he believes that the City can still enforce that buffer being replaced. He said he would speak with the Zoning Enforcement Officer, Jill Clements, about that issue. Mr. Gasior asked Mr. McBride to let him know the exact locations he was speaking of it would be helpful to know where the buffer seems to have died, as he felt they could check it out and let the owner of the property know that they have replant something. He noted that he does not believe there is anything in the Code that says once it dies, that they would be "off the hook", but he believes they have to continue to maintain that buffer.

Mr. Gasior advised that most of Council probably saw the Ohio Municipal League bulletin regarding House Bill 28 (HB28) and the attempt to eliminate the replacement property tax levy, which would be significant for not only local government, but local school districts. He suggested that Council may want to look at that bulletin and consider sending a letter to our Representatives at the Senate and House and let them know that elimination would have a negative impact on local governments.

Mr. Gasior advised he would like to speak with Mayor Jensen, Mr. Presley and Mr. Cummins after the meeting adjourns.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

Mr. Fischer advised there have been comments on social media recently about receiving notice from NOPEC and he asked Mr. Presley for his recommendation about opting-in or out of NOPEC.

Mr. Presley said he does not have an official position on the matter as he felt it was up to the individual to go onto the apples to apples and make a comparison. He stated it really depends on whether the individual is risk averse or the kind of individual who is going to look at the affected utility rates every six to nine months and decide on a consistent basis or if they just want to pick a supplier and forget about it.

Mayor Jensen said with NOPEC people receive consistent billing. He stated as Council remembers last year, an Ordinance was passed that allowed residents to opt-in or out without penalty. Mayor Jensen indicated the risk in choosing another supplier that that another company may charge them a penalty for opting out, but if they are with NOPEC and they find a better deal there is no penalty to opt out. He said the City has always had the viewpoint of consistency so that residents know what rates they will be charged. Mayor Jensen stated other suppliers soliciting to get residents locked in with their company in the hopes of being forgotten when the renewal comes around as there is a small window to opt-out without penalties with these other suppliers and NOPEC provides notice. He felt there is not a great deal of risk with NOPEC and there could be a huge risk with other suppliers.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, was absent.

AUDIENCE:

Rob Duncan, Director at Lorain County Community Development located at 226 Middle Avenue, Elyria, introduced himself and said that the Lorain County Commissioners have taken a different approach this year to make sure that all the cities and villages in Lorain County have direct contacts and he has been assigned to the lakefront cities and villages. He advised he already works with Ms. Fechter on a regular basis as well as

Mr. Presley and he has always had a good relationship with Mayor Jensen. Mr. Duncan stated he wanted City Council to put a face with the name and he handed out his business card. He said he would be attending some Planning Meetings and other sessions. By doing so, the hope of the County Commissioners is to develop better relationships so that he can take that information back to the Commissioners' that he learned as well as follow the meeting minutes online. He asked if he could help Avon in any way such as with community housing or planning to please let him know. Mr. Duncan said he would be the point person to connect them to the Commissioners or whoever they need to speak with to make sure Avon's needs are met. He thanked Council for their time.

9. ADJOURN: 8:00 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